



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 27th March 2014

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Present:

Richard J. Collas, Esq., Bailiff and Presiding Officer

Law Officers

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

People's Deputies

St. Peter Port South

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

St. Peter Port North

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

St. Sampson

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

The Vale

Deputies M. J. Fallaize, D. B. Jones, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, A. Spruce, G. M. Collins

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean and R. N. Harvey

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier) (morning)
A. J. Nicolle, Esq. (H.M. Deputy Greffier) (afternoon)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)
Deputy E. G. Bebb (*relevé à 09h 41*)

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States of Deliberation

*The States met at 9.30 am in the presence of
His Excellency Air Marshal Peter Walker C.B., C.B.E.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

Billet d'État VII

IV. Education Department – The Future of Higher Education: An Education Department Perspective – Debate continued

Article IV.

The States are asked to decide:

Whether, after consideration of the Report dated 28th January, 2014, of the Education Department, they are of the opinion:

- 1. To note the content of that Report and that the Education Department will not be seeking additional funding for higher education in 2014.*
- 2. To direct the Treasury and Resources Department to take into account the potential increases in expenditure if student numbers and/or tuition fees increase beyond current budgeted levels when recommending the 2015-18 Cash Limit for Education – Higher and Advanced Education.*
- 3. To note that the Education Department will return to the States of Deliberation in 2017 with further proposals on higher education funding from 2018 onwards and in particular to report on the level of budget required thereafter.*

The Senior Deputy Greffier: Billet d'État VII, Article IV. Education Department, the continuation of the debate.

The Bailiff: Just before we finished yesterday evening, I was going to call Deputy Gollop. I do not know, are you ready to speak at the moment, Deputy Gollop, or would you rather wait?
5 Deputy Gollop.

Deputy Gollop: [*Inaudible*] (*Laughter*) Yes, I am very much in support of this policy Report. I would like to hear from Deputy Sillars the update on the maverick universities who did not initially agree to a more reasonable fees level. I believe the text implies that Cardiff and Warwick and all of the Londons agreed, but Cambridge is the one dissenter, which surprises me, given the very long and distinguished history and link between Guernsey and Cambridge University. Indeed, there is an active Cambridge University society in Guernsey that holds annual lectures and other events, and I would hope very much that the high level delegation on various academic and political levels could find a resolution to that particular dilemma, especially as their long-standing rival, Oxford, appears not to take the same perspective.
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Moving on, generally, I am intrigued by some of the wider issues. Deputy Stewart is not alone in raising the argument that, perhaps, our degree courses should be more focused to Guernsey's society and economy. I have to say, I am concerned about that view. In a way, it represents a conversion, which I support, of Commerce and Employment becoming a more interventionist Department, of actually going out to the
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economy and picking winners and losers, because we were told, especially under the previous Minister, Deputy Carla McNulty Bauer, that was not something Government was good at.

But this stance implies that a group of politicians and officials would actually look at the economy and determine what the employment and recruitment needs were for the next 5, 10, maybe even 20 or 30 years. Now if we had done that in the past I suggest it would have been a risky endeavour because, no doubt, industry presidents of the 1970's or early 1980's would have been looking for people who would have been great engineers of Tektronix or would have been master growers, trained perhaps at Dutch universities or whatever, and we can see that those industries changed their direction. To a degree, it is kind of Government picking winners, if we start to dictate what students can and cannot do. So, it is a rather risk-filled endeavour.

But Deputy Stewart had the courage of his convictions to make that point today. He is not alone in making it. I have heard other States' Members, past and present, making similar arguments and, to my slight surprise, Treasury and Resources appear to be drifting in that direction by their letter of comment, because they have strongly implied the current model might not be sustainable in the future and they might wish to tailor courses to the Island's social and economic requirements. So, I think we do actually need a wider debate and clarity on these issues.

It is intriguing that if one looks at the employment patterns of graduates that we have seen, there is definitely an increase in the number of roles for arts and crafts, design, creative graduates. Now, I am not necessarily a very arty person, unless you can count my impersonating a stuffed teddy bear, (*Laughter*) but I can be a bit crafty and I can see that it is intriguing on the histogram graphs that we have been given that, not surprisingly, the vast majority of finance, business studies graduates emanating from Guernsey come back to Guernsey and work in that sector, but probably at least three quarters of the creative industry's graduates do not. They clearly work elsewhere.

Now, of course, there is a much wider range of opportunities in the UK and globally for those graduates, but I think it might be partially because we, as a Government, as an Island, have not facilitated the growth of those sectors in every way possible. I think that Culture and Leisure, Commerce and Employment and the Policy Council as a whole should liaise with the Arts Commission and other stakeholders as to what kind of society and help we need in order to encourage those graduates to return, because superficially we do have a problem, because the figures suggest that more students take creative degrees than any other subject area, yet we are not fully utilising them on Island. In contrast, we do have a shortage of IT graduates, so we do tend to need to import people with those skills. That is not going down the route of determining in advance which courses students should be encouraged or discouraged from doing, using financial incentives. But, it is, I think, a greater awareness of how Government can support academic professionals.

Two other points I think I should draw to the attention of Members are: in the UK and some other European countries, you do tend to get around 50% of the population undertaking higher education. Our figures are much closer to 30%, which indicates that there is still the possibility for growth. I accept jobs are more plentiful in Guernsey and going off Island is more of a wrench, but it is still a gap and it is potentially a skills gap, to a degree.

And I am also intrigued that the number of females, of women taking degrees has actually diminished and that was particularly marked after 2008, which, coincidentally, was not only the time of the global credit crunch, but also marked the uncertainty in Education about policy towards higher education funding that Deputy Fallaize alluded to yesterday.

One final point is that Policy Council's main contribution to this debate is surprisingly not focused on the economic opportunities for the future and the enrichment and empowerment of individuals, contributing not just to Guernsey, but to the world. My answer to Deputy Trott would be, yes, he is right, some of our students never come back to Guernsey or come back in later life, perhaps having made a fortune in one way or another, but of course, we do import numerous graduates from the world's universities, which benefit our society significantly, so there has to be a sense of reciprocity here. (*Laughter*) Well, we might end up paying bills back to Australian universities, etc.

But, leaving that aside, my point about the Policy Council view is they are not focused on the bigger picture. They instead concentrate on the Skills Strategy. Now, I welcome that the Skills Strategy is currently being owned and maybe improved, but it has seemed to me, as a person, rather perverse that the Skills Strategy seems to have become obsessed with, if you like, enriching the unemployed, when Guernsey has such a small amount of unemployment and Social Security, as a Department, does so much effectively already in that area, rather than focusing on the bigger picture of lifelong learning, adult enrichment, post-graduate studies, graduate studies and making sure that our population is not as a competitive as Jersey or the Isle of Man, or China or India, but *more* competitive. That surely should be the goal of the Policy Council: creating the best workforce for its size in the world.

The Bailiff: Deputy Bebb, do you wish to be *relevé*? Thank you. Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

85 First I wish to declare that I have one child at Cambridge, one at agricultural college and one in the sixth form who is planning to go to university. I did speak to Deputy Sillars at the end of yesterday's debate and my points follow on from the first point that Deputy Gollop has made.

90 I just wanted to... because I do not think the Report actually explains what are the implications for students and families for Cambridge charging the overseas rates? I just ask if he could clarify that. Not wanting to do what I now think is now called 'a Trott' and answer my own questions, (*Laughter*) but I understand it will make it more expensive than other universities for students to go to Cambridge. I just wanted to express my disappointment that I think that the most able students will not be able to go or even consider going to what is now the top university in the UK, unless they have wealthy parents and those parents are prepared to pay the extra fees. I think that is disappointing, but I understand the financial implications for Education.

95 And my final point is about student loans. I note that, in the UK, they have written off a whole lot of student loans which has basically negated most of the savings they have made from it, so I just think it proves the right policy that we have followed.

Thank you.

The Bailiff: Alderney Representative Jean.

100 **Alderney Representative Jean:** Sir, Members of the States, Alderney is well cared for in terms of education and Alderney is included at most levels, bar one: the right to live and work in Guernsey.

105 After college days are over, coming back home and finding a job is so important for young students, yet the job opportunities are scarce in Alderney at the moment, which is all the more reason I ask those involved with education to put their minds to the problems which are faced by students in Alderney.

110 By now, there is a renewed understanding about the fiscal and political union between Alderney and Guernsey. Alderney's economy is weak at the moment. We need to work together. I know we are down on our population, some 400 people gone on the 2013 census, and more, I believe, left last year. Your problems are the opposite: pressure on all your services, caused by overpopulation. Yet, I must task you to consider this same chestnut: I renew the call for you to look at this problem, an old problem, which has been kicked into the long grass for long enough.

What could change the way that we look at this situation now? What would make this a new subject? I will tell you.

115 In Alderney, at the moment, a lack of job opportunity. As part of the Bailiwick, there is a sense of loss about this situation, in terms of money spent in education over all the years and on the higher education too. All that investment and many are forced to leave our shores or find it difficult to remain working in Guernsey under licence.

120 Alderney's economy will eventually recover, as will Guernsey's. I have faith in all of you, but let us not lose sight of this fact: one of the most valuable things we can do together is to stop this situation which will or may result in a part lost generation. We must, more than ever, keep our talented young ones about us, to aid us in the decades ahead, as Alderney, Guernsey, the Bailiwick together.

Thank you, sir.

The Bailiff: Deputy Brehaut, then Deputy Storey, Deputy Le Clerc.

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

A speech, but really, I suppose, a plea, more than anything else. I am uncomfortable with the way that we seem to divvy up or interpret what is a valid, *bona fide* education. If you are a doctor, a technician, an engineer, all well and good – it is worthy. If you are an artist, if you are creative, it is less worthy.

130 And if we think about the community, the society we live in, the tools at our disposal, we use iPads. The success of an iPad needs the IT but it also needs the product. The product is the music industry. The music industry in itself. So, artists, people who create, the very nature of what they do, ensures that you have a buoyant economy. So, let us not be so judgmental in interpreting the worthy causes that we think warrant a loan or a grant and those that are less worthy, because ultimately, in society, everybody has something to contribute of value. (**Several Members:** Hear, hear.)

135 Thank you.

The Bailiff: Deputy Storey.

140 **Deputy Storey:** Thank you, sir.

Sir, I could not agree more with the Education Department's assertion that high quality higher education is central to the future of Guernsey, both economically and socially and it is essential for the wellbeing of our community and also for social mobility.

145 I am pleased that the current funding model for higher education will be continued and protected. We need to ensure equality of opportunity for all and we need to make sure that the less well-off members of our student population continue to have access to higher education opportunities appropriate to their wishes and to their abilities. Like other Members of this Assembly, I believe the Education Department has done a really good job in gaining UK fee status for Guernsey's students attending universities in the UK and I would like to add my congratulations to those of other Members of this Assembly.

150 I support their wish to establish a financial model that allows students to receive support, if they opt to study on the Island – but I have to question why we have not actually gone down that route already and provided more support for courses which are run on this Island and which it would be much more convenient, in many cases, for students who live here to actually study here. I am pleased that the Education Department is looking at this and hope that we will see some fruits from their deliberations in the short term.

155 Also, when I looked at Appendix 2, Table a), I was concerned at the relative lack of male students achieving access to higher education institutions compared with female students. It seems that about 30% of 18-year-old female students are getting into university and only 22% of the males. There is no comment in the Report about why that might be or whether there is anything that can or is being done about it. It does seem to me, it has been quite consistent, over the years in the table, that female students are getting into higher education much more easily.

160 Having said that, sir, I am wearing a bit of a parochial hat now and, when I read the Report the second time, I was particularly concerned about paragraph 18, regarding opportunities to increase collaboration by bringing all further and higher education in various States Departments within the Education Department. My initial reaction to that was, 'Well, collaboration, yes. Within Education? Not so sure.'

165 The Report goes on to say that an outcome of this amalgamation would be increased on-Island higher education provision, but the Report does not say anything about how this will be achieved as a result of the amalgamation. Maybe I can understand how it will increase the on-Island provision provided by the Education Department, but there is nothing to explain why or how the provision would increase for the population as a whole.

170 Now, going on further, more parochially, to my concerns with regard to HSSD, the operational and financial models of sending students to UK universities or them attending the GTA, on the one hand are very, very different from the operational and financial models that are in place at the Institute of Health and Social Studies. There are significant differences and I am concerned that an attempt to amalgamate these various institutions into one will do more harm than good.

175 With UK universities, an academic course is provided, developed and validated within the university and fees are paid by individuals or the parents or the States in varying amounts. With the GTA, an academic course is provided, but in most parts is purchased from a UK university, not developed here, and validated by the university or a professional body and the fees are paid by the student or in some cases, the employer and, in some cases, the student may be tied to an employer for a period.

180 The Institute: for undergraduate studies, such as nurses, the course provided is developed in-house and validated by East Anglia University and the nursing professional body. The Institute is accredited as a higher education institution. But, and this is a major difference, the student nurses at the Institute are employees. They are paid a salary whilst training and whilst they are training, students are subject to both a professional body code of conduct and the HSSD and States' terms and conditions of employment, because they are employees. All who complete the course successfully are guaranteed a job by HSSD at the end of their course. Now, I would submit that that is a completely different model from the model that we are talking about with regard to other higher education establishments.

185 In addition, sir, the activities of the Institute are closely integrated with the requirements and operation of HSSD. There has been a well-publicised shortage of nurses within the Department, and the Institute used to train one cohort of 15 students every 18 months and that is now moved to one cohort of 15 students every 12 months and we are hoping that that will move to a cohort of 20 every 12 months. So that, in fact, will have doubled the number of nurses that are coming through the Institute.

190 Now, this can be achieved because of the close co-operation between the hospital and the Institute, because the course is 50% theory in the Institute, delivered by full time lecturers and 50% practical in the hospital with mentor nurses. So, we need to ensure that the mentor nurses are trained to do that job, which is another task of the Institute, and the co-ordination between placements within the hospital and the availability of mentors is quite important. But at the end of the day the students come out, after a three-year degree course, with a degree in nursing.

200 And the last point, which I think is most important, is that the last analysis showed that, out of 110 students who had gone through this training process, over 90 were still working for HSSD three years after they qualified.

The Institute also provides, apart from the BA Honours courses, post-graduate courses for social workers. Also, which is very important and is part of HSSD's operations, is that it provides mandatory day
205 training for members of the staff working in HSSD. On average 6,500 courses are completed each year, half and whole day courses mainly, to ensure that the staff are fully trained in current practices.

Thus, sir, the Institute is closely integrated with HSSD operations and both rely heavily on each other. Even more important to me, sir, is that all students, as soon as they start their course, become part of the HSSD community and most see their future working career with HSSD and this is what leads to the very
210 high retention rate. We need more locally trained nurses and health and social workers who are locals, and the Institute provides the doorway for that.

Whilst I am happy that the various Departments share facilities where appropriate, merging the Institute with other educational institutions, for me, is fraught with dangers and I feel that successful absorption by Education Department is unlikely for the reasons that I have just outlined.

215 Sir, for me, one of the big advantages of having the Institute within the HSSD is that the students get the culture of HSSD, which is so significantly different from elsewhere. I have been unfortunate enough to have to have in-patient treatments over the last year, both here in Guernsey and also in Southampton. Now, when I was in Southampton, I was treated very efficiently, the service was good. But in Guernsey you actually feel that they care about you and the caring attitude of the nursing staff in Guernsey sets it apart
220 from the service that you get elsewhere. It is that caring attitude which I think is engendered as part of the culture when the nurses come through the Institute and which I am concerned will be lost if the training and courses that they undertake are divorced from the hospital operations.

So, whilst I am happy to note this Report and congratulate the Education Department on many aspects of what has been going on, I am afraid this does not mean that I accept at face value the proposals outlined
225 in paragraph 18. It will require a great deal of work to merge these different facilities successfully and, whilst I am in principle not against the idea of closer co-operation, I do honestly believe that a lot of work needs to be done before we can achieve what perhaps is implied in this report from Education in that particular area.

Thank you, sir.

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The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I am pleased to be able to rise to actually give some positive comments to Education, because I know in the past, I have been slightly critical and no meat on the bones!

235 However, I just want to say that I agree with many of the comments that have been made this morning and last night. But Deputy Martin Storey has actually stolen part of my thunder, because I wanted to draw people's attention to page 559, paragraph 50. Off-Island study for a degree is a path that many of our young people take. For myself, I did not go down that route. I actually took my degree much later in life and I was fortunate to be supported and sponsored by my employer, because it was actually a very expensive course
240 to take at that time. But I know there are a few young people that are reluctant to go off Island and they want to remain on Island, but they still want to further their education and they want to be able to undertake a degree course.

So, I am really pleased to note that in paragraph 50 the Education Department are keen to establish a financial model that will give support for those people who want to remain on Island, but still enhance their education and study for a degree. I know that Highlands College in Jersey has been running a successful programme for the last few years and I have been quite envious of the support that some of their student have got, so I really feel that this is a positive move in the right direction.

Thank you.

250 **The Bailiff:** Deputy Sherbourne, then Deputy Green.

Deputy Sherbourne: Thank you, sir.

I am not one to giving history lessons, it is not my strength, but I think it might be useful to take a look back a little bit at what happened in the past and to get things into perspective of where we are today.

255 Before I do make those comments, I would like to record my thanks to the Higher Education Team at the Education Department. They have been thanked by other Members, so I do thank you for that. They do deserve congratulations, because it has been quite a battle, as you can imagine and they have achieved a lot. But the fact that we have actually managed to keep the higher education costs fairly static for the last few years has been good management, but it also has meant, just recently, that the contribution made by parents,

260 those that can afford, on a means-tested basis, has increased quite substantially. So, I think we need to take note that managing the budget has actually meant increasing charges, which of course is an FTP mechanism.

265 The situation at the moment is that 83% of our children are accessing post-16 education. They are leaving the high schools or staying at the Grammar School and going to the Sixth Form Centre and the College of FE – 83%.

Now, just to put that into some sort of perspective, in 1981 – which I know is a long time ago, but certainly within my memory – 23% of our youngsters were actually staying on post-16 – 23%, a 60% increase in that period – and that has put quite a lot of stress on resources, on our infrastructure. Now, that 83% is not going to stay at 83%. It will go close to 100% very, very quickly. The UK are talking about raising the school leaving age to 18. I am not proposing that for Guernsey, because I think that will probably happen in any case, through choice, because our young people do realise, do recognise the value of continuing education and, as a community, we need to embrace that idea and sing it from the rooftops.

270 It might also be useful to look at the numbers in our Sixth Form Centre. There are about 500 students taking A-levels, of which over 50% come from our high schools. I think that is an important statistic for you to take on board: that 50% of sixth formers come from our high schools – our high schools who have been, over the last few years, attacked for low standards. I think that gets things in perspective.

Of those young people attending the Sixth Form Centre, 30% go on to higher education and take degrees. *Thirty percent* of those children take degrees. Of those that actually go to the Grammar School at 11 and then go on to the Sixth Form Centre, 58% go on to university. So, there is a differential, but, my word, it is not that big a differential. So, it is a success story. The total is higher than the 30% that Deputy Gollop mentioned earlier, but it does give an indication of the success of our system at the moment. I would suggest that that demand will increase and I believe that it is essential that we maximise the higher education opportunities available in the Island, as well as off the Island.

285 Now, Education's Vision Statement, which lacked meat I think was a suggestion, is now gaining that meat, because as we roll out each of our proposals, we give more and more detailed information. You can imagine the size of our report, if we had tried to do that right from the word go.

Now, we have got a very, I suppose, hopeful, adventurous agenda. If you think back to the Vision Statement and all the workstreams that were actually indicated, it was a tremendous workload, not just for the Board, but mainly, of course, for the officers that have to resource and support the driven agenda that the Board has actually provided.

290 One of those, the development of a tertiary system, which Deputy Storey has actually referred to, I would like to speak to. It is a real challenge, but it is not just a challenge for us and the community. Specific Boards of this Assembly have got a responsibility to collaborate. No question about that. We are not precious about buildings being in one place, Deputy Storey. We believe in a faculty approach. It happens all over the place. There is no reason why the Institute of Health Studies could not look outside the box and see what possibilities there are for extending their training opportunities to others in the community. (**A Member:** Hear, hear.) The same with the GTA: wonderful opportunities for people within the financial industry. (**A Member:** Hear, hear.) Nothing to stop others in our community accessing those courses.

300 Our College of FE does a wonderful job. It is not always feted as being the best example, but, to me, it is a brilliant example of how they can take potential and maximise it in the interests of our community.

I believe passionately that we must empower and enable those teachers, those lecturers, those institutions, to provide the breadth of opportunities for all our children; the 60% or 70% that want higher education. People later in life, even at my age, that want to access courses, should be allowed to. It is in the interest of the health and wellbeing of this Island to make sure we provide those outlets. Sport, great – sadly, I am getting to the end of time where the mind is willing, but unfortunately, the body gets broken, (*Laughter*) every time I try to do the things that I did 20 or 30 years ago, (*Laughter*) but I do believe that we have got the power, as an Assembly, to actually move this agenda forward.

310 You have an Education Board that is determined, its core values... and I referred to core values yesterday at an intervention on our topic yesterday. Our core values want to ensure that the potential of every person on this Island is achieved, if possible. Not to put barriers in the way. To try and remove financial barriers wherever possible, but to look at all sorts of ways of providing those opportunities. We have got a window of opportunity, I think, to look outside the box, prepare something for the future that will enable our youngsters that chose to stay on Island, will enable them to achieve the highest academic standards. We know that is possible. It is happening throughout the world and we cannot be left behind.

315 We have embarked on, as I said, quite an agenda. We have started the process with regard to a new governance structure and local management of our schools and institutions. The College of FE governing body, the new governing body, is a starting point, but my word, have we got some really good people involved in that process! By giving those institutions, those teachers, those lecturers, the ability to create the sort of environment that we all desire, is something that this Board is totally committed to.

320 We have started with the College of FE. Within the next 12 months we hope that we will be rolling out that sort of model to our schools, to enable them to have the opportunity to plough their own furrow. Yes, within policy confines, but they will have the opportunity to do that. ‘Enable, empower’: I think it was the only statement, I think, of real substance in my manifesto (*Laughter*) that I felt was actually achievable. I had no allusions about what this Assembly is going to achieve in four years. I knew it would be difficult, but to move towards empowerment and enabling, I think it was something that *is* achievable and that is what this Board is actually doing.

325 Now, I know I have drifted a little bit off the topic. (*Laughter*) I do apologise, sir – but I hope that the sense that I am trying to convey to you is that we are moving forward, we are looking outside the box. We want to maintain all that is good that has happened in the past, but I do not believe that the sort of silo mentality that we have actually heard today from Deputy Storey is the way forward. We need to be engaged throughout the States in moving this agenda forward and I ask you to support Education in its attempts over the next two years.

Thank you.

335 **The Bailiff:** Deputy Green, and then Deputy Lester Queripel.

Deputy Green: Mr Bailiff, Members, thank you.

I strongly believe that a university-level education should remain accessible to anyone who has the ability and the determination to do well, irrespective of personal financial circumstances, and, as the report makes clear, obviously we do not have a bottomless pit in terms of finance for higher education, or anything else for that matter, but just as my colleague, Deputy Sherbourne, just referred to the importance of core values, I entirely agree with that. It is crucial that we stick to the principle of equality of opportunity in terms of access to university education as far as we reasonably can do. That was one of the very core values that we highlighted in the Vision, which was accepted unanimously by this Assembly, only in July of last year, and we have to go on applying those same values in each and every policy letter that we bring before the Assembly.

I think the risk with trying to restrict choice of institutional subject, for those who receive States’ funding is that you potentially run the risk of undermining that principle of equality of opportunity.

340 We have already taken the difficult decision to increase the maximum parental contribution to fees, to contribute towards our FTP target and that has already been mentioned and, of course, HE provision is always going to be an expensive option. It is an expensive business and the real challenge for the States, going forward, clearly is to strike the right balance in this area between maintaining access to opportunity whilst ensuring that the cost is affordable and sustainable to the whole community and, of course, to the taxpayer and, yes, part of that answer might be found from the development of further on-Island opportunities for undergraduates and, indeed, also the so-called massive open online courses, or MOOCs. It would not be in Education without an acronym! MOOCs are constantly referred to. Clearly those things have a role to play here as well.

350 But the point I would like to make, which I do not believe has been mentioned in this debate so far, is we should not lose sight of the immense value that accrues to younger Islanders if they do go to study in the UK or elsewhere and they do leave the Island. The traditional undergraduate experience at a bricks and mortar institution, off Island, is an enormous opportunity for an individual in Guernsey to grow intellectually, academically, culturally, socially and in so many other ways. I think we should not, perhaps, exaggerate the role that on-Island provision could provide. Of course, it has a role. Of course, it is part of the solution, but we should not forget the very real benefits that can accrue to young people who do go away to university.

365 And, of course, the real message from this States Report is that, because the Department has actually pretty successful in generally keeping tuition fees low, the current funding model does not actually need radical surgery at the moment – at least not for the moment – and that will give a certain degree of comfort to parents and students and children who will be thinking about higher education over the next five years or so.

Like other Members, Deputy De Lisle, yesterday, and Deputy Fallaize and others have voiced an opposition to student loans and I completely agree with that. I am totally opposed in principle to student loans. We should not be seeking to burden the next generation with debt.

375 The last point I want to raise is the question that was posed to Deputy Trott, only yesterday. (*Laughter*) Deputy Trott yesterday rather provocatively asked Education Members if they would support the idea of forcing students to repay their funding, if they do not return to the Island, possibly within a certain period of time. I think that was the nature of the question. Sir, through you, I would answer that question by saying, of course there is a superficial attractiveness to that argument, but to my mind, it rather looks like trying to impose some kind of penalty or fine on a local graduate for daring to want to gain a broader life experience in the world, even when they may subsequently return to Guernsey in later life, bringing with them the

skills and the experience that will actually benefit the Island in any event and I think getting experience beyond these shores is vital in many professional and other areas. Many graduates, as I say, will spend a few years picking up skills and experience in the UK or elsewhere, after graduation, only to return in later life. We should not be seeking to penalise somehow those people who dare to get a broader experience of life. I hope that answers the question, sir.

I simply ask for the policy letter to be supported.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

Sir, I wholeheartedly support our Education Department in *almost* everything they do. Of course, it is absolutely vital that our young people are given every opportunity to further their education and I wish I had had that opportunity, because I actually loved going to school and I very much wanted to stay on and further my education. I absolutely loved every one of the three Rs – that is reading, writing and arithmetic, of course. *(Laughter)*

Unfortunately, my mother and father could not afford to let me further my education. They needed me to go out to work and bring some money into the house, so I embarked on an apprenticeship scheme, which of course was a form of further education in itself. But I would have loved to have gone onto a higher education and I often wonder what additional opportunities would have been available to me, had I been allowed access to higher education.

I did undertake several courses as an adult to obtain various qualifications, but studying as an adult does take considerable effort, because adults often have mortgages to pay, families to raise, as well as numerous other adult responsibilities to attend to. Therefore, it is absolutely vital that we offer as many opportunities as possible for our young people, and picking up on Deputy Brehaut's excellent point that we need to value everybody.

We often hear people speak of closing down the Performing Arts Centre because it is expensive and it serves no purpose.

A Member: 'Oh no, they don't!' *(Laughter)*

Deputy Lester Queripel: Well, I suggest my colleagues get out a bit more, sir, *(Laughter)* because I have certainly heard that many times in the community: that the Performing Arts Centre is expensive and it serves no purpose.

But the arts in general always serve a purpose. The arts give young people confidence, they give them an opportunity to refine their skills and take those skills out onto the international stage. And when they get out on the international stage, they bring publicity and focus to the Island of Guernsey. So how anyone can consider the arts to be expensive and serve no purpose is an absolutely nonsense.

I said at the beginning of my speech that I support our Education Board in *almost* everything they do. But if they ever come to this Chamber with proposals to close the Performing Arts Centre, I will make the most passionate and the longest speech I have ever made *(Laughter and interjections)* in opposition to those proposals.

I have been a musician and a poet since I was a young boy, and I realise the value of the arts. The arts, as an avenue of further and higher education, are absolutely priceless and much needed.

Sir, to conclude, I have said in this Chamber on more than one occasion that I think we have an excellent Board in Education. **(A Member:** Hear, hear.) *(Laughter)* They are a very committed Board and I know they do all they possibly can to maintain and improve the levels of education and opportunities for our young people.

Suffice to say, sir, that I support these proposals.

Thank you, sir.

The Bailiff: Deputy Conder.

Deputy Conder: Thank you, sir.

Mr Bailiff and the States Members, before speaking I must remind colleagues, as I do on other occasions, that I declare an interest as a board member of Bournemouth University.

Before I start my formal speech, could I just respond to my friend and colleague, Deputy Storey, and his impassioned plea for the Institute to remain within the HSSD? I am sure he did not intend it, it did sound a bit like a silo speech. I am sure he did not intend it. But I would just like to reassure him – and perhaps, he has missed some of the earlier discussions between the Education Department and HSSD – plans for higher education provision within the Bailiwick are about collaboration. It is nothing to do with a takeover, a

merger, amalgamation. It is simply an opportunity to explore opportunities to seek to identify potential for a better, more efficient delivery of an expanded higher education provision on the Island.

445 For example, at the moment, our three main providers of our education provision, the Institute at HSSD, GTA in Commerce and Employment and the CFE, operate and have relationships with about seven or eight different UK universities, each one of which has a different arrangement, each one of which has a different delivery model, each one of which costs quite a considerable amount in terms of validation processes. So, this is about collaborative partnership and seeking better opportunities of delivering higher education more efficiently.

450 If I just gave one example, as colleagues know, I was Chief Executive of the GTA for nine years. For a while, in 2008 and 2009, the GTA managed the training provision for the Policy Council and, indeed, the Policy Council's training arm came into the GTA – still as a separate Government institution. And one of the things we found then was that training delivered by a UK trainer to the Policy Council and training provided by exactly that same provider through the GTA, for exactly the same course, was delivered at £800 a day for the GTA and £1,200 a day through the Policy Council, simply because of the failure to
455 actually negotiate in a collaborative way between the two institutions. So, there are huge opportunities for economies of scale and savings to be made through a more collaborative approach.

So, I hope I am able to give my friend and colleague, Deputy Storey, some comfort in terms of the Education Department's plans for greater collaboration.

460 Sir, I will not repeat the key points made by my Minister in his excellent opening address. I will, if I may, just deal with a few key points, which I believe are crucial and will, I hope, encourage the Assembly to support all of the Propositions detailed in the report and thus lay a secure foundation for access to higher education in the future.

I agree with those who have complimented this Education Committee and previous Education
465 Committees on their success in holding down the real cost of higher education to the taxpayers of this Island. That has been a remarkable achievement, particularly when viewed in the light of the ever increasing cost of the delivery of higher education in the United Kingdom.

470 However, sir, we must not be, we cannot be, complacent. Regardless of the success of the Department in its negotiations with English universities, there is no doubt at all that post 2015, tuition fees will increase regardless of the political hue of the UK government. The simple fact is that universities cannot sustain themselves on the current fee level of £9,000 per year. Underinvestment in infrastructure, inability to attract and keep internationally recognised staff and advances in technology will, I predict, see fees at top universities increased to something between £12,000 and £15,000 per annum and where top universities lead, others will follow.

475 Thus, colleagues, Proposition 2 becomes absolutely critical. We, or our successors, have to be in a position to face a potentially significant increase in the cost of UK higher education. That possibility will force us to address providing cost-effective alternatives which will offer Guernsey students the same opportunities as their UK counterparts and as long as we continue to recognise the efficacy of offering a minimum grant to all of those who can take advantage of higher education, we have to be prepared to shoulder the financial burden. There are cost effective models which might help to mitigate those costs.
480 Alternative delivery models, such as online courses, opportunities for online delivery of UK programmes through the Tertiary Institution and through the proposed University of the Channel Islands, might all help to mitigate costs. Colleagues are, of course aware of my reservations in respect of the latter initiative.

485 The important thing is that we are able to offer programmes of a similar standing, equivalent status, properly regulated and internationally recognised for their standards and quality. I anticipate that future Governments and possibly even this Government will need to be ready to address those alternative models sooner rather than later.

490 Finally, sir, I would like to address what I regard as the utterly fatuous notion that a government should direct students, by way of grants or the withholding of grants, towards courses which a particular government approves of, (**Several Members:** Hear, hear.) for whatever reason, be it to support indigenous economies of this Island or because a government or a particular Minister happens to have a view on what course at a particular university is acceptable and merits funding. If we were to go down that route, we would, I believe, be the only country not utilising a command economy to direct its young people as to which course they might pursue.

495 For those interested in such a command model, I believe North Korea offers a good example, (*Laughter*) which those interested in such a concept might like to examine.

500 That students who qualify to benefit from a programme of higher education should be free to pursue a course of study at an institution of their choice and which is prepared to accept them, has always been a fundamental tenet of education on this Island and in every other Western democracy with which I am familiar. A first degree is about much more than preparing someone for the world of work, although it can be that. As our Report described, it should be a life-enhancing and life-changing experience. It should instil a thirst for learning and provide increased opportunities for further learning and career development. In my

case, my first degree was in politics. My mum thought it was a waste of time. (*Laughter*) Having observed my – (*Interjections and laughter*) The punch line is mine, please! (*Laughter and applause*) Having observed my performance in this Assembly for the past two years, colleagues would probably agree with her!

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From there I went on to become a qualified accountant and a company secretary, then gained a teaching qualification, a Masters degree and other qualifications. In today's changing world in which individuals will enter careers and professions which have not even been invented yet, lifelong learning must be a reality. So, please, let us not accept comments such as, and I quote:

'Consideration may need to be given to a system that focuses financial support towards students undertaking programmes at universities which offer courses which have economic or social benefit to Guernsey.'

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Sir, I believe that would be social engineering of the worst sort and should play no part in this Island's plan of higher education provision.

Sir, in summary, this Education Committee and its predecessors have done a tremendous job in holding down the cost of higher education whilst still offering opportunities to all those who can benefit from a higher education experience. It could be that things will get tougher, but the Propositions provide a considered and measured response to any changes and I hope this Assembly will give them their full support.

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Thank you, sir.

The Bailiff: Deputy Perrot.

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Deputy Perrot: Deputy Lester Queripel said that he wished he had had higher education. I wish he had had higher education (*Laughter*) and I am sad for him that he did not, but the point is that it was neither his choice or his family choice.

But I think we ought to be joyous. We ought to celebrate and we do congratulate the Education Department on a long and honourable history of giving grants for people to go to higher education. Of course, the premise must always be that people are actually qualified to go to higher education. You cannot simply send everybody off to higher education, as Tony Blair was trying to do. So, congratulations to the Education Department and to its predecessor, the old Council.

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But, I am afraid I have got to be a slightly critical party pooper in respect of some of the expected remarks which we have heard from the likes of Deputy Conder. I do not think the Treasury resources are drifting at all towards any political point of view. There is no political ideology. If we re-read – I know that Deputy Conder read this to great cries of 'Hear, hear', but if we read that again:

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'The Treasury and Resources Department is of the view that it may be appropriate to keep this principle under review as it may not be sustainable or affordable in the longer term, especially given the rapid changes in the delivery of further education highlighted in the Report...'

Who really could argue with that? What we are saying is we have got to have the regard to the money available. One also has got to have regard for the type of course which our youngsters are embarking on. And here let me touch upon something said by Deputy Langlois – or as we must now lovingly call him, the Deputy Chief Minister. He was fairly condescending about the idea that we send people off on accountancy courses. Well, no-one is actually trying to make sure that everybody goes on an accountancy course, but because he was so condescending about it, let me say that accountancy courses are actually very valuable courses (**A Member:** Hear, hear.) and it is just as well that a number of people who have read accountancy at university and have qualified as chartered accountants and have come back here, that they have actually come back here because they are valuable. They are the sort of valuable degree courses which equate with medicine, for example. I think you actually do learn something which is useful, (*Laughter*) because most degree courses – this is true – are pretty useless actually in imparting... No, I will not give way. Most degree courses actually only teach you one thing: to think. It teaches you a little bit about elementary research, but the great thing about most university courses is that they teach you to think.

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But, having said that – and this is where I am being a bit of a party pooper – to be useful in teaching people to think, degree courses have got to have some sort of academic rigour. If there is that academic rigour, it really does not matter what the subject is, whether it is in science or humanities.

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If I may just depart from my, as always, half-prepared script. May I say that, for example, if we take the case of my friend, Deputy Kuttelwascher: who would know that there we have someone who took his first degree in Physics (*Laughter*) and then, of course, he became an airline pilot and a captain and, therefore, turned out to be somebody useful. (*Laughter*)

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In my case, my first degree was in Physics, although certainly, after I had finished my degree course, I could barely change a light bulb, but I then became a lawyer, so I did not turn into somebody useful, unlike my friend. (*Laughter*)

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But, I suppose the point that I am making is that with degree courses, a line has got to be drawn. It is quite one thing to send somebody off onto a degree course which involves academic rigour, which makes people think. It is quite another thing to send an undergraduate off to some sort of three-year beer fest under the nominal name of surfing or self-grooming or model donkey collecting or one of these rather fatuous new courses. So, although people like Deputy Conder would like there to be utterly free choice, what we have got to recognise is that some of the universities have produced, in recent times, some pretty stupid and frivolous courses and we ought *not* to be paying for students to go to those.

And as taxpayers, I say this: I think the point here is that we expect our teenagers to be channelled to valuable courses – again, valuable in the sense in that they go somewhere where they learn to think. I do not think it right that we ought to be sending teenagers off to university simply for the sake of going to a university. There has got to be something, some benefit derived from that, not necessarily for Guernsey, but for the undergraduate concerned.

But can I also touch upon something else. I think, although there is a lot of merit in saying that, well, if we are paying for people to go to university, there ought to be the expectation that they come back and add to our economic benefit in this Island. I think that people have got to be encouraged to do just that, but I think that sometimes we need to guard against people coming back too soon. I think it really is important, as someone else has said, that people do derive benefit from the greater world outside Guernsey and I have noticed that, in particular, in relation to lawyers. Far too many, these days, come back too soon. Maybe that is going to be self-policing, because anyway, we have got so many lawyers in Guernsey. You cannot walk in the street without tripping over some newly qualified Advocate, generally wearing a romper suit. *(Laughter)*

We do also need teachers to have experience of the world beyond our shore, but we do need teachers. So we need to encourage them to come back, but perhaps after they have done something in another jurisdiction. For example, we need planners to come back. May I take this opportunity of welcoming the Environment Minister on a flying visit to Guernsey? *(Laughter)* Again, I think with planners, I think it is important that they experience the outside world, and perhaps it is important that they have forgotten some of the stuff which they have learned about planning, certainly in the United Kingdom.

So, to sum up, could I say I think that the time may come when there needs to be an element of being a bit more scrupulous about some of the courses which our students go on? The other point is I think we ought to be encouraging teenagers, actually, to stay away and learn a little bit as well from the university of life.

Actually, one more thing, one unplanned thing, if I may say so. When we are sending our youngsters off, it ought not actually to be confined to degree courses, because degree courses have been debased over the years at some of the universities, but there are other things which people can go on – other courses which are not actually degree course. For example, to take my own modest case, after I had qualified as a barrister, I was completely broke and I needed to go to the University of Caen. I had no money to get there and it really was, for me, an extraordinarily anxious time.

Am I supposed to declare an interest? No, I do not, because that is all over now.

But, had it not been for the generosity of my then employers in those days, Percy Ozanne and Nik van Leuven in lending me money to go there, I would not have been able to go and, over the years, when Guernsey did actually... we do not need it now, but at one time, we did *need* more lawyers here, I think it would have been right for the Education Council of those days actually to change its view a little bit and pay money to allow us to get to the University of Caen. I think that merely as an example. There are all sorts of other things.

There was one case, for example, where a young person had qualified as a private pilot. He was able, miraculously, to get a place on one of these, I have to say, expensive training courses, but he knew that if he got through that course, he could then be a commercial pilot because there were opportunities then for commercial pilots. He went to the then Education Council and the Council would not give him any grant. It did give him a thumping loan, which was eventually repaid.

But I think that there are gaps in the market, in the further education market, and I do not think that the Department ought to be overly focused purely on degree courses.

The Bailiff: Deputy Brouard, do you want to speak? And then Deputy Soulsby.

Deputy Brouard: Thank you, sir.
Very briefly, just to declare an interest. I am very proud, my daughter is also in higher education.
Thank you.

The Bailiff: Ah, right. Deputy Soulsby.

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Deputy Soulsby: I had not intended to speak. I declare an interest, I have a daughter who, I expect, will hope to go to university and I have a son who is hoping the Education Department pull their finger out and ensure that we can get degrees here so he can undertake his degree, probably from his bedroom from a laptop. (*Laughter*)

620 I am totally against the loan system. It really worries me, what is happening in the UK and I really do not want us to have anything like that over here, but I am concerned with how things are going with the grant system. The ideas and just the feeling I get about the cuts and how FTP targets are trying to be met by the sort of means testing that goes on.

625 I went to university in the 1980s when cuts in the UK, the government at the time, were putting substantial cuts to higher education to the extent that my parents had to re-mortgage their house to enable me to go to university and it is something which I am grateful to them to this day. If they had not, I would not have been able to go to university and spend three years studying a subject: geography, not accountancy. But, geography, a subject I love and still love to this day and I have to say, if anybody is going to study any degree at university, I would still thoroughly recommend geography. It was fantastic. (*Laughter*)

630 But I would like to ask the Education Department, when considering the grant system cuts to meet their FTP targets, that they also consider the squeezed middle in this Island, for those who are finding it really tough out there at the moment. More and more people are finding things harder and harder and it is much harder for them to get by. So, please ensure that when you talk about means testing, it is absolutely that and it does enable people to send their children to university without having to really struggle themselves. Thank you.

The Bailiff: Deputy Le Tocq.

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

First of all, let me also declare an interest. I have had two of my daughters graduate through university and supported through the grant system and I have got a current, my youngest daughter is at Bournemouth and they have studied a variety of things, from fine art to maths and my youngest daughter is on an art foundation course.

645 I, myself, have benefited from the grant system, right from the time when I was special place holder at Elizabeth College. My parents could not even afford a uniform and so it was totally on a grant system that I managed to get through that. I am very grateful for that and then went on to study Music, French, Philosophy and Theology, so look where that gets you! Most of which, probably, is not very useful, but in response to Deputy Perrot, I would like to say, *cogito ergo sum* – think about that one – because he said that the only use of a higher education is to help you think. I would totally agree with him on that. I think there are some courses that are better than others, for better place for pupils and students and, obviously, what happens is some people do make wrong choices, but that happens at lots of different levels. It is certainly going to happen at higher education, because sometimes choices can be limited. I can remember having to choice between doing Latin or Music at Elizabeth College, because the curriculum would not allow for it and I chose Latin at that time. So, there is always going to be choices.

655 We want to make sure that our students, at any given moment, have the maximum amount of choice so that they can do what they feel called to do and do it in an appropriate way, but obviously, the ability to be able to think, to be able to learn, to be teachable, to continue to be perhaps a self-learner throughout your life is the best thing that can be given.

660 Having said that, I do not believe that university should be for everyone and there are different ways in which we learn and, obviously, the Education Department recognises that as well, specifically in providing other means of learning, lifelong learning, through apprenticeship schemes, through supporting people and the Skills Strategy certainly comes into that, as has already been mentioned.

665 Sir, talking specifically to some comments that Deputy Gollop made with regard to the Policy Council comment, I would disagree. I think he said it was all about the Skills Strategy, but the middle paragraph of the short comment in support of this actually refers to the Social Policy Plan and quotes ‘equality of opportunity, social inclusion and social justice.’ And that is, certainly, I think, evident in what Education are proposing. They are proposing to continue what this Island has done very well so far, through a grant system, through supporting the majority of those that want to go away to study, and as long as that continues, I shall support it for that reason, because I am a product of that and I have felt significant benefit from being able to experience the world outside.

670 Obviously, I stayed away for longer than just my university and postgraduate years and that was a benefit, as well, to me and similarly I ended up marrying a London girl who was trained from the investment given by that country. In turn, I brought her back to Guernsey and she is working here as a nurse. So, it is very difficult to be able to come up with a system that seems to be fair and balanced from all

ways. Given any particular time and looking at our situation, it is difficult decisions to make. I think Education have come up with a very well balanced and fair system.

680 One final comment, the point of education is broader than just economics. It is about culture and our culture certainly includes skills, it includes the economy, but it is broader than that. The reason that we want to have an educated population to have the opportunities that we currently afford them and going on into the future to continue that, is that we have a breadth of ability, that we have our culture continually changing and developing and being unique in the way it is. I am proud of the fact that I have got children who have chosen to come back to Guernsey and one is training in accountancy now and the other one is working in a field very close to her heart in auction rooms. She did art. She married a local boy, who also did art and is working for one of our largest employers in the creative department and most of you are sporting the products on your faces. I will not say any more than that.

685 But can I say it is broader than that. When you look at things in isolation, you can say, 'Well, how useful is that sort of degree?' Actually, because of the very thing that Deputy Perrot said, it helps us to think, it helps us to learn and it develops a broad range of skills and the majority of people then become very, very useful for the whole of life and for the whole of our community.

The Bailiff: Does anyone else wish to speak? Yes, Deputy St Pier.

695 **Deputy St Pier:** Thank you, sir and thank you to my colleague, Deputy Perrot for explaining some of Treasury and Resources comment in its letter of comment.

Deputy Perrot frequently chides me for the lack of humour in Treasury and Resources' statements. He has obviously not realised his own role within the Department. I thank him for that.

700 Sir, I do wish to just expand a little bit further on some of the comments which Deputy Perrot has made in relation to our letter of comment and I think it is, perhaps, worth starting with some of Deputy Storey's comments in relation to the potential for increased collaboration between a number of Departments. There are of, course, three Departments: Commerce and Employment with the Guernsey Training Agency, the Health and Social Services Department with the Institute of Clinical Studies, and of course, the Education Department – all of whom have an interest in providing higher education on the Island. For me, post the Financial Transformation Programme at the end of this year, this is a classic transformation opportunity. This is an opportunity with Departments that may have very different needs, but please can we organise the management of that provision in the most efficient manner without artificially creating departmental barriers. I think that was the point which we were seeking to make in our letter of comment and I believe that is Education's perspective as well.

705 In relation to the other point which a number of people have already spoken to, the principle that any student wishing to benefit from a university place for a first degree should not be denied States' support – and, I think, again, this is speaking to Deputy Gollop, who first raised it in the context of Treasury's comments – it is, of course, a very, very worthy principle and I think it is sustainable whilst it can remain within budget, but it is, perhaps a unique principle within our education system. We have already conceded the need to ration, by means testing, which, of course, now goes on, but we do not provide unlimited choice for primary and secondary schools, because, of course, we need to manage demand into those schools. We ration access to the publicly funded places at the grant aided colleges. We do not provide unlimited access to postgraduate education and we do not provide unlimited access to undergraduate education outside the UK. Logically, for me, if the principle is sound, that any student wishing to benefit from a university place for a first degree should not be denied States' support, why would you stop at the UK and, of course, for practical reasons, we do? And, of course, we do not provide unlimited access to the vocational apprenticeship courses. So, again, the principle that unlimited, academic, undergraduate courses should have a special status is perhaps unique.

715 And, for me, I think Deputy Stewart's comments are right. I do not think they are mutually exclusive with Deputy Brehaut's principle of valuing everyone. I think that we do have a duty, when public money is involved, to ensure that tertiary education actually enhances students' employability and that does not mean through cramming them into a narrow list of vocational courses that we, in some kind of command economy, direct are the appropriate ones. As has been said, there are plenty of other advantages for students in going through tertiary education on academic courses which are maybe purely academic subjects. But, I do not think that we should be embarrassed, given that we do have limited resources to make some of those subjective judgments that an underwater basket weaving course at the University of North West somewhere, which five years ago was a third rate college at the back of beyond, is not actually going to help that student in that student's long-term employability. I do not see that that is necessarily preventing that student doing a course.

720 And that is why, and I will not quote it again, because Deputy Brehaut has quoted it in full, the comment on page 568 in relation to the fact that the principle *may* not be sustainable or affordable in the long term and that consideration *may* need to be given a system that focuses – and I think for 'focuses' you

could substitute 'weights'. It could be that we need to *weight* the use of our public money towards certain institutions for whom we have been able to negotiate better rates or whatever the case may be. I do not think that that is a command economy or social engineering – I think that is hyperbole. I think it is a pragmatic and realistic comment that we may need to face in the future.

Thank you, sir.

The Bailiff: Deputy Bebb.

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

I had not intended to speak. However, I have to say that I am little uncomfortable with this idea of the very easy suggestion that HSSD have an Institute of higher education, so does Commerce and Employment and Education and, therefore, we should just combine the three. On the surface, it does seem like a very attractive option.

But, one of HSSD's biggest problems is in relation to retention and recruitment of staff. Staff that are trained at the Institute, as Deputy Storey said earlier on, stay within HSSD and that means that the costs come down. They are integral to the working of HSSD. The increase in the number of people who go through that Institute has been something that HSSD has actually focused on, because of the improvements there. Therefore, working together, well, yes, I welcome it and, if we are going to work together in order to try and form a better tertiary system, then I have to question why on earth this paper did not come to HSSD before it was suddenly published? If we are going to see any form of working together, it really has to start with us in this room.

Thank you.

The Bailiff: Does anyone else wish to speak? Deputy Le Lièvre.

Deputy Le Lièvre: I had, actually, no intention of speaking, because amongst my Education colleagues, I always feel very much the poor relation. I do not sport a degree or two degrees, just a handful of O-levels and a rather cheap A-level-ish, half-ish, I would say.

But, what I do bring to the table is a desire that Education must strive for excellence across the board. We must strive to bring out the best in all our young men and women. Whether it an apprenticeship, whether it is a degree course or higher education or whatever it is, we have to ensure that we provide the routes and the mechanisms to ensure that each young man or woman achieves the best for them and for this Island and for the wider community outside of this Island. That is what education is about. It has to be tailored to the individual to ensure that they make the best of what they have got and we have to do that within a budget.

So, I do agree with elements of what my colleges have said – freedom of choice, the ultimate freedom to do whatever they want, to be taught where they want, to go where they want, not to have to come back if they do not want, and I also agree with elements of Deputy Perrot's and, indeed, the Minister of T&R, the stance that they take with regard to education has to have regard to the ability to ensure we do target our resources in the right area.

So, I do not think there is anything to disagree with in this policy letter at all. I firmly stand by the thrust of Education's main core, which is to strive for excellence in all things. I wanted to say that and I do not always agree with my colleagues at Education, but we are a powerful Board. We do discuss things thoroughly. We all stand by our Vision of what is best for young men and women of this Island.

In one particular... And I thought the debate was going very well and then Deputy Trott spoke (*Laughter*) and it annoyed me slightly, because I had a Craggy Island moment with 'Guernsey very small, Canada very big'. How on earth can you compare what they do in Canada with what we do in Guernsey? Now, there are elements from other jurisdictions which we should really have regard to and I agree that, possibly, it is not bad to compare ourselves with other jurisdictions, but at the end of the day, we must consider what is best for Guernsey, what is best for our young men and women and we must strive to ensure that we fulfil their potential. We help them fulfil their potential. Mine was not. I failed. I do not blame anybody else other than myself, but possibly, with a little bit of wise counsel and wise guidance, I would have done a lot better academically, but it would not have changed my life, I do not think.

I would just respond to one other thing. Deputy Soulsby touched on the squeezed middle. Now, we have to be very careful. Education's grant system is very generous. If we are to squeeze, then we have to squeeze everywhere, not just protect the middle or, indeed, pump money into the lower areas or protect the upper echelons of financial status in this Island. We have to ensure that we all contribute according to our means and if those means result in the middle being squeezed a little bit more, well then, so be it.

But I would protect our grant system. I do not want to see loans, but we all have to contribute properly and if the bottom of the market has to take a bit of a hit, then the middle has to take a hit also. So, let us try and keep things fair, because fairness is the name of the game really.

But just to repeat once more, let the Education Board strive for excellence; excellence in all things, because at the end of the day, it is the wisest investment we can possibly make. The investment in our youth, the investment is a direct relation to the investment in this Island. And that is all I would have to say on that.

Thank you very much, sir.

The Bailiff: Anyone else? No?

The Minister, then, will reply to the debate. Deputy Sillars.

Deputy Sillars: Thank you, sir. A huge number of questions. I think we will be here all week if I try and answer them all, but what a great Board I have and I thank them all for their contribution. It is a reasonable order of starting, but it gets a bit lost somewhere.

Deputy De Lisle, thank you for your full support and I would like to clarify that the fee increases are for some parents, not for all. That does include me, unfortunately. Those on lower incomes will not be affected.

Deputy Fallaize, 'a major success story.' Yes, you are right and it is and I say a huge thank you to all our staff involved and the Board fully appreciates your support.

Deputy Langlois, we do not always see eye to eye on things, I know, but we do on this. So, thank you very much for your whole support and we, as a Board, as we found out today, regard choice as absolutely essential.

Deputy Stewart, joined-up Government, I think. You let us educate our students and we will work with employers, and you at C&E ensure we have a vibrant economy for our students to want to return home.

Regarding the courses, and this is what Deputy Stewart and others raised, so I will try and put them all together. Following a path where we direct students to indicate a course that may not necessary be well suited to them or one which they really have no desire to do in the first place seems very short-sighted. Imagine the situation where we direct students to undertake, sorry about this, accountancy exams. In a few short years, we will have plenty of accountants, but not necessarily the jobs for them and this is not denigrating accountants. So, what should we do then? Would we then be choosing another topic the following year? The whole notion is potentially flawed from one perspective, in that if the intention was simply to save money, it may not even achieve it in that direction, if students simply went on courses because they were funded by the States. Would they strive hard to do the best they could on a subject that did not engage or inspire them?

Members, you signed up to our Vision which has, at its heart the core principle of equality of opportunity for all young people. If the States was only to support certain higher education courses, would this not mean that our children of wealthy parents would be able to access those courses not supported by States' funding? I do not see much need at the moment for nuclear scientists, brain surgeons or zoologists in Guernsey. That may change, but should these careers only be the preserve of the rich? We must look at the bigger picture. We want to encourage students to go to university to promote their life skills, have a broad education and for the community to have diverse subjects and the community to benefit from that.

It is projected, going forward, that young people will have four professions in their working lifetime. Who is to say that degrees that they study now will not be relevant to a career they may have in the future and one that may not even exist yet? Who can predict what Guernsey will be needing in 25 to 50 years' time?

Deputy Trott, my good friend. You asked all Education Members, so I am answering as me, to recoup grants from those students who do not return. I think there is a pretty basic answer to this and it is in terms of practical arrangements. Return, when? On graduation? One year later? Two years after that graduation? Three years later? This would have cost associated with it as well.

In many cases, we want students to go away and get experience elsewhere and then come back to Guernsey to contribute to the community and society, not just immediately after university. What if there are no jobs here for them to come back to? Come back to avoid repaying the grant and claim unemployment benefits instead? Not particularly sensible and detrimental to the States and postgrads. There may not be the right jobs available for them to come back to in Guernsey, at that moment in time. So we pay for a student to obtain their degree and they come back to work, doing a job that they are overqualified for, perhaps, instead of paying back the grants. How long do they have to come back for before the grant is repaid and then they can leave?

All in all, it would be a disincentive for students to go to university which might save money, so maybe happy days for FTP, but damage our economy in the medium term.

There is also the basic problem in that *parents* are paying and not the students in our system. That seems to get forgotten. The scenario Deputy Trott is suggesting, perhaps, is associated with loan schemes and we certainly do not want to go there. As George Bernard Shaw said, 'Most simple answers to complex problems are usually wrong.'

860 Deputy Gollop, the update on the.. It was Cardiff and Warwick, you are right and they have now, as I have termed, fallen in line, which is excellent news and we are persistently following Cambridge and I will come onto that later in reply to Deputy Dorey. In fact, I will do Deputy Dorey now.

865 I would like to do just a little bit of the background, really. First, I would like to give the basic principle which we are applying and we will pay tuition fees up to the maximum amount charged to home students at all but Cambridge University and Imperial College, London. For the majority of courses, that is £9,000 and parental contributions will be limited to £8,900 and that includes approved courses such as medicine and sciences, where the fees are higher.

I would like to refer to the guide that HE awards have for 2013 on our website:

‘Tuition fees.

The agreement with Universities UK is that Channel Island students and those from the Isle of Man should be allowed to attend a course in the UK and that the institution will receive no more or less for a student from the Crown Dependencies than they would from accepting a home student. The Home Fee rate is an amount equivalent to the student fee (in England) and any central funding given to the university for students on particular course grants. Therefore, the Home Fee rate can be higher than just the fee charged to the student, as it includes other subsidies given to the university. This means that Channel Island students are charged Home Fees and will not have to pay the higher overseas rates.’

But coming back to Imperial College, London and Cambridge Universities:

‘Fees for new students who attend Imperial College and Cambridge University are limited to Home Fees. Students/parents will be expected to pay the balance. This can be considerable and students/parents are advised to contact the Grants Section for further information before accepting a place.’

870 Jersey and the Isle of Man are in the same situation. With Cambridge, if we pay the higher rates, many universities will take the opportunity to charge us the overseas rates, as we found with Cardiff and Warwick and others. We have got to this position by all three Crown Dependencies working closely together. If we break away and pay Cambridge, it would undermine the whole of our strategy which has been very successful and you have all applauded to date.

Deputy Dorey, I fully agree with the student loans, with your thoughts on that.

875 Alderney Representative Louis Jean, we are working closely with Alderney and, as you know, I was out there only a couple of weeks ago meeting all your parents, when we were talking about the federation. So, as far as Education is concerned, we are very supportive of your needs out there.

I hate Blackberries and iPads.

Deputy Brehaut, ‘a plea’. Education certainly does not differentiate between degrees, as you know, and that is why we are determined to keep choice.

880 Deputy Storey, I think it has been pretty much answered by my fellow Board members, but one point I did want to just make, that you picked up, is that we encourage everyone to go into higher education, both male and female. Our statistics are pretty similar, I think, to what happens in the UK, as well. I am not going to make a comment that maybe females are more intelligent, because I am sure that will go down well here, but that is a fact of life.

885 One thing I did want to educate you on, if you like, is that we now support, in-Island, more than we have ever done for university degrees. The previous Board which consisted of Deputy Spruce, De Lisle and Fallaize, brought in more advantageous grants to students studying through the Open University and, to that extent, there are a lot of young and middle aged students on Open University and costs were cut substantially. We as a Board have continued that and I am pleased to say that there are over 200 Guernsey Islanders have actually now got Open University degrees. So, there is another success story which, perhaps, we keep to ourselves.

Deputy Michelle, I am glad that you support us, so thank you very much for that.

895 Deputy Queripel, okay. Before we answer, ‘doing a great job’ I agree with you, but, ‘Everyone get out more and go and see some performances’. Only last week I was there and saw a show, ‘Crazy for You’. It was brilliant. But I will take your threat seriously and I shall try and ensure that we certainly keep it open.

900 Deputy Perrot and others, perhaps. No-one is being condescending about accountants. I do not accept that most degree courses are pretty useless. I think you are selling our young people short. They think very carefully about the choices they make, the institutions they go to and are very aware of how much the States and their parents, of course, invest in their higher education. They consider where their chosen degree course may take them in the future and work very hard at achieving the best they can. It is simply not true to say that our young people go away to a degree course in surfing or go for a three-year beer fest. *(Interjection and laughter)* We might have done in my day.

905 The ‘need for academic rigour’ line is there already in our Report, because entry qualifications, there are no joke degrees. Joke degrees are usually the invention of the *Sun* and the *Mail*. All supported by us, have to be validated by a university and entries through UCAS, that is important, and have a three-year proper academic degree or we do not support it. We do not support certain drum courses or guitar courses or eight-

week courses on how to chop down a tree, and I wanted to say about my underwater basket weaving, but my learned colleague beat me to it.

910 Deputy Soulsby, it is always difficult, isn't it? We took a balanced view regarding grants and I hope that we have got that balance right, but thank you for your support.

Deputy St Pier, yes, thank you for your support regarding tertiary education, broadly, so I will accept that.

915 Deputy Bebb, we have sort of covered that – and Deputy Storey, if he was here I would speak to him. We have covered that and actually we are exploring opportunities. We, as a Board, we have had one political meeting with I think it was the previous HSSD Board; our office has been talking with you; we have been trying to get together with you recently, but we understand you have a lot of problems and a lot of issues to meet, as we do, of course. So, it is difficult, but we just want to get together and have a talk and see where there is any and understand your issues which you are very eloquent today and Deputy Bebb was today – and see how we can actually help you and help us and broaden that tertiary education across the

920 whole Island and you do certain things, there are others being done in CFU, for example, which actually all blend together. So, it is to have that initial conversation and see how we can go forward. I do not want to, as my colleague, Deputy Conder said, it is not a land grab, it is not a power grab. It is actually what is best for this Island and how we can deliver it to the best of all of our advantages.

I think that is it, sir. So, thank you very much and please support our Billet.

925 Thank you.

The Bailiff: Well, Members, there are three Propositions on page 569 of Billet VII. I intend to put all three to you together. Those in favour; those against.

930 *Members voted Pour.*

The Bailiff: I declare them carried.

Billet d'État V

V. States Assembly and Constitution Committee – Remote Attendance at Meetings of Committees of the States – Debate commenced

The States are asked to decide:

V. Whether, after consideration of the Report dated 17th January, 2014 of the States Assembly and Constitution Committee, they are of the opinion:

1. That “The Rules relating to the Constitution and Operation of States Departments and Committees” be amended with immediate effect as follows:

a) After Rule 12, a new Rule 12A be inserted as follows:

“Convening of Meetings

12A A meeting of the Policy Council, a Department or a Committee, or a Sub-Committee of any of the aforementioned, as the case may be, shall be convened for a specific time, date and place.

The person chairing the meeting shall be present at that place.”

b) In Rule 13, after paragraph (5) be inserted:

“(6) Excepting the Policy Council, if a member of a Department or a Committee of the States, as the case may be, who has obtained the prior permission of the person who will preside at the meeting, is, by telephone, live television link or any other means of telecommunications, in communication with the other members so that each member can hear or read what is said or communicated by each of the others, each member so participating is deemed (subject to paragraph (9) below) to be present at the meeting with the other members who are present or so participating for all purposes including the quorum and voting.

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

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

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

(10) *Paragraphs 13(6) to (9) of this Rule apply to meetings of Sub-Committees of any Department or Committee of the States constituted under the terms of Rules 16 or 16A."*

2. *That States' Departments and Committees be required to distinguish in their bi-annual returns of Members' attendance at meetings not only between attendance at all or part of a meeting but also to indicate whether such attendance was "physical" or from a remote location.*

3. *That any costs incurred in setting up and making the communications required for remote attendance at meetings of States' Departments and Committees under the terms of Rule 13(6) be treated as General Revenue expenditure.*

935 **The Senior Deputy Greffier:** Billet d'État V, Article V. States' Assembly and Constitutional Committee – Remote Attendance at Meetings of Committees of the States.

The Bailiff: The Chair of the Committee, Deputy Fallaize will open the debate.

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

I rise to present this policy letter with not very much enthusiasm. (*Laughter*) The Committee has carried out the work which was directed of it by the States and has set out the changes that the Committee believes will be necessary to give effect to the spirit as well as to the letter of an amendment which was laid by Deputy Luxon and which was opposed by the Committee in September, I think it was, in the end. But it was carried by the States, albeit by 23 votes to 22. We do not know what the outcome would have been, if the two absent Members could have been beamed in Hollywood-style and cast their vote remotely, but nonetheless, the Committee is still advising the States to vote against the changes which are set out in the Propositions attached to this Report.

945 I should say that one member of the Committee is in favour of these changes, Deputy Bebb, but the other four members of the Committee are opposed and will be voting against these Propositions and ask the States to vote against the Propositions as well.

950 On the face of it, the difference of opinion between the Committee and Deputy Luxon may appear to be on a fairly arcane point of procedure. Actually, I do not think this has very much to do with procedure at all. It has rather more to do with culture – with the culture of the States and with the nature of the States and the nature of government in Guernsey.

955 The view of the Committee is that public confidence in the States depends, in part, on the knowledge that elected representatives are conscientious and diligent and committed in their work as Members of the States and members of Committees of the States and that, surely, must include a conscientious and committed approach by Members to attendance – to physical attendance, actually being there not just in spirit, but in body – at formal Committee meetings. Now the effect of these Propositions, if they are approved, which, as I say, the Committee hopes they will not be, is that pursuant to the Luxon amendment of September, the Rules relating to Members' attendance at meetings of Committees will be liberalised completely, to the extent that we as the States will be saying that there is absolutely no difference at all between physically attending a Committee meeting in person and being beamed into the meeting or beamed into half of the meeting from halfway around the world, whether on States' business or sitting on a hotel balcony somewhere while on holiday – whether in Australia or anywhere else, incidentally. (*Laughter*) There is a still a bit of that to milk, I think!

960 But that is the effect of changing the Rules in the way in which it is desired by some. There would be no difference whatsoever between physical attendance and virtual attendance. Both would be able to participate at meetings. Both would be able to vote at meetings and both would be recorded as having been present at meetings. The opinion of the Committee is that that approach and these changes will do nothing to contribute to public confidence in the diligence and commitment of their elected representatives. Indeed, the contrary must be true.

975 Now, sir, the Committee understands well and this point was made during the original debate and it is made in our policy letter, that remote attendance at meetings of private businesses may well be much more common than it is in the public sector. But the business of the States is quite different to the business of commerce. In the private sector, companies and consumers are engaged in voluntary transactions whereas Committees of the States make decisions in areas such as public services and the appropriation of taxes to pay for services, where citizens have little or no choice. Decisions of States' Committees can and do have long-term strategic consequences for the Island. It is, therefore, essential that the States can demonstrate that every such decision has been taken only after the fullest consideration and the Committee cannot see how that can be demonstrated if decisions are made by people operating from a remote location.

985 In addition, sometimes decisions made by Committees of the States have quite serious legal
implications and I would draw Members' attention to paragraph 28 of the Committee's policy letter. A
party whose rights are directly affected by a Committee's decision might contend that the vote of the
remote attendee, which may have swung the decision, is in some sense vitiated, because the Member could
not be demonstrated to have played a full part, could not have been properly cognisant of all relevant
considerations and could not be proved to be uninfluenced by extraneous considerations. And I wish to
emphasis the next point to the States very strongly. Her Majesty's Procureur has warned of the possibility
990 of legal challenges on such grounds. Sir, that is a very real reason – a very strong reason why the
Committee believes the States should vote against the Propositions and vote against liberalising the Rules in
the way that was suggested by Deputy Luxon's amendment in September.

Now, sir, if one considers the experience in other jurisdictions and I will not labour this point – it is set
out at paragraphs 42 to 48 of the policy letter – but, if there was a suggestion to allow remote attendance at
meetings of the Cabinet in the UK, it would be regarded as absolutely absurd. That just does not happen in
995 governments around the world and Committees of the States, while it is not a direct analogy with the
Cabinet, they are sat making the kind of decisions which cabinets would make in other jurisdictions. Now,
remote attendance just would not happen. Physical attendance at meetings of government committees is
regarded as absolutely essential and I do not see, the Committee does not believe, that we should take a
1000 more liberal approach to that in Guernsey.

Clearly the security of any link cannot be guaranteed. If one is presiding at a meeting, even if one has
the task of trying to ensure that the link is secure, it is impossible to know with sufficient certainty whether
that is actually the case and there is a difference between, at the moment, it is true to say that Committees
are able to permit their members to contribute to meeting by remote means, but there is a big difference
1005 between allowing a member to act... in a sense, the member is not formally at the meeting, but the
Committee can take the member's contribution into account and ask for the member's views. There is a big
difference between that and saying this member who is being beamed in from somewhere half way around
the world is formally at this meeting and will get a vote and could influence the outcome. There is a
material difference between those two things.

1010 Now, there are already well established provisions in the Rules to deal with issues where Committees
may fall in quorate. We will come onto matters of 'inquoracy', if that is a word, when Deputy Luxon lays
his latest amendment on this matter – the amendment that has been circulated. But if a Committee's work is
going to be imperilled by the absence of members then there are already well established provisions in the
Rules to deal with that.

1015 But the argument which the Committee holds to be most important in respect of this matter is at
paragraph 20. By the simple fact of not being physically present in the same place as the other attendee, it is
likely that remote attendees will be somewhat detached from the proceedings. They are less likely to have
benefited from discussing collectively with their fellow members the business of the meeting to the extent
necessary to cast a vote from a fully informed perspective. In order to give effect fully to the Luxon
1020 amendment, the Propositions attached to this Report would permit all members of the Committee formally
to attend and vote from a remote location. Therefore, circumstances could arise where no member attending
a meeting could actually see any other member at the meeting.

Sir, this really is a question of where the line should be drawn. As I have said today, Committees of the
States are free to determine who should attend their meeting and whether they should take advice from
1025 people on the telephone or wherever. That is all quite proper and understood. But, in the opinion of the
Committee, that is where the line should remain drawn. We believe the Rules regarding remote
participation should not be liberalised fully, as desired by the original Luxon amendment, because, as I said,
that would have the effect of saying there is no difference at all between physical presence at meetings and
participation by video link or by telephone or similar and, in the opinion of the Committee, that is
1030 undesirable and unwise.

Members know of their other commitments when they stand for election to a Committee . That is the
time to judge whether they can commit fully to a seat on another Committee and something which
encourages the perception of anything other than full commitment to the work of States' Committees is
something which, in the opinion of the Committee, should be resisted. Therefore, on behalf of the
1035 Committee, I ask the States to vote against the Propositions that are set out at pages 451 and 452.

The Bailiff: Now, Members, as you have heard, there has been an amendment circulated, proposed by
Deputy Luxon, seconded by Deputy Robert Jones.

Deputy Luxon, do you wish to speak to your amendment?

Amendment:

1. In proposition 1b), where it inserts a new paragraph (6), delete the words "Excepting the Policy Council".

2. *In proposition 1b), where it inserts a new paragraph (8), to delete that paragraph and to re-number the following paragraphs accordingly.*

1040 **Deputy Luxon:** Thank you, sir.

First of all, I would like to thank Deputy Fallaize for that ringing endorsement of the Report he has tabled on behalf of SACC – not. (*Laughter*)

Mr Bailiff, the amendment – and I will speak both on the amendment and general debate, if I may, because the comments apply to both.

1045 The amendment proposes to amend Proposition 1b)(6) and to delete 1b)(8) which respectively ask that the Policy Council should not be excluded from being able to benefit from the proposed Rule changes and also that, as now, there should not be a limit of only one person able to participate and vote remotely at any meeting, regardless of which technology they may wish to use.

1050 Why do we wish to lay this amendment, sir? Well, paragraph 57.6 says that the Policy Council does not need this option, because it utilises an alternate attending system which works well for future planned absences, but does not resolve the issue of Policy Council members having physical attendance issues due to the same-day bad weather or travel delay problems. So we believe that the Policy Council should not be excluded from the ability to have remote participation and voting rights. Why should the Policy Council meeting be any less important in this sense than any other Department or Committee meeting? Clearly, it should not.

1055 And paragraph 57.8 says that under the new Rules there should be a cap, a limit, so that no more than one Department or Committee member may attend remotely to participate and vote, if different technology options are being used. But, currently there is no limit as to how many members can participate remotely. So why place a limiting cap on the new Rules which simply enable both participation and voting rights?

1060 Sir, Deputy Rob Jones and I simply wanted to remedy a minor anomaly we perceived there to be when we laid our original amendment last year asking SACC to prepare us Rule changes to enable us all to both participate which currently we are all able to do, but also be quorate and able to vote when attending formal Department and Committee meetings. Being able to fully participate in meetings remotely yet not being able to vote at the same meeting seemed odd and frankly silly. If participation in this way made sense, why would not voting equally make sense?

1065 At no point, have we envisaged a major change in how meetings are conducted or, indeed, an increase in the historical very low number of instances where remote participation has been used or the cost thereof. It is only used now in exceptional circumstances and would only be used in exceptional circumstances going forward. Of course, any attendees of any meetings would normally much rather attend physically, as Deputy Fallaize said, and will manage their diary accordingly. However, there are exceptions of which bad weather and travel delays, along with urgent short notice meetings are just three obvious examples.

1070 The informal and formal responses we have received from SACC clearly demonstrate a dislike – I am sure generally held, but a dislike nevertheless – for this Rule change. However, none of the reasons cited appear to us to be remotely compelling. More so it feels as though it is the personal preference opinions of the majority of SACC members, rather than compelling actual reasons.

1075 Sir, last night, I watched a performance of ‘Wizard of Oz’ that my daughter was performing in and that is all about fantasy and I did feel that some of Deputy Fallaize’s comments almost reminded me of that very same thing. If all of the negatives for not allowing these Rule changes to go forward were true, why would participation, which we are currently able to do remotely, why should that be acceptable? Surely, that would be just as difficult for Members and for meetings to be held in a sensible way. It simply does not make sense.

1080 Personally, I have no intention of needing to use this remote attendance voting option, but if unusual circumstances arose and urgent involvement in the meeting was key, then it would be sensible if one was able to have the option to both participate and vote.

1085 Sir, an example of why these two amendments to SACC’s report and our original amendment, from last year, suggesting remote voting absolutely makes sense is that a year ago our Island suffered unusually extreme snow storms which brought out Island to a standstill. On the Monday, a regular Policy Council meeting was scheduled for 2.00 p.m. at Sir Charles Frossard House. Several Members, myself included, had managed to arrive as planned. However, several other Members were stuck in the deep snow on various roads across the Island. There were some time-urgent matter on the agenda which needed to be discussed and resolved. Phone calls quickly took place to contact Policy Council members who were stranded. In this sort of unusual situation, the proposed the Rule changes, concluding our amendment today, would have enabled all Members to participate and vote, ensuring a good governance outcome.

1090 In spite of some of the negatives set out in the Report for not progressing these very minor Rule changes, I can offer Members here today personal testimony from real experience of using video conferencing, Skype and conference call facilities. These negative issues are perceptions, not realities. The

Rule changes are a minor, subtle refinement to our Rules of Procedure – nothing more, nothing less. The option will only be used exceptionally, as it is now.

1100 I hope Members can continue with the support by approving these two minor amendments and indeed approve the other Report resolutions before us, all of which improve the current Rules through refining them subtly.

1105 Finally, sir, may I ask you for a ruling, Mr Bailiff, in relation to the comment at the end of the Report that suggests Rule 15(2) may be invoked, as we do not believe that increased expenditure would arise, as the Rule changes simply enable voting to take place through remote participation, that participation already happening at the moment. Regardless, any costs in our mind would be insignificant anyway.

Thank you, sir.

The Bailiff: Deputy Robert Jones, do you formally second?

1110 **Deputy Robert Jones:** Yes.

The Bailiff: Mr Procureur, do you wish to give any comment on the Rule 15(2)?

1115 **Her Majesty's Procureur:** Well, the suggestion that Rule 15(2) might apply appears to have been made in the Treasury and Resources Department's comments, but subject to anything that the Treasury Minister might say, I am afraid I have a great deal of difficulty understanding why any additional costs would, significant, be involved in this. I mean, most Departments have telephones. It does not cost very much to press a button. I know we must not mention Skype, but on the voiceover internet protocol thing, you can press a button and it would probably cost quite a lot less than arranging special travel for a member who is stranded somewhere else.

1120 I am afraid I am just at a loss to understand the comment.

The Bailiff: I will say no more at this stage.

Deputy Hadley.

1125

Deputy Hadley: I rise to speak, sir, is that alright?

The Bailiff: Yes.

1130 **Deputy Hadley:** Well, first of all, to speak on the amendment, I think there is a very big distinction between the Policy Council and Departments of the States. We all realise when we join Departments or Committees that the proceedings are confidential and I have been criticised in the past for perhaps not obeying that as strongly as we should. I think, in many cases, the level of confidentiality in Departments and Committees is excessive.

1135 However, as far as the Policy Council is concerned, I would not go along with any relaxation of the very confidential nature of the Policy Council. Of course, if one is going to allow remote access, using whatever means of communication, you do not know who is in the room. These points are well made in the Report, but you do not. You might be finding whereas a remote Member, as you thought, was dealing with confidential in the correct way, there might be a dozen people round the corner, listening to the procedures.

1140 Speaking, generally, I do not know if it was your intention, sir, that we speak in general debate and run this together, or deal with this amendment – ?

The Bailiff: Well, it is probably easier if we just concentrate on the amendment for the moment. I know Deputy Luxon did speak generally as well as on the amendment, but –

1145

Deputy Hadley: In that case, sir, I would urge Members to reject the amendment unanimously.

The Bailiff: Deputy Brouard and then Deputy Lowe.

1150 **Deputy Brouard:** Thank you, sir.

The strange thing about this particular amendment is that Policy Council is the one Committee which does not need it, so I am now more worried that they do want it and are now thinking... because I was one of the ones who voted to have the idea of Skype or whatever, I thought it was quite a good idea, but the more I am thinking about it, I am now perhaps starting to back pedal.

1155 It is the only Committee where there is a formal man or woman deep set of reserves waiting to go for any meeting and it is the only one – None of the others Committees have that luxury, so...

1160 The argument could be that there is a thread going from one Policy Council meeting to the next Policy Council meeting that only the Minister would possibly know about, but I would counter that with the thought that actually that is even more reason to brief your own Boards and the other members of the team to be able to take your place should you be unable to attend.

I think it does then go onto the point. We are part of the parliament here, but we are also, very much, all of us part of the government and with most of us being on Committees themselves, or on Departments, there is even more reason for us to get involved in what is happening at Policy Council and we can take part.

1165 The other interesting thing, what happens is, is it only for the vote that you would have the Skype set up for, because would the Deputy Minister or another Board member be there for the rest of the time, for the other items? So, the Minister would only want us to vote for the particular thing that they are really looking for? How does that work?

1170 So, the more I think about it, I think it is the only Committee that actually does not need this particular facility and I am now starting to doubt whether we actually want to bring this in at all.

Thank you, sir.

The Bailiff: Deputy Lowe and then Deputy Fallaize.

1175 **Deputy Lowe:** Thank you, sir.

Well, I think the others have just actually said what I wanted to say, because you are guaranteed a full house at Policy Council. (*Interjection*) No, because I have got another bit to add. You are guaranteed a full house at Policy Council. It is the only one where you have... although I believe, I am not that sure, but I think the voting will actually show us that sometimes the Ministers have not actually followed the Rules and have not sent an alternative, but they are required to send an alternative to Policy Council and there should always be somebody there.

1185 So, as regarding the snow, well, walk! That is what you have got legs for. Our staff expected to walk! (*Laughter and interjections*) The staff were there, so what is wrong with anybody else being there? If you are talking about PSD, we have got a Member that just lives down the road from Frossard House, so he could have been asked to go. You have got one that lives at St Sampson's, a nice and flat walk along the front from the C atel. No problem, sir. On a nice day, we have people walking all the way round the coast, doing that for charity and that is over 40 miles. I think the longest across the Island to get to Frossard House, you are probably talking about three miles, three and a half miles. If they leave early enough, they are quite capable of getting in then. I think to have this and say, 'I cannot get in, because there is a bit of snow' is a little bit weak to say the least, really, and I urge Members to throw out this amendment, because it is not needed at all.

The Bailiff: Deputy Fallaize and then Deputy Gollop.

1195 **Deputy Fallaize:** Thank you, sir.

I will speak just on the amendment on behalf of the Committee. I am not sure if there is any particular method in the apparent madness of combining two completely separate amendments in one. But that is what has happened and the proposal to not accept the Policy Council is quite different from the proposal to remove the provision the Committee suggests not to have multiple Members attending remotely by multiple means, but I will try and deal with the two issues in one speech.

1200 First of all, to take the second part of the amendment, the various means of remote attendance at meetings differ. The degree of detachment is not exactly the same for a remote attendee who is on a visual video link as it is for a remote attendee who is on a crackly delayed phone line and for that reason, if the States must encourage remote attendance at meetings, the Committee believes there should be at least an equality of arms between any participants who are attending remotely. If there are Members attending by different remote means, it must, inevitably, be more difficult for the person chairing the meeting to control the proceedings. If you have somebody attending by VONC or whatever it is called and someone on a telephone and something beamed in by video link and someone speaking through an iPad, if those things can do that, then it is bound to be more difficult for the person chairing the meeting to try and control those proceedings. So, that is the Committee's view as far as part 2 of the amendment is concerned.

1210 But although the Committee does oppose the second part of the amendment, it does not oppose the second part as strongly as it opposes the first part of the amendment, where Deputy Luxon wants the Policy Council to be included in the change of Rules. Now, the Committee opposes that for some of the reasons already explained and for others. The fact is that the first part of this amendment to extend this remote attendance liberalisation to the Policy Council is not a procedural issue at all. It is a machinery of government issue.

1215

1220 Paragraph 39 of the Report, the policy letter, makes it very clear. Deputy Luxon said, ‘Why should the Policy Council be treated any differently?’ Well, the answer is the Policy Council is a unique Committee, in that its membership is entirely *ex officio*. Members are not elected to the Policy Council as such; they are elected as Ministers of Departments and that entitles them to a seat on the Policy Council. Now, the whole foundation of the Policy Council is that all Departments should be represented at every meeting of the Policy Council. That is the whole constitutional foundation of the Committee and, because of that, there is this Rule, which has already been referred to, which says:

‘Other than in unforeseen circumstances, when a Minister is unable to attend a meeting of the Policy Council, [...] the Department concerned shall be represented by the Deputy Minister or, if he is unable to attend or where there is a vacancy in that office, by one of the other voting members of the Department. [...] Such representatives shall be entitled to vote at Policy Council meetings.’

1225 Now, sir, Deputy Brehaut has made a very good point, because if one returns to the original Luxon amendment, from September, it says – not the explanatory note, but the actual amendment, proposing that, ‘Members should be able to participate in any Department or Committee meeting and enable it to be quorate’ – that was the whole basis on which Deputy Luxon laid his initial amendment in September. The reason that we needed these Rules changes was so that Departments and Committees did not fall inquorate.
1230 Well, the Rule that exists at the moment means the Policy Council will not fall inquorate, because when a Minister cannot attend, there is an obligation on that person to send another representative of that Department.

So I think we are seeing now, with this latest amendment from Deputy Luxon, exactly what this has really been all about all along. (*Laughter*) The purpose of this latest amendment, quite clearly, is to keep
1235 Deputy Ministers and other representatives of Departments away from the Policy Council. (*Laughter and interjections*) Now, that is the effect of this amendment. There is no reason to extend this provision to the Policy Council if that is not the purpose.

Now, I know that some Ministers, because I have spoken to them about it, are frustrated at the number of different States Members who turn up at meetings of the Policy Council. I understand that. I do
1240 understand that. In the last six months, incidentally, there has been... the average absenteeism from Minister at meetings of the Policy Council is 25% and 23 different States Members have attended meetings of the Policy Council in the last six months alone. That is half the States attending meetings of the senior Committee of the States.

Now, I do not say that to criticise the Policy Council, honestly (*Laughter*) I don’t! I have a lot of
1245 sympathy. I think that the... I am in danger of going into a debate that we are going to have in the middle July, but I think the potentially transient membership of the senior Committee of the States is completely unsatisfactory. (**Several Members:** Hear, hear.) But, that is a product of the present machinery of government. It reflects the role of the Policy Council in the present structure, which is as a co-ordinating forum which brings together all of the Departments and the Ministers have an *ex officio* membership and
1250 their role can be and is clearly frequently undertaken by alternate members from within their own Departments. The effect of this amendment is that it changes the basis of the Policy Council and it says that if a Minister cannot attend a meeting of the Policy Council, it is perfectly reasonable for that person to phone in or to be beamed in by video link and to participate and to vote. Now, sir, I do not think that making this change, which is a subtle change but not an unimportant change, in the whole foundation of the
1255 Policy Council is appropriate, when we are going to debate the machinery of government in the middle of July.

And, of course, what Deputy Hadley says is absolutely right. The Policy Council is an 11-member Committee. If it snows, two members get into Frossard House and there are nine others around the Island, phoning in, how on earth is the Chairman meant to ensure that this is a secure link? If somebody... I could
1260 be phoning in, sat in my lounge. My wife could be present – it could be a very insecure link. (*Laughter*) How on earth is the Chairman meant to ensure that there is any security in that link? Clearly, the Chairman cannot ensure that, so what Deputy Hadley said is perfectly right. I think what Deputy Brehaut said has hit the nail on the head. If there is any Committee which does need this, it clearly is the Policy Council.

As I said earlier, the Committee hopes the States will reject these Propositions, but if the States must
1265 vote for them, please reject this amendment at least.

Thank you, sir.

The Bailiff: Deputy Gollop and then Deputy Jones.

1270 **Deputy Gollop:** Sir, I actually want to support this amendment for a number of reasons.

When I first saw this Report, I could see the logic initially of why the Policy Council was excluded. But, we know that there are instances that Deputy Lowe and Deputy Fallaize have already alluded to where Ministers, past or present, have not sent delegates to the Policy Council from their Boards. That is regrettable, but it does happen.

1275 More to the point, there are examples where the Minister fully intends to attend, but personal circumstances, a transport breakdown, fog, floods, whatever, prevents them attending, but the Deputy Minister or other delegate is not available and has not been briefed with the extensive documentation that frequently happens. In those instances, clearly, there is a good reason for the Minister to give his or her vote. Well, it is his vote, because we do not have any women Ministers at the moment.

1280 What is the Policy Council? The Policy Council is more than just a collection of 11 people. Where do groups like SLAWS fit into this? Sub-groups, social policy, fiscal and economic? Sometimes, they have to

make decisions, not specifically votes in the, ‘Do I give him or her a housing licence?’ kind of debate, but whether to take a report, give a response, send communication to a Government Department or off-Island, even. They need to have a quorum. More than that, they need interested and engaged politicians to contribute and if it works for all the Departments, it has to be equally appropriate for the Policy Council.

1285

Now, I think, even though we can quibble about how the Policy Council is composed, whereas Deputy Fallaize rightly says, it is curious and unsatisfactory floating membership, but in reality, we elect the 11 Members sitting up there and they sit at a higher level than us, which is symbolic that they are seen as a senior political elite. (*Laughter*)

1290

Did we not elect a new Minister yesterday and part of his candidature and speech indicated that he felt that one of the reasons why he is an excellent choice was not just because of his private sector board and corporate work and background, and his ability to be a good Home Department Minister, but also because of the contribution he can give to the Policy Council, because he has had a specialist career that not all of us would share? Now, if that is the logic of selecting Ministers, then by definition, we need those people with their abilities and understanding to contribute. And, as for the snow example, as a disability champion, I have to be wary of people walking around sliding down icicles and so on and finding themselves with misfortunes and broken legs. We have had some Ministers with broken legs in the past. So, have a bit of common sense. (*Laughter*)

1295

Of course, when you look at the Alderney – I am waiting to hear the Alderney contribution – sometimes I have been on holiday in Alderney or having a relaxation and it is has been a pain to come back for just one Committee meeting. If I could contribute on an audio-visual link (*Interjections*) then that would be a very good idea indeed. So if it works for me, it should work for everybody.

1300

The Bailiff: Deputy Robert Jones, then Deputy Bebb.

1305

Deputy Robert Jones: Thank you, sir.

I think one point on one particular Rule or paragraphs that have been conveniently left out of this debate is that there are two hurdles to go through first. One, you have got to seek prior permission of the presiding Chair and then that Chair has to give his discretion and discretion lies solely with the Chairman of the particular meeting. What is conveniently being ignored is that if that Chairman decides that there is a more appropriate person that can attend physically, that person surely must attend.

1310

So, this argument that we are trying to supersede the key Rules of what makes a particular meeting quorate is just completely misleading.

1315

The Bailiff: Deputy Bebb.

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

Writing this policy letter has been truly bizarre and a slightly surreal experience, given that I have been sitting round a table with four people that have been writing a paper that they do not want to support, myself being the only person who actually wanted to support it.

1320

But, in a rare moment of unanimity, Deputy Luxon with this amendment has actually managed unanimity across SACC – all five members object to this one. I think that the argument with regard to snow: read again the paragraph that Deputy Fallaize wrote, ‘other than in unforeseen circumstances’. Well, I would counter that that type of snow which we had last year was unforeseen and therefore it would qualify at the moment as the type of circumstance that you can Skype in, in your onesie, in front of the fire.

1325

Thank you.

The Bailiff: Deputy Langlois.

1330

Deputy Langlois: A very brief comment on this one, sir; only on the amendment.

This is too far, too fast. We are already looking at the possibility of what many people see as quite a fundamental change in the way we run certain meetings. This amendment converts some very moderate and reasonable proposals for recognising the potential value in modern technology into a system that offers more risk and has all the shortcomings that have been outlined.

1335

So, please reject the amendment, so that the original Propositions can be debated sensibly and in a balanced way.

A Member: Hear, hear.

1340

The Bailiff: Deputy Ogier, then Deputy Gillson.

Deputy Ogier: Thank you, sir.

1345 This debate has thrown up a couple of issues for me. One not directly connected to this debate which is the attendance of alternates by the Policy Council. Very briefly, I think that alternates possibly should not be counted towards the quoracy of Policy Council. That way they would be kept to a minimum.

1350 But anyway, the other issue is security for me and I wish to know how we could guarantee security for the connection into the Policy Council. It may seem far-fetched, but links can be hijacked along the way, however unlikely it may seem, but the Council, in particular, deal with very sensitive issues and I wonder how the security of connections into the Policy Council could be guaranteed?

The Bailiff: Deputy Gillson.

1355 **Deputy Gillson:** Sir, given the election yesterday, this speech may be a bit of a hostage to fortune, since it was written before that with the intention. So, anyway, I think this amendment is just plain wrong. Because of the structure of government – and I apologise, but I may repeat a little bit that Deputy Fallaize says, Ministers are not elected to the Policy Council. Members are elected to the position of Minister of a Department as is explicitly defined in Rule 3(1) of the Rules of Operation. Ministers are *ex officio* members of the Policy Council.

1360 So, under our present system, Ministers are the Department's representative on the Policy Council, not the Policy Council's representative on the Department. It is a Department to Policy Council relationship, not *vice versa*. The implication of this amendment is that the attendance of the Minister is essential for our Policy Council to operate, but according to our Rules, this is not so.

1365 So, Rule 3(5) is very specific, as it has been said: unless there is an emergency, where the Minister cannot attend a meeting of the Policy Council, the Deputy Minister or failing him, another Member shall attend the meeting. Now, please note the wording, 'the Department shall be represented' – *shall* be represented. Not 'may be represented at the discretion of the Minister', but 'shall be represented'. There is an obligation for Departments to be represented, unless there is an emergency.

1370 Now, if Ministers were to be elected directly to the Policy Council in allocated Departments, this amendment would make sense, but it does not. It is fundamentally wrong for our structure of government.

1375 If you think of it the Departments should comply with the Rules of Procedure and should send people, it is quite sad to note that in the six-month period ending October, which was the period Deputy Fallaize referred to, only two Departments out of all of the Departments fielded members at every Policy Council meeting and that I think is bad. Those Departments: Social Security and T&R, to their credit. Now, there may be very valid reasons for not, but that is not particularly good to have the majority of Departments not fielding people at every meeting. (*Interjection*) I apologise if it is not, but I think it is – particularly your Department actually! (*Laughter*)

Deputy Luxon: I used to like you.

1380 **Deputy Gillson:** Well, you are stuck with me for two years next year. (*Interjection*) So, we could also – I am only two more minutes if you – (*Interjection by Deputy Hadley*)

The Bailiff: Deputy Hadley has asked you to give way.

1385 **Deputy Hadley:** Or is it a point of correction, because I do not understand the figures you have just given, because the Housing Department, where I am the Deputy Minister, on every occasion that Deputy Jones has not been able to attend, I have attended. So in fact, I do not think our record could be criticised, as being blemished.

1390 **The Bailiff:** Deputy Gillson.

Deputy Gillson: I am just saying that from the figures that were given to SACC, which are being published in May, that is the indication that we got. But if it is wrong, I apologise, but that certainly is...

1395 **A Member:** Apologies accepted.

Deputy Gillson: We can definitely say, there were a lot of occasions when the Policy Council was not represented by every Department. Those figures will be out in the May Billet so we can look at them then.

1400 Also, if you assume that Departments should comply with the Rule where they send somebody unless there is an emergency, are we going to have a situation where a person, a Deputy Minister, attends Policy Council, but then the Minister wants to phone in for particular items? Or not?

If you comply with the Rules, this is not needed. I am not in favour of remote attendance generally, and I am specifically not in favour with regard to the Policy Council. As I said, that may be a hostage to fortune in due future.

1405 Thank you.

The Bailiff: I was going to call Alderney Representative Jean next, and then Deputy Le Tocq.
Alderney Representative Jean.

1410 **Alderney Representative Jean:** This item concerns me. I think it is dubious. I do not like the Proposition. I do not like the amendment. I do not think much of remote attendance. If you are going to attend, you attend. (**Several Members:** Hear, hear.)

1415 Sometimes we cannot, and the perfect example of that was last month, my being stuck in Alderney airport, trying to get here with fog. *C'est la vie!* That is it. We have to put up with it and I really do not believe that this is the right way. I believe it could open up legal challenge. You cannot relate to people in the same way if you are not in the room with them. You need to see them, the body language, the way that we are and the way that we conduct our decision making.

1420 I also feel that remote attendance is not only dangerous in that respect, it means that people might say things that they would not normally say inside a Committee. I think the whole thing is bad and I am not happy about it. Let us knock this one down and get rid of it.

Several Members: Hear, hear.

1425 **The Bailiff:** Chief Minister, Deputy Le Tocq.

1430 **The Chief Minister (Deputy Le Tocq):** It is difficult with our current system of government to talk about the Policy Council, because there certainly have been, and I think what has been alluded to, by Deputy Fallaize and Deputy Gillson, there have certainly been times where I have been at Policy Council where you have had on the agenda at the beginning of the meeting a discussion, even to do with the minutes on one occasion, but relating to an issue where some members were conflicted and so they did not come into the room. In the end, the meeting went on, on that discussion, and certainly on more than one occasion, the members were waiting outside and were told, 'There is no need to come in, because we are not going to complete the rest of the business today.' So, they were down as absent, presumably, from that meeting. There was not time to get an alternate in and there is real confusion over those things and they are particular things that the Policy Council is responsible for.

1435 The States, in the last Assembly, has decided to give the employment matters to Policy Council and that causes some difficulties for certain Ministers in terms of external relations and some of the other ongoing issues that fall between Departments. They fall into the Policy Council's mandate and, as a result of that, it causes difficulties when there is an alternate there and there sometimes have been meetings that have been called at very short notice, particularly when we were dealing with, for example, FATCA issues last year, when some Ministers were away and there was not time or alternates were not particularly quick to respond and so they did not attend, because of the timing involved.

1440 Having said that, I think it also illustrates that actually the recording of attendance is not brilliant at all in certain places and is not a good record of trying to maintain that. If some of the arguments are to be accepted, then probably recording attendance at Policy Council is a pretty silly thing to do, if it is Departments that are responsible and you are there *ex officio*, which I take it is the current system. But, then that does need to be looked at and that is a different debate, as Deputy Fallaize was saying. But that just goes to illustrate where we are.

1450 In terms of the amendment, as it stands, I do not see that there is any problem with that, particularly because the Policy Council can and has done, certainly, while I have been there, have members attend by telephone, by conference facilities and participate in that way. It has been rare, but it has happened. It has been very rare that we have to take a vote. We do from time to time, but that is pretty rare, so it works that way and I accept Deputy Luxon's argument that, basically, this is more specifically about whether there should be a right to vote or not, not the right to participate, which is already there in the Rules.

1455 **The Bailiff:** Alderney Representative Harvey.

Alderney Representative Harvey: Thank you, sir.

1460 I feel I should add a couple of contributions to this debate. Firstly, I find myself consigned to what is obviously the naughty bench of the States of Deliberation. (*Laughter*)

Deputy Wilkie: Please, sir, I resent that, I really do, sir!

1465 **Alternate Alderney Representative Harvey:** The matter is, of course, somewhat academic for the two Alderney Representatives at the moment. I hope it will not always remain thus, but the authors of the Report have been kind enough to mention us so it seems fair that there should be a response. Members may not be totally surprised that, probably not for the first time, the two Alderney Representatives are diametrically opposed on this issue.

1470 Obviously, we do have particular problems in Alderney and it was kind of the authors to mention us. There are 101 reasons why we are not always able to attend meetings and I find it slightly perverse that we should accept that is the natural order of things, when there is technology available which could overcome these problems.

1475 There is a natural suspicion of technology, but I have to say that my colleague and I flew here yesterday on a mechanical contrivance composed of probably a couple of thousand moving parts, many of them rusty, but we trusted our lives to it and we are here to tell the tale. Sooner or later, we have to start trusting technology – and I do appreciate this is not just a question of technology, there are wider issues than that. It seems to be a move ahead of its time, but its time will come surely. I am sure of that. The cost of physical travel goes up exponentially, just as the costs of digital technology comes down in the reciprocal manner, so cost alone is going to be an undeniable issue.

1480 Confidentiality, one can understand the concerns of confidentiality and one's wife overhearing conversations or conversations held in public places. To a large part, those can be overcome by a little known technical device called common sense.

1485 Obviously, it is not the be-all and end-all. There are occasions when physical presence is necessary and I am reminded of those occasions when we have presented ourselves in front of Deputy St Pier with our begging bowl in hand, looking for 30 bob to fix our ever diminishing runway and it is worth the journey just for that fleeting moment of concern that passes over his handsome features, (*Laughter*) to be replaced with the unusual one of benign bemusement that we should even be asking.

1490 So, I do believe the technology has a part to play. I can understand the concerns and the issues raised by some of my colleagues. I think the amendment on Policy Committee does seem somewhat dubious, but I think the principle of embracing technology, going forward, is something that sooner or later this Chamber will have to address, maybe on an experimental basis, maybe on a limited trial basis, but the issue is not going to go away.

Thank you.

The Bailiff: Deputy St Pier.

1495 **Deputy St Pier:** Thank you, sir.

Deputy Fallaize seemed to be suggesting in his comments that this would be an exceptionally rare manoeuvre by governments anywhere. He may be interested to know that the Welsh government actually provided £1.125 million of funding to local authorities in Wales to promote democracy and engagement in local government, namely to broadcast council meetings, introduce and promote attendance and assist community councils to establish websites and a whole range of councils in Wales seem to be able to function quite well with permitting –

I will give way to Deputy Bebb.

The Bailiff: Deputy Bebb.

1505 **Deputy Bebb:** Would the Minster agree that maybe being in Wales is not exactly the best idea and, of course, their use of money is not always of good value?

The Bailiff: Deputy Fallaize was also asking you to give way.

1510 **Deputy Fallaize:** Furthermore, would Deputy St Pier agree that there is no analogy to be drawn at all between local councils in Wales and the Government of Guernsey?

1515 **Deputy St Pier:** With regard to Deputy Bebb's point, I would obviously bow to his experience of living in Wales. (*Laughter*) I cannot comment.

With regard to Deputy Fallaize, I would have thought a committee system of government which exists elsewhere is actually a reasonable analogy for our system of decision making.

1520 With regard to security, again, I think that is a grossly over-played issue. Policy Council has displayed its spectacular insecurity even with everybody *in* the room, (*Laughter*) so I think one should just, again, pay little common sense to that. Clearly, if there was a matter of exceptional confidentiality there and the Chief Minister had concerns about the security of a link, then one would expect him to exclude participation of that individual for those reasons.

1525 With regard to the snow comments from Deputy Lowe, of course, on that occasion, actually, her own Department was advising everybody to stay at home and it was not a question of us slipping on wellington boots and going out for a stroll to admire the snowflakes as they fell. The point I am seeking to make, slightly lightly, is the whole of this provision is for exceptional circumstances. There is no conspiracy here, as was suggested by Deputy Fallaize. It is scaremongering, which I think was what Deputy Robert Jones was suggesting. The provisions have been very wisely drawn, I would suggest, by Deputy Fallaize's Committee, giving the Chair of the meeting control and making the decision. I would suggest, for example, 1530 that the Chief Minister, perhaps, would not choose to permit participation from a Member who was perhaps taking an extended holiday in another continent, for example. *(Laughter)* Sorry. But there may be exceptional cases where he would wish to permit participation.

1535 The only meeting in which I can recall participating with the Treasury Board, when I was off-Island, was immediately following the fraud and I think it was entirely appropriate, given that particular incident, that my participation was there. If it had been necessary to have a vote, which it was not on that occasion, but, if it had been, then clearly, to have the exceptional ability to permit that is sensible.

1540 Another example that one could imagine, given our Island environment and the transport problems we have coming on and off the Island, is if a Minister was seeking to return to the Island, perhaps on a Monday morning, and was fog bound, expecting to participate in Policy Council in the afternoon, perhaps when his Committee was presenting a major States' report to other members of Policy Council or the Budget report, for example, and was unable to get back, the Deputy Minister, perhaps, is unavailable, actually all parties involved – other members of that Minister's own Board, Policy Council and the Minister him or herself – may well feel that it would be far better to participate by telephone than for there to be no participation at all.

1545 The point to emphasis is this is intended to cope with exceptional circumstances. This is not to be the norm. The Rules have wisely provided that it is the Chair that controls the use of these Rules and, therefore, I do not think we should seek to fetter it with a lot of scaremongering about security and other issues, which, as Alderney Representative Harvey suggested, should simply be dealt with by the exercise of common sense.

1550 Thank you, sir.

The Bailiff: Does anyone else wish to speak on the amendment? Yes, Deputy Kuttelwascher.

1555 **Deputy Kuttelwascher:** Sir, I will be voting against this amendment and against the other Propositions, whether they are amended or not, because I think we are going down the wrong path.

What I would like to know is, in spite of the snow, Government continued. I do not remember Guernsey coming to a complete grinding halt because of Policy Council could not meet. *(Interjection and laughter)*

1560 And the other thing is, I am not sure that this is only meant to be used in exceptional circumstances. I am not sure where that comes from. I think the way everything is written, it could be used any time, whether the circumstances are exceptional or not. So, I think, maybe that is not terribly clear or the statement made by Deputy St Pier I think is a little misleading, but I am not sure where that comes from.

Thank you, sir.

1565 **The Bailiff:** Deputy Conder.

Deputy Conder: Thank you, sir.

I will vote against the amendment. I speak just on the amendment. There are, of course, two parts to this amendment. We have not really addressed the second part very much and I will briefly – and I will only speak very briefly.

1570 I think I would agree with the Deputy Chief Minister, this is a step too far. The States' Assembly and Constitution Committee is unanimous in opposing both parts of this amendment. The three parts to the first part of the amendment: participation. Participation is permitted at the moment and a lot of the debate seems to have been focusing upon 'we need to be able to participate.' It is possible to participate at the moment by remote attendance. It seems to me the key of this is 'vote'. Again it has been said, we do not often vote. The real part of this, for me, why I suspect members of the Policy Council are sensitive, is about quoracy and actually their attendance being registered and I know there is a great deal of sensitivity about recording attendance and it seems to me that is the key part of it attached of this amendment.

1580 Perhaps Deputy Gollop, in an unguarded moment, gave a lie to this. He actually said, 'It is a pain to come back when you are somewhere else.' Actually, it is not a pain; it is a duty. If you can get back, it is your responsibility. It is why you stood for election. So, it is not a pain. It might feel like it is, but that is why we stood for election. So I suspect there was more hidden in that comment than was intended.

But if I can just come briefly then to the second part, this strange combination of two quite disparate parts to the amendment, I am concerned that we should have all sorts of different types of remote

1585 attendance media being used at the same time. How on earth the Chairman can cope with somebody calling him on a phone line from a squawk box in the middle of the table, presumably; someone on Skype; somebody on the video and actually control that meeting and that meeting to have any meaning and a decision to be made under those circumstances, I cannot imagine and I would urge Members, on that part as well, to reject this amendment – I hope... unanimously would be perfect.

Thank you, sir.

1590

The Bailiff: I see no-one else rising.

Deputy Luxon, it is for you to reply, then.

Deputy Luxon: Thank you, sir, very briefly –

1595

The Bailiff: Oh, is Deputy Laurie Queripel...? No.

Deputy Luxon: Sir, just before I try to answer one or two Members' comments, can I just say, SACC brought a report last year with some Rule changes and Deputy Rob Jones and myself simply looked at what we thought was an anomaly, in that Members could currently participate remotely in Department and Committee meetings from whichever means they wanted, whatever technology. Rules were silent and Members could do that. Experience says that very, very, very rarely was that used. All that the amendment was meant to do was to enable Members who were participating, already happening, to be able to vote.

1600 I remind Members, Deputy Fallaize explained and highlighted in his report why there are so many reasons not to allow the voting Rule change to take place. But if they are valid reasons, then surely they must apply to us being able to participate at all, because if it is okay for us to participate and we are not distracted and we are able to function and there is no issue about security, then what is the issue about simply being able to vote at the same time?

1610 There is no broader scope to the purpose of this amendment at all and in terms of a mysterious attempt to try and impact on quoracy and whatever – and I will apologise to both Deputy Fallaize and to Members, because he is absolutely right, in the original amendment, it actually talked about meetings being quorate. That was a mistake. It was meant to be that the Member would be quorate and able, therefore, to vote. So, there was some clumsy wording. But, I think it is fair to say that in SACC's Report that has been laid today, it does recognise that this is about voting, not about quoracy. So, I think he was trying to mislead us to again add to his dislike for the proposed Rule changes.

1615 Well, sorry, Deputy Fallaize really does not like these Rule changes. He has made it very clear. He made it very clear to me when I talked to him about and he has made it very clear ever since.

1620 But rather than try and go through all of the individual points, I think Deputy Conder used three points. He talked about, there are three elements: participation, voting and quoracy. And I just use his examples. Yes, we are able to participate remotely at the moment, using whatever technology. All that we are asking for with this amendment is that all Committees, including Policy Council, are able to vote. It is not about quoracy of those Committees. It is purely about Members being able to vote. In terms of the multi-access, of course, if half a dozen or even two or three people wanted to participate remotely through technology, I am sure the Chairperson would make a decision and not allow it. So, I applaud SACC for having put in sensible caveats to make sure that the practical management of the meetings would take place.

1625 I just remind Members, this is not about trying to change the dynamics of how meetings happen, or allowing people to take a different view about physical attendance. We would all want to attend all the meetings that we are called to attend. This simply gives us an option as exists now, to participate, but to be able to vote and participate as well.

1630 Thank you, sir.

The Bailiff: Well, Members, we come to vote. Deputy Pelley.

Deputy Pelley: Could we have a recorded, please, sir?

1635

The Bailiff: A recorded vote, yes. The vote is just on the amendment – the amendment proposed by Deputy Luxon, seconded by Deputy Robert Jones.

There was a recorded vote.

1640

Lost – Pour 15, Contre 32, Abstained 0, Not Present 0

POUR	CONTRE	ABSTAINED	NOT PRESENT
Deputy Soulsby	Deputy O'Hara	None	None
Deputy Sillars	Deputy Quin		
Deputy Luxon	Deputy Hadley		
Alderney Rep. Harvey	Alderney Rep. Jean		
Deputy Harwood	Deputy Kuttelwascher		
Deputy Robert Jones	Deputy Brehaut		
Deputy Gollop	Deputy Domaille		
Deputy Sherbourne	Deputy Langlois		
Deputy St Pier	Deputy Le Clerc		
Deputy Stewart	Deputy Conder		
Deputy Ogier	Deputy Storey		
Deputy Trott	Deputy Bebb		
Deputy David Jones	Deputy Lester Queripel		
Deputy Le Tocq	Deputy Gillson		
Deputy Perrot	Deputy Le Pelley		
	Deputy Fallaize		
	Deputy Laurie Queripel		
	Deputy Lowe		
	Deputy Le Lièvre		
	Deputy Spruce		
	Deputy Collins		
	Deputy Duquemin		
	Deputy Green		
	Deputy Dorey		
	Deputy Paint		
	Deputy James		
	Deputy Adam		
	Deputy Brouard		
	Deputy Wilkie		
	Deputy De Lisle		
	Deputy Burford		
	Deputy Inglis		

1645 **The Bailiff:** Members of the States, the voting on the Deputy Luxon/Deputy Robert Jones amendment was 15 votes in favour; 32 against. I declare the amendment lost.
I propose that we rise now and we start general debate after lunch.

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

**V. States Assembly and Constitution Committee –
Remote Attendance at Meetings of Committees of the States –
Debate continued –
Propositions lost**

1650 **The Deputy Greffier:** Billet V, Article V – general debate.

The Bailiff: Deputy Duquemin.

Deputy Duquemin: Thank you, Mr Bailiff.

1655 Much has been said both in SACC's Report in the Billet and this debate about the pros and cons of remote attendance, but I hope in this short contribution to highlight what I believe to be another disadvantage of embracing virtual attendance and one that has, I believe, so far been overlooked.

I am not sure if I have fallen into the trap in speeches of using that old chestnut, a cliché of 'unintended consequences'. I think I probably have, but I will use it again, now, because there is, in my opinion, an unintended consequence of passing the Propositions before us today.

1660 Mr Bailiff, I guess with some recent holidays creating more *Guernsey Press* column inches than Qantas air miles, now is not the best time to highlight why Deputies should benefit from holidays away from work, (*Laughter*) but I firmly believe that, just like any profession, a politician should be able to, but more than that, *needs* to have time when they put down their Billets and Board papers and stop working. (**Several Members:** Hear, hear.)

1665 My mantra is that Deputies, like many professionals, should be measured by inspiration as well as perspiration. To my mind, the power, the effect of inspiration, far outweighs that of perspiration, but unfortunately it is more difficult to measure.

1670 Sir, the sad reality is that when SACC accumulate and distribute attendance statistics, they can only ever measure attendance at meetings. They cannot measure contribution to meetings. Many years ago I remember reading an enlightening article that coined the word and the problem of, 'presenteeism' in the workplace which it said was as much of a problem or even greater than absenteeism from work. (*Laughter*) The theme of the article was that people in a business stayed in the office for longer and longer hours, because this was what their peers were doing. Who was watching who? Who was copying who? It did not matter, but it all comes back to the belief that people thought they were principally measured on perspiration, not inspiration.

1675 This is a theme that I explored with Deputy Wilkie when we discussed this policy letter and the Propositions in front of us.

1680 Sir, Members, when I am in Herm, camping for a week this summer and it clashes with one PSD Board meeting, will I think that it is, to borrow Deputy Conder's words, my duty to go the Mermaid, log on to the free Wi-Fi, find a quiet corner, plug in my iPad and make my contributions through Skype to Deputy Luxon in the Chair at Brookfield House? (*Laughter*) Perspiration, SACC Report on attendance, arguably meaningless tick in the box.

1685 Or when I am in Herm, camping for a week this summer, should I have some quality time on Shell Beach with my family and importantly come back – and Deputy O'Hara will like this – with a smile on my face, (*Laughter*) 110% refreshed, so I am able to make yet more inspirational contributions at the Culture and Leisure Board meeting the following week? All important inspiration, big *meaningful* tick in the box.

I know what I think will benefit the States of Guernsey more, the people of Guernsey more. Everybody needs a break, so they come back refreshed and are able to provide that all-important contribution and inspiration.

1690 Sir, I take my attendance, my duty as a Deputy, very, very seriously and, if remote attendance becomes the norm, it is not often that I bow to peer pressure, but I admit that I would very likely provide the perfect case study for political perspiration and presenteeism. It is human nature to conform to the norm.

For a better States, for a better Island, I cannot support the Propositions before us today, because they do have unwelcome, unintended consequences.

1695 Thank you, sir.

Several Members: Hear, hear.

The Bailiff: Deputy James.

1700 **Deputy James:** Thank you, sir.

My contribution to this will be brief, but I would like to share with the Assembly my experience of chairing many meetings in London on a teleconference basis.

1705 The RCN Council that I chaired comprised representatives from four countries – Northern Ireland, Scotland, England and Wales – and periodically we would have telephone conferences. Based on that, you would think that I would be actually in favour; but quite the contrary, I am not.

1710 We have already heard about issues about confidentiality. It is feasible. You have to be skilled to effectively manage a telephone conference when you have probably got about 10 people on the pod and 30-odd in the room. However, there have been occasions where people have obviously teleconferenced in from home and you can hear the washing machine going on in the background, you can hear the pots being washed and it is indeed very distracting.

1715 We have heard about the issues of confidentiality and that was always one my great, great worries, about confidentiality. You have no idea, unless you are in a recognised official designation to call in, you have no idea who else is in the room. So, on that basis, I would absolutely oppose the suggestion. So, happy to support SACC's proposals.

1720 But the three words I have got on my pad here are: accountability, responsibility and prioritisation of business. We have not heard much about... notwithstanding fog and snow, which, of course does not happen every week in Guernsey, so we will park that. But I would like to come to those three items, accountability, responsibility and prioritisation of business, and until I have a clear understanding about our individual responsibility – and I have had discussions with people about this... Who determines what our priority is in terms of States business? Is attending a States meeting of a greater priority than something else? Apparently, it is down to me, purely as an individual, to make that determination and I feel uncomfortable with that.

1725 So, once again, accountability, responsibility and prioritisation of business. So, I am more than happy to support wholeheartedly SACC's recommendations.

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

1730 Sir, before I launch into my own meagre, uninspirational thoughts on this issue, I have to tell you I thoroughly enjoyed Deputy Duquemin's speech, sir. It really resonated with me. I remember, many years ago – and it was many years ago, because Deputy Lester Queripel was a young man then, sir, and he is 62 today – (*Applause*) And this is when he was in his 20s.

1735 So, I went to live in London with my two brothers, just for a very short period of time, sir. But I could not hack it because I missed home cooking and all those kind of things. So, I came back, but I remember, when I stayed there for just a little while, when you went on a train, sir, perhaps at the end of your day's work, the train was a fairly quiet place to be. People either just sat and looked out the window or they read their newspaper or perhaps had a conversation with the passenger next to them. But, now, sir, when you go on a train, it is a hive of activity. There are phones, there are iPads. The distinction between work life and your social life and your home life has now blurred so much that people basically take their work onto the train with them and they are contactable even when they have left work.

1740 So those points that Deputy Duquemin made really resonated with me. That is the difference between life in those days and life today, sir. There is an invasiveness and encroachment about technology. I am not saying it does not play its part, sir, and it clearly does, but that is one of the downsides, as far as I am concerned.

1745 But, sir, just to add my own few thoughts now, when the amendment was passed – I think it was in July or September – the Deputy Luxon and Deputy Rob Jones amendment, that immediately rang some alarm bells for me and within a couple of days I had written to SACC with my thoughts and concerns about the issue of full remote attendance. So, in effect, sir, are we using the letter I wrote to SACC? I do not think I could encompass my concerns in a better way than in the letter that I wrote to SACC, so I will just read a few paragraphs of that letter, sir.

1750

'It is my belief that anything that allows greater latitude has the potential to lessen commitment or introduces an element of doubt is fraught with difficulties. It is, in effect, the creation of yet another grey area.

I believe the public requires certainty when it comes to the behaviour and conduct of States Members. This cannot be achieved by adding further layers of complexity and exceptions to the Rules for States Members in regard to attendance of meetings and in fact generally. What is in fact required is simplicity and clarity.'

It is clear that

'the majority of the current Assembly'

– well they did at the time when the amendment was passed, anyway –

'clearly believe that the ability to attend meetings remotely and fully will not alter States Members' behaviour; that Members will still and always will make every effort to physically attend meetings. I am of the opinion that over the course of time, that will not be the case. What we have here, in a sense, is evolution. By definition, evolution does not stand still. If a Rule exists allowing further exception and compromise, human nature will ensure, at some stage, that it is utilised to its fullest extent.

I believe it sends out the wrong message, not only to current States Members, but also to the public and future election candidates. Sir, if States Members are remotely attending from home or a place of work, an office, or perhaps they are on holiday and attending from a hotel room or a family member or friend's home, how can be established beyond an absolute doubt – and reasonable doubt will not be acceptable, it has to be beyond an absolute doubt – that they are alone and that the meeting and their contribution to that meeting cannot be overheard or indeed, that their contribution cannot be influenced by a third party?'

How can that be established?

'In addition, sir, if a Member attending remotely is conflicted in regard to a certain item or items on the agenda, somebody has to accept full responsibility to absolutely ensure or guarantee that the Member in question can neither hear the meeting in progress or contribute.

Sir, I am also of the opinion that, having been present at a meeting where a Member attended remotely, of course without the ability to vote at the time, that it is far from ideal. I found the meeting to be disjointed and at times confusing – hardly the best environment for cohesive debate. It is something that should be used on very rare occasions and for singular defined reasons...'

1755 and, sir, I even go beyond that now. I think the whole lot should be thrown out. Whether you can attend remotely without voting or with voting, I do not agree with it. I think it should be all thrown out.

But if a States Member does attend a meeting remotely, the minutes of the meeting and the public records of attendance should clearly state as such.

1760 Sir, I do not believe it is the function of Government to mimic what is happening in the wider world, but rather set an example. As such, Government should set itself exemplary standards as a collective and for its constituent members.

And I went on in the letter to say, sir:

‘If Members of the States Assembly and Constitution Committee doubt that what I have described will come to pass, I point them in the direction of the use of social media by some States Members. I would suggest that the quality of contributions made by this medium have deteriorated since its inception. To my mind, posts are now being submitted that are of a trivial, unnecessary and at times inaccurate, disrespectful and inappropriate nature.

Sir:

‘I began this letter by describing full remote attendance at meetings of a States Committee as a concept. But of course at the time a majority of States Members approved an amendment placed by Deputy Luxon and Deputy Robert Jones, to this end during, I think it was, the July States meeting of this year. Such are the joys of democracy.’

So, sir, then I signed that letter, ‘Yours sincerely (and ironically remotely), Laurie Queripel’! And, sir, I stand by those concerns. Those concerns are still valid for me and therefore I will be voting against the recommendations of the Report.

1765

Thank you, sir.

The Bailiff: Next, Deputy Robert Jones and then Deputy Hadley and Deputy Gollop.

1770

Deputy Robert Jones: Thank you, sir.

I think we may have to go back again to remind people exactly why we are here debating this. I am not sure Deputy Luxon will do the same if he does decide to speak. We are here just to correct –

The Bailiff: He has already spoken generally.

1775

Deputy Robert Jones: Has he? Okay, well I will speak and say what he would have said. (*Laughter and interjections*) Sir, I have had lunch. I have not slept but I have had lunch. (*Laughter*)

I will get back on track. We are here just to correct a quirk that the Rules already allow somebody to participate in a meeting. Deputy Fallaize is shaking his head, but they do. We are here to correct that. A lot of concerns that have been raised, particularly in the last couple of speeches, as I mentioned previously, those concerns are dealt with – the unintended consequences that Deputy Duquemin mentioned. The new Rule, hopefully that we will approve, is Rule 13(6) which I mentioned in the debate on the amendment, which says you have to have prior permission from the Chairman. That Chairman then has absolute discretion as to whether that person can attend. He would have absolute discretion as to whether he feels there is a secure line and whether a secure line is absolutely necessary for a particular meeting. So, those concerns are dealt with through those two paragraphs.

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The risks that Deputy Fallaize raised are mitigated again with the discretion of the Chairman. Deputy Fallaize also mentioned that in paragraph 20, there was a need for persons and those that are attending meetings, the members of a Board or a Committee to have a fully informed perspective. I wonder whether the current Rules for alternates accommodate that need for a fully informed perspective, when in emergencies alternates, who may or may not have been involved in certain issues over the months or the weeks prior to the meeting, are going to that meeting, have been asked to attend in emergencies. Are they going in to meetings in a fully informed perspective? That is debatable to me.

1790

So, I think, in emergencies, at the absolute discretion of the Chairman, these proposals are just the additional tool in the box that we need. I think that the scaremongering, exaggeration of how it could get out of control – I have even had people coming up to me saying this could lead to States meetings being held by remote access - it is just absolute nonsense. It is scaremongering. It is just...

1795

I am going to sit down now. Thank you. (*Laughter*)

1800

The Bailiff: Deputy Hadley.

Deputy Hadley: Mr Bailiff, I was very pleased to hear the excellent speech from Deputy James and I think that should be a warning to us to steer clear of remote attendance at meetings.

I think, also, I would like to compliment SACC on an excellent Report. They have put all the good reasons why we should be avoiding remote attendance at meetings and, indeed, I would not ask SACC to look at changing the Rule, to prohibit participation in meetings of this Assembly in any way whatsoever, because it has highlighted to me a gap in the system.

1805

Also, it makes me think that we all like to think that all Members of the Assembly are very conscientious and work all the time and that is what indeed we should all be doing, but I think those of us that sat in the last Assembly will recall that there was more than one Member of this Assembly who, after the roll call, exited fairly rapidly to go and work on their laptop next door or even leave the building completely. So, not everybody is totally diligent in the way they pursue their duties as a Member of this Assembly.

1810

1815 And I think that if we allow remote attendance – even if these Rules are not intended to apply to proper Assembly meetings – if we allow remote access to Departmental and Committee meetings, this is the risk that that sort of attitude will enable Members in the future – and I hope we do not have people like that sitting in the Assembly, but there is the possibility – that people would abuse this Rule to make it look as though they are diligently attending Board meetings while, in practice, they are doing something very much else.

1820 And as I say, I wind up by asking the Chairman of SACC to look into a revision of the Rules to prohibit remote attendance at any meetings in any form whatsoever. And of course, I urge everyone to vote against the Rule changes.

The Bailiff: Deputy Gollop.

1825 **Deputy Gollop:** Sir, I veered towards general debate in my earlier contribution, but I wish to confine myself to two points of clarification.

The first was – I support the Rule changes and therefore vote against SACC's views, in a sense – but Deputy Rob Jones, I can understand his passion for this, because of a factual example of what happened a couple of years ago, was at the time we had Mr Boyd Kelly, the Alderney Representative on our Committee and he was also a member of the Home Department and he was the kind of politician many would admire because he did not speak a lot, but he reflected carefully on everything he did. He gave us some useful insights on corporate governance when we had a particularly tricky piece of legislation that included Alderney. He was, of course, anxious to attend, as he was diligent. He went to the airport, he was either fog bound or cross winds, whatever the reason was – he could not get to the meeting by 9.30 in the morning and he gave to the Chairman who passed on to all of us his views and we were very grateful for them. I think he could still do that under this, but if he had had to vote, he had a vote and if we had been inquorate for whatever reason, it would have been so pointless if we had to cancel or postpone the meeting on those grounds.

1830 My second point is, I do hope this passes, but if it does not, the diligent Report that SACC have prepared does point out one interesting quirk, shall we say: that if a Department Board is struggling to achieve a quorum and they cannot get a vote utilising their own members because of absence or off-Island, they can ask in the longest-serving Members, which happen to be Deputy Mary Lowe, Deputy Francis Quin, myself, second in the list and Deputy Jones. So maybe, when I am next wandering round Frossard House, snooping about, you can invite me in to any one or the other Boards and I can give my vote and opinion with great relish. *(Laughter)*

1845 **The Bailiff:** Deputy Green.

1850 **Deputy Green:** Sir, Members, very briefly, I agree with the majority who are on SACC and I certainly do not favour any liberalisation of the Rules on voting or attendance. Yes, the Report adequately sets out what the advantages are, but I think, on balance the disadvantages are pretty significant and actually outweigh those.

The points of concern about confidentiality and reliability are well made. The point about human communication being, in large part, non-verbal and the importance of body language cannot be forgotten and quite simply, I would feel somewhat detached and dislocated myself, if trying to take part by remote means on a particularly significant Board agenda. Those are some pretty compelling points.

1855 But I think there is an even more compelling point and a more concerning implication of this, which is when Committees of the States are actually involved in quasi-judicial matters, because the last thing that we should be doing is creating situations where aggrieved parties will wish to actually challenge a decision of a Committee made a particular Committee which may have been included remote attendees. You do not want to run the risk of vitiating a quasi-judicial decision in such circumstances and that to me actually suggests we should not be touching this with a bargepole, quite frankly, especially in Environment matter, Housing matters. Those are the classic examples where, in essence, a Committee of the States is actually operating it in a quasi-judicial way and really you do not want to be messing about with that.

1860 Paragraph 29 of the Report also sums up a very good point – which is the point that my colleague Deputy James mentioned, the point about priorities – which is quite simply, if a Member is elected to this Assembly, you have to get your priorities straight. If a Deputy decides to accept office on a particular Committee or Department, then that duty has to come first ahead of other responsibilities which may or may not pull that Member away from States business.

1870 There is something of a risk that, by facilitating this reform, we may actually inadvertently create a culture of government from afar, with physical attendance rates plummeting and Deputies dialling in from all over the place, simply because they can. I think that was the human nature point that my colleague, Deputy Duquemin touched on. Frankly, I do not want to have to put up with that. I think that sends totally

1875 the wrong signal to members of the community, to other potential candidates for office in the future. It may be acceptable in certain aspects of the business community, but I think in Government we should actually accept higher standards from people, just as our electorate actually expects very high standards from us, quite rightly. We are here to act in the public interest and, in my view, that means being at the meeting and being in the room – although I do take the point what Deputy Duquemin said about holidays. I think that is entirely valid.

1880 But generally speaking, you should be in the room, you should be at the meeting and I would ask Members to reject these proposals and move on.

The Bailiff: Deputy Gillson.

1885 **Deputy Gillson:** Sir, firstly, I would like to apologise to Housing. I have since checked and they did have 100% record, so I am happy to say I was wrong there and I apologise fully.

I am a member of SACC. We produced this Report. It was a strange position to produce a report on something we do not support, but I hope Deputy Luxon will accept it was quite a balanced report that we did produce and all the logic of supporting a change, we have included in the Report.

1890

Deputy Luxon: Absolutely, sir.

Deputy Gillson: Thank you. *(Laughter)*

However, we produced more reasons not to support it.

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Deputy Luxon: Yes, that is where you're wrong, though. *(Laughter)*

Deputy Gillson: And I think that a number of people have said reasons why. I will not go through all of them, but the main ones are: being physically present is important. We are non-verbal communicators. I have spent 20 years being involved with telephone conference calls. I have probably had as many conference calls as anyone else in this Chamber and, yes, we do have them in the commercial world and I was on one yesterday, but when you have got somebody who lives in Turkey, you do not have a choice. And that is the thing, in the commercial world we have conference calls because people naturally live in different jurisdictions. We have to. But, out of choice, we would much rather have people together in the room. It is much better.

1900

By not having a Rule, having a current situation where people are permitted to attend or not precluded from attending, but not trying to deal as a quorum, it makes it the exception. If you change Rules, it will start to make it the norm – the accepted thing. That I do not like, because there is a difference between a commercial company which is making a decision which is private to itself, or itself and its customers, and a Government Department which is making a decision which will impact on possibly the majority of the public, which can make a decision which can impose obligations on members of the public and so that element of being able to impose something involuntary on the public, I think, demands that we do respect the public and have to make the effort to get into meetings. By changing the Rules, it may not happen that often with people, but we are sending that message that it is okay not to be present and I think that is totally the wrong message to send. We are here, we are elected and we should make the effort to come into meetings. That should be the primary way that we operate.

1915

I am not going to say the reasons to change are not good ones. They are quite justifiable. I think that that the reasons not to change are better. So, I hope people will reject this Report.

1920

The Bailiff: Deputy Bebb.

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

Seen as I was the only member of SACC who supports this Report, which is a bizarre thing to be saying, I suppose I had better outline some of the reasons why. *(Laughter)*

1925

First of all, I would like address a few of the questions that have been raised. Deputy Ogier raised the question with regard to security and I would like to highlight that Skype is so secure that they do not allow it in Ethiopia, Saudi Arabia, China, all these wonderful free-loving countries. They do not allow it because the encryption is so good, they cannot hack into it. So, I would suggest that if we are to adopt it, then Voice Over Internet Protocol is definitely the right way to go and maybe telephone lines are a little bit more sceptical – although I am sure the NSA have got something else to say about that.

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When you are talking about the security as to the location of the individual, we are elected Members. I am a little bit horrified to think that people would take business, confidential Government business, and think that it is acceptable to be having another person in the room that could hear the full conversation. Surely, we take our responsibility with regard to our papers, whether they be physical or whether you

1935 actually receive them on your iPad, you have a password on your iPad... This is data. This is information. Whether it be verbal, written, whatever the format, we *trust* each other with that information and, quite frankly, if you really want to find out what is going on in the Policy Council or any other Committee that meets in Frossard House, all you have to do on a summer's day is park in the car park! The windows are usually open and you can hear an awful lot of the conversation. (*Laughter*)

1940 We do not think of the security when it comes to the physical location, but that is just as pertinent as this connection which is virtual. The question is whether we actually act responsibly and I would suggest that I would hope that each and every Member of this Assembly acts responsibly. I know that I do and if other Members do not, well, so be it. It is their choice.

1945 The question of not allowing this. Well, I find this a bizarre one. I sit on SACC and if these proposals are passed, I am rather convinced of the fact that the Chairman of that particular Committee most definitely will not be allowing me to attend remotely, (*Laughter*) and I am quite happy with that, to be honest. But on the other hand, maybe with HSSD, there is a certain subject matter that I happen to be away for a reason – and I do not know, because I have not asked Deputy Dorey, but he may well be content for me to attend remotely.

1950 There are occasions when this Easter I will be visiting my mother and if there is a need to have a meeting it might well be convenient for me to attend that meeting remotely. But, quite rightly, if I am on holiday, Deputy Duquemin, I will not be dialling in for anything, because I am on holiday. The choice to dial in, despite being on holiday and feeling pressured into it, speaks of *weakness* and I am surprised to hear of that kind of speech from someone who is elected to this Assembly. Surely, we are actually *capable* of making our own decisions, being bold enough to say, 'No. I'm on holiday – so, stuff you for a week!' (*Laughter*) I know that certain Members do! (*Laughter and interjections*) Well, mine is usually a week –

Deputy Brehaut: His mother isn't listening!

1960 **Deputy Bebb:** well, mine's a week and I am not sure as to other people's ability to do more.

What I would say is that *this provides choice*. This allows people to choose. If I am convinced that, having not spoken to Deputy Dorey or anyone else in HSSD, but if the majority of HSSD felt deeply uncomfortable with me attending remotely, I would be quite happy to bow out. If people felt that it was most appropriate for me to attend, I would be quite happy to dial in, and that is it. We are allowing choice.

1965 The example that Deputy Gollop gave is a perfect example. A couple of years, now, ago we had Alderney Representative Boyd Kelly, at Legislation Select. Are we really saying that, because he cannot attend because of fog at Alderney Airport, that somehow he should not be counted quorate, despite him attending and devoting the time to the meeting – nonsense!

1970 I actually had occasion... because I used to try and have two jobs, because apparently someone told me before I stood for election that this was not a full-time job. I am staggered to hear such nonsense! Experience has shown otherwise. (*Laughter*) However, I tried to hold down a second job and there was an occasion that I had to go to the Isle of Man as a part of that work. Deputy Adam was the Minister of HSSD at the time and he very kindly allowed me to attend remotely. That was invaluable, given how early it was within that term, and it assisted me to know, in my learning of exactly what HSSD and the mandates and all the things that were going on. It would have been very detrimental, in my opinion, for me not to have attended that meeting because it assisted me. We did not vote on anything, so please do not tut, because we did not do anything that was inappropriate! (*Laughter and interjections*) Lord, the pettiness of it!

1975 All I am saying is that there are occasions that people need to be elsewhere. There are occasions where it is not possible to attend. This Report, if passed, will give people the option of attending and being quorate and I did not think that we were in such paternalistic society that we really wanted to tell people not to attend States meetings, but that is exactly the message that I am hearing at the moment.

I sincerely hope that Members will support this Report. I have long experience of using telephone systems and telephone conferencing. I am comfortable with the medium. If someone is not comfortable, you will have the choice of not using it. Staggering news.

1985

The Bailiff: Deputy De Lisle.

1990 **Deputy De Lisle:** Sir, I firmly believe that people expect that their representatives of the States attend in person at meetings of the States, and I do not favour liberalisation of the Rules, as I feel that, perhaps not initially but over the longer term, remote attendance of meetings and Committee meetings of the States would be subject at least to risk, if not abuse.

The Bailiwick is a very small community, in fact, and in reality there is no excuse not to be in attendance at meetings. I believe that the opinion of the people is that their representatives should attend, in person, Committee meetings of the States and be there when required to be there.

1995 Thank you, sir.

The Bailiff: Deputy Soulsby.

2000 **Deputy Soulsby:** Can I make just a short point from the Public Accounts Committee point of view, we have got four non-States members on there who are excellent members of the Committee who really give us valuable contribution to what we discuss and, as such, because they are non-States members, they are not expected to be full time acting the same way as we do, but they do have other commitments. At certain times, we have used remote attendance and it has worked extremely well, particularly during the fraud issues, where we needed people to come in and discuss matters at short notice, they were very helpful indeed.

2005 Of course, we also had, used to be sitting here, the late Paul Arditti and it used to affect us quite a lot because fog and cross winds or whatever it was used to result in Mr Arditti not being able to make our meetings. I think if we could have used remote attendance far more, it would have been very helpful for our Committee.

2010 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Thank you, sir.

2015 It clearly is a hugely balanced judgement today. There are arguments on both sides and we are hearing this sort of balanced debate. The only thing that concerns me is we have only got Island-wide voting to go and we will run out of creativity and invention by the time we get there, with some of the absurd extents to which the arguments have gone to try and do away with these sensible Propositions!

Just before you do get carried along with the hysteria, (*Laughter*) can we just stop and think about what we are proposing to throw out here, simply by speculating about the extreme possible consequences, if this runs uncontrolled.

2020 When decision-making really is necessary – and the solid examples I have heard, the solid evidence I have heard from today – situations like Deputy Soulsby has just described, where a crisis has arisen, those meetings were necessary, certain key players were not available but would be available through another route and that, all of a sudden – particularly with one suggestion of winding this back even from where we are already – if this option is not available, we are going to do away with that, simply for the sake of avoiding the vague possibility that every single Minister and every single Chairman acts foolishly and says, 'Don't worry, folks. There is a meeting next Tuesday, but I will be in the office – just call in from wherever you are and we will make do.' That is pure fantasy land. Right? 'It ain't going to happen.'

2025 So, can we just – again, one of my favourite words – keep this in proportion?

2030 If we ignore the increasing complexity of the decision-making network which we have got – various things are being said, 'Well you do not have to travel far, because you are always in the Island' – well, we are not always in the Island. There are a number of people travelling on States business as well as on other business, so that argument to me does not wash.

2035 Remember that in here we have the absolute discretion of the Chairman. Now, I know we do not really like the word 'trust', sir. Trust is a bit of a foreign territory, to actually suggest that people can make decent judgment and you can trust them to play by the rules to the right extent. All the Chairs and Ministers of this Assembly, now, have heard people's heartfelt concerns about where it might lead. Anybody who has ignored that – anybody who has got to chair a Committee and would have to make these decisions – then they would do so at their peril.

2040 I am suggesting that today we have now heard about the concerns and we should then, with the built-in safeguards that are already there, go with this and monitor it and make absolutely sure that the people running those Committees make sensible decisions to avoid abuse of the system.

The Bailiff: Deputy Brouard and then Deputy Stewart.

2045 **Deputy Brouard:** Thank you.

Just two minor points, sir. One thing, I think we also tend to forget is that transport connections have actually improved over the last 100 years. You can be virtually the other side of the world and back here within 24 hours. So, if there is a crisis or if there is a really special meeting, one can come back, if one wants to. That is the first point. (*Interjections*)

2050 And the second point is, if somebody is a key player for a particular meeting – it is actually key that that person is there – if it is not bound by time, change the meeting date. If the whole of Commerce and Employment could not meet on a Tuesday for some particular reason, well, we will meet Wednesday morning or Tuesday evening. It is not a big issue. I think we are in danger, as Deputy Langlois said, of making a mountain out of a mole hill. But the need to have this facility, I think, is starting to drift away.

2055 Thank you.

The Bailiff: Deputy Stewart.

2060 **Deputy Stewart:** Mr Bailiff, I will be supporting this motion, though I do feel a little bit sorry for my friend Deputy ‘Crocodile’ Domaille sat next to me. (*Laughter*) It has been a bit of a kangaroo court, but I certainly do not ‘Foster’ a grudge. (*Laughter*) I would say, it would be strange to see him on Bondi Beach with his didgeridoo live from the Policy Council room!

But I think that what I stood up to say was: the real get-out for this is page 450, paragraph (7):

‘It shall be at the absolute discretion of the person who will preside at the meeting to decide whether or not to agree to the request...’

2065 It is quite simple and there are times when it might be very convenient, very helpful to have that one expert on your Board that you just need a bit of opinion, even for that one item, to be able to dial in or be there at the end of the phone so that item can go ahead and be dealt with.

Thank you, sir.

2070 **The Bailiff:** Anyone else? Deputy Adam.

Deputy Adam: Thank you, sir.

I will be brief because I feel everything has been said by now. Public confidence, risk factors in methods of communication, paragraph 28, legal aspects and paragraph 53, potential costs, which HM Procureur thinks should not happen.

2075 One aspect I would like to highlight: Deputy Bebb said that he did have a conference call, sir, and Deputy James also said how important the location was. Where are you talking from? Who is beside you? Who else is in the room? And this connection started off extremely well. He was in the Isle of Man. He had been at a meeting. He was in the room – everything was quiet. But then he had to leave there, because he had to go to the airport to get his plane and he could continue for the first part of that journey because the car was only going at 30 miles an hour. But suddenly the signal broke up and we heard this throaty roar and he is sitting in a Porsche and in the Isle of Man, once you are out of the speed limits, there are no speed limits. And suddenly he lost the connection. (*Laughter*) He disappeared over the horizon in this lovely Porsche! I always remember him disappearing.

2085 **The Bailiff:** Deputy Bebb.

Deputy Bebb: I do seem to remember that, yes – I do not remember if it was a Porsche, but yes, it was definitely some powerful car, I am not particularly interested. However, I did say, ‘I’m afraid I can’t hear you anymore, I must terminate the call.’ So, the connection was not lost!

2090 **The Bailiff:** Deputy Adam.

Deputy Adam: Yes, sir.

2095 It can be difficult if you do not make sure you have the correct location and especially for video conferences. So, I would suggest, if people are going to do it properly, safely and securely, then you are going to have to make sure you have facilities, and that is going to cost – sorry, that will cost money. It will cost someone’s money, to make sure you have the facilities to use. So, I feel there is a potential cost aspect.

2100 Again, as far as security is concerned, I have lost confidence in security. My e-mail address was hacked into. I do not know what was lost... Well, I do know what was lost and I know what the bank lost as well, but never mind.

And, also, we have got these iPads and they are meant to be secure. Yet how many of you have had a scam, a Russian scam or two Russian scams? I have had nothing until the last week and, since then... and I have spoken to several of you. Deputy Spruce said, yes he has had something from Russia and other people have some. (*Interjection*) So, you can get information on this which are scams, so what *is* secure?

2105 We have also heard that if you walk outside Frossard House, you can hear what is happening in meetings and I have to agree with the Deputy who said that, because likewise, I have heard it and if you go down the corridor, downstairs on the ground floor and go along there, again you can hear. Sometimes I think we do not think about these things and you are talking about something confidential. So for the aspects of security, I am not 100% convinced. Deputy Bebb said Skype was fine but telephones much less so. But, we all use telephones. That might be a common way of doing it. Videoconferencing – the location must be secure as well.

2110 So, sir, on these grounds, I am with the majority of SACC and feel that we should not support the Propositions in this States Report.

Thank you, sir.

2115 **The Bailiff:** Anyone else? Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

2120 Very briefly, I find surprisingly, the first time for a long time, that I actually agree – for the second time in two days – with my libertarian friend that sits behind me. (*Laughter*) I do believe in the word ‘trust’ for example. I do not have a problem with that and every time that I go into Education Council meetings, I have full trust in the people that I am working with. I feel the same with every Member of this Assembly. Maybe I could be accused of being naive, but I would much prefer to carry on believing in the people I work with.

2125 I have experienced the conference call debates that we had, that Deputy Soulsby mentioned on PAC. They worked extremely well. I want to trust. We have safeguards already. We have recorded records of meetings of attendance and they would not be that difficult to change to actually record the fact that people had remote access to those meetings. We would have that record and if people were abusing in some way that privilege, if they were not being managed properly by the Chair of the Committee, then we would see them.

2130 I think there are safeguards in place and I shall support these proposals.
Thank you.

The Bailiff: Deputy Conder.

2135 **Deputy Conder:** Thank you, sir.

I will be very brief, because like so many other colleagues, I think nearly everything has been said. I am a member of SACC and I am with the majority of members in opposing and suggesting to colleagues that they should oppose the recommendations.

2140 I said, in speaking on the amendment, that I thought there were three issues involved which were: participation, the vote, quoracy. I think there is actually a fourth which I should have mentioned and that is these attendance records about which we all become so concerned. I think behind some of our colleagues’ concerns who want these new procedures, there is this almost paranoia to get our names down as having attended one way or another, and we have seen it recently in some of the light-hearted banter that has gone on within the Chamber.

2145 What for me seems to have been missed in some of the debate is we *can* participate, we *do* participate remotely. It is available. The ability to participate in the discussion, to influence colleagues, to hear what is being said, to voice our opinion is there now. So that part of this debate is really irrelevant. We can participate. We can fully participate remotely now.

2150 We cannot vote, but actually we have already said, we rarely vote. We rarely vote in Committees, so perhaps that is not such a big issue anyway. Therefore quoracy is not a big issue. How many times have Committees been declared inquorate with failure to attend?

2155 So, I come back to this last point, which is I think we do get paranoid about these attendance records. I think that sub-plot, whether it is conscious or not, is that we are all so desperate to get ourselves down as having attended that this is one way which we can achieve that, by being recognised as being in attendance remotely, and I would suggest that perhaps we make too much of this.

2160 My last point, sir, is again a lot of the proposals have suggested it is all fine, because there is a safeguard in terms of the Chairman. He or she can decide whether or not somebody is allowed to attend remotely and be recorded. Well, in my understanding of our form of government is the Chairman is the Chair of the Committee. For the first time, this places very significant, what I would call executive authority with the Chair, which I have not seen exist before and is going to potentially change the nature of that relationship between the Chairperson and his or her Committee. It will take a significant strength of character for that Chairman to say, ‘No, I am not going to allow you to attend. Yes, we have got a good line and we can see you on the screen and you can participate, but I am not going to allow you to vote.’

2165 That safeguard which the proponents of these recommendations are putting before us, I think, is a fallacy and I do not think we could necessarily rely on it. So I am with the majority of my colleagues. I have participated in drafting this Report. I do not support the recommendations. I hope colleagues will throw this out.

The Bailiff: Anyone else? Deputy Lester Queripel.

2170 **Deputy Lester Queripel:** Thank you, sir.

Sir, I feel far too much is being made of security and confidentiality, since we have at least one or more sad individuals amongst us who appears to get some kind of kick from leaking information to the media on a regular basis – and who is dealing with that, sir?

2175 Having said that, my view resonates with Alderney Representative Louis Jean. Part of this job is to commit yourself to attending meetings and if you give someone an inch, human nature is they will take a mile. My fear is that being able to vote via remote attendance lays itself wide open to abuse. A Member could be on an extended holiday, on the other side of the world, drawing their salary and remotely attend a meeting and vote. I feel that there is something morally wrong in being able to do that.

2180 Suffice to say, I will be voting against these proposals, sir.
Thank you.

The Bailiff: Anyone else? No?

Well, Deputy Fallaize, then, will reply to the debate.

2185

Deputy Fallaize: Thank you, sir. Deputy Luxon has just wished me good luck. *(Laughter)* Thank you, sir.

I think I became concerned most of all when Deputy Sherbourne said that he was unusually united with his libertarian friend, Deputy Bebb. I think when a set of proposals persuade a socialist and a libertarian to join forces, I think there is every reason to be concerned about that. *(Laughter)*

2190

I know that some Members voted in favour of Deputy Luxon's amendment in September, because they wanted the Committee to investigate this further. I respect that. The Committee has now carried out that investigation. I hope that some of those Members who voted that way for the Committee to carry out the investigation are now persuaded by the Committee's arguments that it would be a thoroughly bad idea to liberalise the Rules in this way.

2195

I thought Deputy Duquemin made a particularly good speech and I think what he was really saying, or what resonated with me from what he said, was the issue of expectation. I think what would happen, if the Rules were change in this way, is that if a Member was in a position to attend remotely, if the person could physically attend remotely, there would be an expectation that that person would attend, whether they were on holiday or whatever they were doing. And that bothers me.

2200

Deputy Rob Jones raised concerns about the provisions for alternate Members to attend now. Actually, in the investigations the Committee has made, that has never happened. There has never been a need for a Committee of the States to resort to any of that. So, I really do not think that is a valid consideration when debating these Propositions.

2205

Several Members who are supportive of these Propositions, who want to liberalise the regime – Deputy Gollop was one, Deputy Soulsby was another – spoke about how they had used the present arrangements to the advantages of their Committee, demonstrating that the present arrangements actually work rather well. They did not really then go on to make a case for further liberalisation.

2210

Deputy Langlois said, 'Go with it. Just try it out.' Well, he did not say try it out. He gave the impression of saying, in my view, 'Try it out. We will monitor it. Let's just see what happens.' If any Member believes that we are going to be able to turn this off again in 12 months or 24 months, then they are in Cloud Cuckoo Land. That just is not going to happen – absolutely no chance at all. **(Several Members: Why not?)** Because that is just not human nature. There is absolutely no way –

2215

I will give way to Deputy Langlois.

Deputy Langlois: Sir, I find this extraordinary from Deputy Fallaize. Is he suggesting that the States' supremacy will not apply in this case and, if in a year's time there is clear evidence of it not working, we will not be able to reverse it?

2220

Deputy Fallaize: No, I am suggesting that States Members who are supreme, to use his word, will not vote to change it, because it is rather like... I remember having a debate in here four, five years ago – however long ago it was – about the use of 'communicators', as Deputy Perrot rather touchingly refers to them – electronic communicators. That passed by only one vote, because previously they were not allowed in the States and we were told at the time, 'Oh, it is going to be very infrequent. It is only going to be if a Chief Officer desperately needs to get hold of a Member.' But, actually, if you look around now – I mean, I know it is me speaking – but almost nobody – *(Laughter)* Very often I look around when I am speaking – and I do not think it is *only* when I speak – *(Laughter)* but Deputy Lowe is always on Twitter and the Ministers are frequently on their iPads. So, I am certainly not criticising the Ministers –

2225

Deputy Lowe, yes, I will give way –

2230

The Bailiff: Deputy Lowe.

Deputy Lowe: I am on my iPad looking at the Billet which comes electronically. I am never on Twitter. I never post on Twitter during a States' debate.

2235

Several Members: Ooh! (*Interjections*)

The Bailiff: Deputy Fallaize.

2240 **Deputy Fallaize:** Well, I didn't know the States' website was published in the style of Twitter these days. (*Laughter*) If she says so –
I will give way again. Should I just sub-contract this speech out? (*Laughter*)

2245 **Deputy Bebb:** Would Deputy Fallaize like to actually assure us as to what the membership in this Assembly was, how many people used to be in this Assembly and whether we got into iniquity in this Assembly, previously to these communicators being available?

The Bailiff: Deputy Fallaize.

2250 **Deputy Fallaize:** I do not understand the question. (*Laughter*) But as Deputy Bebb's Chairman, that is not an unfamiliar experience, I have to say. (*Laughter*)

By the way, Deputy Bebb is right. I will not allow him to attend remotely on SACC. Other Members I will consider, (*Laughter*) but not Deputy Bebb.

2255 Now, being serious for a moment, (**A Member:** Really?) Deputy Luxon said – and it was rather good of him to disqualify himself from contributing to the general debate by speaking before lunch – but when he did speak, he said that... he was very modest about what he has initiated here. He was very modest, because he said this is just about voting. Members can attend meetings remotely. This is nothing more than just allowing them, having attended, to vote.

2260 Actually, that is not true. We keep being told the Rules allow remote attendance. They do not. There is no Rule in either the Rules of Procedure or the Rules of the States Departments and Committees which allow remote attendance. It is not allowed. Remote attendance is not allowed. If a Member is not physically present, they are recorded as having not been present.

If these Propositions are approved, then for the first time, the States will be inserting into the Rules express permission for Members to attend remotely and to vote remotely.

2265 Now, Deputy Hadley was complimentary about the Committee's policy letter, for which I thank him, and encouraged the Committee to consider precluding Members from linking in with Committees remotely. Now, I do have some sympathy with that and I am happy for the Committee to look at it. The problem is though, of course, it would be very difficult to frame a Rule, because it is quite reasonable for a Committee to phone somebody up – an adviser who might be half way around the world and needs to be in contact
2270 with the Committee for five or ten minutes and could, perhaps, speak through the Chair. It is not unreasonable for a Committee to take advantage of that kind of facility. But of course if we precluded all participants from doing that via video link or phone, I think that would cause complications for Committees.

2275 We are talking here about the attendance and voting of Members at Committees and I think there is an important distinction to be made between just phoning somebody up for five minutes to see what their view is, to take some advice, to have their contribution around the table or saying, 'You are in this meeting. You are quorate. We will treat you as if you are here along with everybody else who is physically present and you can vote.' I think there is a big difference between those two things.

2280 And unintended consequences are important here. I said, when I opened debate, that this is a matter of culture and I have no question at all. It is not a matter of trust. It is a matter of culture and behaviour and if the Rules are liberalised in this way, over time remote attendance will become culturally more acceptable and I have no doubt that rates of attendance will deteriorate – maybe not markedly, but I am sure there will be some deterioration. The Committee is absolutely certain that anything which in any way encourages attendance rates to fall should not be tolerated and we should not put anything in the Rules to that effect.

2285 Public confidence is important. The public expect Deputies to be committed and conscientious and diligent. Inserting a Rule for the first time which expressly provides for Members to attend meetings when they are not actually physically present will do nothing to strengthen the confidence of the public in the commitment of their elected representatives.

2290 I am slightly surprised that not more Members have referred to paragraph 28, that the Committee has been advised by the Procureur of the possibility of legal challenges on the grounds that Members voted when they were not physically present at meetings. It may have been Deputy James – I am not sure who it was. It was Deputy Green, sorry. I apologise to Deputy Green. He said that alone should be sufficient grounds for the States not to vote for these Propositions, and I think that must be right – and as a lawyer, I suppose he probably knows a thing or two about that.

2295 We know that the security of the link cannot be guaranteed. The Chairmen of Committees, clever and able folk that they undoubtedly are, do not have 20/20 vision. They cannot possibly know whether the person at the other end of the link is speaking from a free, secure location.

I fully agree with those Members who have said that Members know, when they stand for seats on Committees, what their other commitments are and it is at that time that Members should take into account whether they can fulfil their obligations to a Committee.

2300 So, for all of these reasons, sir, I think, we were very fair to Deputy Bebb, actually. He was in a minority of one, but we gave him almost half the Report to set out his case for allowing liberalisation. I do not think he has made his case. I do not think those who favour liberalisation have made a solid case.

2305 In many ways, in a pure democratic sense, you could say, it is not for SACC to argue against the liberalisation, because we are arguing that the Rules should remain exactly as they are. It is for those Members who want the Rules to be liberalised and changed who should make a compelling case and I think anybody who hears this debate and takes a dispassionate view of it will see that those in favour of liberalisation have failed to make a compelling case and therefore the Rules should not be changed in the way they favour.

2310 I would ask Members to support the Committee and to vote against these Propositions.
Thank you, sir.

The Bailiff: Members, the Propositions are on pages 451 and 452 and I think Deputy Le Pelley is requesting a recorded vote –

2315 **Deputy Lowe:** Can I have a recorded vote?

The Bailiff: – as is Deputy Lowe.
I put all Propositions to you together: Propositions 1, 2 and 3.

2320 *There was a recorded vote.*

Lost – Pour 22, Contre 25, Abstained 0, Not Present 0

POUR	CONTRE	ABSTAINED	NOT PRESENT
Deputy Soulsby	Deputy Quin	None	None
Deputy Sillars	Deputy Hadley		
Deputy Luxon	Alderney Rep. Jean		
Deputy O'Hara	Deputy Kuttelwascher		
Alderney Rep. Harvey	Deputy Brehaut		
Deputy Harwood	Deputy Conder		
Deputy Domaille	Deputy Storey		
Deputy Langlois	Deputy Lester Queripel		
Deputy Robert Jones	Deputy Gillson		
Deputy Le Clerc	Deputy Le Pelley		
Deputy Gollop	Deputy Fallaize		
Deputy Sherbourne	Deputy Laurie Queripel		
Deputy Bebb	Deputy Lowe		
Deputy St Pier	Deputy Le Lièvre		
Deputy Stewart	Deputy Spruce		
Deputy Ogier	Deputy Collins		
Deputy Trott	Deputy Duquemin		
Deputy David Jones	Deputy Green		
Deputy Le Tocq	Deputy Dorey		
Deputy Perrot	Deputy Paint		
Deputy Wilkie	Deputy James		
Deputy Inglis	Deputy Adam		
	Deputy Brouard		
	Deputy De Lisle		
	Deputy Burford		

2325 **The Bailiff:** Well, Members of the States, the result of the vote on Propositions laid by the States Assembly and Constitution Committee on remote attendance at meetings of Committees of the States was 22 votes in favour, 25 against. I declare the Propositions lost.

**VI. Requête –
Island-Wide Voting –
Debate commenced**

2330

Article VI.

The States are asked to decide:

Whether, after consideration of the undated Requête signed by Deputy Hadley and six other Members of the States, they are of the opinion:

1. That the Reform (Guernsey) Law, 1948, as amended be further amended to provide that with effect from the General Election to be held in 2012 there shall be 45 Deputies elected Island-wide for a four-year term and that the candidates in Island-wide elections shall be entitled but not obliged to have their manifestos distributed at the expense of the States by means of an election publication, the cost of which will be borne by the candidates.

2. To direct the States Assembly and Constitution Committee to report to the States with detailed proposals relating to the procedure at, and conduct of, such elections.

The Deputy Greffier: Article VI – Requête – Island-Wide Voting.

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

2335

Deputy Hadley: Thank you, Mr Bailiff.

First, I would like to make it clear that it was not the wish of the *requérants* to unduly rush this Requête. Deputy Le Tocq wrote to me asking for a delay, which my fellow *requérants* and I would have agreed to – in fact, I think I indicated to Deputy Luxon about that time that we were minded to do so. Unfortunately, the view was then made to us that a considerable number of people felt that there was not time to implement Island-wide voting, so it seemed to us that a delay would inevitably mean that, in effect the Requête would be killed.

2340

And some will say it is true to say that, in my view, it would have been possible for the Policy Council to consult rather earlier with the Douzaines, who seem to be the most troubled about this, to have got their views more quickly. Indeed, one can also say that one could fairly predict that the Douzaines' views would be very much as they were four years ago and, indeed, that has proved to be the case. So then, our view was that to get the Requête, if it were to be successful, to make a change for the next general election, it would need to be done soon, rather than later. If you prevaricate, then it most certainly will not happen in our time.

2345

The issue of Island-wide voting has been around for a long time and there is no sign that it is going to go away any time soon. The States Assembly and Constitution Committee consulted in 2010 and found that a clear majority of Islanders were in favour of Island-wide voting. Many of us who canvassed prior to the last general election know that a desire for Island-wide voting was frequently expressed by electors.

2350

The *Guernsey Press* had labelled the last Government as 'the worst States ever' and this seemed to strike a chord with the electorate – although one has to say that it seems we are now achieving that epithet instead, so perhaps last time I was not a Member of the worst States ever.

2355

A Member: You are now! (*Laughter and interjections*)

Deputy Hadley: Many of the electorate were concerned that their vote would have little impact in changing the Government. They could only vote for a limited number of candidates standing in their electoral district and could not remove other politicians that they perceived to have performed badly or championed policies that they disapproved of. To have an influence across the whole political spectrum, they would have needed Island-wide voting.

2360

It is also interesting to note from the Billet that a Douzenier from St Peter Port, who also doubles as a presenter on Island FM, commented that whenever Island FM led a description on Island-wide voting, it was clear that support for change was overwhelming.

2365

Now, if we have political parties in Guernsey, then the electorate could vote for those candidates that supported a particular raft of policies. Now, I do not believe that we should have political parties and I feel that most of this Assembly would echo that view. Therefore, I feel that it is important that the electorate can vote for any of the candidates that stand for election. At the present time, an elector may have to vote in an area where no candidate represented his or her views. For example, all the candidates could be opposed to any increase in public expenditure and wish to see the money on healthcare reduced. If the elector was in fact in favour of an increase in taxation and more money being spent on health, they would effectively be disenfranchised, because they might find all of the candidates therefore unacceptable.

2370

2375 A frequently expressed view is that Island-wide voting would be supported if it were possible to make it work. Now, it can work! The real problem is that whatever system we propose, somebody else can think of a rather different one and we will never have a proposal that everybody is pleased with.

The solution of the *requérants*, therefore, is to for the simplest system of all. Everyone will have the same number of votes as the seats at the General Election and the elector can use any number of the votes – up to the number of seats, of course – that they wish to use.

2380 Now it is said with, about 90 candidates, the electors would have too large a task to read all the manifestos. In reality today many people probably do not read all of the information they get, but that is their choice and, indeed, electors may focus on just a few candidates who they know and use only some of their votes. That does not mean, as somebody suggested, that this is a waste of their votes. In fact, to be an effective elector, it is better to vote only for those candidates that you really want to be elected, as votes for less desirable candidates indeed act as a vote against those candidates who you are keen to elect.

2385 Another objection to this Requête is that we should wait these proposals for the Reform of Government. However, if we stick to the simple system that I have outlined, it does not matter how we reform the system. If you reduce the number of Deputies, then people have fewer votes to cast.

2390 I agree, however, that if a hybrid system were to be proposed, by an Island-wide vote – say, Island-wide elected Deputies and some elected by the parishes – then it would be appropriate to wait. The *requérants* are, however, opposed to any hybrid system. We want all Deputies elected with the support of the whole Island. And it is a bit like virginity. You cannot be almost a virgin. You either are or you are not. You either have Island-wide voting or you do not. You cannot have partial Island-wide voting, in my view, and still give the electorate what they want.

2395 Now, it is not surprising that the Douzaines are against Island-wide voting. Many of the Douzeniers still resent the loss of their representatives in the States. It has been said by some of the Douzeniers that there will not be the opportunity to meet and talk to candidates. I suggest there will be plenty of opportunity. Candidates will want to make themselves available to the electorate and will find new ways of bringing candidates and electors together and, indeed, that would be the job of SACC, to organise that in an acceptable way.

2400 I do not agree with the suggestion that, at the present time, the first port of call is a locally elected Deputy. I get far more e-mails and telephone calls out of my electoral district for the South East than I do within the electoral district and that does not worry me. Like all of my colleagues, we have a duty to respond to any Guernsey resident that contacts us.

2405 I do not believe, as has been suggested, that Deputies would more easily wash their hands of their constituents. I think that is quite a slur on the character of the Members of this Assembly. I do not know of any of my colleagues that refuse to deal with issues because it is outside their electoral district.

2410 It is also said that in the United Kingdom only the voters in Witney can vote for David Cameron, so why should it be any different here? Well, of course, that is not the truth. David Cameron stands as a Conservative and if somebody in Birmingham wants David Cameron to be the Prime Minister, they know that all they have to do is to vote Conservative. (*Laughter*)

I did note the Guernsey Deanery were asked to express their views and that they do not support change. I am, however, somewhat surprised that the Deanery was consulted and I hope in the course of debate, I will be enlightened as to why the Deanery was consulted.

2415 When Islanders vote, they vote partially for the man or women in their sights, but they also vote for a set of policies for a Government to implement those policies and that is what they cannot do today. This is where the democratic deficit now is and we wish to correct that, so that an elector can go through all of the candidates to pick out those that pursue the policies that they wish, so that in effect they can alter the flavour of Government.

2420 So I urge Members to support this Requête, to give Islanders what they clearly wish for, so that at the next election, we can have a more democratic election when all Islanders have the chance to vote for any candidate standing for election.

2425 **The Bailiff:** Well, Members of the States, under the Rules of Procedure, the next people to speak will be the Minsters and Chairmen of the Committees who have been consulted, before we then deal with the amendments.

So I will call first the Chief Minister, Deputy Le Tocq.

2430 **The Chief Minister (Deputy Le Tocq):** Thank you, Mr Bailiff.

So I understand under the Rules, I will probably have the opportunity to speak three times in this debate – firstly, as Chief Minister and Chairman of the Policy Council; secondly, as Chairman of the States Review Committee; and, thirdly, in summing up, as Chief Minister. But I will leave my Deputy Chair of States Review Committee, as it is early days, to make comments as appropriate. I want to speak primarily with regard to the Policy Council's view on this.

2435 Now, the Prayer of the Requête seeks the States to agree that with effect from 2016, the 2016 General Election, all Deputies will be elected on an Island-wide basis and that all voters should have the same number of votes as there are Deputies' seats. As highlighted within the Policy Council's statement, appended to the Requête, the Policy Council, by majority, believe the timing of the Requête to be premature.

2440 Whilst recognising that there is a debate to be had surrounding the issue of Island-wide voting, the Policy Council believes that any debate should be informed by the work of the States Review Committee. It was felt that only once the States have agreed the post-2016 administrative structure can an informed decision be made on the need to change the current electoral system. Policy Council is certainly agreed that this debate on Island-wide voting should take place. It is a matter of timing and this is not the right time.

2445 We are in danger of having this debate at least twice.

It should be noted that SACC concurs with this view.

Notwithstanding this concern, given the Policy Council's mandated responsibility for – and I quote – ‘advising the States on matters relating to the parishes’, it is appropriate that I draw Members' attention to the comments received from parochial officials.

2450 As Members will be aware, parishes are fundamental to the smooth operation of Island elections and, therefore, it is of interest to note that of the parishes who were able to respond within the timeframe that we were allowed, the majority opposed the introduction of Island-wide voting.

2455 Sir, we cannot continue to press along with this view unless we have the parishes' goodwill taken with us. Parishes expressed recurring concerns regarding: the practical implications of arranging elections on an Island-wide basis; the potential demise of the relationship between the parishes and elected officials; and a potential bias towards sitting candidates in an Island-wide vote. Certainly, sir, these are views that have been aired before, but it is appropriate, in the light of the current Prayer of the Requête, that parishes have an opportunity to respond appropriately.

2460 The reservations expressed by parishes are entirely reasonable and would appear to be a clear indicator of the need for a more comprehensive review to be undertaken by the States Assembly and Constitution Committee, exploring these and other issues prior to the States making a decision in respect of the appropriateness or otherwise of adopting Island-wide voting.

2465 Sir, I will just make a few comments, personally, if I can at this stage, and that is to say that I stood for election on a mandate of believing that a partial form of Island-wide voting was possible and should be investigated. I do not believe that the current system being proposed by the *requérants* would be workable within our system, but I do believe that a system of partial Island-wide voting is possible and would be a sensible compromise.

I still stand by that, but I do not believe that is the time to start debating that.

2470 **The Bailiff:** The next person to be entitled to speak would be the Minister of the Education Department, but as he is not presently in the Chamber, I do not know whether his Deputy Minister wishes to say...? There is a very limited comment from the Education Department in the Report and it may be –

2475 **Deputy Le Lièvre:** If possible, sir, I would prefer it for him to return. *(Laughter)*

The Bailiff: Thank you.

Deputy Le Lievre: I anticipate his return – I was not aware he was not here.

2480 **The Bailiff:** Next would be the Minister of the Home Department and, again, I do not know whether the Minister of the Home Department –

Several Members: That's you! *(Laughter and applause)*

2485 **The Chief Minister (Deputy Le Tocq):** Sir, he is definitely the right man for the job.

The Bailiff: Actually, the Minister of the Education Department is just about to enter the Chamber –

Deputy Fallaize: Shame he could not do it remotely, isn't it, sir?

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Deputy Sillars: That's your fault, sir!

The Bailiff: The Minister of the Education Department is entitled to speak now, if he wishes to do so or he may wish to –

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Deputy Sillars: I decline, sir. Thank you.

The Bailiff: Does the Minister of the Home Department wish to say anything on behalf of the Home Department?

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Deputy Gillson: I decline as well, sir.

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The Bailiff: In that case, next will be the Chairman of the States Review Committee and we have been told that the Vice-Chair will be speaking. In fact, the person after that will be the Chairman of the States Assembly and Constitution Committee, (*Laughter*) so perhaps you would like to deliver both speeches at the same time.

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Deputy Fallaize: I was pleased to be informed about three and half minutes ago by the Chairman of the States Review Committee that I was expected to speak on behalf of the Committee! But I do not think that the Review Committee can add very much to what is in the letter of comment. On balance, the Committee felt that it was preferable for the States to consider their constitution and their structure first and then any questions of electoral reform to be considered thereafter and the Review Committee's advice rests at that.

Do you wish me to sit down, sir, and...?

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The Bailiff: Well, consider yourself seated and you can stand again and speak as the Chairman of the States' Assembly Constitution Committee.

Deputy Fallaize: Right okay, thank you, sir.

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Now, the letter of comment from the Committee is quite brief, for which I apologise. I think initially we were given four or five weeks to submit a letter of comment and then a day or two later, our deadline was cut to about six days, I think. So that is the reason that we were unable to submit a more extensive letter of comment.

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We did append a Report of the Committee from 2011 to the letter of comment and I hope Members found that useful and we then, of course, had circulated the perhaps rather daunting ballot slip which may have to be used – or that sort of ballot slip which may have to be used – in the event that the States vote in favour of the Requête.

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Sir, clearly, all of the arguments for and against Island-wide voting are well rehearsed and have been in the public domain for many, many years. The proposal in the Requête is that, with effect from 2016, all Deputies – of course that is 45 Deputies at present – will be elected in a single, Island-wide constituency on one day.

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I admire and the rest of the Committee admires Deputy Hadley and the other signatories to the Requête for, as it were, nailing their colours to the mast. There is no reason to prevaricate any longer with Island-wide voting. There cannot be a single person who is interested in politics in Guernsey who does not know what their view is on Island-wide voting. The whole thing has been investigated exhaustively over the years and the view the Committee takes is that it is for those Members who support Island-wide voting most keenly to come to the States with their preferred scheme and try to make the case for it. Deputy Hadley and his *requérants* are doing that and we admire them for that and it helps the Committee, because if the States are minded to approve the Prayer of this Requête, the direction to the Committee will be very clear and we will know exactly what work we have to carry out in the advance of the 2016 election. So, I thank the signatories for that.

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Personally, I am relatively agnostic about Island-wide voting as a Deputy who, at the moment at least, intends to seek re-election. I am indifferent to whether I have to stand in a parish or have to stand Island-wide. I did make the comment, actually, at the Vale Douzaine meeting on Monday evening that, actually, Island-wide voting is easier for sitting Deputies, because at the moment, most of us in parishes canvass. Some of us try to get round to all the households on the electoral roll in a parish and also, of course, there is a hustings – at least one hustings. Now, I will come onto this in a moment, but those things will disappear with Island-wide voting. It would be a case of writing a manifesto, possibly a much shorter manifesto than many candidates write today – mine at least – and then having that circulated and then sitting back, not doing much else and waiting for the election night. So, it does not seem to me a terribly taxing campaign to run, if it is an Island-wide election.

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I can see the democratic arguments for Island-wide voting, because at the moment every voter in Guernsey has an opportunity to have a say over perhaps a sixth or a seventh of the seats in parliament. If we move to the scheme being proposed by Deputy Hadley and the other signatories, every voter in Guernsey will have a say over *every* Member of the States and it is undeniable that there are democratic arguments, those democratic arguments in favour of Island-wide voting. And there is a temptation to adopt the approach which Deputy Langlois was advocating in respect of the previous matter – 'Give it a go and see

what happens' – specifically in respect of Island-wide voting, because Deputy Hadley is right, this issue has been around for a long time. It is not going to go away and there is a part of me that thinks actually the only way of resolving this, settling this argument, is to organise an Island-wide election and to see what happens.

2560 But on balance, it is not a terrible responsible way to run politics, probably.

If the States approve the Prayer of the Requête, the Committee will face many logistical challenges in trying to organise an Island-wide election for 2016. Most voters will spend longer in the polling booth. They will have no choice, because rather than casting three or four or five votes, which is most common these days, they will be casting, many of them, many more votes and that will take them longer and if thousands of people are taking longer to cast their votes, then it will put more pressure on polling stations. It is quite possible that some of the smaller polling stations will not be able to participate in an Island-wide election and we would have to go to larger locations.

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Electronic counting is essential – possibly electronic voting, although I suppose we could still use a pen and paper in this sort of format, but certainly electronic counting becomes essential and so the costs will be higher than the voluntary scheme which is used today. On behalf of the Committee, I should thank the parish officials and the volunteers in the parishes who give up their time every four years and help in the organisation of elections. (**Several Members:** Hear, hear.)

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Potentially, the cost to the States of the distribution of manifestos will be greater, because, of course, there is the principle established now that the States makes a contribution to the cost of distributing manifestos. If 70 or 80 or 90 candidates are having to distribute, I do not know how many households there are with people on the electoral roll, but is going to be 20,000 or slightly more than that, I think, Deputy Luxon is saying. Whatever it is, the cost of distributing all of those manifestos to several thousand households will be greater.

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I was puzzled, therefore, by Treasury and Resources' letter of comment at page 532, which said that there could be cost savings in organising an Island-wide election. I look forward to the Minister explaining to the States exactly where these cost savings are going to be found. I do not see them.

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But Deputy Hadley is right, logistically this can be done. The challenges that I have outlined are not insurmountable and it is perfectly possible to organise an Island-wide election. Deputy Jones has often said, 'We are a small Island: 63,000. It cannot be beyond the wit of man to organise an Island-wide election.' And he is right, of course it is not. We can organise an election on an Island-wide basis. It can be done professionally. It can run smoothly. I do not foresee huge logistically problems. They could be overcome and I think they could be overcome in time for the 2016 election. And if the States approve the Prayer of the Requête, obviously the Committee will work diligently to fulfil the States resolution.

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But, the Committee unanimously opposes the Prayer of the Requête and asks the States to reject it.

2590 There is a suggestion from both sides in this Island-wide voting debate that Island-wide voting would greatly change the composition of the States. On the one hand, those who are opposed to Island-wide voting – and we see this in some of the letters from the Douzaines – raise fears of populist candidates being elected. On the other hand, there are fears raised about what could happen the other way. Those who are in favour of Island-wide voting say that – do not raise fears – but they say that we could end up with a significantly different States. The States could look markedly different if we had Island-wide, rather than district-based elections.

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Of course, all of that is complete hogwash, because in Guernsey, we do not have vastly different constituencies or districts. We do not have a whole pile of socialists living in the Vale (*Laughter*) and a whole pile of deeply entrenched Conservatives living in the West. (*Laughter*) We have, broadly speaking, amongst our districts, there is a fairly even distribution of social backgrounds and people with very different political views. It is inconceivable that a candidate who does very well in the Castel would not be elected in the West or a candidate who does very well in St Sampson would have no chance of getting elected in St Peter Port South. That is very highly unlikely, in my view. I do not think there is any – In fact, when there were Island-wide Conseillers elections, those Deputies who would have been elected in parishes were elected Island-wide. Those Deputies who might not have been elected in parishes were not elected Island-wide. So, I do not think we should allow the possible change in the composition of the States to affect the outcome of this debate.

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We also know that in multi-seat constituencies, most voters do not use all of their votes. Today, in our district system, every voter is given six or seven votes, but on average voters are using fewer than five votes. That will inevitably continue with Island-wide voting. The number of people who would be prepared to go into the polling booth and vote for 45 candidates would be low. Those people would be in the minority and therefore what would probably happen, with an Island-wide election where 45 deputies were elected on one day, is that when the results were announced, we would end up with a few candidates at the top with thousands upon thousands of votes, a pile of candidates in the middle with perhaps a few thousand votes, and when you got down to the 35th, 40th, 45th candidate, they would have very, very few votes because the candidates who do well... and the Island-wide Conseillers election proved this as well. If you look through the parishes, because the results were broken down parish by parish, those candidates who did

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2620 well in one parish did well in another parish. And those candidates who come 40th in an Island-wide election, those candidates who come 40th in the votes counted in the Vale will probably come in a similar position in the other districts and there will be a vast difference between the votes accumulated by candidates at the top or the middle of the poll and those who just sneak into the States.

2625 Now, that might not be a problem, except at the moment I hear disquiet, particularly from some of the proponents of Island-wide voting, that candidates are elected with a few hundred votes in some districts. Perhaps candidates get 25%, 30%, 35% of votes cast and somehow there is a sense amongst some Member that that is not properly democratic. I foresee, if voters are given 45 votes and on one day the public are required to elect 45 Deputies, we will have people sitting in this Assembly having polled 5% or fewer of the votes available in an Island-wide election. (**Several Members:** Hear, hear.) That is almost certain, if you look at the way that the maths would work out.

2630 Sir, to pick up on some of the points that are made specifically in clauses 1 to 8 of the Requête, paragraph 1 makes it sound as if single nationwide constituencies are the most natural thing in the world. Of course, the reverse is true. Almost every jurisdiction in the world is divided up into electoral districts or electoral constituencies.

2635 When the previous States Assembly and Constitution Committee tried to find jurisdictions without political parties, organising nationwide elections with a single constituency, the only place we could find was the Central African Republic (*Laughter*) which, while a fascinating place, I am sure, is perhaps not the right sort of place for Guernsey to place its governance from 2016 onwards.

2640 It just is not done. Single constituency voting just is not done. It can be done where there are parties. That is completely different. Political parties would change everything. If all of us in the States and all the candidates standing for election were coalesced around three or four or five different parties, the public could obviously easily choose which candidates they wanted, based on party affiliation. When you have 70 or 80 or 90 independent candidates all standing on independent platforms, if somebody can come up with an example of where there is that kind of election in a single constituency, then I would be interested to hear of it.

Paragraph 2 says that:

‘The querants believe that Island-wide voting would stimulate renewed interest in elections...’

2645 In 1997, there were Island-wide elections for Conseillers and parish-based elections for Deputies within a few weeks of each other. The turnout was higher in the parish-based elections than it was in the Island-wide Conseillers election. So, the only time this claim has ever been put to the test, actually the reverse has been true and fewer people have voted in an Island-wide election. The turnout was lower.

Paragraph 3 says that:

‘... a significant majority of the general public believed that Island-wide voting should be introduced.’

2650 Deputy Hadley has referred to this in his opening speech. This, of course, is based on a consultation exercise carried out by the Committee in 2010.

2655 Actually, the response rate was pretty good, but an overwhelming majority of the public did not respond, unsurprisingly, to the consultation exercise. I think it was Deputy Langlois who introduced us to the concept of the silent majority. We do not really know what the silent majority think about Island-wide voting, but even if we are going to use this 2010 consultation exercise as proof that the public want Island-wide voting, because three quarters of them said they wanted some form of Island-wide voting, actually 75% of the respondents to that consultation exercise voted against the scheme that Deputy Hadley is putting forward. Only one in four of the people who responded to that consultation exercise wanted to see all Deputies elected Island-wide on one day. So, clearly, there is not a significant majority of the general public who want this Island-wide voting scheme.

2660 Paragraph 4 says that some people are... ‘upset’ is the word that is used – upset about the present system because they cannot vote against candidates they do not wish to see elected. Well, unless I have misread this Requête, (*Laughter*) I do not see in here any provision, under Island-wide voting, for people to vote negatively in future elections. I cannot go into the polling station in 2016 and say, ‘Oh, Deputy Le Lièvre, I really do not like him – I’m going to cross out his name.’ (*Laughter*) There is no provision for negative voting. So, it is totally disingenuous to say that that the present system is flawed because the public cannot vote out the people they do not like, because an Island-wide election would not be indifferent in the respect.

2670 Well, Deputy Jones says it would, but I would like Deputy Jones to point to the part of the Requête which provides for negative voting, because I have not seen it.

But I think paragraphs 5, 6 and 7 indicate that the biggest problem with an Island-wide voting scheme, where all Deputies are elected Island-wide on one day is that there will be no door-to-door canvassing. Now, I know that not candidates canvass door to door now, but many do. Studies in the UK have shown

2675 that where there is door-to-door canvassing... because of course in some places, the vast majority of constituencies in the UK are written off by political parties, because they are safe Labour seats or safe Tory seat, and one or two strange places that are safe Lib Dem seats (*Laughter*) – they are more or less written off. But in the marginal constituencies, the studies have shown that, where there is door-to-door canvassing, the turnout is increased by about 6 or 7 percentage points.

2680 Now, there could not be door-to-door canvassing. There might be a few disparate bods going around trying to get to a few houses, but there would not be systematic canvassing in the way there is today. I think there is every possibility that would depress turnout, but it would certainly reduce the contact between voters and candidates. Now, that cannot be healthy for democracy.

2685 Then of course, you cannot have a hustings. Now, I know that the hustings are a slightly constrained format, but the one thing that you get with the hustings that I think is valuable is that you can see a candidate answering questions of which they have no advanced notice, and answering questions under pressure. It is all very well, I think there is mention in the Requête of replacing the hustings with pop-in sessions, where presumably 80 or 90 candidates are sat on 80 or 90 desks in some grand hall somewhere, but there is disadvantage for the elector. I could be an elector and I can go to a candidate and say, ‘I really do not favour the 11-Plus’, and the candidate can say, ‘Well, no, I am very dubious about the 11-Plus’,
2690 because that is a one-on-one conversation. Then the next person comes along to the same candidate and says, ‘I am a passionate advocate of the 11-Plus, what is your view?’ And the candidate can say, ‘Well, yes, my inclination at this stage would be to keep the 11- Plus.’ And that can happen.

2695 Now, that cannot happen at a hustings, because the candidates answer questions before everybody and there is no hiding place at a hustings. We have to answer questions in the Assembly under some pressure and I think the hustings are a good way of judging candidates answering questions under pressure and answering questions of which they have no advanced notice.

2700 It is stated in this Requête that manifestos would assume an even greater importance in Island-wide elections, which is true of course, because not having hustings and not having canvassing. Then it says that if SACC proposed a restricted manifesto to only 700 words, that would be equivalent to reading approximately 85 pages of print. That is cited as an advantage of Island-wide voting, incidentally. (*Laughter*) But what we are suggesting here, what is being suggested is a system where we know we cannot have canvassing, we know we cannot have hustings and in order to make it feasible, we have to restrict manifestos to 700 words.

2705 Now, I have been through the manifestos of the candidates who have signed... or the Deputies who have signed this Requête (*Laughter*) and the idea of manifestos of fewer than 700 words is a nonsense. (*Laughter*) So I cannot understand how you can say the system does not have hustings, it does not have door-to-door to canvassing, the manifesto becomes all-important, but you are only allowed 700 words. Seven hundred words is nothing. Manifestos today are often insufficiently political. I mean the invitation to just write a load of nonsensical platitudes will be even greater than it is at present. And I do not think it is democratic. I do not believe it is democratic to restrict the size of manifestos.
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The Bailiff: Deputy Lowe is asking you to give way.

2715 **Deputy Fallaize:** I will give way.

Deputy Lowe: Thank you.

2720 If Deputy Fallaize would like to read it again, it does say it is down to SACC what they propose. It is not actually saying in the Requête that they just require just 700. It will be down to SACC to propose whether it should be one page, two pages or whatever, when they come back with the fine detail of the costings.

Deputy Fallaize: I accept that. I did say that the Requête said ‘if SACC proposed a restricted manifesto’. What that paragraph actually says is:

‘Island-wide voting would require electors to read numerous manifestos. Some electors may find this a daunting task; others will consider this perfectly acceptable in order to be able to vote for all Members of the States. As an example, if there were 85 candidates and SACC proposed a restricted manifesto to 700 words, that would be equivalent to reading approximately 85 pages of print.’

2725 So I think we can take it from that paragraph that the *requérants* recognise that if we had 90 candidates sending out manifestos of thousands and thousands of words, producing not 85 pages of print, but maybe, I don’t know, 450 pages of print, it becomes so obviously unworkable.

So I do not think there would be any choice but to propose a restricted manifesto. What I am saying is I do not think that is satisfactory, because there are three ways, at the moment, principal ways of communicating with voters: canvassing, hustings and manifesto. We will be cutting out two of them and the

2730 third one, we would be saying, 'We are imposing a restriction on the number of words you can use to communicate with voters.' I do not think that is democratic and it discourages contact between the electorate and the candidate.

2735 The Island-wide voting scheme in this Requête is logistically possible to organise. I am not going to – I dislike it when words like 'unworkable' or 'impractical' are used about Island-wide voting because it makes it seem as if it cannot physically be organised. Of course, it can be organised. We can get the counting machines. We can get the polling stations. We can get the officials at the polling stations. The whole thing can be organised relatively seamlessly, I should think.

2740 But simply because it is logistically possible does not mean it is a good idea. It is logistically possible for me to drive my car at 110 miles an hour, but it does not mean – Actually, it might not be. (*Laughter*) It is logistically possible for most people to drive their cars at 110 miles an hour, but it does not mean it is a good idea. So simply repeating *ad nauseum*, as one or two of the *requérants* have been doing in recent weeks, 'Oh, it can be done. It is possible. It cannot be beyond the wit of man to organise an election in a small island' – that does not mean that the system is actually sensible. And clearly, if ones reads through this Requête and thinks about the implications of a system of Island-wide voting, 45 seats, giving voters up to 45 votes with a ballot paper like this, circulated by SACC, that is clearly not desirable.

2745 Therefore, sir, the Committee encourages Members to vote against the Prayer of the Requête.

The Bailiff: Well, Members, two amendments have been circulated and, after discussion with the proposers and with the lead *requérants*, what I am proposing is that we take the amendment proposed by Deputy Laurie Queripel and seconded by Deputy Gollop first.
2750 Deputy Lowe.

Deputy Lowe: I was just going ask, sir, through you or maybe proposed through you, listening to the opening speech by the Chief Minister and indeed whatever title he got as Chair of –
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The Bailiff: The Review Committee.

Deputy Lowe: The Review Committee and hearing that the majority of Policy Council wanted this delayed until the Review Report came through in June or July, could I ask the Chief Minister if he has spoken with his Members to put forward a sursis, because if they are really serious about Island-wide voting and it is not just a lip service, I wonder why Policy Council have not taken that action, knowing today that if this does not win – because a lot is going to be put about, 'Oh we have got to wait for this Review' – if they are really serious about it, I would like to know if they would like to recess.
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The Bailiff: There is no provision under the Rules to be asking the Chief Minister whether he has proposed a sursis. The fact is there is no sursis before the States. What we have are the two amendments and that is what we must go on –
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Deputy Lowe: I was asking for a recess, if he wanted to discuss it with his Ministers, sir.
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The Bailiff: I do not think he does want a recess. (*Laughter*)
So, Deputy Queripel to open the debate on your amendment.

To delete Proposition 1 and to substitute the following:

'1. To approve that a referendum on Island Wide Voting shall be held, such referendum to be held on the date of the next General Election in 2016.'

Deputy Laurie Queripel: Thank you, sir.

2775 **Deputy Lowe:** Lip service.

Deputy Hadley: Could I just say, Mr Bailiff – ?

The Bailiff: Deputy Hadley.

2780 **Deputy Hadley:** I am going to suggest that this goes further than the Proposition – do I make that assertion before or after – ?

2785 **The Bailiff:** After he has opened, Deputy Hadley.
Deputy Queripel.

Deputy Laurie Queripel: Thank you, sir.

2790 Sir, like Deputy Fallaize, I am fairly agnostic in regard to the idea of Island-wide voting. If pushed, I would say that I prefer the parish system, for many reasons that the Island's Douzaines have stated via the consultation process that the document has attached for the Report, and for many of the reasons that Deputy Fallaize has put forward, sir.

My mild preference is not for reasons that Deputy Dave Jones states in his recent letter to the *Press* and I quote:

'I think there are several Deputies who are not too sure how they would fare outside the present electoral district, which is why I suspect they will not support Island-wide voting.'

2795 Now, sir, one can have a genuine preference to something without have an ulterior motive or agenda. **(Several Members: Hear, hear.) (Laughter)** I think, sir, deep down Deputy Dave Jones accepts that. **(Interjection)** Surely.

2800 In fact, sir, one could just as easily suggest that there is an ulterior motive on behalf of some politicians that espouse Island-wide voting. It could be ego. Perhaps they would just like to see how well they do – how popular they are across the Island. However, in the instance of this Requête, I am sure that is not the case. **(Laughter)** I am sure it is not. **(Laughter)**

Now, sir, also in Deputy Dave Jones' letter, there was another interesting comment:

'I believe the majority of the public would like the opportunity not only to vote for all the Members of their parliament, but the chance to remove those they do not want also.'

2805 Now, sir, I have heard what Deputy Fallaize has said, but I particularly like that last part, because it reminded me of a saying of the late great Tony Benn, who felt those in power should have to answer the following questions. What power have you got? Where did you get it from? In whose interest do you exercise it? To whom are you accountable? And how do we get rid of you? Great stuff, sir.

2810 But, sir, it is the words at the beginning of Deputy Dave Jones' letter that are truly relevant in regard to this amendment, 'I believe the majority of the public would like the opportunity' etc. My view, sir, is that if the majority of Islanders, the electorate, want Island-wide voting, they should have it. But the truth is, sir, we simply do not know if this is the case. We can suspect, we can believe, we can wishfully think, but the truth is we simply do not know. If somebody says that they do, then quite frankly they are not telling the truth.

Sir, I have spoken to people who passionately believe in the principle of Island-wide voting and equally, I have spoken to others who passionately defend the current system. It is very difficult to judge, sir, where public opinion truly lies – where the split it.

2815 Now, sir, on the radio, on BBC Guernsey on Tuesday, their main feature was the issue of Island-wide voting and I believe they carried out something which is known as a vox pop, sir. I do not really know what that is, but when I was young, sir, a vox was a guitar amplifier that the Beatles used and pop was a fizzy drink that my mum occasionally bought me, and it was normally Sarnia Cola.

2820 And sir, during that programme, the vox pop that was carried out was carried in the parish of St Peter Port and I think only four people were spoken to. This is how distorted this issue can become, sir. Only four people were spoken to and out of four people that were spoken to, sir, they all preferred the current system – the system of parish elections, parish voting. One of those was kind of marginal. They thought that perhaps a hybrid system, so I suppose that would be the current system and a golden vote thrown in, might work, but nonetheless, in effect, it was four-nil in favour of the parish system, sir.

2825 In regard to the other part of the show, where people were able to e-mail and phone in, nine people favoured the Island-wide voting system, sir. Two favoured a sort of hybrid system – once again, perhaps the current system with a golden vote thrown in – and four favoured the parish system. So, if you add all those up, sir, the grand total is nine for Island-wide voting, two were for a hybrid system and eight were for the current system. So, that is how close it is. It is really too close to call, sir.

2830 Sir, this is a big ticket issue. This is about constitutional change, electoral reform. I would suggest that before we make such a big fundamental change, before we commit time, funds and resources to facilitating that change, it might be rather a good idea to ask the people what they think. I know it sounds slightly radical, sir, and probably extreme to ask the people, but I think that is a good idea. It might be a good idea to seek a definitive answer from the electorate, sir. It might be a good idea to take the opportunity to exercise a purer form of democracy. It might be a good idea to seek out and pay heed to the voice of the majority, the will and wish of the majority.

2835 Sir, I can see nothing to be afraid of. I cannot see how the principle of a referendum on this issue can be objected to, whether Members are pro- or anti-Island-wide voting or somewhere in between. If you have

not got an agenda or an ulterior motive, if you believe in democracy, you must seriously consider supporting this amendment.

2840 Sir, there is no finer form of democracy. There is no better way to empower the people. There is no better way to inform inclusive, people-based politics and decision-making.

2845 Sir, if one's support for the system of Island-wise voting is based on ideology, i.e. improving government accountability, giving the people the greatest influence in regard to the make-up of their government, then those Members, sir, should believe just as passionately in referendums.

2850 So, I think it would simply be a case of adding a question to the voting slip. So you have the voting slip, you have the names, sir, on the voting slip and underneath that you have a question, something like, 'Do you favour Island-wide voting?', then they would tick or cross, or put yes or no in the box. That is how I imagine it would work, sir, allowing the electorate to make their choice and have their say. So I cannot think of a more effective mechanism. We will not have a better opportunity to acquire a definitive answer. There will never be a better chance to identify whether Island-wide voting is a majority choice or the choice of a vociferous, albeit significant, minority.

2855 Sir, supporting this amendment will result in a win-win. We will get the definitive answer from the electorate, certainly in regard to Island-wide voting. Number 2, we will gain the ability, in fairly quick time, to advance the cause of democracy within the Bailiwick to create the potential for more inclusive and informed decision and policy-making. So I think we need the clear opinion of Guernsey voters before we make a decision that could lead to all sorts of consequences, all sorts of implications, perhaps some quite profound, for the public, for parishes, for Douzaines and for prospective candidates.

2860 Sir, the States' message to Islanders and to the outside world is: 'We are a mature jurisdiction. We are a mature democracy.' But the evidence is clear, sir: mature, progressive, advanced, civilised, people-orientated democracies possess the ability to hold referendums. Sir, it is a noticeable, significant, unjustifiable, missing cog in the Island's constitutional wheel. It is conspicuous by its absence. Sir, it is a wonder that the EU have not flagged it up as a Human Rights issue. (*Laughter*)

2865 **The Bailiff:** Deputy Perrot.

Deputy Perrot: Point of order, sir.

I think the Procureur might for once agree with me on this point that the EU has nothing to do with Human Rights. It is the European Council which deals with Human Rights.

2870

Several Members: Hear, hear.

The Bailiff: Deputy Queripel.

2875 **Deputy Laurie Queripel:** Thank you, Deputy Perrot. Your interjections are always welcome.

Sir, it is an absolute disgrace that a resolution from 2002, 12 years ago, directing the preparation of legislation necessary for a referendum to be held has still not been progressed, sir. When I think about that, sir, 12 years, my thoughts go to some lines from a T. S. Eliot book, sir, where he says:

'Between the idea
And the reality
Between the motion
And the act
Falls the Shadow'

2880 We have a shadow at the moment. It has been a shadow for 12 years, sir. That is far too long. We need to make referendums a reality, not a shadow.

Sir, there is *still* no tool to hang on the hook. I think it shows the States of Guernsey in a poor light. It is a barometer, a measure of a disregard for public opinion.

2885 For all the reasons I have given, if ever there was a time to instigate a referendum, if ever there was a time to go out to the people to gauge their opinion in a definitive manner, sir, it is on the issue of Island-wide voting.

Now, sir, before I close, I know there is a possibility that an Assembly Member may wish to invoke Rule 13(6) because they feel that the amendment goes further than the Proposition, sir. Before that happens, I would ask Members to bear in mind what I have said about democracy. I would ask Members to bear in mind what I said about inclusive politics and government.

2890 Sir, if you believe in democracy, if you believe in inclusive government and inclusive politics, you believe in debate. Therefore, sir, I would ask, if Rule 13(6) is invoked, that Members would allow this debate to take place. If you believe in democracy, if you believe in inclusive politics and government, please allow this debate to take place. Thank you, sir.

2895 Before I finish, sir, Deputy Fallaize has told me, as the Chairman of SACC, that he would support this debate taking place. Thank you, sir.

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

2900 **Deputy Gollop:** Yes, sir, thank you.

The Bailiff: Deputy Hadley, you are raising Rule 13(6), are you?

Deputy Hadley: Yes, sir.

2905 **The Bailiff:** Are you asking that the amendment be not debated or that debate on the amendment be postponed?

Deputy Hadley: I am asking that the amendment be not debated, sir.

2910 **The Bailiff:** Thank you.

You had given me advanced notice you would be raising that. I had discussed it with Her Majesty's Procureur. I agree that the amendment does go further than the original Propositions.

So, Members, I put to you the Proposition that the amendment proposed by Deputy Laurie Queripel, seconded by Deputy Gollop, be not debated.

2915 **Deputy Laurie Queripel:** Sir, can I have a recorded vote, please?

The Bailiff: We have a recorded vote. The Proposition is that the amendment be not debated. If you do not want it to be debated, you say *Pour*. If you do want it to be debated, you vote *Contre*.

2920 *There was a recorded vote*

Lost – Pour 16, Contre 31, Abstained 0, Not Present 0

POUR	CONTRE	ABSTAINED	NOT PRESENT
Deputy Sillars	Deputy Soulsby	None	None
Deputy Luxon	Deputy O'Hara		
Deputy Quin	Deputy Harwood		
Deputy Hadley	Deputy Kuttelwascher		
Alderney Rep. Jean	Deputy Brehaut		
Alderney Rep. Harvey	Deputy Langlois		
Deputy Domaille	Deputy Robert Jones		
Deputy Le Clerc	Deputy Gollop		
Deputy St Pier	Deputy Sherbourne		
Deputy Stewart	Deputy Conder		
Deputy Gillson	Deputy Storey		
Deputy Le Pelley	Deputy Bebb		
Deputy Spruce	Deputy Lester Queripel		
Deputy Paint	Deputy Ogier		
Deputy Le Tocq	Deputy Trott		
Deputy De Lisle	Deputy Fallaize		
	Deputy David Jones		
	Deputy Laurie Queripel		
	Deputy Lowe		
	Deputy Le Lièvre		
	Deputy Collins		
	Deputy Duquemin		
	Deputy Green		
	Deputy Dorey		
	Deputy James		
	Deputy Adam		
	Deputy Perrot		
	Deputy Brouard		
	Deputy Wilkie		
	Deputy Burford		
	Deputy Inglis		

2925 **The Bailiff:** Well, Members, the result of the vote on the Rule 13(6) Proposition, that the Deputy Laurie Queripel/Deputy Gollop amendment be not debated, was 16 votes in favour, 31 against. I declare the Proposition lost.

Therefore debate will continue and I call Deputy Kuttelwascher first.

2930

Deputy Kuttelwascher: Thank you, sir, Members.

I want to offer you some hope. It is now 4.40 p.m. and I wonder how many of you think we will finish this debate today. Well, I will show you how. *(Laughter)*

2935

When I first read this Requête, I put myself in the position of being a pessimistic optimist. I do favour some form of Island-wide voting. I do not favour what is being proposed, so the pessimistic side of my said, well, this will fail – and I think it will, as it stands. If we take Deputy Laurie Queripel’s amendment, it will truncate the debate, because if you pass that amendment, the only thing we will be discussing is will we or will we not we have a referendum. The rest of it is out the window. We do not have to repeat what we said three years ago. We do not want another circular debate. In fact, I heard Deputy Fallaize’s speech three years ago. We had a circular debate, just before this debate. How much time did we spend getting nowhere? **(A Member:** Hear, hear.)

2940

Deputy Luxon’s amendment of last September gave a lot of work to the States Assembly and Constitution Committee and then we threw it out. That is not good. I suggest that what is being proposed is quite in order, if we finally want to decide whether the people of this Island want or do not want some form of Island-wide voting, and that is something else that can be brought back with different options, then this is the way to do it. Whether or not we actually need a change in legislation, because we do not have referendum legislation except for constitutional issues, but there may be some clever way that SACC could devise that we could vote on this issue without going too far down the legislation route. I see the negative nod from Her Majesty’s Procureur. In India, that is a yes. *(Laughter)*

2945

2950

So I will be supporting this amendment, only because I would hate to leave here today with nothing. If this amendment does not pass – or indeed the other amendment from Deputy Wilkie – we will end up with nothing. Deputy Hadley’s... I am sure his Requête will be lost, although I still basically support the concept of Island-wide voting.

2955

I also believe that if the amendment placed by Deputy Laurie Queripel is to be passed, I am pretty sure that Deputy Wilkie and his seconder will withdraw theirs and if, at the end of the day, you want to throw the whole thing out, just vote against it, because a substantive Proposition would be do we or do not we have – I will be with you in a minute – *(Laughter)* do we or do not we have a referendum? You can then vote against the whole thing, if you do not want anything. You really cannot lose.

2960

So, I recommend and ask that Members support this particular amendment with a view to truncating this debate in the hope that we get something out of it, rather than absolutely nothing.

Thank you, sir.

The Bailiff: Deputy Fallaize, then Deputy Gollop.

2965

Deputy Fallaize: Thank you, sir.

Speaking on behalf of the Committee, I do not think it will be possible to hold a plebiscite without legislation. I suppose, at any time they like, the States can organise a giant opinion poll, but that is not really a plebiscite.

2970

In 2002, Deputy Queripel is right, the States approved the preparation of legislation to enable the holding of plebiscites or referendums as they were called in the policy letter, and I think what would happen...

2975

You see, there are two issues with this amendment. There is the issue of whether we should have legislation to enable a referendum and then there is the issue of whether we should have a referendum on Island-wide voting. I think Deputy Laurie Queripel is more interested – and this is not a criticism of him, I have discussed this with him and I agree with him – in getting legislation to enable a referendum in place than he is in actually holding a referendum on the specific subject of Island-wide voting –

I will happily give way to Deputy Hadley.

2980

Deputy Hadley: To help Deputy Fallaize, we did discuss this in the Bailiff Chambers yesterday at two o’clock, and the view of the Procureur is that if we are talking about a referendum for a single issue like this, it does not need special legislation. At least I think that is...

The Bailiff: Perhaps the Procureur can give his view.

2985

The Procureur: It is probably best that the Procureur speaks for himself. *(Laughter)*

The view of the Procureur is very definitely that we *do* need legislation to have a proper referendum, because you have to put in place the procedures for the conduct of the referendum. You have to prescribe rules as to campaigning, spending by pressure groups one way or t’other, and all manner of things.

2990 What I did say yesterday, and I will say again in the Assembly today, is that if we have legislation for a specific referendum – and every jurisdiction I know has always had legislation for specific referendums – then that is fairly, relatively simple and could be achieved relatively easily.

Deputy Hadley: That is exactly what I said, sir. (*Laughter*)

2995 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: It must have been one of those times when the Procureur said yes meaning no, I think that was.

3000 But another issue here is that the legislation that was approved by the States which did direct the preparation of legislation, there was a direction, I think it was to the Advisory and Finance Committee at the time. Now, SACC is not in a position to prepare the legislation. We would have to ask St James Chambers, obviously, to prepare legislation, but within the legislation, if it was for a single issue – the referendum on Island-wide voting – we would have to set out the question.

3005 Now, this bothers me in the context of this amendment, because Deputy Queripel has suggested that what he is after is a referendum which asks the public ‘Do you want Island-wide voting – yes or no?’. Now, that is like organising a referendum saying ‘Do you want three Christmas Days next year – yes or no?’ (*Laughter*) or ‘Do you want the States to double expenditure on healthcare next year – yes or no?’ without explaining the consequences.

3010 And what we know about Island-wide voting above all else is that there may be a majority of people in favour of Island-wide voting, but there is certainly another majority in favour of any one particular Island-wide voting scheme. Deputy Kuttelwascher says, ‘I support the concept of Island-wide voting, but I do not support the concept of the scheme put forward by Deputy Hadley and the signatories.’ So, presumably he would vote yes in a referendum on the question, ‘Do you support Island-wide voting?’ Deputy Hadley, of course would vote yes – but they have diametrically opposed views about how to implement Island-wide voting.

3015 So, I was hoping, when Deputy Queripel spoke to his amendment that he would explain the type of Island-wide voting scheme that he wants put out to referendum. I really do not think it takes us any further forward, simply to go to the public and say, ‘Do you want Island-wide voting or not?’ That will not give SACC or the States any sort of direction at all. Does that mean all 45 Deputies elected Island-wide? Does it mean going back to the old Conseillers system? Does it mean all Deputies elected Island-wide but not on the same day? Perhaps every two years half the States comes up for re-election. What does it mean?

3020 The other thing is, Jersey have got themselves into a terrible mess, (*Laughter*) not for the first time, on constitutional issues, but we will come to that in July. But they held what appeared to be a referendum on electoral reform and then they decided that they did not like the outcome, so they decided not to implement the scheme which had accumulated or obtained most support when the public were polled. Now, as I understand it, it would be very difficult to conceive of legislation which could make a referendum binding on the States. There are all sorts of constitutional problems with taking the decision away from the States and handing it over to those who participate in a referendum. There are serious constitutional issues.

3030 So, we could find ourselves in the same position as Jersey, bearing in mind that we are the States that are being asked to approve the referendum, but it would be the next States which would receive the results. Now, we could have a situation where this States is full of a majority of Island-wide voting supporters. I do not know whether it is or not, but it could be. So, we vote to have a referendum. The referendum takes place, but because of the constitutional problem, it is not binding on the States. There is a yes vote for this rather vague, nebulous question, ‘Do you want Island-wide voting?’, and then the next States, which may be full of Island-wide voting sceptics says, ‘We do not believe that is right. We think that is a disaster for the Island. We are not going to accept the outcome of the referendum and there is no easy way of binding the States to the outcome of the referendum and that is a very serious issue, in my view.

3040 But I do accept that in principle, if the States are going to hold a referendum, then electoral reform is as good an issue as any to hold a referendum on and actually I am not opposed to the holding of a referendum on electoral reform. If Deputy Queripel came here with a particular scheme... I mean, I have become... When I started, Deputy Hadley used to go on and on to me about STV, transferable vote, and I was a sceptic to start with and I have become more and more interested in that kind of system of transferable voting.

3045 If we want to have a referendum on electoral reform, I do not oppose that in principle, but we have to be very clear about what we are actually voting for today and a vague, nebulous question, ‘Do you want Island-wide voting or not?’, is not a sensible basis upon which to go out to the public.

But I think there is a bigger issue for me with this amendment and that is the date of the proposed plebiscite. I think that holding a plebiscite on Island-wide voting on the same day as the 2016 general election is a total and utter disaster. We have – we do have now, we will have in the next election – *huge*

3050 issues upon which the election campaign has to be fought, to do with economic policy, social policy, environmental policy, the constitutional position of the Island and all of that will be put to one side and the election will become, in itself, a plebiscite on Island-wide voting. It will be uppermost in the minds of all the voters or the vast majority of voters, and the other issues will hardly get a look in.

3055 Now, if I were a certain Treasury Minister who may be involved at some point in proposing something like, say, GST, with an implementation date sometime in the next States, I would be delighted with a plebiscite for Island-wide voting on the same day as the next general election, because it will overshadow all of those obviously more important issues upon which the election should be fought. If you look at these sorts of plebiscites – I am calling them plebiscites, because Her Majesty’s Procureur told me that they were not to be referred to as referendums, and you can never tell with Her Majesty’s Procureur whether he is
3060 joking or not (*Laughter*), so I thought to save one of his acerbic interjections, I ought to follow his advice and call them plebiscites – but I must confess I do not really know what a plebiscite is. (*Laughter and interjections*)

Whether they are plebiscites or referendums, when you look at when they have been organised in the UK, they do not coincide with elections. In, I think it was 1975, the referendum on the renegotiated terms
3065 with Europe, that did not coincide with a general election. The referendums on devolution did not coincide with elections. The referendum on the independence for Scotland is not going to coincide with the general election. Clearly, it is not sensible to organise a referendum on any single issue on the same day as you are having a general election.

And so even if we support the principle of a referendum on Island-wide voting, there are solid grounds
3070 to reject this amendment in order that we do not have a referendum on the same day as the general election.

If Deputy Queripel wants to lay an amendment which re-emphasises, if that is the word, reasserts the direction of the States to prepare legislation to hold a referendum, then I would very willingly support that. I agree with him, it is totally unacceptable that we do not have legislation to permit holding a referendum,
3075 particularly given that that direction was issued to the predecessors of the Policy Council and has now been taken over by the Policy Council 12 years ago. This work *has* to be done. It really must be done before the end of this term of the States. But I do not think this particular proposal is the right way to go about trying to get this necessary legislation on the books.

Thank you, sir.

3080 **The Bailiff:** Deputy Gollop next, and then Deputy Dave Jones and Deputy Lester Queripel.

Deputy Gollop: Sir, first of all, Deputy Fallaize refers to the referendum idea as a plebiscite. I could call it – what is the word? – ‘plebs’ but maybe that is not the right way forward to go.

The whole point... Deputy Fallaize, too, wants to have it both ways, because he argued, curiously
3085 enough, that it was possibly the case that the next Assembly could have a majority of people who were clearly against Island-wide elections, but the plebiscite or referendum showed a result whereby the public were clearly in favour, and then a few minutes later came to the opposite view that it would so dominate the general election that no other issue would matter. So the logic of it would be that, if the public voted in favour of Island-wide, those candidates who were suggesting the alternative would be less likely to be
3090 successful and therefore would dominate in the Assembly.

There are, of course, precedents in other places where referenda are held on the same day as elections. The obvious example being the United States of America, where they elect Congressmen every two years, Senators and the President and in some states, a ballot sheet of about 30 or 40 different ones, including
3095 anything to cannabis to ‘three strikes and you are out’ kind of issues. Whether that is the way we want to go is another question, but there certainly are examples we can find.

I would say, he mentioned the Jersey referendum example that would be a distraction to go into at length, but my view is that people voted the wrong way in Jersey. (*Laughter*) That is the problem with a referendum. They got the answer wrong, possibly because the question was wrong, and the only area I do thoroughly agree with Deputy Fallaize is that the construction of the question would be crucial.

3100 But I think the concept of this is the idea, in principle, ‘do you favour Island-wide elections as a component to the Assembly?’. Once you have answered that, you then get into the deeper arguments of how many and in what way. But there are some people, of course, who are against the principle.

I would separate my remaining points into two halves. The first point is on the implementation of a referendum law. Now, I do remember the history of this. Deputy Kevin Prevel from St Sampson’s put it up
3105 and it was an idea, I believe, that Deputy and former Conseiller, Tony Webber had and then it was developed by others and it was supported. It was passed in 2003 and has never been implemented since and after various questions from me and Deputy Laurie Queripel over the years, we have elicited a response from the Policy Council that it was not a priority in terms of legislation and resources. Now, clearly Deputy Fallaize has indicated that it should be a priority and I think that point should be noted.

3110 But I will go into the gestation now of this particular amendment, the core issue of the referendum on the date of the general election. After a recent Committee meeting, I met Deputy Laurie Queripel and we discussed an idea and I said yes to it. Then I realised I was not sure what I was signing. (*Laughter*) No, it rarely happens, but it did happen, because it did occur to me when I heard an interview that Deputy Wilkie gave about his amendment, that we have yet to hear, that I had questions about his.

3115 The way he presented it on the radio, which might not be the way it is presented later today, if it is placed, suggested that it was kind a sursis, because it effectively would postpone a decision on these issues until after more fundamental review. And I thought, ‘Have I signed a sursis in error?’ because this could be seen as the closure of this debate, as Deputy Kuttelwascher has argued most candidly and ably, really – that if you vote for this, we all go home, because that this the end of the affair. I thought, ‘Hmm, I could easily have signed the Hadley Requête, so I do not really want to postpone a decision until after 2016.’

3120 But then when I reread this amendment, on Monday, I realised that almost everybody has an incorrect interpretation of it, because it actually says:

‘To delete Proposition 1 and to substitute the following:

1. To approve that a referendum on Island Wide Voting shall be held, such referendum to be held on the date of the next General Election in 2016.’

Now, there may not be time for the legislative changes and because we have not got a law, then clearly it cannot happen just like that. But the point Deputy Laurie Queripel made to me was a bit more of a Guernsey compromise than that might imply. His thinking as conveyed to me, as I inferred, was that even if there is not a law, if the States has given the authority in Assembly to a wish, we could all get together as States’ Members, informally. We could meet with representatives of all ten parishes and at the same time as the general election, we could have a blue slip or a pink slip or a green slip – it does not matter what colour it is – where every elector was voluntarily, who had a voting slip, to have an additional voting slip, no compulsion, to answer the question. And the advantages of general election is you guarantee opening hours, turnout and, more to the point, we would hope to see 20,000 to 30,000 Islanders voting, rather than 20 people on the radio vox pop or 100 people in a press poll or even 1,000 people. It would be an authentic result that we could argue with, but it would inform us. Well, people will argue with these things until they blue in the face, as we have seen in Jersey, but it would at least resolve one question. How often do you hear from States Members such as maybe those behind me that nobody wants Island-wide elections or it is only a vociferous minority? We need proper guidance on this.

3135 The other point is let us assume, at this meeting, or the meeting in July concerning States Review that will be placed before us, that the Assembly agrees to have Island-wide voting and the next election, assuming the timespans can be met, is fought on that basis. The amendment would still stand, because Deputy Fallaize has pointed out and he is certainly not the only person who does that there could be numerous problems with an Island-wide election of 45 Members and it would lead to confusion for some or anomalies. Surely, if the election is being fought on an Island-wide basis, that is precisely the time to have a referendum because you would then see whether the public wanted to continue with the Island-wide system or revert to the current system. But I do not see any necessity for delay, even if we vote for this. This would be just confirmation of a situation, and justification for our decision today which, hopefully, will be not only to support this amendment, but support the Hadley Requête.

3145 But in one respect I agree with Deputy Kuttelwascher, this is a half-way house for Members who are a little bit reluctant today or tomorrow to vote for the Hadley Requête, but are more sympathetic to looking at it in the context of the States Review Committee or at a later point. So from either point of view, from the sceptics or the believers, this is surely just a response and a request for greater democracy, greater openness and greater information.

The Bailiff: Deputy Dave Jones.

3155 **Deputy David Jones:** Thank you, Mr Bailiff.

I was surprised, actually, when I saw Deputy Gollop’s signature on the amendment, because you cannot have it both ways. I agree with Deputy Laurie Queripel that the public should be asked. My letter in the *Press* that you referred extensively to was based on all the political pundits in the media who had recognised that the public support was there for an Island-wide voting system. I do not always believe everything I read in the *Press* or hear on the radio, but the general consensus amongst those political commentators was that the public are ready for some form of Island-wide voting and that is what the question should be: are you in favour of some form of Island-wide voting? Well, rather than a specific, if you are saying that the public would come back with an answer of yes and then you would have to sort out what form it was, it is better to ask the question in the first place.

3165 Of course, voting for this amendment will delay Island-wide voting for four years, because it will not be... And I am not sure. I have to check with the Home Department, or perhaps the Procureur, whether it is

legal to actually add something to a ballot slip. As far as my understanding, from my days on the Douzaine, the ballot slip is sacrosanct and anything on it that is different from what has been printed, other than the cross in the right boxes is... Yes, Deputy Fallaize is indicating that we could have two. Well that, again, would be a matter for the Procureur and the Douzaines to either agree or not on.

3170

But hey, if you want to have a formal plebiscite, which is what it is, on public opinion on Island-wide voting, I will not vote against that, but you have to understand that you will not have Island-wide voting in 2016 and it will wreck the Requête. So I am now between a rock and a hard place, because I support the concept of Island-wide voting for all the reasons that I have got down here in 12 pages of a speech. I joke. I jest. *(Laughter)*

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But, at the same time, Deputy Queripel is quite right, it is not for me to pre-empt what public opinion might be, although I believe that it will be overwhelmingly in favour of some sort of Island-wide voting and we will have wasted four years. And you also have to remember, I might remind many of the Members who sit in this Chamber that many of you gave assurances to the public that we would look at this again and we are not going to look at it again, because if you vote for this amendment the Requête will fall because the amendment says that it will have to be done at the next election which is two years away. So, the choice is yours but my conscience will be clear. I will be quite happy to ask the public and I will always support a vote for Island-wide voting. I have done – 25 years ago, Graham Guille and I started to discuss this and said that we wanted a form of it. We wanted to keep the Conseillers because they were elected Island-wide and so I will always support Island-wide voting. I will never change my mind on it and I will tell you later, if we get the chance, why that is.

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The Bailiff: Deputy Lester Queripel, and then Deputy Lowe.

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Deputy Lester Queripel: Thank you, sir.

Even though I have signed the Requête, I am very much attracted to this amendment, because undertaking a referendum is the only way you will ever establish the true feelings of the public, but I will only vote in favour of this amendment if the result of the referendum is absolute. In other words, if the people decide they want Island-wide voting, then they get Island-wide voting, and the actual result of the referendum does not then need to be debated or tinkered with by the States in this Chamber. Because in my view it would make an absolute mockery of staging a referendum in the first place, if the States then had the opportunity to debate or tinker with the views of the people.

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Therefore, sir, I am looking for an assurance, if I may, through the Chair, from H M Procureur that the drafting of the legislation to ensure that the result of the referendum is absolute, that it can be implemented and that the voices of the people will be heard without the need for any further comment or tinkering from the States. Is Her Majesty's Procureur able to give me that assurance, please, sir?

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The Procureur: No. *(Laughter)*

One of the great difficulties of the resolution passed by the States all those years ago was that, because of an amendment, provision was to be made in the legislation for referendums to be binding. There are, as Deputy Fallaize has indicated, very serious legal and constitutional difficulties with that. In fact, it is actually impossible. You cannot, in any system that I can imagine, instruct Members of the elected Assembly which way they are to vote on a Proposition.

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The only way that you can do it, really, is to have the States approve something, approve a new system, subject to a referendum vote. That is the only legal, constitutional way of achieving that.

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The Bailiff: Deputy Queripel.

Deputy Lester Queripel: Sir, I thank Her Majesty's Procureur for resolving my dilemma, sir. On the basis of what he has told me, I have no choice but to vote against the referendum on this occasion. But if we are going to adopt a system of referendum in the future whereby the States will not be able to tinker with the opinion of the people, I will vote for the referendum on that basis.

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Thank you, sir.

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The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

If I remember rightly at the hustings, each hustings, that was the question asked of all the candidates. It was very high profile at the time, so most of you or all of you here elected answered that, when you were sitting at the hustings, whether you supported Island-wide voting or not and indeed, if you remember, the media sent around this questionnaire to all of us and they asked us... The *Press* sent it and I have got the

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results here, where they printed down all the names of those that supported Island-wide voting as well, that they circulated and published in the paper.

3230 But the question, and I pick up Deputy Kuttelwascher's point when he is saying, we are going round in full circle, but to me this referendum is making me giddy, because the question that we are being asked is 'Do you support some form of Island-wide voting?' Yes, fine – and what will happen? It will come back and say, 'Well, how are we going to implement it?' And you are going to be exactly in the same position then, I suggest, than what you are now, because you have had that opportunity. You have been asked, all of you at the election, at the hustings. SACC paid a considerable amount of money to send a leaflet to every household in Guernsey and it had the biggest response, it was nearly 6,000 replied and said they wanted some form of Island-wide voting. So, you have had that.

3235 It also had on there, you had the opportunity to write if you did not support it or if you wanted some other alternative, and we did not get many replies on that. It was coming through, 80% wanted some form of Island-wide voting.

3240 So, how many times do you have to ask the public? We went to every household. It was not a case of it was just at the hustings, where you have got a few hundred people at the hustings. The newspaper actually sent around and asked you all your views on Island-wide voting, so they could publish that in there as well and the States themselves have already been out and asked every household, do they support it or not and it gave enough for, I think, it was four or six from each household to answer and you could add onto it if there were six of you in the family, and there was only columns for four.

3245 So I really do not know how many more times you want to ask the public, but this referendum does give me concerns. It does not give me concerns asking the public what they want, but it gives me concerns that they will say, 'How many times do you want us to tell you? And you are wasting taxpayers' money on doing this!' when we have already sent out leaflets asking them. But I just think, depending on the way the question is actually asked, you are going to be in exactly the same place as what you are now.

3250 You need to actually make a decision, do you support Island-wide voting or not, and go forward from today.

The Bailiff: Deputy Storey.

3255 **Deputy Storey:** Thank you, sir.

I just want to say a few words about the amendment, because I thought that we were all elected here to make a decision on behalf of the people that we represent. That is the constitutional basis of us being here (**Deputy Bebb:** Hear, hear.) and to rely on a referendum to tell us what we should do is just a way of dodging the issue, (**Deputy Bebb:** Hear, hear.) of being too cowardly to make a decision on what we think is best for the Island.

3260 So, I have no alternative but to vote against the idea of a referendum, because as far as I am concerned, that would be acting against the wishes of my electorate when they elected me in the first place to represent them in this Assembly. I urge the rest of you to do the same, because by moving towards a referendum we are in effect undermining the constitutional basis of our very being here.

3265 So, that is all I really wanted to say, sir.
Thank you.

The Bailiff: Deputy Bebb.

3270 **Deputy Bebb:** Thank you, *Monsieur le Bailli*.

I thank Deputy Storey for that. I am not a supporter of referenda. I think that there is a view point that we need to clarify in this debate. The Proposition put before us in this amendment is to approve 'a referendum on Island-wide voting shall be held'. Well, it is sufficiently vague and I would say that I could envisage a multiple option referendum being placed so that all the options of what type of Island-wide voting system you prefer could be laid before the people of Guernsey, and then they could choose, in the same way that Jersey did with their constitutional arrangements – which we could also then do as Jersey did and ignore all of it. But which goes to prove, I believe, the folly of referenda.

3280 I do not think that as a fair criticism of this amendment in relation to the question as to which Island-wide voting system you want. It is perfectly feasible for us to lay the question, setting out five, six, however many options are available in the Island-wide voting, and I think that would be a valid question.

However, there are some questions that we do need to also think of: the timing according to this amendment. I do not think that amendments being placed on an election day is neither good nor bad. It is simply a question of 'what is the effect?' and I think we need to be cognisant of those effects.

3285 In America, as Deputy Gollop pointed out, they vote for a President, they vote for a whole host of different people. They vote for their own state assembly legislature, their federal legislature and, indeed, I was fortunate enough to be in California on the day that President Barack Obama was first elected. There

were, I think, 12 further propositions which were all individual referenda. One of those Propositions was specifically in relation to gay marriage and I think that type of debate coloured the election.

3290 Famously, when Ronald Regan was first elected, there was a proposition 6 which was to ban gay people from participating in higher education and Ronald Regan came out strongly against that proposition. It resulted in it being roundly defeated, but it coloured that debate. I do not think it is necessarily a bad thing to have it, but we must realise that it will colour the whole of the election, and so the question needs to be asked as to whether we want the 2016 election to be coloured wholly by one question.

3295 We must also be aware that in America, they do, as I say, have 12 or more propositions on very different things. There was also a high speed train that they were going to debate going between San Francisco and Los Angeles and despite having support, it did not happen. What a surprise!

3300 The real problem is that question of a referendum. We are in a parliamentary democracy. It is our responsibility to make sure that we have done the due diligence, the background work, the research, that we come to an informed decision that is delegated to this Assembly. As Deputy Storey said, to set it on a referendum is to abdicate that responsibility. It is cowardice. I do believe that a referendum is nothing more than a popular opinion poll and that is simply bad government.

I would ask you all to please reject it on that basis alone, because I think that we really need to take the responsibility of doing the work ourselves.

3305 Thank you.

The Bailiff: Does anyone else? Deputy Duquemin.

Deputy Duquemin: Thank you, sir.

3310 I first will make mention to Deputy Fallaize's speech, because I think Deputy Bebb has added to that point – it would, as an issue, hijack the election and my concern, as I think Deputy Fallaize stated, is that we need to make sure that not only the next States is made up of people that the Island wants, but it is a Statesman/woman for the job, so we need to make sure that the best decisions are made, and to jeopardise that would be unfortunate.

3315 I would also would like just to make one point, because I think in the way that the amendment has been placed from Deputy Laurie Queripel himself, when he said, in his introduction, it would be – to borrow Deputy Fallaize's statement again – a vague nebulous question and Deputy Laurie Queripel did say it would be, 'Do you want Island-wide voting – yes or no?'

3320 A point I made at the Castel Douzaine on Saturday morning was that this would almost be akin to being asked a question, 'Do you want to go on holiday – yes or no?' And when you find out that you are going on holiday, but it is a week staying with the mother-in-law, it is not quite the holiday you expected. (*Laughter*) So be careful what you wish for. People, when they answer that question, might not know what they are signing up to and it is a very serious point.

3325 And believe you me, if I was going for a week with the mother-in-law, I wish I had voted differently in the previous debate and I had remote access to Brookfield House (*Laughter*) and I could see Deputy Luxon on other end of the Skype. But it was not, so...

I cannot support this amendment for a referendum, because I think it is just too vague and I think, just to reiterate the point that Deputy Bebb has just made, it would be just a glorified opinion poll, we know the answer, but the validity of that is just so undervalued for me that it would get us nowhere.

3330 Thank you, sir.

The Bailiff: Does anyone else wish to speak on the amendment? Deputy Rob Jones.

3335 **Deputy Robert Jones:** Just briefly, I take exception a little bit to Deputy Storey and Deputy Bebb's comments that referenda or plebiscites are a form of cowardice. I think in any democracy electoral reforms surely lie with the views of the people.

That is all I will say on that.

The Bailiff: Deputy Gillson.

3340 **Deputy Gillson:** Sir, I have got a slightly different concern about the idea of a referendum. I fully agree with what Deputies Storey and Bebb said, but it is at what threshold of the vote becomes... Say if the question is 'Do you agree with Island-wide voting?' what percentage becomes a yes? Is it a straight 50%? Is it 70%? Is it 80%? Because the chances are we are not going to get 100% turnout, so if you get less than 50% turnout, then a 50% approval means you have only got 25% of the population approving it.

3345 I seem to recall other referendums where the vote has been based on a much higher percentage, that is a higher threshold. Again, this amendment does not make any reference to not only the question which is, I think, really weak, but what the threshold would be to allow it to have a positive vote. It is not there.

3350 We often say, it is on the can. The name is on the can. This does not tell you what you are voting for. I think this is a particularly poor amendment. I am really concerned, because you have got no idea of what the threshold for a positive vote would be.

The Bailiff: Does anybody else wish to speak? Deputy Lowe has already spoken.

3355 **Deputy Lowe:** No, Her Majesty's Procureur said it was binding, so it does not matter presumably.

The Bailiff: No, he did not say it was binding.

The Procureur: I think I need a holiday. (*Laughter*)

3360 I have tried my best to explain to the Assembly the problems of trying to make a referendum binding as a matter of law and constitution, and opined that there is no way that it can be done other than by the States positively approving a particular Proposition, i.e. there will be Island voting in this particular format and these will be the rules, but subject to the subsequent approval of that by referendum. It is the only way that it can be done.

3365 So, in reality the concept of a binding referendum is not legally and constitutionally possible and that is one of the main things which has held up the enabling legislation for so long.

Deputy Fallaize: Sir, may I just ask?

3370 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: As a consequence of that then, it would be reasonable, I suppose, for the States to vote in favour of the scheme set out in Deputy Hadley's Requête, subject to it being approved in a referendum. Is that the kind of example of what the Procureur would advise is a more reasonable basis upon which to hold a referendum?

The Procureur: Yes, I am suggesting that that would be a legally possible scenario.

The Bailiff: I see no-one else standing.

3380 Deputy Hadley, do you wish to exercise your right as lead *requérant* to speak on the amendment immediately before Deputy Queripel closes the debate?

Deputy Hadley: Yes, Mr Bailiff.

3385 I think this debate has illustrated the problems that we are always going to come across. If we were to ask the electorate, do they approve of Island-wide voting as we did in 2010, we can be fairly certain that back will come the answer, 'Yes we do', and then we will back here again with the whole list of options that we saw in the Billet the last time we debated this. So, really, I will be asking everybody to vote against this amendment.

3390 Essentially, we are always going to be stuck on this issue of 'Yes, we all know we want Island-wide voting, but which particular flavour do you want today?' The last time, I will remind Members, if they have read the Billet – I am sure they do not need reminding – the actual recommendation of SACC was what we are again putting before the Assembly today, and this is the only way we will ever give the Island what they want. Once you start tinkering around with it and have hybrid systems or split elections, we will here forever.

3395 So I urge Members to reject this amendment so we can move into general debate.

The Bailiff: Deputy Queripel will reply to the debate.

Deputy Laurie Queripel: Thank you, sir.

3400 Sir, I will not go in any particular order, but I think I will start with Deputy Fallaize.

It is not often I disagree with Deputy Fallaize but, sir, I do on this occasion. I give the electorate more credit than that. I do not think they would allow the 2016 election to become a one-topic election, just because a referendum might be held. So, I do not think the electorate are that one-dimensional. I think that they are informed. I think they are reasonable. I think they are intelligent. I do not think there will be any fervour. I do not think there will be this feverish Island-wide voting gold rush, sir.

3405 So, you have only got to look at the demographic of Guernsey voters: young, middle aged, elderly, students, pensioners, employers, business leaders, parents, teachers, disabled, manual workers, representatives of all sorts of special interest groups, sir. Those people are not going to put to one side

3410 issues such as population, the economy, housing, education, environmental issues and social policy and a myriad of areas that they will have concerns and opinions about.

Yes, sir, a referendum on Island-wide voting will add interest. I think there will be a big turnout. I think people will take the opportunity to have their say, but it will just one issue amongst all the others. I think the people of Guernsey are more discerning than that.

3415 And Deputy Fallaize, I think he said I am looking for something like the penny on both sides or have my cake and eat it – and that is true. I want both. I want the definitive answer from the Guernsey electorate, the Guernsey voters and I want the ability to hold a referendum.

3420 Now, sir, Deputy Fallaize will not disagree with me, but I think Proposition 2 is broad enough. There has been talk about the question being rather vague and it does not really settle anything, but, actually, we are going to answer back in principle, a definitive answer that the people of Guernsey, the electorate either want Island-wide voting or they do not, sir, and I think Proposition 2, which will remain in place if this amendment is passed, is broad enough to allow SACC to come forward with particular recommendations, sir, as to what should be offered to the electorate in the form of a question in regard to Island-wide voting, in regard to the referendum. So, I think we need to establish the principle, sir. We need a definitive answer.

Yes, I thank Deputy Kuttelwascher for his speech and for the points that he made.

3425 Deputy Gollop, I agree, sir, again. I think we need an in-principle answer. I think we need a definitive answer and he is right, it is not unusual to hold referendum on the day of election, sir.

Going back to Deputy Dave Jones, I thank him for his speech. He made some very balanced points, I thought, but as I said before when I referred to his letter, he might believe, he might think, but you do not know. I think we need that definitive answer.

3430 What is there to be afraid of? I do not think it is cowardice and I am surprised at Members saying that. I do not think it is cowardice to have the ability to hold a referendum. I do not think that is cowardly or weak at all, sir. As I said before, all mature democracies, all people-based democracies, all democracies that want to be informed, want to make informed policy and informed politics have the ability to hold a referendum.

3435 Sir, Deputy Lowe has referred to the fact that Island-wide voting was a big topic at the last election, sir. I did not mention it on my manifesto at all and it was not an issue on the doorstep for me. When I was asked at the hustings and anywhere else, I said, if the people want it, they should have it. That has always been my consistent answer: if the people want it, they should have it. And, sir, for some amazing reason I ended up with 2,345 votes, so I think that is a good indication – I think anyway – of perhaps where this issue of Island-wide voting sits as far as I am concerned. But that is, once again, my perception. We are all thinking and believing according to our perception. That is the point.

Deputy Storey, once again, I have respect these views, but Deputy Storey said that we have been elected to govern, and I agree with that, but, sir, this is not just an ordinary issue. This is a game changer. This is constitutional change. This is electoral reform. This is not something that is going come away at every States meeting. This is a once-in-a-lifetime thing, basically. *(Laughter)* A once-in-an-Assembly thing.

3445 So, sir, there were many other comments that were very similar. The comments went round in circles themselves. People were saying that the subject has gone round in the circles, but many of the comments did as well, sir.

3450 I am just going to finish by saying, sir, I would urge Members to take this opportunity to give the people of Guernsey a chance to have a proper say on an incredibly significant matter: electoral reform, a game changer and constitution changer, sir. This is a rare chance for States Members to really understand what people are thinking and take it on board. Sir, there has been much talk in recent times about the disconnect between Government and the people – that the Government are not sensitive to the people, they are not listening to their concerns and their opinions. This is our chance to address that perception, sir.

3455 And the bonus of putting something in place that should have been there a long time ago, sir – the resolution, and I accept what Her Majesty's Procureur is saying, there are perhaps faults to the wording of that resolution, but all those things can be dealt with, all those things can be rectified. SACC can go away and look at all those things and come back with some proportionate and sensible recommendations.

3460 Sir, a referendum is a valuable democratic tool. It is a way to engage, include the people of Guernsey in political deliberation. So sir, if Members approve of this amendment, you get two acquisitions for the price of one. It is a bargain – an upgrade, an enriching of our democracy. There is nothing to lose, sir. Approving this amendment can only be a gain for the people of Guernsey, for this parliament, sir. I ask Members to seize this opportunity.

Thank you, sir. Could I have a recorded vote, please, sir?

3465 **The Bailiff:** Members, we are voting on the amendment proposed by Deputy Laurie Queripel, seconded by Deputy Gollop.

There was a recorded vote.

3470 **The Bailiff:** Deputy Laurie Queripel.

Deputy Laurie Queripel: I am considering an alternative amendment that I could lay tomorrow, perhaps – putting the scheme that the Requête is putting forward, the Hadley scheme, to referendum but not at the date of the General Election, sir. It is something I can think about overnight and perhaps I will just give Members warning now before we go to that point. (*Interjections*) Oh good!
3475 Thank you, sir.

The Bailiff: Thank you for giving Members a warning, Deputy Queripel.

3480 *Lost – Pour 8, Contre 38, Abstained 0, Not Present 1*

POUR	CONTRE	ABSTAINED	NOT PRESENT
Deputy O'Hara	Deputy Soulsby	None	Alderney Rep. Harvey
Deputy Kuttelwascher	Deputy Sillars		
Deputy Gollop	Deputy Luxon		
Deputy Ogier	Deputy Quin		
Deputy Trott	Deputy Hadley		
Deputy David Jones	Alderney Rep. Jean		
Deputy Laurie Queripel	Deputy Harwood		
Deputy Brouard	Deputy Brehaut		
	Deputy Domaille		
	Deputy Langlois		
	Deputy Robert Jones		
	Deputy Le Clerc		
	Deputy Sherbourne		
	Deputy Conder		
	Deputy Storey		
	Deputy Bebb		
	Deputy Lester Queripel		
	Deputy St Pier		
	Deputy Stewart		
	Deputy Gillson		
	Deputy Le Pelley		
	Deputy Fallaize		
	Deputy Lowe		
	Deputy Le Lièvre		
	Deputy Spruce		
	Deputy Collins		
	Deputy Duquemin		
	Deputy Green		
	Deputy Dorey		
	Deputy Paint		
	Deputy Le Tocq		
	Deputy James		
	Deputy Adam		
	Deputy Perrot		
	Deputy Wilkie		
	Deputy De Lisle		
	Deputy Burford		
	Deputy Inglis		

The Bailiff: Well, Members, the result of the vote on the amendment proposed by Deputy Laurie Queripel, seconded by Deputy Gollop was 8 votes in favour, 38 votes against. I declare it lost.
3485 We will rise now and resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.39 p.m.