



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 28th March 2014

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Present:

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

Law Officers

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, E. G. Bebb, L. C. Queripel

St. Sampson

Deputies G. A. St Pier, K. A. Stewart, P. L. Gillson,
P. R. Le Pelley, 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. 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 Representative L. E. Jean

The Clerk to the States of Deliberation

A. J. Nicolle, Esq. (H. M. Deputy Greffier)

Absent at the Evocation

H. E. Roberts Esq., Q.C. (H.M. Procureur); Ms M. M. E. Pullum, Q.C. (H.M. Comptroller);
Deputy M. J. Storey (*absent de l'Île*); Deputy S. J. Ogier (*relevé à 9h 47*);
Deputy A. H. Brouard (*relevé à 9h 47*); Alderney Representative R. N. Harvey (*absent de l'Île*)

Business transacted

| | |
|--|------------|
| Convocation..... | 409 |
| Billet d'État V | 409 |
| VI. Requête – Island Wide Voting – Debate continued – Sursis of debate until 30th July 2014 approved | 409 |
| Procedural..... | 420 |
| <i>The Assembly adjourned at 10.26 a.m. and resumed its sitting at 10.40 a.m.</i> | <i>420</i> |
| States Review Committee – Speculation on future structure of the States – Statement by the Chairman | 420 |
| Appendix laid before the States – Education Department – Elizabeth College Annual Report for the Academic Year 2012/2013 | 422 |
| <i>The Assembly adjourned at 10.49 a.m.</i> | <i>422</i> |

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

CONVOCATION

Billet d'État V

VI. Requête – Island Wide Voting – Debate continued – Sursis of debate until 30th July 2014 approved

Article VI.

The States are asked:

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: Billet V, Article VI. Requête – Island-Wide Voting – continuation of debate.

5

The Bailiff: Well, Members, there is a sursis which has just been circulated. For the benefit of people listening outside the Chamber, the sursis reads:

‘To sursis the Article to the meeting of the States of Deliberation to be held on 30th July 2014.’ –

the article being the Requête on Island-Wide Voting. The Explanatory Note reads:

‘The Purpose of this Sursis is to cease debate on the issue of Island-Wide Voting until after the Assembly has had the opportunity to consider and resolve propositions from the States Review Committee, which will be considered at a special meeting of the States in mid-July.’

10 The sursis is proposed by Deputy Trott and seconded by Deputy Lowe. As soon as it has been circulated to everybody, I will be calling Deputy Trott.

Deputy Trott.

Deputy Trott: Thank you sir.

Sir, I rise to propose this sursis and thank Deputy Lowe for seconding it.

15

Sir, the explanatory note which you have read out says it all. I am aware that this sursis, because I have spoken with them, has the support of the leader of the Requête, the Chief Minister and I believe the Chairman of SACC. I have also spoken to Deputy Wilkie, who of course was anticipating tabling a similar amendment.

20 But this sursis, if passed, will clearly reflect the view of the Policy Council that the Requête should in fact have been submitted to allow debate on Island-wide voting to have occurred after the debate on the issues brought forward by the States Review Committee in mid-July.

Sir, I hope the Assembly will see the merits of this motion, sir, and anticipate hopefully, not foolishly, fairly strong support for it.

25 **The Bailiff:** Deputy Lowe, do you formally second the sursis?

Deputy Lowe: I formally second the sursis, sir.

The Bailiff: Does anybody wish – ? Deputy Bebb.

30

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

I do not think that I will support this sursis and the simple reason for it is that Members had the circulation of the amendment that Deputy Wilkie would have been laying this morning, if the sursis was not circulated, and I think if Members were to turn to that one, it says quite simply, ‘as soon as is practicable’. This sursis imagines that the States Review Committee’s report in July will be sufficiently full of information in order for SACC to actually do its work and for us to then have a full debate.

35 But the States Review Committee may not lay such a policy letter. It may not have the full details of the workings of the Committees. I understand from the States Review Committee that their intention was to lay a preliminary one in July and then a further one. The consideration that Deputy Wilkie had and myself when we were discussing our amendment is – what is ‘practicable’? July may not be practicable and I think that for that simple reason, I think that this sursis is not exactly in the best interests, because we could be here in July, debating the fact of ‘what system do we want?’ all over again. This would just be a repeat of yesterday’s experience and today’s if we carry on with this debate.

40 Therefore I personally do not think that this sursis would achieve anything much.
45 Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I have a number of reasons for not being particularly keen on this sursis.

50 The first is that Deputy Laurie Queripel put forward an amendment yesterday which I think we realised needed a bit of tweaking and he has been working, I understand, on a revised version. The fundamental principle he put across in the amendment was the concept of a plebiscite or referendum within its context. We will not define what kind of referendum.

55 Now, that could materially give information to the States before the next election and this does not do anything to change the arguments one way or another, to put that amendment across, because all this does is postpone the time to discuss the precise details of it, rather than taking on board public opinion.

60 My second problem with this is that as I understood it from the Chairman of SACC, Deputy Fallaize, has identified within the Report, and several times in the media, that the first report from the States Review Committee that was being ably led by Deputy Harwood, and presumably now Deputy Le Tocq, will contain within it broad principles, a binary to look at the machinery of Government.

65 Now, the Island-wide election is an add-on to that and the Chairman of SACC has indicated that it was not a particularly high priority for SACC members. Clearly, the only material difference that is likely to come out of that, apart from which system of Government needs the most members, would be how many members we will have in the future. Now, I submitted a little research paper to people about the Sark elections, which indicated – admittedly given the tiny size of Sark, there are different issues there – that they could and did manage quite well an election, Island-wide, at one time of 28 successful candidates, 57 total candidates.

Now clearly, 28 is a viable number. I do not know about 35 or 45, but I imagine it would be and this sursis does not answer those questions at all.

70 But it was implicit within the Hadley Requête that if a vote for Island-wide had succeeded, it would have in turn been amended by a subsequent decision of the Assembly to reduce, or even increase, the number of States Members. So I do not see that the Requête is necessary. Also there is a danger, surely, of the important issues of the system of Government, the machinery of Government in the July debate to be hijacked by Members’ concerns of Island-wide elections.

75 I think that we are just kicking the can down the road, to use the expression Deputy Jones frequently gives to the Assembly.

The Bailiff: Deputy Fallaize.

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

I am going to support the sursis because the States Review Committee and the States Assembly and Constitution Committee advised the *requérants* to submit this Requête for debate after the proposals of the States Review Committee have been considered. There are letters of comment to that effect. The letter of comment from the States Review Committee says that the first report of the Review Committee will be in
85 July 2014, in mid-July – Members are now aware that an extra States meeting has been convened for mid-July for that purpose – and it goes on:

‘This policy letter will be sufficiently comprehensive to allow the States to make what the Committee believes is a binary choice between organising all States’ affairs within a ministerial system with all ministers bound by collective responsibility or organising all States’ affairs within a substantially reformed committee system.

The Committee strongly believes that any proposals to change the system of electing people’s deputies should be considered after the States have determined how the administration is to be structured with effect from 2016. Decisions about the most appropriate structure of the States are unlikely to be influenced by the electoral system whereas decisions about the electoral system could be influenced greatly by the overall structure of the States.’

And the States Assembly and Constitution Committee, in their letter of comment, states that the debate of the Requête this month is premature, for many of the same reasons I have just outlined.

90 Now, Deputy Bebb and Deputy Gollop are right in one sense – and they are both opposing the sursis – in that Deputy Bebb is correct because, clearly, the production of this sursis halfway through the debate will mean that many of the points that were raised in debate yesterday will be repeated at the end of July. That is clearly the case, but it is not unreasonable under our Rules of Procedure to lay a sursis at this stage. I can think of other occasions when a sursis has been laid halfway through debates and sometimes they contribute to better decision making. I think this is an example, but that does not negate the point that Deputy Bebb
95 has been making.

Deputy Gollop is correct in the sense that the proposals of the States Review Committee are not going to be so detailed that obviously emerging out of them will come a mechanism to introduce a particular Island-wide voting scheme. However, they will be sufficiently detailed for the States to make resolutions on the number of Members – but even more importantly than that, the overall structure. This is the point that the States Review Committee was trying to convey in its letter of comment but obviously failed to persuade the
100 *requérants* of this at the time.

The case for different forms of Island-wide voting changes depending on the structure of the States. For example, at the moment the Policy Council has 11 members which, give or take, is a quarter of the States. Now it is possible – and in the past it has been put forward, and in fact the States had an electoral system like this until not very long ago – to have a quarter of the States elected on an Island-wide franchise. If that
105 system were introduced today, with 11 Members of the States sitting on the Policy Council, it would be, in my view, dangerous because within one electoral cycle, very quickly, the public expectation would be that those Members who are elected with Island-wide franchise should become Ministers and those elected in a parish-based system should not be Ministers.

110 Now that conflates two separate issues. Being elected to the States, sitting as a representative of the public, is a completely different issue to leading States Departments, so we should keep those two issues separate.

If, however, the structure of the States is changed quite significantly, the case for electing a portion of the States via Island-wide franchise may no longer be conflated with the issue of who leads the senior
115 Committees or Departments of the States. So that is one example, and there are other examples, of ways in which the possible change of the structure of the States could have an impact on the case fall, the advantages and disadvantages, of different Island-wide voting schemes. Not perhaps the scheme that is in the Requête, because actually realistically the States are not going to reduce their numbers to the extent that would be necessary to make an Island-wide election for all Deputies on one day straightforward. I think the
120 States would have to be reduced to maybe 20 Members and clearly that is not going to happen. But it is the way in which the structure is arranged which could change the case of different Island-wide voting schemes.

I hope I have been able to get that across now a bit more successfully than we managed in the letters of comment.

125 The other thing is this: once the States have resolved their structure, I think Members will be more prepared – those Members who favour Island-wide voting but not the scheme in the Requête – will be more able to take a considered view *vis-à-vis* the laying of amendments. I thought that we would have a whole load of amendments laid by Members who, as Deputy Kuttelwascher said, support Island-wide voting but not this particular form of Island-wide voting. I think it would be healthy if we are going to debate Island-wide voting, for those Members to bring forward their different schemes and then the States can take an
130 objective and considered view on all of the schemes.

Now, debating this Requête in advance of the proposals of the States Review Committee made it very much more difficult for Members to lay those sorts of amendments. If this sursis is approved, the States will

135 make resolutions about the structure in mid-July and then, two or three weeks later, will debate the subject of Island-wide voting and Members who wish to consider laying amendments to the Island-wide voting Requête will be able to reflect upon the decisions made by the States with regard to their structure.

So for those reasons, sir, I think this sursis is probably sensible. I regret that we were able to persuade the re *requérants* of the case for deferral at the time, but better late than ever and I think that it would be sensible for the States to support this, sir.

140

The Bailiff: Deputy Brouard, you wish to be *relevé* and Deputy Ogier too?

So Deputy Le Tocq and then Deputy Dave Jones.

145 **Deputy Le Tocq:** Sir, I echo the views of Deputy Fallaize on this. I think the Policy Council in certain matters, and this is such one such matter, is always between '*un rocher et une place du dur*' (*Laughter*) because one of the difficulties here is when it was considered by Policy Council, bearing in mind Policy Council attempted to seek the *requérants* to defer it until after, which is the effect of this Requête, was that if we acted too swiftly it would like we were against the whole principle and that is clearly not the case. We have one Member, Deputy Jones, who is a signatory to the Requête.

150

So we have a problem in doing so, but personally, I think this is the right way forward now and I do not regret the fact that we have had an opportunity to air the feelings that we have got, notwithstanding the fact that the States Review Committee report may not propose things or make this much easier for us. July is the best time to do it because were there to be any changes, there will need to be effective interaction with the Douzaines and with other parties, in order to facilitate this sort of thing and we certainly could not do it any later than that.

155

So I am going to support this sursis and I encourage the Assembly to do likewise.

The Bailiff: Deputy Dave Jones.

160 **Deputy David Jones:** Thank you, Mr Bailiff, Members of the States.

I am unfortunately, as a signatory, going to support the sursis at this stage, because I think that certainly yesterday the amendment from Deputy Laurie Queripel has somewhat muddied the waters. I also believe that waiting for the review would make not a jot of difference anyway. Unless the Review Committee is going to come back and say that they want to abolish elections altogether, (*Laughter*) I cannot see how Members who are elected are going to be offended by that.

165

It will not make any difference if the Committee comes back with a reduction of States Members – we could still have Island-wide voting. If they come back with proposals for executive government or cabinet government, we would still need to vote those people in. Even if the Chief Minister is given more powers, States Members will still have to be voted in. In fact, I cannot see a scenario where any changes to the machinery of Government will change the fact that Deputies will still be voted into office by the public, so why do we need to delay these proposals?

170

But I think in retrospect, and given the discussions last evening, which was one of the reasons why the Policy Council, for the reasons I have given there, could not dissuade Deputy Hadley, myself and others, to withdraw the Requête at the time. But clearly there are Members of the States given some of the speeches yesterday, who are going to vote against the principle of Island-wide voting because they want to wait for that review. Now only a fool who was a signatory to that Requête would not recognise, from those speeches yesterday, that this Requête is heading for a cliff.

175

But the other spurious reasons given of why we had to wait for that review are simply not plausible because the Review Committee is not going to come back saying that we need a benign dictatorship and we are going to abolish voting for the public.

180

So reluctantly, I would ask all of you to support the Deputy Trott sursis in order that we can get this back on some proper footing where we can have a proper debate, after 20 years, of a system of Island-wide voting. I am not going to die in a trench if somebody puts an amendment forward at the time for some form of Island-wide voting that is not necessarily purely 45 Members, although that is the system I prefer, but if somebody comes up with a workable system that is better than that – and I believe we have a workable system even with 45, which had I read my speech you would have probably disagreed with – but in retrospect I think we should now support this sursis, let the Review Committee deliver on its findings and then have a proper debate on Island-wide voting after that.

185

Anything else now, after yesterday's amendments and the fact that States Members already made it abundantly clear that they prefer the review to come first, is going to end up today with a dog's dinner and that is not what I want.

190

The Bailiff: Deputy Kuttelwascher and then Deputy Hadley.

195 **Deputy Kuttelwascher:** Thank you, sir.

I will support this sursis for one reason only, in that it keeps the issue alive. It is the same reason I supported Deputy Laurie Queripel's amendment yesterday.

Now Deputy Fallaize, I think, implied that I would not have supported the Requête. What I actually said was, it was not my favourite option. I had every intention of supporting the un-amended Requête if we had got down to that, but I was fully aware the likelihood of success was minimal.

200 The issue of having to wait for this Review Committee is, I think, one of these great red herrings because they are charged with how we deliver Government. It has got nothing to do with how we elect our Members. Although there will be an issue whether we have 35 or 45 or 105, it has got nothing to do with how we elect Deputies. It may affect how we might want to elect them subsequently, but at the end of the day it is not charged with trying to tell us how we should be elected.

205 So I will support the sursis. Thank you, sir.

The Bailiff: Deputy Hadley – if you speak now, you forego your right to speak immediately before Deputy Trott sums up.

210

Deputy Hadley: Thank you, sir.

I think I would really just like to reiterate what I said yesterday and that is that when the Policy Council asked me to delay the placing of this Requête, I initially was prepared to do that, but because a number of people – not just one, but a number of people – were of the view that to delay would mean that we would not have Island-wide voting for the next election, I therefore decided to proceed with it.

215

It was not because I wanted to rush people. It was not because we did not want to consult the Douzaines. It was purely and simply that in the knowledge that nearly 80% of the population surveyed in 2010 said they wanted Island-wide voting, to not have it for the next election, to me, would be wrong.

220

I think we are all proud of the fact that we have a consensus system of Government here and now what I can say is that having listened to the Policy Council who are saying really, we want to... Unless I misunderstand them, a major reason for opposing the Requête at this time is because they want the review of Government first and other Members have said the same thing, then it is something we have to listen to.

225

Again, Members heard yesterday, the Chairman of SACC – although I am not sure he said it in the Assembly, but has certainly said it in discussions in-between – that he sees no problem in Island-wide voting being implemented at the next election. Should that be the wish of the Assembly at the end of July, then I think that has laid a marker down that –

The Bailiff: Deputy Fallaize.

230 **Deputy Fallaize:** I thank Deputy Hadley for giving way.

Deputy Hadley I think would agree with me, would he not, given that the previous States debated Island-wide voting only a year or so before the previous election and the opinion of the previous Committee was that it could have been implemented in time, that as long as the States make a decision about Island-wide voting at some point this year, it would be perfectly feasible to implement it for the next election?

235

The Bailiff: Deputy Hadley.

Deputy Hadley: Thank you, sir.

240

Again, I do disagree with Deputy Bebb. I think from what has been said, we will have sufficient knowledge of the direction of travel and the system of Government we are likely to have, in the middle of July. We have got four days to consider the issue and I am sure we will know where we are going, even if we have not dotted the i's and crossed the t's.

245

So for all these reasons, I will support the sursis. I hope between now and the end of July, people will consult widely with the electorate so that their views can be reflected in the debate that we have at the end of July.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you very much, Mr Bailiff.

250

This is peculiar because we have two of the signatories to the Requête making a case before today that it had to be debated today and now is the time to grasp the nettle and deal with the issue of Island-wide voting. They were advised by SACC –

Sorry, sir.

255 **The Bailiff:** Deputy Trott –

Deputy Trott: Deputy Brehaut is unintentionally misleading the House. I did advise the leader of the Requête, as did Deputy Lowe, of our view that this debate should be delayed until after the States Review Committee had brought their proposals forward. That was not the majority view of the other *requérants*.

260 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Well, thank you, sir, but my point stands, that two signatories of the Requête are also signatories of the sursis.

265 My observation is that I would have thought on a show of hands yesterday, if you could take the temperature of a meeting, take the temperature of a group, what direction is it going in, from the speeches made, I think people who supported Island-wide voting were just getting a little bit nervous that yesterday, it was not going to be delivered; that there was a possibility that Island-wide voting would not be supported by this Assembly.

270 Now, I do not think if we come back following the review, the results of the review rather, that many of us potentially will change our minds. I do not support Island-wide voting. I cannot support Island-wide voting and when the proposers come back with what any Government will look like, I still do not believe that with a membership of 45 Members of the States of Deliberation, however, whether you even want to divvy up a golden ticket or a golden vote, that essentially Island-wide voting delivers what people think it delivers.

275 Now, the frustration that people have, and it is frequently said, is that people like Deputy Brehaut get elected in small constituencies with 900 votes. How is that possible when people down the Vale get 1,200 votes and they have not got a seat in this parliament? The answer to that and the remedy for that is not Island-wide voting. It is simply larger constituencies.

280 I think Deputy Fallaize made this point before. If let us say that St Peter Port once again became one electoral district, one parish, then people feel that they have then a representative view of the community and I think there is real merit, at some point in the future, in ensuring we have larger constituencies so that people feel that they are truly from a representative base, because I think that is what people think Island-wide voting gives you when the argument put forward as articulately as ever by Deputy Fallaize is that you can end up with people with an Island-wide vote much smaller than what constituencies divvy up at the moment.

285 Deputy Kuttelwascher says we are keeping the issue alive, but it concerns me that we are keeping the issue alive. We are not. We are carrying it forward because it is familiar. I have become familiar with this sensation since I have been in the Assembly, that you believe when a report is delivered, it will fundamentally change the way you view something, when actually, you come to terms with the propositions in reports very readily, very quickly and you think actually, the world has not changed very much. Has the world changed enough to deliver, to make Island-wide voting work? I do not think it will.

290 So I would ask you not to support the sursis this morning. Deal with the issue of Island-wide voting, rather than say to the public, 'We *almost* dealt with the issue of Island-wide voting,' raise their expectations to say, 'We will deliver Island-wide voting to you after the results of the Review Committee', you have the Review Committee and then this Assembly *still* cannot reconcile itself to Island-wide voting.

295 So I would deal with this issue now, today.

Thank you, Mr Bailiff.

300 **The Bailiff:** Deputy Harwood.

Deputy Harwood: As the former Chair of the States Review Committee and as former Chief Minister, I would urge all Members to support this sursis motion, for the reason already mentioned by Deputy Fallaize. The Chief Minister referred to being between a rock and a hard place. You could also argue the analogy between putting the cart before the horse – the *chariot* before the *cheval*. (*Laughter*)

305 But the key point and the reason for suggesting the delay in the first place until after the Review Committee has reported is precisely because then Members of this Assembly will know the structure of Government that they wish to carry forward. That structure will then enable us to consider alternative forms of Island-wide voting. At the moment, as everybody has said, we have one proposal which gives everybody, all 45 Members of the Assembly, being elected by Island-wide voting on one day. As Deputy Kuttelwascher and others have said, that is not the model that they would necessarily have chosen. I have concerns, I think as it stands, the Requête will be defeated precisely for that reason.

310 Once we have established the structure of Government that we wish to pursue, we wish to follow, *then* we can look at the practical alternatives for Island-wide voting. There will be more than one model for Island-wide voting if we choose to go down that route.

315 So therefore I would urge all States Members to support the sursis. I think it is correct. It is not saying no to Island-wide voting but it is saying we will consider Island-wide voting once we know the structure of Government. I think that is the appropriate way of proceeding.

Thank you sir.

320 **The Bailiff:** Does anyone wish to speak on the sursis? Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I will vote against the sursis. I do not see that we will be in any better position after the July debate and I think the points made by Deputy Gollop and Deputy Bebb, I totally agree with.

325 I think States Members need to think about the Electoral Reform Society when they said about voting all Deputies by all-Island voting, there are possible models for all-Island voting and I quote:

‘but unfortunately they all present significant practical difficulties, because of the size of the States of Deliberation, and the lack of political parties in Guernsey.’

330 There is not a practical way to set up a system for... and the one proposed in this Requête, I do not believe has any sense in expecting people to read, as has been said, the number of manifestos and to have that number of votes, it is not a sensible system. That is why the Electoral Reform Society has concluded what it did, that there is not a practical system.

Members have spoken about having part of the States voted by Island-wide and part not, but people forget, that is what we did have. We had a system of Conseillers. People can talk about surveys, but what is most interesting is how many people actually voted. The first Conseillers election, which was in 1994, 17,100 voted for the Conseillers. The next one, in 1997, 11,500 voted. In the recent election in 2012 –

335

Deputy Kuttelwascher: Sir, a point of order.

Sir, in debating a sursis, we are supposed to just debate the sursis, not the merits of Island-wide voting. Thank you, sir.

340 **The Bailiff:** Deputy Dorey, are you going to bring this back to the sursis?

Deputy Dorey: Yes I will, but then Deputy Fallaize talked about part voting, so I just thought I needed to remind Members that it is not worth thinking about part voting because it is not supported by the public. As I was going on to say, in 2012, 20,459 voted for the current method of voting Deputies. So I do not think it is worth waiting to look at other systems.

345

I would be extremely worried about having a debate and having systems by amendment, considered at a debate without being properly considered.

So I cannot support this sursis. I think that if you are going to consider changing the method of electing States Members, it needs to be properly considered and to say that you are going to have a debate in the middle of July and you are going to then debate amendments to change the system at the end of July is nonsensical.

350

So I would urge Members to reject this sursis.

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

355

Deputy Wilkie.

Deputy Wilkie: Thank you, sir.

I did actually consider whether my amendment was actually a sursis, because it does delay until the debate at a later date, but I decided it was not because what it actually does is it gets SACC to come back with what would be appropriate proposals with the form of Government we end up with after the review.

360

One of the wordings, as Deputy Bebb has said, is the ‘as soon as practicable’ because we do not know that in the June debate, we are going to have enough information to give us the correct type of Island-wide voting – and I am in favour of a system of Island-wide voting. I am just not in favour of the one that is before us in the Requête.

365

So I cannot support this sursis and I will still aim to put my amendment forward.

Thank you.

The Bailiff: Anyone else? Deputy Lester Queripel.

370

Deputy Lester Queripel: Thank you, sir.

Sir, we have all been put on the spot this morning by this sursis. Even though it was my birthday yesterday, I spent three hours last evening refining my speech in opposition to Deputy Wilkie’s amendment

because I felt Deputy Wilkie's amendment was a sursis, masqueraded as an amendment of delay. I felt that went beyond the Proposition and I was going to raise that.

375 But now I am in dilemma, because all the points in that speech are directed at Deputy Wilkie's amendment, but a lot of them relate to the sursis and I am in a position, sir, where I need to stand here and try and pick parts of my speech. I hope that is not considered disrespectful to anyone in this Chamber, and I realise you may stop me, sir, quite justifiably at any time. (*Laughter and interjections*)

380 But I do question the sursis being so late in the debate. Why did my good friend Deputy Trott not lay it much earlier? And I question the need for it anyway. What are some Members of this Assembly so afraid of?

Deputy Brehaut: Long speeches. (*Laughter*)

385 **Deputy Lester Queripel:** The logistics... I respectfully remind Deputy Brehaut that this is a democracy, so I believe, and we have all been elected to voice our opinions in this Chamber.

Deputy Brehaut: Sir, without repetition, I think there are rules governing the length of speeches and the content, are there not, sir?

390

The Bailiff: Ah... not length, as such... but well, you know what the rules say. (*Laughter*)
Please continue, Deputy Lester Queripel.

395 **Deputy Lester Queripel:** Sir, my question was what are some Members so afraid of? Are they afraid of the logistics and the practicalities of Island-wide voting? Because I think the logistics and the practicalities have been blown up out of all proportion, and I believe Deputy Fallaize misled the Assembly in his speeches today. (**Several Members:** Ooh.)

400 This is where I will take the opportunity to offer an alternative viewpoint to those views expressed. Because I believe I am right in saying he told us that, in his view, all a candidate has to do in an Island-wide voting election would need to be to write a manifesto and sit back and wait for election day. Total nonsense sir, absolute nonsense.

The Bailiff: Is this relevant to the sursis, Deputy Lester Queripel?

405 **Deputy Lester Queripel:** Well, it is really in my view, sir (*Laughter*) because I think –

Deputy Harwood: A point of order, sir.

The Bailiff: Deputy Harwood has a point of order.

410

Deputy Lester Queripel: Sorry, I will give way to Deputy Harwood, sir.

Deputy Harwood: The point of order is I think Deputy Lester Queripel, inadvertently possibly, is straying into the general debate on the Requête, rather than on the sursis.

415

The Bailiff: I think he is. I think he may be.
Debate at this stage, Deputy Lester Queripel, must be limited to the sursis.

420 **Deputy Lester Queripel:** Well in that case, sir, I had better dispense with seven pages of my speech. (*Laughter*)

Sir, I have not heard a justifiable reason why we should not use Island-wide voting and I think we should be doing all we possibly can to stimulate and generate interest in local politics amongst our fellow Islanders anyway.

425 So in supporting this sursis will delay and hinder progress in that direction, because it would mean that Island-wide voting would not be able to be introduced until 2020 at the very earliest. I suspect I am one of the fools that Deputy Jones refers to because I am a *requérant* and I am opposing this sursis on the grounds that no-one has given me a reason why we should delay Island-wide voting. I heard an abundance of excuses but I have not heard a justifiable reason.

430 And I will conclude, sir – and naturally I apologise if I am the one missing a fundamental point – but as I say, no-one has given me a justifiable reason or made it clear why we need to wait for the Review Committee proposals anyway. So I would like to ask Deputy Trott when he responds, can he answer this question: is the anticipation that one of the proposals will be for a form of Government that results in the

people not actually having the opportunity to vote? (**A Member:** No.) Surely the future structure and format of our Government is irrelevant, as Deputy Kuttelwascher has already alluded to.

435

Deputy Perrot: Sir, a point of order.

The Bailiff: Deputy Perrot.

440

Deputy Lester Queripel: I give way to Deputy Perrot, sir.

Deputy Perrot: A point of order.

This seems not to relate to the sursis. It may be vastly interesting. (*Laughter*) Personally I do not think so. (*Laughter*) It does not relate to the sursis.

445

The Bailiff: Deputy Queripel.

Deputy Lester Queripel: Sir, might I ask what your view of Deputy Perrot's claim might be? Am I allowed to – ?

450

The Bailiff: Well, you were in the middle of setting out a question that you wanted Deputy Trott to answer when he replies to the debate, and I am not quite sure what the question is going to be yet.

Deputy Lester Queripel: Yes, sir. Well I was going to conclude, sir, by simply asking Deputy Trott a question that I have already asked and I am quite happy to repeat that question, but surely the future structure of the format of Government is irrelevant because we still need an election to elect politicians into the Government – and Deputy Kuttelwascher has already highlighted that.

455

So my question before I sit down, sir – I will repeat it if I may – the confusion arises with this fear of Island-wide voting. It has not been made clear to me, and the sursis is designed to delay until such time as the Review Committee proposals are presented to this Chamber. But is the anticipation that one of those proposals will be for a form of Government that results in the people not actually having the opportunity to vote? (*Interjections*)

460

That is my question sir and that concludes my speech, sir, thank you.

465

The Bailiff: Thank you, Deputy Queripel.
Alderney Representative Jean and then Deputy O'Hara.

Alderney Representative Jean: Thank you sir, fellow Members.

I rise to support the sursis and I think that the States should not be confused about this – it is confusing enough already. (*Laughter*) The information we have already seen is not enough. We are going to have to wait for the full picture. We are going to have to wait for the review in July. I think it is wise.

470

Those of you who are as confused as I am, please vote for the sursis. (*Laughter*) I think it is very important.

475

Deputy O'Hara: Sir, Members, I have never liked sursis. I think they stifle debate. (**A Member:** Hear, hear.) Everyone has a democratic right to debate. This is the issue at the moment: do we continue now or do we do it later?

I am going to oppose the sursis, purely because I believe it stifles debate, but I do so reluctantly, because there is part of me that does understand clearly that the Island does want to have this debate taking place. It is just the timing.

480

As Chairman of the Douzaine Liaison Group, the Douzaines were emphatic that they could see so many problems with this Island-wide voting, but if there is a solution, then we should try to resolve it.

I too spoke with Deputy Hadley. I was concerned about the timing. He has explained the situation that Members throughout the Island have come to him and I think we all realise that. We would be foolish not to realise that there are lots of people on this Island who feel that they would like to have Island-wide voting.

485

But I will, purely on principle, I am going to vote against the sursis.

Thank you.

The Bailiff: I see no-one else rising, so Deputy Trott will reply to the debate.

490

Deputy Trott: Thank you, sir. I will be as brief as I can be.

Sir, Deputy Bebb and Deputy Wilkie were both concerned that July may not be practicable for further consideration of this issue. However, I would remind Members that the Proposition contained within the

495 sursis is absolutely in line with the earlier request of the Policy Council, that debate should be postponed until after the mid-July special sitting and indeed late July was the suggested date as far as I am aware.

Sir, Deputy Fallaize helpfully read from SACC's appended letter which, like he, supports debate at the time suggested in the sursis. He made the point that laying a sursis at a time of debate such as this often contributes positively to the quality of the debate and explained I think as best he could, sir, bearing in mind that we are still some weeks away from the SRC's proposals being made public, why this sursis was a good idea. I thought he did it with great skill.

500 Sir, the Chief Minister was also very helpful, considering this sursis as the right way forward now and, in his view, late July is the best time to consider this matter.

Deputy Kuttelwascher believed this sursis keeps the matter of Island-wide voting alive. I think that is particularly relevant, bearing in mind that a significant number of people surveyed, as Deputy Hadley reminded us, back in 2010 do want some form of Island-wide voting, and I do believe that many would feel disenfranchised if debating this issue came to a premature conclusion. And as lead *requérant*, sir, he confirmed his support for this sursis and the subsequent deferment.

505 Now sir, Deputy Brehaut fundamentally opposes Island-wide voting in any circumstances and recommends the Assembly to reject the sursis. When you are implacably and intransigently of that view, there is not much else one can say. He is entitled to that view, sir, and holds it strongly and therefore does not wish, like other Members, to see further clarity emerge.

Now sir, Deputy Harwood urges Members to support the sursis because he believes it is important to know the structure of the Assembly post April 2016 and once again, that shows the wisdom of the man. (*Laughter*)

515 Deputy Queripel asked a well-intended question about the States Review Committee's proposals of me, of which of course I have absolutely no knowledge. (*Laughter*) Therefore I can offer him no guidance on the matter, other than to make the comment that it is interesting that this has so far not been leaked, which is pleasing. I would not have wanted to be in a position to have been able to answer the question, sir. (*Laughter*) So I thank him for asking it.

520 Finally, if I may, Alderney Representative Jean with similar wisdom believed that supporting the sursis would enable much greater clarity moving forward. I suspect that is the view of the House, sir, and ask that we move to the vote.

Thank you.

525 **The Bailiff:** Members, we vote then on the sursis, to sursis the Article to the meeting of the States of Deliberation to be held on 30th July 2014.

Deputy Lowe: Can we have a recorded vote, please?

530 **The Bailiff:** And we have a request for a recorded vote.

There was a recorded vote.

The Bailiff: Just for the record Members, Deputy Domaille did leave me a note saying that he apologises but he has had to leave on States business in connection with a planning meeting.

535 While the votes are formally counted, under the new Rule 13(7A) Deputy Hadley has the right to reply on general debate. Now, we have not had a lot of general debate because most of yesterday's debate was on the amendment, but one or two people did speak generally. Deputy Hadley, do you wish to exercise that right to reply on general debate, such as it was?

540 **Deputy Hadley:** Yes sir, thank you.

Well I would just like to thank the Members for the good-natured way that we have resolved this and apologise if any Members think I have wasted their time in prematurely bringing the Requête. I have tried to explain why that was –

545 **Deputy Lester Queripel:** Sir, may I ask a point of clarification, please?

The Bailiff: Deputy Queripel.

550 **Deputy Queripel:** I am wondering why Deputy Hadley is being asked to reply to general debate, when we have not all actually –

The Bailiff: It is because Rule 13(7A) entitles him to do so. Deputy Hadley, please continue.

Deputy Lester Queripel: But some of us have not contributed, sir, to general debate.

555

The Bailiff: That is the Rule, Deputy Queripel. There is no right for anybody else to speak but if it was a Minister or a Chairman who had moved a report, then they would have the right to speak. In this case, it is the lead speaker on the Requête, the lead *requérant* who has the right to speak in reply to general debate such as it was. Rule 13(7A) – it is the first time I think this Rule has actually come into play.

560

Deputy Lester Queripel: Okay sir. Thank you.

The Bailiff: Deputy O'Hara, do you wish to say something?

565

Deputy O'Hara: Very briefly, the principle behind it is that he has the democratic right to be able to speak on the subject and that is exactly what he is doing.

The Bailiff: Deputy Hadley.

570

Deputy Hadley: Clearly, Mr Bailiff, the sursis will succeed and indeed, if the sursis had failed, the Assembly might be aware that we would have had a long debate over the rest of today on Island-wide voting, which would almost certainly have lost, and then you would be faced with another debate later on in the year on other forms of Island-wide voting.

575

So in fact the effect of what we have done today is very simply the most sensible solution in avoiding wasting the Assembly's time. (**A Member:** Well done.)

Thank you.

Results of vote on sursis

Carried – Pour 35, Contre 9, Abstained 0, Not Present 3

580

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

The Bailiff: Well, Members, I can announce the result of the vote on the sursis proposed by Deputy Trott, seconded by Deputy Lowe. There were 35 votes in favour, 9 against. I declare the sursis carried.

Procedural

585 **The Bailiff:** I have had a request from the Chief Minister as Chairman of the States Review Committee that we allow a five-minute adjournment so that a Statement could be made by him on behalf of the States Review Committee. Those in favour; those against.

Members voted Pour.

590 **The Bailiff:** We will adjourn for five minutes.

*The Assembly adjourned at 10.26 a.m.
and resumed its sitting at 10.40 a.m.*

**States Review Committee –
Speculation on future structure of the States –
Statement by the Chairman**

The Bailiff: Members, Deputy Sillars as the Chairman of the States Review Committee wishes to make a Statement. (*Laughter*) Sorry, *Deputy Le Tocq* – it has been a long week!
595 Deputy Le Tocq, as the Chairman of the States Review Committee.

Deputy Le Tocq: Yes, when the music stops, yes okay.

The States Review Committee is making this statement to address rather unhelpful and generally incorrect speculation provoked by a story published by the *Guernsey Press* regarding the future structure of
600 the States, especially the number and functions of States Departments and Committees.

The States Review Committee was as surprised as anyone by the timing and content of the story in the *Guernsey Press* and I can confirm that there was no association between the States Review Committee and the story.

605 Thank you, sir.

The Bailiff: Any questions?
Deputy Gollop.

Deputy Gollop: Sir, I would like to ask, though, would the States Review Committee, as part of its
610 issue, be interested in reducing down to say six Departments?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: As the new Chairman of the States Review Committee and the first meeting of the
615 Committee was just five minutes ago (*Laughter*) under my Chairmanship, I cannot comment on that.

All that I know is that the States Review Committee has said that it will be bringing forward proposals in July that will contain a binary choice between a ministerial system and an updated, improved version of the Committee system. At that stage, I think it will be for the Assembly to decide which of those proposals it prefers.

620 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Sir, could I ask the Chairman of the States Review Committee if he will be sending his
625 statement to all staff, because there are many staff that have had a very worrying evening with their families, after reading what was actually in the paper and I think they need assurances, to hear from you that the States actually endorse what you are saying.

The Bailiff: Deputy Le Tocq.

630 **Deputy Le Tocq:** Yes, I can confirm that. This statement will be published and indeed the Chief Executive, who I think is as surprised as anybody by some of the comments that were made there, will also be contacting staff – in fact I think has contacted staff.

The Bailiff: Deputy Laurie Queripel.

635 **Deputy Laurie Queripel:** Sir, will there be an investigation as to how and why this story got into the press in the first place? Will there be some sort of investigation into that?

Deputy Le Tocq: No, I do not believe there is a need for that. It was only in the printed media. The Chief Executive has been interviewed by a number of other broadcast media and obviously, the story has not been taken up in the same way.

I do believe it is important for us to have a media that is independent and they choose to report in that way, but it means that we do need to make corrections and that is what I have sought to do this morning.

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

Deputy Lester Queripel: Sir, picking up on Deputy Laurie Queripel's point, is this not a classic example of some sad individual leaking information to the media, and if that is the case, could the Chief Minister please tell me, what does the Review Committee intend to do about that, to mitigate potential leaking in the future?

650 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: I am not sure that really comes out as a statement. Neither do I believe that this is the case at all.

655 But it is certainly incumbent upon all Members of this Assembly, never mind which Committee or Agency or Council that they sit on, that they take their role there and confidentiality very seriously indeed – particularly because we act as both employers and we have responsibilities to Guernsey as a whole.

But that has basically nothing to do with the statement that I made.

660 **The Bailiff:** I see no-one else rising... Sorry, Deputy O'Hara and then Deputy Le Lièvre.

Deputy O'Hara: Would the Chief Minister not agree with me that, whilst we understand that the media are responsible for reporting, they should be far more considerate, far more understanding of the effects that such irresponsible reporting has on staff within Government?

665 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: I am on record as saying, personally, that I feel that we do need to have responsibility in the media, particularly because we live in a small jurisdiction where there is virtually no anonymity, so that makes us very different from a larger jurisdiction where someone might work and live many, many miles away from where there might be media interest in something. Certainly nationally, it is very, very different.

We do not want to constrain the media, but I think with the role they play comes a responsibility and that is something I will always emphasise.

675 **The Bailiff:** Deputy Le Lièvre.

Deputy Le Lièvre: Thank you, sir.

680 Might we take it therefore, following the interview with the Chief Executive, that the journalistic piece on the front page of the *Press* was a complete work of fiction then?

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: I do not know whether I use the term 'complete work of fiction', but obviously it certainly bore very little relevance to the conversation that was made – even some phrases that were made that were completely unknown and did not form part of that conversation.

The Bailiff: Deputy Bebb.

690 **Deputy Bebb:** Thank you.

Given that Deputy Le Tocq's recent Statement actually implies inappropriate reporting, will the States Review Committee be considering a mechanism for some form of media regulation?

695 **A Member:** Hear, hear.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: I am not sure that is specifically the role of the States Review Committee, but it is something that I would say personally that we do need to consider.

700 But I would not want to do that – in the sense that Deputy Bebb used the term ‘inappropriate’, I did not use those terms. As to what is appropriate or not, bearing in mind we have a free press, (*Interjections*) that is a matter for us to consider separately to this particular issue.

705 I talked about the issue of responsibility and I think responsibility does need to be measured, and there is certainly an issue of appropriateness as well, but also we need to understand as politicians and those with influence, how we handle that and how we respond. That is a bigger issue than what we are dealing with today.

The Bailiff: Deputy Gollop.

710 **Deputy Gollop:** Would the Chief Minister, in wearing both his SRC and PC hats, be interested in initiating consideration of a communications and media strategy, with perhaps professional help to improve this kind of situation?

The Bailiff: Deputy Le Tocq.

715 **Deputy Le Tocq:** Absolutely, and that is what I said I would do and we will set about doing so.

I do believe *more* engagement, rather than less is important and also *proactive* engagement, rather than reactive engagement.

720 There has been I think much talk about social media over the last 24 hours. I have my own views on that and each of us will have our views on it. But whichever way we use to communicate with the public, in my mind they can all be used properly – all are tools, but every tool has a proper use and therefore we do need to make every opportunity of training that is available in handling the media.

The Bailiff: Right. I see no-one else rising.

**Appendix laid before the States –
Education Department –
Elizabeth College Annual Report for the Academic Year 2012/2013**

725 **The Bailiff:** I think we have one Appendix to lay before the States, don't we? The Elizabeth College Report.

The Deputy Greffier: The Education Department – Elizabeth College Annual Report, the Academic Year 2012/2013.

730 **The Bailiff:** I have had not had notice of any motion to debate the Report, so that concludes the business for this sitting of the States.

The Assembly adjourned at 10.49 a.m.