



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Tuesday, 29th July 2014

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 3, No. 19

ISSN 2049-8284

Present:

Richard J. McMahon, Esq., Deputy Bailiff and Deputy 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, E. G. Bebb, L. C. Queripel

St. Sampson

Deputies K. A. Stewart, P. R. Le Pelley, S. J. Ogier, L. S. Trott

The Vale

Deputies M. J. Fallaize, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, 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,
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

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

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)
Deputy G. A. St Pier (*relevé à 14h 32*), Deputy P. L. Gillson (*relevé à 15h 39*),
D. B. Jones (*indisposé*), Deputy A. Spruce (*indisposé*),
Deputy M. G. O'Hara (*indisposé*)

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States of Deliberation

The States met at 9.30 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

CONVOCATION

The Greffier: To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Tuesday 29th July 2014 at 9.30 a.m. to consider the items contained in Billets d'État XVI, XVIII and XIX, which have been submitted for debate.

Commonwealth Games in Glasgow – Congratulations to representatives of the Bailiwick

5 **The Deputy Bailiff:** Members of the States, because we are still in the height of summer, if Members wish to do so, they can remove their jackets.

Can I also take this opportunity, Members of the States, to welcome back from Glasgow Deputy Collins, sporting his team tie, (**A Member:** Hear, hear.) and to congratulate him and others on their performances so far representing the Bailiwick at the Commonwealth Games in Glasgow and to wish those
10 competitors in the team who have yet to compete good luck in their forthcoming events on your behalf. (**Members:** Hear, hear.) (*Applause*)

Measuring poverty and income inequality – Statement by the Chief Minister

The Deputy Bailiff: The first matter we will deal with is a Statement by the Chief Minister. Chief Minister, Deputy Le Tocq.

15 **The Chief Minister (Deputy Le Tocq):** Mr Deputy Bailiff, in May 2013 unusually the States debated the Medical Officer of Health's annual report. This took health equity as its special theme and focused on poverty as the largest preventable cause of ill health world-wide.

As part of his report, Dr Bridgman observed that household income studies undertaken locally in recent years had concluded that a significant minority of people in Guernsey were in poverty, resulting in adverse
20 consequences for their health and wellbeing.

The States was recommended simply to note the report but in the event, following debate of a number of amendments, agreed a series of Resolutions, one of which was, and I quote:

'To direct that by no later than July, 2014, and after consultation with the relevant States Departments and the Medical Officer of Health, the Policy Council, in accordance with that part of its mandate which makes it responsible for "...the co-ordination of action to enable the implementation of the States Strategic Plan..." and in order to contribute towards fulfilling the Social Policy Plan general objective of "equality of opportunity, social inclusion and social justice" (Resolution 3 on Billet d'État VI of 2013), shall report to the States of Deliberation setting out its considered response to Recommendation 2 of the Medical Officer of Health's 113th Annual Report, which considered response shall include an assessment of whether to establish as expeditiously as possible the size and profile of that part of the population whose income falls below a recognised minimum level of income.'

25 The key element in that somewhat wordy Resolution is the final phrase, 'a recognised minimum level of income,' because before you can establish the numbers and types of people who fall beneath a minimum level you need an agreed means of measuring what that minimum level is.

30 Previous efforts to do this have not resulted in a standard benchmark for poverty that has States' endorsement. Instead, over the past decade or so the States has used, at different times and for different purposes, the consensual methodology applied by the Townsend Centre for International Poverty Research, the minimum income standard approach applied by Loughborough University and the international benchmark measurement of 60% of median income, each of which have been subjected to criticism with regard to their application in Guernsey.

35 Indeed, the most recent report from the Social Security Department on the modernisation of the Supplementary Benefit foundered in part on argument surrounding the relative merits of two of these measures and led to the formation of the Social Welfare Benefits Investigation Committee chaired by Deputy Le Lièvre.

40 Given that these aforementioned methodologies have all to some extent been discredited, the Policy Council was pleased to note that the Guernsey Community Foundation had responded to the Medical Officer of Health's report by hosting a debate to explore the report's conclusions and how the real areas of need could be better measured, monitored and met.

The Foundation subsequently commissioned research by the local consultancy, Island Analysis, into the ways that a number of other Islands measure and deal with poverty in their jurisdictions.

45 In the light of this, rather than duplicate effort at a time when its resources are fully stretched across many different areas, the Policy Council has been pleased to fulfil a key theme in the Social Policy Plan that recognises the value of co-operative working with the third sector on common issues. And, accordingly, the Policy Council very much appreciates that the findings of the Island Analysis research have been shared with the Policy Council. They are currently the subject of detailed discussion between Policy Council and the Community Foundation, with the intention of identifying a methodology for measuring poverty that can be recommended for adoption by the States.

50 The Policy Council therefore regrets that because this work is ongoing, it has not been possible for a report to be brought to the States at this meeting, but trusts that Members will understand and support the approach that is being taken, which will result in a States' report being presented for consideration as soon as practicable.

55 In the meantime, the Policy Council plans to bring a States' report to the September States' meeting which will explain the connections between this work to establish a standard measurement of poverty and elements of other major social welfare policy projects that are currently being progressed, which include a project on the living wage that I shall refer to later when commenting on the Commerce and Employment Department's review of minimum wage rates.

60 Finally, sir, there was a second Resolution arising from the 2013 debate on the Medical Officer of Health's report that required the Policy Council to report back by July 2014 with, and I quote:

'An assessment of whether to adopt as expeditiously as possible a measurement of income equality'.

65 This is just as complex an area as deciding on measurement of poverty and not one in which the Policy Council has any particular expertise and, because those staff that do have some understanding of such matters have been fully employed in supporting the Personal Tax and Benefits Review and other strategic projects, it has not been possible to devote any significant time to this area of work.

70 The Policy Council will, however, endeavour to investigate this matter as part of its staff's contribution to the Personal Tax and Benefits Review and the work of the Social Welfare Benefits Investigation Committee. But it is important for the Assembly to understand that it cannot be prioritised for action independently without adversely impacting on other important policy work and/or requiring additional expert resourcing.

The Deputy Bailiff: Thank you, Chief Minister.

Does any Member have a question to ask within the context of that Statement?

Deputy Fallaize.

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

Does the Chief Minister have any idea at all about when the Policy Council will be in a position to propose to the States a measure for identifying poverty in Guernsey?

I note that he said 'as expeditiously as possible' or 'as soon as possible' but is he able to advise even approximately when the Policy Council will put that proposal before the States?

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

The Chief Minister: I can only make rough guesses as to when that would be because since the time that that amendment and the debate took place last year, as Deputy Fallaize will know, there have been a number of changes and also the setting up of the SWBIC Committee that I mentioned before and the ongoing work of the Personal Tax and Benefits Review. And because, as I mentioned in my Statement, these will overlap with other Departmental work, the Policy Council aims to do so as quickly as possible. I would imagine that that will no earlier than next year.

The Deputy Bailiff: Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

Could Deputy Le Tocq explain to the Assembly...? We have a situation where SWBIC is taking a lot of resources, a lot of effort, a lot of time, by Members of this Assembly and in many respects their work could well be guided by such a benchmark – a benchmark of levels of poverty within the Island.

It seems to me as though that is a pre-requisite before the Members of the SWBIC can actually complete their work. So would you agree with me that that is an urgent need – for this benchmark to be established?

The Deputy Bailiff: Chief Minister.

The Chief Minister: It is certainly one of the foundational principles that will help that Committee and indeed other Departments and Committees of the States and, as such, because of the opportunity to work with the Guernsey Community Foundation and to find suitable ways of measuring and monitoring poverty in Guernsey, the Policy Council believes that that approach will help inform the decision-making of a number of different Committees and workstreams currently ongoing.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

I am a Member of SWBIC but I would like to ask the Chief Minister, can he and the Policy Council guarantee that there will be sufficient resources delivered to enable further work to be done on the Community Foundation work and/or upgrading and improving previous data sets that the Chief Minister described as potentially discredited?

The Deputy Bailiff: Chief Minister.

Chief Minister: Everybody I know who is involved with the Committees that I have mentioned already, and indeed my own responsibilities as Chairman of the Social Policy Group, feel very strongly that this is important work; and not only finding the volume of resources – it is finding the right resources that will help develop and inform something that we can all sign up to and use effectively for the future.

So I will give an assurance that I am totally behind that, but I think it would have been wrong of us to rush something through, to keep to the timetable, only to have this Assembly criticise it because of its lack of proper research and evidence.

The Deputy Bailiff: Deputy Perrot.

Deputy Perrot: Is the Chief Minister aware of the very considerable work which is being carried out at the moment by SWBIC in relation to what is absolute poverty?

I do not wish to give any secrets away as a SWBIC Member, but I think it might be permitted by my political boss, Deputy Le Lièvre, (*Laughter*) for me to say that one of the fundamental building blocks in relation to our examination of what should constitute welfare and other benefits is a definition of poverty.

Because of that, the staff made available to SWBIC now are almost, as we speak, carrying out this fundamental work and I wonder whether the Chief Minister would agree with me that it would be an absurdity for there to be a doubling up of resources in relation to this and that anything which the Policy Council does in relation to definitions of poverty really must follow the first report which SWBIC comes up with?

The Deputy Bailiff: Chief Minister.

The Chief Minister: I think the simple answer to that question is ‘yes’.

As I mentioned in my Statement, part of the reason why the Policy Council has not been able to undertake this specific work of the two amendments has been because its staff has been moved to serve SWBIC, amongst other things. So the Chief Executive is well aware of that and has helped to formulate a

way in which we can co-ordinate that work so that we do not duplicate; and that is precisely why we are not bringing something at this stage to this Assembly until we know that the work being undertaken by SWBIC, as well as the Personal Tax and Benefits Review, the work of Social Security etc. can be co-ordinated effectively so that what we do bring to the States is supported, justifiable and usable in the future.

The Deputy Bailiff: Deputy Langlois.

Deputy Langlois: Sir, by my calculation, roughly half of the Assembly are involved in either SWBIC, the PTR, the Policy Council or any of the other groups we have talked about today.

Would the Chief Minister agree that these questions and this exchange today indicates that the bigger risk in this area is that we rush into producing a benchmark which will be abused, which will be misquoted, which will be misunderstood and will then guide and produce perverse consequences in our social policy?

The Deputy Bailiff: Chief Minister.

The Chief Minister: Yes, I would totally agree with that.

I think we have got to keep focused on the very people that we are trying to help. I think most of us would have an opinion on who those people are, but we do need a measure of being able to justify that so that we can at least monitor it effectively in the future when any new measures are brought in to try and alleviate poverty and conditions for the poorest in our society in Guernsey.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I am not sure the States ever rushes in to doing anything in respect of social policy.

Can I ask the Chief Minister, because we have had these exchanges really about who exactly is doing what and that is slightly tangential to the central issue...? Is the Chief Minister able to give an undertaking on behalf of the Policy Council that before the end of this term there will be a proposal put before the States by someone which recommends a measurement of poverty which can be applied across the States generally?

The Deputy Bailiff: Chief Minister.

The Chief Minister: Before the end of this term, absolutely.

Questions for Oral Answer

EDUCATION DEPARTMENT

OFSTED or equivalent inspection – Review of the Education Department

The Deputy Bailiff: Very well, let's move into Question Time.

Deputy Gollop has a question for the Minister of the Education Department.

Deputy Gollop: Thank you very much, Mr Deputy President, sir.

When will the Education Department request an OFSTED or equivalent inspection to review the Department in terms of benchmarking best practice, innovation, skills development and administrative efficiency?

The Deputy Bailiff: Deputy Sillars to respond.

Deputy Sillars: Sir, I thank Deputy Gollop for his question.

At the June States I gave a ministerial statement to this Assembly, outlining our progress with 14 workstreams within the Education Department's Vision approved by Members.

Last month I reported that the Board of the Education Department is committed to a Departmental inspection in quarter one 2015. One month later, yes, we remain committed to this inspection.

Earlier this month the Board considered this issue at a meeting and we will anticipate making a decision on the how and who for this important issue early in the autumn.

As those who are familiar with the current regime in England will be aware, OFSTED are not able to perform an inspection of the Education Department in its entirety.

If the Department was to commission an OFSTED inspection of the Department it would in fact simply be focused on the school improvement service led by the Standards and Learning Effectiveness Team. This could not be considered, by any stretch of the imagination, an inspection of the Department.

I can confirm that an OFSTED inspection would not cover benchmarking, best practice, innovation, skills development and administrative efficiency of all the Departments' activities.

The Board strongly believes that any inspection should be comprehensive and conducted by credible professionals, with a thorough understanding and appreciation of the types of activities the Departments provide. So we will have to find a professional organisation with the capabilities to perform a professional and value-added review, and this is what we are currently investigating.

The Deputy Bailiff: Thank you, Minister, that is your time up.

Deputy Gollop: Thank you very much.

It was reported online through the *Press* media that a body in Scotland was being considered, but it is also available to inspection that OFSTED, in practice, do regularly inspect local authorities within the context of comparing schools with others where there is issues of special needs or perhaps even failing schools.

Why cannot OFSTED focus just on the schools issue and treat us as a local authority in that context, rather than as a Government Department?

The Deputy Bailiff: Deputy Sillars.

Deputy Sillars: Well, it is precisely because we are a Government Department.

Schools are a key part of our Department, but we have a whole range of others. We are actually a Government Department and a local authority and the schools – so it is all of it.

What on earth is the point of having an inspection that only inspects half of us? I do not think this Assembly... and I certainly would not applaud that. (**A Member:** Hear, hear.)

There are organisations out there that would look at the entirety of what we want to do and, yes, Scottish Education are such a body that check these things out and audit them. And they actually also audit other Departments within the Scottish Assembly. So they are certainly one of the people we are looking at, but only one, and I want the whole Department to be inspected, not just a part of it.

The Deputy Bailiff: Deputy Green.

Deputy Green: Can I ask the Minister of Education...? There is a concern that any inspection of the Education Department will be a soft option. Can he give any information to the Assembly with regards to how he can give confidence to the community that it will not be a soft option?

The Deputy Bailiff: Deputy Sillars.

Deputy Sillars: Thank you, Deputy Green, for that question. (*Laughter*)

I would like to reassure Members that we will ensure that any inspection is robust and independent. It will be evidence-based and challenging and it will *not* be a soft option. It will involve all areas of the Department, including the Political Board. The Department will not, as some have claimed, be writing its own terms of reference for an inspection.

I would hope that all other States' Departments would also be open to a similar inspection (**A Member:** Hear, hear.) and the Education Department is happy to pilot this approach ahead of a possible roll out across the States.

Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Sir, if the report is to be evidence-based and challenging, is it time for Mulkerrin three?

The Deputy Bailiff: Deputy Sillars.

Deputy Sillars: No. (*Laughter*)

The Deputy Bailiff: As no-one else is rising that concludes Question Time.
Greffier.

Billet d'État XVI

ORDINANCES

I. The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014 – approved

Article I.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014', and to direct that the same shall have effect as an Ordinance of the States.

255 **The Greffier:** Billet d'État XVI, Article I. The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014.

The Deputy Bailiff: Members of the States, you will find this draft Ordinance at page 1 of the brochure.
Deputy Langlois.

260

Deputy Langlois: Thank you, sir.

I think a few brief words of explanation on this one are worthwhile. There are some eight pages of this Ordinance which contain some very important provisions.

265 The first area is about the introduction of sanctions for non-compliance with work requirements, all as part of our Department's 'progress to work' scheme. So, for example, applicants of working age who are able to undertake full-time work but who fail, without good cause, to comply with the Department's work requirements relating to them may have their benefits suspended or reduced under this provision.

Secondly – where these applicants have failed to attend work or training, failed to carry out instructions given by the Department to help them to find work, or have lost their employment due to misconduct.

270 In the second area there is the introduction of less punitive sanctions because currently, sorry... This will insert a provision for the administrator to reduce supplementary benefit. Currently, all they can do is to suspend it totally and this can cause hardship to others associated with the claimant.

275 And, thirdly, it gives the administrator the discretionary power to backdate supplementary benefit claims by up to seven days. Currently, the administrator has no such discretion and problems can arise when there is a delay in taking a claim, which is nobody's fault, such as where the need for benefit arises over a weekend or a long bank holiday weekend.

Fourthly, there is the power to allow the administrator to aggregate a couple's resources when a couple are no longer members of the same household, because one member of the couple is in long-term residential care.

280 So this is a tidying up of regulations to make the whole system simpler and more easy to administer with a level of discretion in the hands of the administrator to suit needy causes.

Thank you.

The Deputy Bailiff: Deputy Gollop.

285

Deputy Gollop: I thank the Minister for saying what he said.

290 I think we have seen, with the renaming and the reconstitution of several benefits, the reforms that the Social Security Minister has outlined today and indeed amongst the Statutory Instruments to come, a change which will facilitate students in full-time education to also receive a carer's allowances. An example of a pragmatic but quiet revolution of reform that this Social Security Department has been undertaking, built to a certain extent on the work Deputy Dorey did as well in the previous term. And I think it is important that the public and the media become acquainted with these changes because greater information provision is certainly one element that we as a caring society need to ensure occurs.

295 **The Deputy Bailiff:** I do not see anyone rising.

Do you wish to reply to the debate, Deputy Langlois?

Deputy Langlois: I think not, sir. Thank you.

300 **The Deputy Bailiff:** Well, Members of the States, then we go to the vote on whether or not to approve the draft Ordinance entitled ‘The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014’. Those in favour; those against.

Members voted Pour.

305

The Deputy Bailiff: I declare that carried.

II. The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 2014 – approved

Article II.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled ‘The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 2014’, and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article II. The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 2014.

310 **The Deputy Bailiff:** Members of the States, this short Ordinance is at page nine in the brochure. Is there any debate this time? No. Straight to the vote. Those in favour of approving it; those against.

Members voted Pour.

315

The Deputy Bailiff: I declare that duly carried.

III. The Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2014 – approved

Article III.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled ‘The Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2014’, and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article III. The Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2014.

320 **The Deputy Bailiff:** This draft Ordinance, Members of the States, is at page 12 in the brochure. I do not see anyone rising. So I will put it straight to the vote. Those in favour of approving it; those against.

Members voted Pour.

325

The Deputy Bailiff: I declare that duly carried.

**IV. The Income Tax (Guernsey) (Approval of Agreement with Monaco)
Ordinance, 2014 – approved**

Article IV.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled ‘The Income Tax (Guernsey) (Approval of Agreement with Monaco) Ordinance, 2014’, and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article IV. The Income Tax (Guernsey) (Approval of Agreement with Monaco) Ordinance, 2014.

330 **The Deputy Bailiff:** Members of the States, this one page draft Ordinance is at page 14 of the brochure. Nobody is rising to debate it, therefore I will put it to the vote. Those in favour of approving it; those against.

Members voted Pour.

335 **The Deputy Bailiff:** I declare that Proposition duly carried.

**V. The Terrorism and Crime (Bailiwick of Guernsey) (Amendment)
Ordinance, 2014 – approved**

Article V.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled ‘The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2014’, and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article V. The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2014.

340 **The Deputy Bailiff:** This draft Ordinance, Members of the States, is at page 15 in the brochure. Is there any debate? No. Then I will put it to the vote. Those in favour of approving it; those against.

Members voted Pour.

345 **The Deputy Bailiff:** I declare the Proposition duly carried.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**The Limited Liability Partnerships (Registrar) (Fees and Penalties) Regulations, 2014;
The Control of Poisonous Substances (Guernsey) Regulations, 2014;
The Limited Liability Partnerships (Guernsey) Law, 2013 (Commencement) Regulations, 2014;
The Limited Liability Partnerships (Fees) Regulations, 2014;
The Limited Liability Partnerships (Inspection and Copying of Documents) (Fees) Regulations, 2014;
The Carer's Allowance (Guernsey) (Amendment) Regulations, 2014,
The Health Services (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 3)
Regulations, 2014**

The Greffier: Statutory Instruments laid before the States, The Limited Liability Partnerships (Registrar) (Fees and Penalties) Regulations, 2014; The Control of Poisonous Substances (Guernsey) Regulations, 2014; The Limited Liability Partnerships (Guernsey) Law, 2013 (Commencement) Regulations, 2014; The Limited Liability Partnerships (Fees) Regulations, 2014; The Limited Liability

350 Partnerships (Inspection and Copying of Documents) (Fees) Regulations, 2014; The Carer's Allowance (Guernsey) (Amendment) Regulations, 2014, and The Health Services (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 3) Regulations, 2014.

The Deputy Bailiff: Thank you, Greffier.

355 Well, we note that those seven Statutory Instruments are laid at this meeting. There are no motions to annul any of them.

Billet d'État XIX

EDUCATION DEPARTMENT

I. Resignation of non-States' Member of the Education Department – Propositions carried

Article I.

The States are asked to decide:

Whether, after consideration of the Report dated 10th July, 2014, of the Education Department, they are of the opinion: –

1. To note that the Education Department does not intend to nominate a successor non-voting member at the current time.

2. To accept Mr. Denis Patrick Mulkerrin's resignation as a non-States member of the Education Department.

The Greffier: Billet d'État XIX. Education Department – Resignation of non-States' Member of the Education Department.

360 **The Deputy Bailiff:** I invite the Minister of the Education Department, Deputy Sillars, to open debate on this item.

Deputy Sillars: Sir, I understood this was not to be debated but I shall...

365 **The Deputy Bailiff:** You cannot debate the resignation, Deputy Sillars, but you can at least lay the recommendations before the Members of the States.

Deputy Sillars: Thank you for the explanation.

370 The Board of the Education Department brings the States' Report to this Assembly to accept Mr Denis Mulkerrin's resignation as a non-States' Member of the Education Department.

In accordance with Rule 7.3, Mr Mulkerrin has tendered his resignation from the Education Department as a non-States' Member. The Rule states that:

'The resignation shall take effect automatically on the election by the States of a successor to the office vacated.'

375 The Department does not intend to nominate a successor non-States Member at this moment in time. The Department is mindful, however, that the effect of Rule 7.3 is that Mr Mulkerrin would remain in post until such a successor is elected by the States.

We have, therefore, agreed to lay this matter before the States of Deliberation in order for the States to accept Mr Mulkerrin's resignation as a non-States Member of the Education Department, with immediate effect.

380 The Department wishes to thank Mr Mulkerrin for his contribution to the Department's work over the last two years.

Thank you.

The Deputy Bailiff: Well, Members of the States, there are two Propositions on page 2025 of the Billet. I am simply going to put both of them to you at the same time. All those in favour; all those against.

385

Members voted Pour.

The Deputy Bailiff: I declare both Propositions duly carried.

Billet d'État XVI

XVII. Requête – Island-wide voting – Debate commenced

Article XVII.

The States are asked to decide:

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

1. That with effect from the 2016 General Election, all deputies shall be elected on an island-wide basis and all voters shall have the same number of votes as there are deputies' seats.

2. To direct the States Assembly and Constitution Committee to report to the States as expeditiously as possible with the changes necessary, including changes to legislation, to give effect to Proposition 1.

The Greffier: Billet D'État V, Article VI. Island-wide voting – reprinted as pages 1905-1984 of Billet D'État XVI.

The Deputy Bailiff: I invite Deputy Hadley, the lead requérant, to open the debate.

Deputy Hadley: Thank you, Mr Deputy Bailiff.

I am a recent convert to Island-wide voting, having been converted at the last election by electors on the doorstep constantly raising the issue and in conversation outside while canvassing.

Many of the electorate were concerned 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 who they perceived to perform badly or champion policies that they disapprove of by voting for candidates opposed to those candidates. To have any impact on the makeup of the Assembly voters need Island-wide voting.

In the last Parliament the States' Assembly and Constitution Committee consulted in 2010 and found that a clear majority of Islanders were in favour of Island-wide voting. More recently a douzenier from St Peter Port who is also a presenter on *Island FM* commented that whenever *Island FM* led a discussion of Island-wide voting it was clear that support for change was overwhelming.

Now, you may say that just because the electorate wants something we should not necessarily agree and enact it. So it could be that, although Members of this Assembly are aware of the demand for Island-wide voting, they feel that it is not in the interest of the community to implement it. If that is indeed the view of this Assembly then I believe that it is very wrong.

In my view there are several reasons why an elector votes for a particular candidate. It could be because they believe that the candidate is an all-round good egg who they would like to see in the Assembly but I would suggest that the more important reason is that the voter believes that the candidate will promote the policies that the voter wishes to be carried out.

In the United Kingdom the candidates for the main parties are told to have no illusions of grandeur because their character and abilities have only a marginal effect on the outcome of the election – it is the policies of the political parties that will determine the result.

Here in Guernsey, thankfully, we have no political parties but that means that we have a system that denies the voter any significant say in the policies that a Parliament will follow. And this is because the chance of them being able to use all their votes to vote for candidates in their district who broadly echo their views is small. And, for example, there may not be a single candidate in a particular constituency who would vote for the abolition of the 11-plus.

If we did have political parties in Guernsey then the electorate could vote for those candidates that supported a raft of policies. Because we do not, I think it is important that the electorate can vote for any of the candidates that stand for election.

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 problem really is that whatever system is proposed there will be numerous objections and alternatives put up and we will never have a proposal that will suit everyone.

So the solution of the requérants is to go for the simplest system: everyone will have the same number of votes as there are seats at the general election and the elector can use any number of the votes that they wish to use.

Now, it is said that there would be about 90 candidates and the electors would have too large a task to read all of the manifestos. In reality many people will probably not read all the information. They do not now. That is their choice. They may just vote for some or few candidates who they know or who will enact their preferred policies and use only some of their votes. And this does not mean that they have wasted their votes. In fact, to be an effective elector it is better to vote only for those candidates you really wish to see elected, as votes for less desirable candidates act as a vote against those candidates that you are keen to elect.

Another objection is that we should await any proposals to reduce the number of States' Deputies. However, if we stick with the simple system it does not matter how many Deputies sit in this Assembly.

Now, I do continue to hold the Douzaines in high regard and value the link that our current parish-based system gives. However, it is not surprising that the Douzaines are against Island-wide voting because many of them still resent their loss of representation in the States.

The Douzaines have raised a number of issues, such as they say there is no opportunity to meet and talk to candidates. I suggest there would be plenty of opportunity. Serious candidates will want to make themselves available to the electorate of the Island and will find new ways of bringing candidates and electors together. Hustings will not become impractical, as some suggest. We can arrange a series of hustings with some candidates at each of a number of hustings or we could have people making themselves available at different venues for one-to-one conversations.

I do not agree with the suggestion that at present the first port of call of concerned electors is their locally-elected Deputy. If it is a purely local issue then that is the function of the Douzaine. If it is a national issue then the elector can call any Deputy that sits in this Assembly.

In fact I get far more e-mails and telephone calls from residents outside the electoral district that I represent than I do within the district, and that does not worry me and I have a duty to respond to any Guernsey resident that contacts me.

I do not believe, as has been suggested, that Deputies would wash their hands of constituents more easily if there were Island-wide voting. Deputies will do as much or as little as they wish, as they do under the current system.

It is said that small parishes will lose influence. In fact, the reverse could be the truth. It may be that in an Island-wide election there will be more than six Deputies who reside in the South East and, in fact, it is interesting to note that at the present time every single Deputy in the South East is either a Minister, a Deputy Minister or a Committee Chairman and that does not seem to have done the South East any particular favours, as I know only too well, having lost the argument about keeping St Andrew's School open.

It is said that in the United Kingdom only voters in Witney can voted for David Cameron. Well, that is not really the truth because David Cameron stands as a Conservative, so if you want to see David Cameron as Prime Minister you vote Conservative.

So I am not going to go through all the issues that are in the detailed report in the Billet, but I would just 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, to more truly reflect their views and wishes.

Thank you, sir.

Deputy Ogier: Sir, in the absence of Deputy St Pier I would like to propose an amendment, as has been circulated.

The Deputy Bailiff: Deputy Ogier, you cannot propose an amendment at this stage, I am afraid, because in accordance with Rule 17 I have to turn to a cast of thousands to get their comments on the Requête first. When I have done that if you wish to propose an amendment then I will invite you to do so.

Chief Minister, first, please.

The Chief Minister (Deputy Le Tocq): Sir, I am happy to speak both as Chief Minister and as Chairman of the States' Review Committee, rather than require two separate speeches. **(The Deputy Bailiff: Okay.)**

This debate was delayed to this Billet to provide Members with an opportunity to consider the States' Review Committee's first report on reform to the structure of the States.

As the States' Review Committee's letter of comment states, 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 on the overall structure of the States.

490 Following the debate earlier this month, we now know that the States will retain a system of government by committees and we know that there is a presumption that there will be at least a modest reduction in the number of States' Members in this Assembly. These markers may influence individual Members' thinking about Island-wide voting.

495 However, the decisions made earlier this month are unlikely to help the States make any firm decisions about whether a scheme of Island-wide voting, and what form of scheme, is any more viable with a new structure that has been approved than it would be with the retention of the current structure. Therefore, neither the Policy Council nor the States' Review Committee have further comments to those appended to the Billet.

500 Ideally, this Requête should have been delayed until after the States' Review Committee's second report but of course it would not have been possible to know, at that time when the sursis was laid, the contents of those reports – and the first report particularly.

The second report of course will be debated early next year and will contain the detailed proposals including the exact number of States' Members required to balance democracy and efficiency in the proposed structure, as we debated earlier this month.

505 Logically, the issue of how to elect those Members to the new structure follows that decision and there will be better opportunity to consider alternative forms of Island-wide voting in a more measured way at that time.

510 However, as I advised in March, further delay would make it difficult to have sufficient time to introduce Island-wide voting for the 2016 General Election, as the requérants are proposing. So this debate should not be delayed any longer. That may mean a rehearsal of the same arguments but then that is democracy.

515 As the Policy Council has mandated responsibility for advising the States on matters relating to the parishes, I would like to draw again Members' attention to the comments received from parochial officials. The reservations expressed would appear to support the case that a more comprehensive review would need to be undertaken by the States' Assembly and Constitution Committee taking into account the States' Review Committee's development of more detailed proposals prior to the States making a decision in respect of the appropriateness or otherwise of adopting Island-wide voting.

The Deputy Bailiff: Thank you, Chief Minister.

520 I turn next to the Minister of the Education Department, Deputy Sillars.

Deputy Sillars: I have nothing to add, sir.

The Deputy Bailiff: Thank you very much.

525 In the absence of the Minister of the Home Department, I will turn to the Deputy Minister, Deputy Quin, for any comments that that Department has on the Requête.

Deputy Quin: I have nothing to add, sir.

The Deputy Bailiff: Thank you very much.

530 Finally, it is then the opportunity of the Chairman of the States' Assembly and Constitution Committee to comment on the Requête on behalf of the Committee.

Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

535 I have been in the States six years now and in that time the States have debated Island-wide voting on average once every 13½ months – most recently in March 2014 – and, although the Committee's letter of comment was a bit sparse in the Billet, I set out at that time the Committee's advice to the States in respect of this Requête.

540 Now, the Committee's advice has not changed in any way. I would make the comment that in respect of the decision of the States to sursis debate, Deputy Le Tocq gave a very generous assessment about why the sursis was laid. Actually, I think the real reason the sursis was laid a few months ago was because the majority of requérants thought that their Requête was about to lose and preferred to fight another day, as it were.

545 But, actually, I think in a sense the sursis has been vindicated because of the production of the St Pier/Ogier amendment and the production of, if I may say so, a more sensible version of Deputy Laurie Queripel's amendment.

So the States have before them now a broader range of options to debate, whereas previously the States were constrained in considering only the Prayer of the Requête and, for that reason, I think Deputy Trott's sursis has been vindicated.

550 But the Committee really has nothing to add. The arguments in favour and against Island-wide voting are in the public domain. They have been rehearsed several times. I am happy, obviously, to answer any questions which arise during the course of the debate, but at this stage I am happy to leave it there, sir, although I will speak on behalf of the Committee on the amendments.

555 **The Deputy Bailiff:** Thank you Deputy Fallaize.
Deputy Ogier.

Amendment:

To delete the Propositions and substitute therefor:

*'1. To agree in principle that with effect from the 2016 General Election, all electors may use up to two votes for candidates seeking election in districts other than the district in which the elector is registered.
2. To direct the States Assembly and Constitution Committee to report as expeditiously as possible advising the States on the practical and legislative changes necessary to give effect to Proposition 1.'*

560 **Deputy Ogier:** In the absence of Deputy St Pier, sir, I would like to lay the amendment he was originally going to lay. I believe HM Greffier has a copy for us to sign.

The Deputy Bailiff: Well, we will circulate that to you to sign and then your seconder can sign it as well, but if you want to speak on it now, Deputy Ogier?

565 **Deputy Ogier:** Thank you, sir.

The Procureur: You want a seconder, sir.

570 **The Deputy Bailiff:** Well, it is going to be – you have identified somebody who is going to second it formally, have you? Can you at least tell us who that is at this stage, please?

Deputy Ogier: The seconder would be Deputy Paul Luxon.

575 **The Deputy Bailiff:** Thank you very much. Yes, Deputy Ogier.

Deputy Ogier: Thank you, sir.

Personally, I have always been in favour of an element of Island-wide voting. The challenge for me has always been to find a system which works. Now, in my opinion the Island-wide proposals in the Requête represent too extreme a version of Island-wide voting.

580 The idea that all of us will have to wade through 80 or 90 manifestos and vote for dozens of candidates appears too unwieldy for me and carries too many risks. In our amendment we introduce a measure of Island-wide voting by giving us all the chance to cast a couple of votes outside of our parishes or electoral districts.

585 Islanders will still be able to vote for their own parish Deputies as well as some Deputies from other parishes without going to full Island-wide and we believe this to be a sensible way forward.

Now, for me the parish system is simply too precious to let go. I know of few electoral systems for members of government where parishioners or electoral districts can reasonably expect to see a number of their candidates to visit their doorstep. That is almost a very unique position and is a very valuable position to be in for our democracy.

590 Parishioners get to see their representatives at a hustings and have an opportunity to ask question of them. It is a very real direct and close relationship with Government representatives. Often due to the close parish links, parishioners will have grown up with the candidates or know who they are and there is no greater level of scrutiny. It is an important part of our democracy and I believe this Island would mourn its passing.

595 I will lay out a few advantages and disadvantages of the process – the proposed system versus the amended system, as we are putting forward.

600 In the Island-wide voting, as proposed in the Requête, I can see there will be too many candidates and too many manifestos for meaningful and adequate scrutiny to be conducted. Voting would inevitably lean in favour of well-known Deputies, meaning the system would favour people who are already sitting Deputies and therefore the sort of widespread change we saw in 2012 would become less likely if sitting Deputies were favoured.

Parish hustings for parish Deputies would no longer occur and parish residents would no longer look forward to meeting many of their political representatives face-to-face on the doorstep. And the golden votes scenario tends to mitigate many of these downsides. It would introduce an element of Island-wide voting so we could vote for some candidates outside of our electoral districts, which people want, but favouritism towards sitting Deputies would be greatly reduced compared to full Island-wide voting and parish residents would still be able to question their parish representatives at a hustings and look forward to seeing them face-to-face on their own door step.

There are of course some downsides even in the golden vote scenario because there still could be a leaning towards sitting Deputies when casting two votes outside your system, but that would be nowhere near as strong as you would get in Island-wide voting.

Now, I recognise that many Islanders would like an element of Island-wide voting and in my opinion this amendment brings such an element without losing the important parish system. And sometimes I find when choosing candidates in one's own parish it is very difficult or, in fact, impossible to find six candidates or seven who match one's ideals or aspirations. We can see from the figures that voters often do not use all of their votes, which can be disappointing and unsatisfying and I want to vote for the candidates that I support. I do not want to stop after I have run out of candidates to vote for and, for me, having a couple of votes to cast outside one's electoral district allows people a greater chance to cast all of their votes for people with whom they agree.

I think this will engage voters and will help improve a system where currently three out of four residents stay at home in certain electoral districts.

There is no doubt there is a very real desire for Island-wide voting in many quarters and this amendment will satisfy that desire without losing the very important parish links.

This amendment is asking the States' Assembly and Constitution Committee to report back quickly and advise the States on the practical and legislative changes required, where of course any recommendations they may choose to make after fulsome contemplation on the full ramifications of this move.

I ask the Members for their support.

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

Deputy Luxon: I do, thank you.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

If I can just set out the Committee's position?

First of all I wonder – and I genuinely do not know the answer to this question – whether Deputy Ogier can advise the States of whether there are any examples of this kind of system of golden voting being used anywhere for any national parliament, as it were, in any jurisdiction and, if so, where? Perhaps the Committee should have researched that before this debate. Clearly, if the amendment is successful we will have to, but is he able to advise the States of any such examples before we vote on this amendment?

In terms of its practical application in Guernsey, there are a few practical problems connected with Island-wide voting around undertaking the count and expanding polling stations, because electors will inevitably have to spend more time in polling booths and all of that sort of stuff. They are perhaps not insurmountable problems and under any form of Island-wide voting the Committee will clearly have to give some thought to how they can be overcome. But there are more central problems with Island-wide voting. Democratic hurdles which need to be overcome and which the Committee is not persuaded can reasonably be overcome.

Now, the first is the challenge of perhaps 70 or 80 candidates engaging meaningfully with the electorate at the time of a general election and the opposite, but obviously related, challenge of the electorate engaging with candidates and the electorate being able to make an objective choice between 70 or 80 candidates. Because under Island-wide voting, candidates cannot – certainly not in any conventional way – have a hustings where there can be all of the candidates participating at one time and electors can make judgements about candidates in that forum, there cannot be conventional canvassing in the way there is today in electoral districts and probably the literature which is distributed by candidates would have to be limited in some way.

Now, this amendment does not address any of those challenges at all. In fact, Deputy Ogier said that under the Requête there would be too many manifestos to scrutinise carefully, but the same number of manifestos will have to be scrutinised under the terms of this Requête because, in order for each elector to determine whether and, if so, to whom to place their golden votes, they will have to scrutinise all the candidates' manifestos.

So under this amendment every candidate's constituency will be the whole Island. If I am standing in the Vale District, the voters of the Vale will have no greater weight in placing their votes or not placing their votes next to my name, as will the candidates in St Sampson or the Castel or St Pierre du Bois or any other parish. So the whole Island would become the elector's constituency. So that is exactly the same as full Island-wide voting and every elector will still have to make an objective choice, or try to make an objective choice, between 60, 70 or 80 manifestos or however many candidates there are.

Those two fundamental problems that are caused by Island-wide voting are not removed under the terms of this amendment. In fact, the only difference between this amendment and the Requête is that the elector – having gone through the process of trying to make an objective choice between 80 manifestos – and the candidate – having gone through the process of trying to disseminate their literature to thousands of electors – having gone through all of that... rather than having the same number of votes as there are seats, the elector will be constrained to voting for perhaps five or six candidates plus having, in substitution of two of those votes, two golden votes.

Although the amendment is promoted as a compromise because it is felt that Island-wide voting is somehow impractical or unwieldy, actually the parts that make Island-wide voting impractical and unwieldy are replicated in this amendment.

So if the States vote for the amendment, of course, the Committee will go away and carry out the necessary research and come back with detailed proposals but actually I think, if one takes a logical view of this, there are really only three options. One is the *status quo* – or an electoral system based on districts or constituencies in some form; one is full Island-wide voting as proposed by the Requête; and the third is to try and divide the States to have a certain number of seats reserved for district-based candidates and a certain number of seats reserved for Island-wide-based candidates.

Trying to mix and match an Island-wide system and a district-based system does not actually remove any of the obstacles inherent in full Island-wide voting. Therefore the Committee advises the States to reject the amendment.

The Deputy Bailiff: Deputy Conder and then Deputy Lowe.

Deputy Conder: Thank you, sir.

I will not repeat the forensic analysis that Deputy Fallaize has just given. It does deal with most of the issues in terms of Island-wide voting and specifically this Requête.

I do have one additional concern in respect of the amendment. I think Deputy Ogier in his speech made the point of the value that he sees, and indeed I do, in respect of parish-based elections and the closeness of the Members of this Assembly to their constituents. I think perhaps one hidden danger of this amendment, if it were to be passed, is it might confound the desires of the parish-based electors.

I will explain, if I may, just briefly. At the moment, of course, those who stand in each constituency do have to justify themselves both at the election, subsequent elections, and during the course of their tenure to their constituents.

The danger of the golden vote would be, for example, if St Peter Port North voters, in their infinite wisdom, decided to throw me out at the next election – they might make that decision and be very well justified, I am sure – their desires could then be confounded by the two golden votes from the rest of the Island deciding that actually they do not want to throw me out and the rest of the Island decides that St Peter Port North is landed with me.

Now, I think that is a serious weakness in terms of democratic legitimacy and I would have to say, for no other reason, I believe this amendment should be rejected.

In terms of Island-wide voting as a whole, I think the decision that was made in the last meeting of the Assembly, in terms of the States' Review Committee's proposals, again, to a very large extent undermined the case for Island-wide voting, which I have to say, in principle in terms of democratic legitimacy, I do support.

But in reality – and I am sure Deputy Hadley would argue with me in his summing up – but in truth, in the absence of this Assembly approving a ministerial-based system, which I believe would inevitably have led to some sort of party-based model in which a slate of programmes based upon party politics be approved and Island-wide voting could have worked.

But in the absence of that and given that we are working towards an improved committee system, Island-wide voting really cannot work because – as I think I said in my speech when we were considering the SRC proposals – the electorate do not consider a slate of programmes and we do not stand in support of a slate of programmes which we hope we can have any chance of implementing.

So we work in a fragmented system based upon parish politics, effectively, where democratic legitimacy comes *post hoc* through our contact with the electorate after the election rather than seeking the approval for selected programmes at the election.

So, sir, in terms of this amendment I think I would have to reject it because I think on the basis of democratic legitimacy it is fundamentally flawed in as much as the wishes of the constituency and the parish electors can be overthrown. I think in the absence of a ministerial system Island-wide voting cannot work, so I urge colleagues to reject both the amendment and the proposal.

Thank you, sir.

The Deputy Bailiff: Deputy Lowe, to be followed by Deputy Luxon.

Deputy Lowe: Thank you, sir.

The question I want to raise with Deputy Ogier is why two? Why come up with two? Why not 10? How did he come to having just two golden votes?

I mean I do not agree with it anyway, but I just wondered why two because I know it has been mentioned before where people have said, 'Oh, it will end up like a lottery'. Well, I think this is the closest you can ever get to a lottery rather than anything else really. And it almost smacks of protectionism because it is sort of saying, 'Well, we want to stay in our parish but we are happy to give votes to another couple outside of it', and that is not what the electorate were looking for; they wanted full Island-wide voting. That is what we spent money going out and asking for, of those that responded.

And what about the hustings –

Deputy Hadley: Mr Deputy Bailiff, I was merely going to ask the Deputy if she could speak a little louder because I cannot hear her. I do not know whether other Members can. Perhaps I shall have to get some of the gadgets. (*Laughter*)

The Deputy Bailiff: Thank you, Deputy Hadley.

Deputy Lowe: I shall do my best, sir. I am actually losing my voice which some of you will be pleased about.

Right, so the question I raised at the beginning was why two? Why not 10? And what about the hustings?

We will have here a situation, I suggest, where we will have several hustings because if you are looking for having a golden vote I would assume that we will still have the parish hustings for the Vale, as an example, and then we are expecting all of those who have got these two golden votes to go to the other six districts for their hustings to hear the candidates. I mean that is just staggeringly unbelievable that we expect people to go on seven different nights to hear all of these candidates so they can use two votes.

What about the manifestos? I know that has just been mentioned as well. We would be circulating manifestos for the Vale and then, presumably, you will have all the rest of the districts or collectively as for full Island-wide voting these would be circulated. Will they be circulated to those on the electoral roll or would they be circulated to every household, bearing in mind that actually not everybody is on the electoral roll that may wish to be so before election time?

What about the voting slip? Will it look like this? You have got your parish with the white and the golden votes being yellow and so you will look at that and you will say, 'Oh, actually I am allowed two of those. I can go and put a cross by two of those.' I do not think so. And of course if you then go down this route you are then going to need to be hiring the equipment that has been suggested for full Island-wide voting, so that they can be scanned in – because it will be an absolute nightmare for anybody trying to do these by hand. It would take an enormous amount of time.

So all the reasons why we cannot have Island-wide voting remain, but are glossed over with this amendment by electing just two who will sit in the Assembly with an Island-wide vote. What is the point of that? Where will these two special people sit? Will they have a special role? What benefits will they have, apart from the potential to remind Members that they have an Island-wide vote and not just a small district?

Selecting two Members Island-wide becomes quite an embarrassment and, what I call, a sop to full Island-wide voting. I ask Members to reject this amendment.

The Deputy Bailiff: Deputy Luxon, followed by Deputy Lester Queripel, to be followed by Deputy Harwood.

Deputy Luxon: Thank you, Mr Deputy Bailiff.

I would not be able to support the Requête itself for the very well-articulated reasons covered in the many letters of comment attached to the petition from stakeholders, but mainly because I truly do not believe a full Island-wide voting system would be either practical or an improvement to our Island's election process.

The Douzaines and Deanery, in their comments, illustrated that five Douzaines were absolutely against the concept, one did not know and four were not sure but had considerable concerns – with the Deanery having considerable concerns.

785 The amendment laid by Deputy Ogier and myself now, however, gives this Assembly and the people of Guernsey a possible comfortable Guernsey compromise, retaining the merits of the current election system with an additional twist of enhancement that should not necessarily undermine the parochial involvement in the process.

790 Having said that, I personally remain very sceptical as to whether SACC would be able to deliver practical proposals to implement this Assembly's wishes if the amended Requête is approved today.

Two years ago, when canvassing across the 2,200 South East homes, it is fair to say that the single most frequent matter raised by members of the electorate to me was Island-wide voting. Having said that, just under 80 people actually raised it as an issue, but it was the single most frequently raised issue.

795 When discussing with those who said that they would like to see Island-wide voting put in place, I asked what it was that was wrong with the current system and what it was that they thought would be achieved by introducing Island-wide voting.

Sir, during discussions about this it transpired that the majority were concerned about two specific points: first, not wanting to have to vote for candidates who they did not fancy in their district and, second, wanting to be able to vote for candidates that they did fancy in other districts.

800 The underlying desire of the majority of people I spoke to was to see a better – whatever 'better' actually means – range of candidates to stand for election in the first place, so that they could use all of their votes positively rather than having to choose candidates who did not fully ring their bell, so to speak. Many members of the electorate confirmed that they chose only to use some of the votes options they were entitled to, rather than the full quota.

805 Sir, Island-wide voting will do not a jot for necessarily increasing the calibre and skill set of candidates and, therefore, moving to a full Island-wide voting system, for me, would be a retrograde step with more negative connotations than positive which is why this amendment, which retains the existing system largely for continuity benefit and parochial involvement while giving some opportunity for the electorate to exercise a limited Island-wide voting choice should they wish to take it, gets my vote.

810 A typical Guernsey compromise – a bit of the past with a bit of the future, to hopefully please nobody and everybody or at least share in the compromise with everyone – subject, of course, to a practical set of proposals being identified by SACC; and I do not envy them, sir.

I shall, of course, support the amendment and maybe the Requête if the amendment is approved, but could not support the Requête as it stands.

815 Thank you, sir.

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

820 I am going to speak on both the amendment and the Requête now. (**The Deputy Bailiff:** Okay.) Several Islanders have stated in the media that they have no intention of voting in any election until we have full Island-wide voting. Therefore, it seems to me that we should be doing everything we can to accommodate their wishes and also to generate and support interest in local politics.

825 I am sure the majority of my colleagues cannot have failed to notice, sir, there are a lot of demoralised people out in our community. The general consensus is that we do not listen to them. They are rapidly losing faith in us and we have so many reviews going on at the moment that we are becoming known as the 'States of Review', where we were once known as the 'States of Change'. We are awash with all sorts of plans, strategies and visions.

830 Well, sir, I had a vision when I was elected into this Assembly and I am sure the people who voted for me had the same vision. That vision being that I would do my utmost to have a beneficial influence on our community, which is why I think we need to introduce all-encompassing comprehensive Island-wide voting – because, being an optimistic realist, I am optimistic that introducing Island-wide voting will go a long way toward restoring the morale of our fellow Islanders, as well as restoring their faith in us as a Government; because, by introducing Island-wide voting, we will have proved that we do listen to the people.

835 I would like to spend a few moments, sir, dealing with logistics and the practicalities of Island-wide voting, because far too much emphasis has been put on the difficulties of introducing Island-wide voting, yet in reality it seems to me that it would actually be quite simple.

840 We have heard that the hustings would be impossible. Well, why would they be impossible? We have seven separate hustings now as it is. At the St Peter Port North hustings in 2012 we had 14 candidates. So we could still quite easily stage seven or eight or even 10 separate hustings with a dozen more candidates at

every one and easily accommodate up to 100 candidates by doing so. There is nothing to stop tables and chairs being set out prior to those hustings for the public to question candidates on a one-to-one basis.

845 And, in relation to a venue for those hustings, I believe I am right in saying, sir, that Beau Séjour can accommodate approximately 1,200 people. So hustings will not be a problem.

Regarding manifestos, I think the first thing to bear in mind is that we are not asking Islanders to read 80, 90 or even 100 manifestos in one day. Presumably a newspaper style publication containing all the manifestos would be delivered to every household in Guernsey at least six weeks prior to the election. That publication could then lay on a coffee table in a lounge or on a desk in an office for those six weeks and people could dip into it at their leisure. They may decide to read three or four manifestos one day, three of four the next, or maybe three or four two days later and work their way through the publication like that. Perhaps the publication could even be delivered to a household eight weeks before the election.

I do not think any Islander is going to need a degree in rocket science (*Laughter*) to be able to read all those manifestos, sir, and how can anyone possibly say with any justification that the majority of the electorate will not have the patience or the interest to read so many manifestos? How do they know? Have they spoken to the majority of the electorate? Of course they have not. So that is an unfounded and unjustifiable claim.

It is a supposition and bears no relevance to reality, because surely the reality is that the members of the public who *are* interested in local politics will read all the manifestos and will then get to the last page of the publication and they will find a list of all the candidates, as laid out on page 1983 of the Billet. They will then put ticks or crosses alongside the names of the candidates they want to vote for in the comfort of their own home. They will have already made up their mind by the time they get to the polling station. They will not be standing in the booth for ages deciding who to vote for. They will have already decided that, so on the day of the election they go to the polling station and drop their already completed voting slip into the ballot box. What could be simpler than that? (**Deputy Fallaize:** Sir –) I think any Member of the Assembly

Deputy Fallaize: Point of order, sir.

870 **The Deputy Bailiff:** Deputy Fallaize, point of order.

Deputy Fallaize: Point of order. I think Deputy Queripel is misleading the States with regard to the simplicity of changing the Law to allow electors to cast their votes at home – (**A Member:** Hear, hear.) in other words, potentially under the influence of other people and not in a polling booth on their own. (**A Member:** Hear, hear.)

The Deputy Bailiff: Deputy Queripel.

Deputy Lowe: Point of correction as well, sir.

880 **The Deputy Bailiff:** Deputy Lowe, point of order.

Deputy Lowe: Point of order. People can vote at home. They can use postal voting, which anybody can use – you do not have to be out of the Island anymore. So anybody can vote at home at their leisure with a postal vote.

The Deputy Bailiff: Okay, we will take that as a point of correction rather than a point of order, but, yes, Deputy Queripel.

890 **Deputy Lester Queripel:** Thank you, sir. I thank both Deputy Fallaize and Deputy Lowe for their enlightenment, sir. Thank you.

Sir, I think any Member of the Assembly who says that the good people of Guernsey will not be able to handle a simple process should really review their approach and give the people credit for having a lot more intelligence.

895 One more point on that, sir, before I move on. I suggest that anyone who has not got the patience or the interest to read so many manifestos does not have any interest in local politics anyway. (*Interjections*)

So, sir, I do not think the practicalities or the logistics will be anything like as problematic as some of my colleagues seem to think and I would go so far as to say that I think any Member who advises the Assembly to vote against full Island-wide voting because the logistics and practicalities are going to be a major problem is actually misleading the Assembly.

In fact, sir, over the last few months I have heard an abundance of excuses for not introducing Island-wide voting, yet I have not yet heard a single justifiable reason for not introducing it and I really cannot see

what those people who are against introducing it are actually afraid of. Perhaps they are afraid of losing their seat but only they know the real reason of course. And, as I have already said, sir, I see no reason whatsoever for not introducing Island-wide voting.

To focus briefly on the issue of campaigning, the candidate can still take six weeks off work and go knocking on doors if they want to. Most of us did that in 2012. I personally delivered almost 1,200 manifestos to my parishioners and I must have had 100 conversations with them, either on the doorstep or in their homes, and they really appreciated that personal contact – *(Laughter and interjections)* **(A Member:** I am sure they did.) at least that is what they told me. *(Laughter)* And when it got too dark and too late to knock on doors I made appointments with them to talk to them in their own home.

So a candidate can still knock on doors and go out on the road if they choose to. Plus a candidate can set up presentations and question and answer sessions at WIs or any association or club that they want to address, but that in essence, of course, would be personal hustings. A candidate can make phone calls, send e-mails, access social media and even set up their own website. Where is the problem in doing any of that?

Of course another major factor we have to bear in mind is the Guernsey grapevine. People tell their family and friends, who in turn tell their friends. So the word will spread in that way as well, plus of course we have the media outlets for candidates to utilise. We have *BBC Radio* and *BBC TV*, we have *Channel TV* and we have *Island FM*. So there will be plenty of opportunity to exploit the media publicity angle.

Regarding the history of the candidates, well, yes, many of them will be current Members of this Assembly already, plus of course there will be new faces. It is often said that new faces are at a disadvantage, but I do not agree with that at all because any new face considering standing as a candidate in the 2016 election should be out and about in the community getting themselves known now.

Some of them are, of course – by getting involved with various organisations, by writing letters to the *Press*, calling the Sunday phone in, organising petitions, attending presentations, etc. and by the time the election comes round in 2016 they will already be known – they will already have a history.

Prior to being elected into this Assembly in 2012, my brother, Deputy Laurie Queripel, and I continuously called the phone in and wrote letters to the *Press*, *(Interjections)* we attended all sorts of political presentations, we contributed to surveys and consultations, we went to economic evening classes and numerous lectures on political issues. I sat in the Public Gallery here in this Chamber, listening to States debates 52 times and my brother did a lot more than that – I think I am right in saying he sat in on 84 States debates and he is still here to tell the tale, sir.

It was by sitting in on so many debates we got to know Deputies and we got to know journalists. We got to know the Greffier at that time and the ushers and the staff who also attend States' debates.

We were out and about in the community, talking to the public and helping them to resolve all sorts of problems in our capacity as Douzeniers – eventually as a Constable in my brother's case – so by the time it came to the election 2012 everybody knew us and they knew what we stood for.

In my brother's case, sir, a lot more people knew him because he swept in by thousands of votes, whereas I crept in by two votes after having to endure the stress of a recount. But having said that, I am glad I was the last on the list because I have now got the best seat in the Chamber **(A Member:** Hear, hear.)*(Laughter)* and the icing on the cake of course is that I sit next to Deputy Trott.

But since being elected I have met several people from other parishes who said they wanted to vote for me and, if I am re-elected, I would gladly forfeit the best seat in the Chamber if it meant that the electorate could have comprehensive Island-wide voting.

So I do not see being a new face as a problem. It is up to the candidates themselves to campaign and make themselves known, and if they are serious about becoming a Deputy they will do that.

I would like to draw my colleagues' attention, sir, to section 4 of the Requête on page 1905 of the Billet, because at the bottom of that section we are told that:

'Members of the States of Deliberation can be and are asked to act for and on behalf of all the people of Guernsey and not just [the people who voted for] them.'

That is exactly the point I think we all need to keep uppermost in our minds. 'Members of the States of Deliberation... are asked to act... on behalf of all of the people of Guernsey.' So, surely, if we are to attain true democracy we must introduce comprehensive Island-wide voting, because by doing so we eliminate all the restrictions and give Islanders the opportunity to vote for whoever they want to vote for. And the truth is by not having comprehensive Island-wide voting we are perpetuating those restrictions.

Sir, we often hear in this Chamber about freedom of speech, freedom of choice, people's rights and democracy. Well, we have the opportunity here to truly attain all of those by introducing comprehensive Island-wide voting – not *partial* Island-wide voting, as the amendment that Deputy St Pier, Deputy Ogier and Deputy Luxon have laid is seeking.

The people are not asking for partial Island-wide voting. Partial Island-wide voting will be as ineffective as partial scrutiny and the people are not asking for a system of voting that limits their opportunities to vote, they are asking for a system of voting that gives them every opportunity to vote for whoever they want to

vote for. In fact, sir, I am amazed that this amendment has even been laid, because who is it going to please? We know what it is going to achieve if it is successful – it is going to achieve partial Island-wide voting, but who is it actually going to please and what is it going to resolve? How is voting in favour of this amendment going to encourage and persuade the people to vote who have already said they will not vote until we introduce comprehensive Island-wide voting?

I do find it all rather tacky, sir, dressing this up and parading it as two golden votes. Why not just refer to them as two Island-wide votes? And I would like to hear Deputy Ogier's response to that when he replies to the debate, sir.

The only reason I can think of is that the two golden votes approach is being used as a psychological ploy, (*Laughter*) giving us the impression that by supporting this amendment we will be rewarding the electorate with some kind of prize. Well, sir, I ask my colleagues not to fall for such a tacky psychological ploy.

Let's stop being so frightened and precious. Let's stop tinkering and pussyfooting around and live up to our name – the 'States of Change' – and change to the system of voting that the people are asking for.

Sir, we often speak of nurturing an inclusive society, which is exactly what we will be doing if we introduce comprehensive Island-wide voting.

Thank you, sir.

The Deputy Bailiff: Deputy Harwood.

Deputy Harwood: Thank you, sir.

It is always interesting to follow Deputy Lester Queripel. We were absolutely riveted by his fascinating *exposé* of the agonies that he went through in order to be elected (*Laughter*) to this Assembly, to hearing him describe the golden shares being a 'tacky psychological process'.

Sir, I hold my hand up. I think I may have helped to create this concept of the golden share when Deputy Fallaize and I appeared on a phone-in early this year on the subject of Island-wide voting – a matter on which I think both he and I were in agreement – we were opposed to it – but I did actually tentatively suggest we could possibly consider a 'golden' share as a possible alternative.

It is a seductive suggestion – an opportunity. It is tempting to put your toe in the water to test how an Island-wide element may or may not pan out.

Deputy Luxon also referred to this as being 'a good Guernsey compromise' – I am speaking on the amendment – but I have to say that with any compromise you end up getting the worst of all worlds. (**A Member:** Hear, hear.) And I would suggest this amendment will achieve that.

You will have all the practical difficulties that Deputy Lester Queripel particularly enunciated and he is convinced we could get around, but I reserve my position on that. So we have all of the same practical difficulties with hustings, canvassing and manifestos, but we would have none of the advantages. We would not have a genuine Island-wide voting system. If people want Island-wide voting you have to go for the pure system rather than the compromise.

I would also suggest that the compromise would actually throw up additional costs, which would not necessarily be the case with the full Island-wide system – and it will come back to that in a moment. But also I would strongly urge Members to listen to – and I will re-emphasise – the point made by Deputy Conder that the electors in a district could be outvoted by voters in other districts exercising their golden votes. In the case of Deputy Lester Queripel, he got in by, I think he said, two votes in St Peter Port North. Well, he could well have been outvoted by people exercising golden votes from other districts and we should not lose sight of that. (*Laughter*) The other difficulty... Maybe that is a hidden reason for voting for the golden vote. (*Laughter*)

But we also should not lose sight of the extra difficulties that this particular compromise would create for the electoral process. You would end up having to have separate ballot papers, because I think that is the only way it could work. You would also have to end up having a central counting system for that ballot paper, which represents the golden vote exercise. And you would end up having a delay because even the districts could not announce their results until you have had the outcome of the central voting system because the central voting system – as I have already indicated – could well sway the results for your district.

So, for those reasons and those reasons alone, I would urge all Members of this Assembly to vote against this amendment, tempting though it may be. I will reserve my position to talk on Island-wide voting when we come on to that full debate.

Thank you, sir.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I will address this amendment but I think I will be speaking generally on Island-wide as well because the two are interrelated.

1025 I agree with a lot of what Deputy Harwood has just said, but I would like to point out that I have seen, within St Peter Port at least, an example whereby the electors, who perhaps are as clever or if not cleverer than electors in other districts, (*Laughter*) were given the curious scenario of voting for more than one office at a time because we had a contested – Deputy Harwood may in fact have been an invigilator at the time and a scrutineer but – election for the office of Constable and we also had contested offices for those of douzenier, and on that occasion the trusty ballot boxes in Lefebvre Street were there but you had, I recall, different coloured ballot papers and different coloured boxes. So there are ways, of course, of meeting the practical disadvantages.

1030 I am only tempted to vote for the golden vote in as much as it may win when the other offer on the table – the Requête – might not, although I have to say that the golden vote option is full of difficulties – and not just for the reasons Deputy Fallaize, Deputy Harwood, Deputy Queripel, and Deputy Conder have suggested and Deputy Lowe.

1035 One problem with this very brief amendment is it gives us no detail as to the mechanics. For example, Deputy Lowe raised the point: would these two Deputies be sat separate from the rest of the Chamber? Would we be having two additional Deputies even? But I mean that is one interpretation of it.

1040 Another interpretation of it is that the process would effectively see someone, as Deputy Conder intimated, elected for a district who had not scored a polarity in that district. Now, that is a curious anomaly because you would have the top six or seven – assuming we still have six or seven – in each district. They would be counted out by the counters in that district but, of course – as Deputy Harwood intimated – the returning officer really would not be in a position to announce how they had done until the central counting had taken place.

1045 Now, one presumes with this that you could not vote twice for the candidate in your district. So, for example, Deputy Fallaize would see, as always, an impressive vote in the Vale but he presumably might get golden votes from the other six districts and so there would not be complete parity because every district would have to have a different ballot paper identifying a different permutation of names, because the candidates in the home district could not be on it, or at least they would be wasted votes if they were. So that is yet another challenge in this system.

1050 I think one of the beauties of the old Island-wide system was you could, of course, identify how individual candidates had done in different parishes or districts and I am not sure you would under this system either.

1055 The golden vote actually would possibly have appealed to Conseillers from the distant past under the older electoral college system, perhaps if they had been seeking election, because it would have had the bonus of allowing a strategic leader who had fallen out with his or her parishioners or constituents to perhaps survive on a grand Island-wide vote as a senior figure who was supported by the business community or others. Therefore, in a way, far from being ultra-democratic, it could prove to be the reverse.

But my biggest fear is not the impracticalities of the golden vote but the fact that yet again we will leave the Chamber today with a zero answer on this – that nothing will win the day.

1060 So, for that reason, if I perceive that there is a willingness to try at something different I could be persuaded to support the golden vote. But I have to say that the Lowe/Hadley Requête is far more sensible and I think there are even more rational alternatives that could be placed before this Assembly.

1065 **The Deputy Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Sir, I was not going to rise to actually speak on this debate because I am not going to vote for the golden vote, but there seems to be some confusion because my interpretation of these golden votes, whether you have one or two votes, is that all those votes are added to the parish votes or the votes that you have made and then it is the combination of those that will choose the candidates and the top candidates in that parish.

1070 So I do not see where we get this ‘there will be two extra seats’ and all of that sort of thing. So perhaps Deputy Ogier, in his summing up, would just clarify that position, but that was my interpretation.

1075 **The Deputy Bailiff:** Deputy Storey, followed by Deputy Le Tocq.

Deputy Storey: Thank you, sir.

1080 I also was not going to speak on this, but I was tempted at the beginning, when I had just seen the amendment, to give it some consideration because I am against Island-wide voting and when I first saw the amendment I tended to jump to the same conclusion as Deputy Luxon – that this was, effectively, a compromise – and therefore perhaps if I voted for the compromise and got the amendment through then in fact we would not actually end up with Island-wide voting, so that was a bonus for me.

But following the speeches – the excellent speeches, made by Deputy Conder and Deputy Harwood, in particular – it struck me that what this amendment is doing is actually giving us Island-wide voting by the back door.

Forgive me for the assumptions I have made but I did some fag packet calculations and the majority of us sitting in this Assembly were elected with between 1,000 and 1,500 votes, so that means that the total number of votes cast on the Island were between 45,000 and 60,000. Now, if we make the assumption that – and I agree that this is a vague assumption, but if we make an assumption that – the average voter votes for four or five candidates only and not the full number that they are entitled to vote for, that means that we had between 10,000 and 15,000 voters at the last election. Well, sir, that means on that basis that there will be between 20,000 and 30,000 golden votes to be cast. Now, with that number of golden votes to be cast the distortion that is going to occur in relation to the parish votes is quite considerable and we should not ignore that.

Now, this has effectively dissuaded me from supporting the amendment, because I am concerned that by accepting the amendment we would in fact be introducing Island-wide voting by the back door and so I will vote against the amendment and I hope to speak in the full debate later, sir.

Thank you.

The Deputy Bailiff: Deputy Le Tocq.

The Chief Minister (Deputy Le Tocq): I think, sir, particularly after what Deputy Storey has said, it seems to me that it was obvious that this amendment was an attempt at a compromise.

There are quite a number of different ways in which a compromise could be achieved. I have been in favour of an element of Island-wide voting for some time and years ago sought to amend Propositions – it was at the time of the Machinery of Government, I think – in order to set up a constituency that would be an Island-wide constituency with a similar size and make up.

Deputy Harwood is absolutely right, in that doing it this way with a sort of golden vote or votes would make it difficult in practice to know quite what your mandate was, from whom. Now, I do believe that we need to, once elected, represent the whole of the Island but there are certain times where it is important, as an elected people's Deputy, to know who the people are who voted for you. And I think it would be difficult with this system to have a situation where perhaps within your constituency, within your district, you had less than the perceived number of votes but a larger number from outside. That could cause some friction and some difficulties that I think would be unhelpful in certain circumstances – not in all.

I think the biggest problem is for SACC to come up with a viable system. I am not aware of any other place that has a system along the lines that has been proposed by this amendment. There are obviously similarities with single transferrable votes and Condorcet-type voting systems that are used in Australia, I think, and elsewhere but I do not know of any that would work precisely like this.

As a result of that we would have to come up with something that was a bit untried. The danger with that, as I think was to a certain degree the case with the changes in the Conseiller elections, is that you try it and it ends up being practically something that cannot work very easily.

So I am not going to vote in favour of the amendment, though I am in sympathy with the proposers of it.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir. I will speak very briefly.

Just referring to Deputy Lester Queripel's speech, what he said was that it was actually relatively easy to get known but I think I am right in saying that Deputy Lester Queripel stood in one election and was unsuccessful, had to then become known, lobby a relatively small constituency that is St Peter Port North twice and then get elected by two votes.

Now, if you magnify that out to try and do the same thing in an Island-wide context, it is a system Island-wide voting that favours incumbents and it is very difficult for newbies to become known to the public.

I do not support the golden vote, the golden shot, scratch cards, lucky dip, wheel of fortune, tarot cards, or perhaps a parish Constable can throw the runes and then call the demon, the Douzenier, in to read them. This is a parliament; it is a Government. Do not leave it to some random act of human kindness to get people to this Assembly.

Thank you, sir.

The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

I am opposed to this amendment. Just to pick up on a number... that Deputy Storey referred to, I think the number of people who voted in the 2012 election was 20,459. So the numbers would be even higher than he was saying.

1145 Deputy Fallaize talked in his speech about the only way you could do this is to have limited literature. I actually would be opposed to that. I think that each candidate has got to have sufficient space to represent themselves and explain their views. I think many of us were critical of the *Guernsey Press* when they tried to get our views down to one-word answers to questions at the last Election and you were unable to explain your view point on something.

1150 So I think that if you were doing this system you would have to have a situation where all 90 or so manifestos would be sent to all candidates and people would want to do that to make sure they had a chance of being elected. And I think there would be a very real chance of voter fatigue caused by that, because obviously the most committed will read them, but there is an awful lot who will not read them and they will vote on media profile of people, the highest profile will get the advantage in the golden votes than the less well known, or they will just lose confidence in the whole process by the amount of paper work and just give up.

As I was saying, I think the high profile will get an advantage from this system because it is far more difficult to promote yourself Island-wide than it is in a district and I think new candidates will struggle to have that profile in order to pick up golden votes which they will probably need in order to get elected.

1160 I think a lot of the other points have already been made but I would just like to make one perhaps slightly different point which is about the complexity of the election process. One of the strengths of our system is the relatively few numbers of spoilt papers. I think if you have a system where, if it is in the Castel, you could vote for five Castel parishioners and two others from outside the parish or you could vote for six Castel and one other, or you could just vote for seven Castel. I think that will lead to complexity and misunderstanding and you will get a lot more spoilt papers.

1165 In the last election there was a total of 65 spoilt papers across all districts, and I think one district, St Sampson's, had a very high number of 26 and perhaps some of those were not because of voter error but because of other reasons. The pattern is St Peter Port South – six, St Peter Port North – five, Vale – six, Castel – 15, West – four, South East – three. I think that that is important. If you make the process complex you are far more likely to have error which will lead to spoilt papers.

1170 So I urge people to vote against this amendment.

The Deputy Bailiff: Deputy Langlois.

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

This Assembly has, on several occasions, shown a marked aversion to the pragmatic compromise. There were several well-known occasions over the last two years.

1180 I think we have got to be very careful here today on the tactical side of voting. I know some people occasionally think this is trying to be far too clever with amendments but it is very, very important in my view that if we want to end up with our preferred option we think very carefully about how we vote for this and then how we vote in the main debate, because there is a question of damage limitation here.

1185 I am speaking only on the amendment at this stage, sir, but I just want to remind people that in January 2007 the Electoral Reform Society – who are the UK recognised expert group on the way democracy works in practice; it is not some sort of pressure group, it is a well-known research institute; it also runs elections on behalf of all sorts of bodies – unequivocally said do not go for Island-wide voting. It is a simply as that and that is the expert advice.

1190 So if by any chance we are looking at a possibility that a popular demand – which there is – for Island-wide voting should be listened to, should be followed by us as elected representatives... This is a representative parliament; we were elected by a group of people to then govern the Island; not to constantly refer back and say, 'Which way do you want me to vote on this? Which way do you want me to vote on that?' We have been given responsibility by the electorate and sometimes we are a bit scared of taking it. But as elected representatives I believe that on many occasions I would prefer to see the least worst option than to end up with something which is clearly damaging.

1195 So in this case we are presented with... at this stage we are making a decision between the least worst option and the worst option. If you start from the point of view of saying, 'I do not want to see Island-wide voting because as an elected representative I do not think it is right for Guernsey'... We are choosing between two options, both of which involve Island-wide voting in the amendment. Once that is over then we choose between Island-wide voting or not Island-wide voting.

1200 I represent all of the population of this Island. I really think that a lot of the discussion about who voted for you... and I was quite honestly shocked by the Chief Minister's comment about, 'It is important to know who voted for you'. In all sorts of elections I have been very concerned about this. This Assembly has now brought in a Rule to say you have got to record who you voted for and people who get voted in know

who voted for them. I have been very concerned about this. I oppose that and I oppose it particularly in public elections. And I challenge all of you: do you ever, if the phone goes and a constituent is on the end of the phone, is your first question, 'Did you vote for me?' (**A Member:** Yes.) because I doubt it is and I am just amazed that people take that into account.

Can I just –?

Chief Minister: Sorry, just to explain what I meant by that. I did not exactly mean who voted for you as individuals, but having a constituency that you support, so even though they did not vote for you but you are involved in representing that constituency. So just to clarify what I meant when I am saying that.

If we had a golden transferable vote it could be the case that you have got a constituency where the vote is added up and other votes are taken in but you have less support from that constituency and that might cause problems for those in that constituency that you seek to represent.

Deputy Langlois: I thank the Chief Minister for that clarification. I honestly did not believe that he was going to answer the phone by saying, 'Who did you vote for before I deal with your concern?'

Sir, can I just run through the logic once again? If you are opposed to Island-wide voting and if we end up with the situation of voting either for this Requête or against it, then I beg you, please, if you are in that camp, vote in favour of this amendment because that will give you the opportunity to at least end up with what in my view is the least worst option out of two... that I do not want to see either of them.

The Deputy Bailiff: Deputy Perrot and then Deputy Trott.

Deputy Perrot: I get more squeamish as I get older. I think I was very much braver years ago. After all I was a staff sergeant in the Elizabeth College Cadet Force so I must have been brave. (*Laughter*) But now, for example, even though I know what is coming in one of those horror films, you know, I actually look at it through fingers which are pretty close together because I do not really want to see it, but then I do.

Anyway, that is how I feel about reading the *Guernsey Press* these days, (*Laughter*) (**A Member:** Hear, hear.) particularly on a Saturday when I want everything to be calm and bright in my life – I do not want to read something which is going to upset me, so I do look through the fingers squeezed close together. But last Saturday I found myself in strange agreement with the *Guernsey Press* and I would like to read something from it because I wish to endorse pretty well everything that it says in the leader column. So this is a first.

What the leader column said last Saturday was this:

'The folly of debating Island-wide voting via a Requête was fully exposed by this week's belated golden votes amendment. That is not to say that there is no value in the Proposition or Island-wide voting as a whole, but that is no way to go about Government. To agree to change the Island's electoral system on the basis of the flimsy page and a half of the seven requérants' petition would be foolhardy in the extreme.'

I go along with all of that. The leader then continues:

'If the mood of the Assembly is that Members want the opportunity for their own considered debate about Island-wide voting, it is three years since the last States threw out proposals, then task SACC with making a proper analysis of how to overcome the genuine practical problems which surround this. The number of manifestos, the impossibility of proper hustings and a nightmare voting process are just a selection.'

I go along with that pretty well in its entirety but, having said that and having campaigned, obviously as everybody did at the last election, I know that there is an appetite for Island-wide voting – but I do think that it has to be considered properly and not on the hoof.

One of the great features about political life in Guernsey is how well the electorate knows the people who are standing for election and subsequently how well they know those who get in. That really is a peculiar feature of a small jurisdiction such as this because, of course, during the election period we are able to go and knock on peoples doors.

It is not like a vast constituency in the United Kingdom where you cannot possibly go around and see everybody. In Guernsey you can actually do that and certainly in 2012 I called on every household in four parishes and I liked that. That was actually the best part of it all, frankly – the canvassing. It has all been downhill ever since (*Laughter*) but that is another issue. But that is a peculiar feature of what goes on and that is very much added to by the intimacy of the hustings meetings. It is difficult to get a lot of questions dealt with at hustings meetings, but you can certainly judge a candidate's qualities at the various hustings meetings which we have.

Now, if we are going to have two golden votes, it does mean that in theory all of the voters in the Island ought to be able to go to all of the various hustings meetings. Well, very clearly they are not going to do

that. Certainly, it is very difficult to counteract the logic of Deputy Fallaize when he says we have actually got the very same problems with golden votes as we have for complete Island-wide voting, in that there will be all of these manifestos to read anyway. So if you cannot all go to all of the hustings meetings the only way you can do it is to read their manifestos and, despite Deputy Lester Queripel's very generous view of what the electorate can or cannot do, I venture to suggest that most people, confronted with 80 to 100 manifestos, will really give up the will to live. (*Laughter*)

Just going on a little bit from that, if we had complete Island-wide voting anyway, it would not be as easy as he says to organise hustings meetings because, let's say you take 10 at a time and have all of those meetings dispersed around the Island so you get through that vast number of candidates... The point about hustings meetings is that you are judging one candidate in comparison with other candidates. You need to see them all there together and you need to see the whites of their eyes. You need to see how they react to all of these questions. Certainly, what you cannot do is to have one session of 100 people to fill 47 places. That would be utterly absurd.

Could I remind people that in the 1980's, when St Peter Port was a much better... bigger – not better – (*Laughter*) well it was, I was in it – (*Laughter*) but it was a very much bigger constituency than now when there were 10 seats in St Peter Port, the hustings would comprise at least 20 candidates for 10 places and it was almost impossible to get through other than just a few questions.

There is another very, very important thing – at the moment anyway – involving political life in Guernsey and that is that, although the parishes feel greatly disenfranchised by losing their Douzaine representatives in this Assembly, they nonetheless still take an interest in political life and, if we were to move on to Island-wide voting completely, that would be it then as far as parochial life is concerned. (**A Member:** Hear, hear.) That is another strong feature of our political life.

Although, as Deputy Langlois says, we would certainly respond to any request for any help from anybody within the Island, there is still that very close bond between us as Deputies and the constituencies for which we stand. It is already actually, I have to say, somewhat regrettable that there are four parishes in the West, rather than the old individual parishes that we used to have.

To sum all of this up, I do accept that we need to have an element of Island-wide voting. I do think that this is something for proper mature reflection. I do not think that it is a sign of our maturity if we accept a Requête such as this, which is grossly ill thought out, and certainly we ought to be considering amendments on the hoof.

The Deputy Bailiff: Deputy Perrot, can I just clarify whether you were speaking in general debate as well as on the amendment? Could I just clarify with you, Deputy Perrot, whether you were speaking in general debate, as well as on the amendment?

Deputy Perrot: I am not really sure about that, but let's say both. (*Laughter*)

The Deputy Bailiff: Thank you.
Deputy Trott.

Deputy Trott: Sir, I shall speak briefly and exclusively on the amendment because I think there is a possibility that my friend, Deputy Ogier, may be able to persuade me, in his summing up speech, to support it. But first of all I would like to make a point about our present electoral system.

As things stand at the moment, sir, there is no limit on the number of candidates that can stand in an electoral district. Usually we have about twice as many candidates as there are seats, but there could quite legitimately be several dozen standing in an electoral district for six seats. If that was the case, we would deal with it. We would have to because there is no way that we could exclude that. In the UK they may have deposits on seats and various other things to act as a deterrent to have too many spurious candidates coming forward, but in our system there is no such deterrent.

I rise, though, really to make two points. Firstly, about electoral participation. I am convinced that we would have a staggering electoral participation in our community – it is already pretty good, but – if we had golden negative votes. (*Laughter*) Yes, absolutely, and I think there have been occasions in the past, sir, where I may have borne the brunt of some of those votes.

The point is this: if we are genuinely concerned with democracy and electoral participation, maybe that is an issue that we should give greater consideration to.

But I rose really and primarily to make one point. It was something that my good friend, Deputy Storey, said. I am not sure whether he meant it quite how I heard it but, in any event, he said it nonetheless. He said, 'Be careful about this amendment because of the distortion that would occur.' Now, I doubt he meant this and there will be an opportunity for him to tell me if I am wrong, but some in the community may have heard, 'Be careful about this because the wrong people might get voted in. The wrong people might be more substantially supported than some in this Assembly would like.' And what I say is this: irrespective of

the complications associated with Island-wide voting, never ever fear the ballot box. Democracy will prevail.

1320 Thank you, sir.

Deputy Storey: Point of clarification, if I may, sir.

The Deputy Bailiff: Deputy Storey. Point of correction.

1325

Deputy Storey: Right, sir.

The point I was trying to make in my previous speech, sir, was in furtherance of the point that adopting this amendment was, in fact, Island-wide voting by the back door and not to suggest that the votes that people cast might be in some way invalid.

1330 So I hope that that clears up that particular point for Deputy Trott and for the rest of the Assembly, sir.

The Deputy Bailiff: Deputy Duquemin.

Deputy Duquemin: Thank you, Mr Deputy Bailiff.

1335 This is a first for me, sir, because I am standing up and will talk in debate, and I honestly do not know how I will vote on this amendment.

I am seduced by what Deputy Luxon has referred to as ‘the Guernsey compromise’ because I think it will deliver what people want and that is the ability to support other candidates that appear in other districts. They often even said to me, sir, during the campaign in 2012, ‘If you were in my parish, Darren, I would vote for you. I have read your manifesto. I would support you,’ and I think that, in a way, is what people want.

1340

I would take issue with Deputy Lester Queripel when he talks about people wanting pure Island-wide voting. I think many people just want to have some sort of ability; but, having said that, I have listened intently to the points raised by Deputy Harwood and others, questioning the potential downsides of the golden vote.

1345

What I have done, sir, and the main reason I have stood to my feet, is to... I have done some number crunching very quickly because I was interested to work out the perceived balance between the parish vote and the Island-wide vote in terms of numbers.

I will be as brief as I can because lots of numbers in a speech do not make it very interesting, but I will be as brief as I can to hopefully give people a slightly enlightened view.

1350

In Castel in 2012, 3,176 people cast a vote. In the other parishes, that totalled 17,283. So if, for arguments sake, someone in the Castel parish that was standing had... If all the votes were shared out equally between the candidates – obviously that does not happen; some get more some get less – they would get five-thirteenths of the 3,176, which would be a sort of average of 1,221. There were 65 other candidates so, if they were to get two – there is a chance of getting two votes out of the 65 seats – out of the 17,283 votes, that mean average would be an extra possible 531 votes.

1355

So basically we are looking at here at ... If everything was equal, if all the votes were shared out equally, every candidate would end up in the Castel parish on 1,221 votes. If everything worked out equally and all the golden votes all around the Island were spread out equally, there would be an extra 531 votes.

1360

So what that proves is that the power of the parish will remain roughly twice as great as the Island-wide votes. I do not know what that says (*Laughter*) but I think in many ways the question was whether it was just a little top up or whether it was significant numbers and for me it is significant numbers because in many ways Deputy Lester Queripel himself mentioned how he got in on just two votes, but it may be that there would have been potentially 531 other votes to go out Island-wide. So that was sort of the number crunching that I want to do.

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Sir, I honestly do not know how I will vote in this... I will give way to Deputy Hadley.

Deputy Hadley: Could I just correct the Deputy, Mr Deputy Bailiff, because of course –

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The Deputy Bailiff: Point of correction, Deputy Hadley.

Deputy Hadley: – these votes are instead of the votes in the constituency, so those numbers do not add up because of course the same number of votes potentially could be cast whether you have the current system or these golden votes. You are placing them instead.

1375

Deputy Duquemin: I have two figures, Deputy Hadley, which were: potentially in the Castel parish someone standing could have, if all things being equal, a seven-thirteenth chance of getting one of the 3,176 votes, which would have been 1,710, which would have meant it was three times as powerful as the Island-

wide vote. But I think in reality – this is what I honestly believe – there were in Castel only five votes out of the seven possible votes. So people already did not vote for two people in the Castel parish on average and I am convinced that people would – those electors would – actually see other candidates in other parishes that they would wish to give their votes to.

But I think what I wanted to prove to myself in my own deliberations, sir, is to keep the integrity of the parish system because I do believe vehemently that the parish system does have merit.

Thank you, sir.

The Deputy Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

I have almost had enough of this, (*Laughter*) because I went through this three years ago.

I have always been a supporter of Island-wide voting. In fact at the time I supported a minority report from former Deputy Ivan Rihoy and I also laid an amendment which was very similar to this one, but not quite.

So, I will just be brief and say I agree very much so with Deputy Langlois analysis. If you do not like Island-wide voting at all it is better to vote for the amendment, because if for any reason that gets passed you can still vote against it at the end. That is not the end of the story, in which case I want to correct Deputy Storey because he said voting for the amendment is Island-wide voting by the back door, but only if you vote for it again at the end. So you can still vote the whole Requête out, as amended.

So I will support the amendment. If it fails I will support the unamended Island-wide voting Propositions and that is the way it is.

Thank you, sir.

The Deputy Bailiff: Can I also clarify with you, Deputy Kuttelwascher, whether you were speaking in general debate then?

Deputy Kuttelwascher: I have finished. Thank you, sir. (*Laughter*)

The Deputy Bailiff: Deputy Green.

Deputy Green: Thank you, sir.

I think I started off in this debate being mildly enthusiastic of this amendment, but I think as the debate has actually worn on I have gone a bit cold on the whole idea of the golden votes, to be honest, to an extent anyway.

It was something that Deputy Dorey said a few moments ago, which got me thinking about the essential elements of an electoral system that are really desirable. I think really any electoral system should be as clear and as simple as possible, and I think this particular golden vote suggestion does add a level of complexity which does not feel right. It does not seem to be as clear as it could be.

On Saturday at the Castel Douzaine it is fair to reflect that there was very little, if not no support, for the golden vote amongst the Castel Douzaine. The views expressed there were very much in support of the *status quo*. The system we have was felt to be one that worked very well. In fact I was probably the only person who was mildly enthusiastic about this amendment at that meeting and, as I say, I am beginning to wonder.

But not all is lost and I hope Deputy Ogier will address some of the thing in a moment, because I am still thinking about this. I certainly have not given up on this amendment just yet and I do think, to some extent, this amendment does mitigate some of the problems with more overall comprehensive Island-wide voting.

Deputy Fallaize, I think it was, talked about the fact that he was unaware of whether there was any particular precedent for this kind of voting system. I suspect there is probably not. I do not think that is necessarily a problem in itself though. Lots of things are tried which are unprecedented and they work very well. Some things which are unprecedented work less well. I do not think you can necessarily say because there is no precedent therefore this must be a bad idea. I think you have to look at it on its merits and certainly there are some problems with this. I think those have been well articulated this morning so I am not going to go over those in any great detail.

What I think I am coming down to, in conclusion, is this, sir, is I think this golden vote system is probably less bad and more practical than full Island-wide voting and I think, as Deputy Harwood said, it is a toe in the water, if you like. If this works well and people get into the habit of casting their golden votes and they like it and that is something that is fed back to us, it may well open the door to a more comprehensive system of Island-wide voting in the future.

1440 So I like the fact that it is an element of Island-wide voting without being a completely comprehensive system. I like the fact that it is more practical than full Island-wide voting, albeit with the problems and complications that have been addressed. So I do not know how much debate there is going to be left, but I like the fact that it preserves the parish link whilst also enabling some level of Island-wide voting which actually might be a toe in the water to something further down the road.

1445 So I do not know how much debate there will be left but I will listen to the rest of the speeches and I genuinely do not know how to vote at this stage but when Deputy Ogier responds I am persuadable.

The Deputy Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir. Technology.

1450 The only attractive thing about this amendment is it is not as bad as that which it seeks to replace. In which case it lines itself up as one of those things that you vote in to subsequently vote out, which is what I think Deputy Langlois seems to be advocating. But this amendment suffers from all of the same flaws as the Requête.

1455 When I was knocking on doors there was indeed a strong call for Island-wide voting. However, when one scratched below the surface it became clear that by and large the issue is one of perceived disenfranchisement. People have six votes and were struggling to find more than three or four candidates out of the 10 available to them. They felt, understandably, that their unused votes were wasted votes.

1460 The main problem, therefore, would appear to be a lack of candidates and remedying that is what we should be putting our energy, time and money into achieving. A greater number of candidates would not only address the wasted votes issue, by increasing the overall pool it should increase the overall quality of the successful candidates.

So I will be voting against both this amendment and the Requête.

The Deputy Bailiff: Nobody else is rising... Well, Deputy Wilkie.

Deputy Wilkie: Thank you, sir.

I have just come to my feet with some of the words that Deputy Burford said there about this golden vote having the same issues as the Requête.

1470 When you think about it, if you went back to the 2012 Election and you asked the voter, 'If you had two extra votes to vote for any other Deputy outside your parish, which ones would you vote for?' they would probably know who those two people were. However, if you were to ask them, 'Okay. Now we are going to change to Island-wide voting. Who are the 45 Deputies you are going to vote in?' they would not know.

So I think this comparison that it is going to have the same problems as the Requête... I do not think that is a correct argument and I am going to vote for this golden vote amendment.

1475 Thank you.

The Deputy Bailiff: I invite Deputy Hadley, as the lead requérant, to reply on the amendment.

Deputy Hadley: Mr Deputy Bailiff.

1480 I think the point has been well made that this amendment gives us all the disadvantages that many people perceive about Island-wide voting and adds a few others.

I think a number of electors will be somewhat frustrated that, having read 90 manifestos and identified half a dozen people outside their district they would want to vote for, they cannot because they have only got two golden votes.

1485 I do resent what Deputy Perrot said about this being a Requête on a flimsy couple of sheets of paper. I remember signing a Requête of his which was two sheets of paper and that is all there was to it.

In this case you have a 90 page report to read in the Billet. This report is repeated by SACC because in the previous Parliament they went in great detail of every facet of Island-wide voting, including bringing over somebody from the Electoral Reform Society and it could not have been better researched.

1490 Again, because of the move at the last general election for Island-wide voting, we asked the new Chairman of SACC to bring the matter before the Assembly and he declined, and we know why he declined now. I mean when he gave his speech earlier in the year he said he was agnostic about Island-wide voting and then proceeded to speak for half an hour trying to destroy it.

1495 But for the *Press* to criticise bringing Requetes to this Assembly seems to me to be quite wrong. It is the way Members of the Assembly effect changes that five people from this Assembly have declined to bring forth. And that is what we forget – with our Committees and with our Departments, decisions can be made by five people. They can often be wrong. This Assembly must have the right with a Requête, which is similar to a Private Member's Bill in the United Kingdom, of bringing forward change.

1500 So it was not on the hoof. Oh and talking about hoofs, I turned to my Alderney Representative to say did he intend to speak in this debate and he said 'No, we have got golden votes in Alderney.' (*Laughter*)

The Deputy Bailiff: Deputy Ogier then to reply on the debate on the amendment moved by him and Deputy Luxon.

1505 **Deputy Ogier:** Thank you, sir.

Deputy Fallaize has asked me to advise the Assembly on whether there are any golden votes scenarios elsewhere. I think this would be one of the details that SACC would have to look at if this amendment is passed.

1510 He describes an issue with scrutinising all the manifestos of all the candidates in order to be able to cast a couple of golden votes and he is right. In order to give proper scrutiny for the golden votes, parishioners will need to read all about the candidates.

Currently with the full Island-wide vote, I do not think many or all will do that and I think the effect of people not doing that will be much reduced under this amendment but it would still be present.

1515 It is also not beyond our powers to circulate a shortened version of manifestos, as currently displayed in the *Guernsey Press*, to all Islanders, to give them a flavour of all candidates in other electoral districts and they will be able to look further at those manifestos if they take their fancy.

1520 Deputy Lowe asked why two votes. It is because it allows the same number of votes to be cast as present, split between the parish and Island-wide. It minimises the number of changes we have to make to the electoral system. Currently, parishioners cast on average around four votes out of six. Those two votes are currently wasted, if you like, because many parishioners cannot find another two candidates in their district that matches their views. Under this system they will be able to use those currently unused votes outside of their electoral district in order to favour candidates with whom they feel a greater affinity.

1525 Deputy Lowe talks about the problems of hustings but, of course, Island-wide voting suffers the same problems regarding hustings. And Deputy Lowe wants to know about the voting slips. She levies all these questions as accusations on the amendment but, of course, these problems all exist with full Island-wide voting, to a much greater degree in my opinion.

1530 This amendment does have some issues to overcome and that is true. That is why we ask SACC to delve into these issues further and report back with their recommendations. But this amendment recognises the desire for an element of Island-wide voting. People on the Island want full Island-wide voting but when you look into the mechanics of it, it becomes quite clear that it is a very unwieldy system.

This amendment recognises the impracticality of it, recognises the invaluable parish system and proposes a way to achieve both. Now, I believe the issues of full Island-wide voting are mitigated in this amendment, whereas in the Requête they would be more prevalent.

1535 Now, Deputy Queripel berates Deputies for the suppositions he has heard, before going on to deliver a tirade of presumptions and suppositions of his own. He talks about the very, very great lengths he had to go to to get elected and he talks of personal hustings, phone calls, e-mails, social media, twitter, Facebook, sitting in on 80 debates, attending presentations, signing petitions and knocking on strangers' doors throughout the dusk period. (*Laughter*) This, for me, misses the point of an election, which is that this Government should be accessible to all, by means of a manifesto and a hustings, which is not beyond any

1540 reasonable candidate. Rather than the extreme lengths that Deputy Queripel had to go to to be elected, elections should be simple and accessible to the people of the Island. The amount of work that Deputy Queripel recommends to being elected should not be representative of what people have to go through.

1545 On the question of golden votes, the votes are Island-wide votes, yes, Deputy Queripel. And I thank Deputy Harwood for his eloquent support in some areas of his speech.

1550 Deputy Gollop echoes Deputy Lowe's assertion of having special Island-wide elected Deputies. The way I see it is that these Island-wide votes will be added to the parish votes, leading to the same parish Deputies as we have now, elected by a mixture of parish and Island-wide votes. There is no special difference whatsoever between the successful candidates. But this will be, in turn again, a matter for SACC to report back on.

Deputy Storey talks of a distortion in the Island-wide votes and for me the distortion could better be phrased as 'knowing better what the electors want'. It is not distortion; it is better understanding who the people of this Island would like as their representatives. (**A Member:** Hear, hear.) It is not distortion; it is greater democracy.

1555 Deputy Le Tocq talks of not really knowing what your mandate would be – whether it is a parish mandate or an Island-wide mandate. It would be both, of course, as it is now. I get phone calls from all over the Island. I act or make decisions in the best interests of the Island. I do not pick up the phone and say, 'And which parish are you in?' I answer the query that someone on the Island is asking of me.

Deputy Perrot talks of not setting policy on the back of a Requête and I tend to agree, and I think our amendment avoids that problem as we task SACC to contemplate proposals and report back, which is also what most successful Requetes do.

Deputy Perrot tells us we should not support amendments on the hoof and I also tend to agree largely in that area, but this amendment has been placed well in time and not from the floor of this Assembly during the heat of any debate.

I do agree with Deputy Trott's assertions on the power of the ballot box.

Deputy Duquemin – currently, voters cast around four votes each and, were they to cast two more for other candidates who matched their views outside the parish, this would make six votes, so parish voting would still be 2:1 in favour of the parish.

Deputy Green – essentially this seems fair but feels foul or resembles the flower but is the serpent under it. I think it reduces the risk of full Island-wide voting but gives us an element of it. It remains the parish link but gives us the ability to recognise an element of Island-wide voting. And SACC would still have to report back on all the issues for our final 'yes' or 'no'.

Deputy Burford tells us this amendment suffers the same flaws as the Requête, but not really. It suffers some flaws but not all, and it does not suffer the flaws to the extent of full Island-wide voting. And Deputy Wilkie outlines one reason why.

Deputy Hadley tells us that he is not voting for this Requête because it suffers from all the flaws of Island-wide voting. He goes on to clarify those are perceived flaws, not actual flaws. But, if you want an element of Island-wide voting and you do not want to lose the important parish links, this amendment is for you. I do not feel Island-wide voting will work in its proposed format and this amendment is the only way we will obtain at least a measure of Island-wide voting for this Assembly.

Following Deputies Langlois and Kuttelwascher's advice, if you are not in favour of Island-wide voting you should just support this amendment as it limits the full blown, in my view, unworkable proposal for Island-wide voting and in turn you can vote out the amended Requête – which is a tactical approach favoured by this Assembly quite often, as it gives an additional level of flexibility. To do otherwise runs the risk of betting all on a 'yes' or 'no' vote for the Requête and I ask Members to support this amendment.

The Deputy Bailiff: Well, Members of the States, we will move to the vote on the amendment to substitute both Propositions, that has been proposed by Deputy Ogier and seconded by Deputy Luxon. Those in...

Deputy Lester Queripel.

Deputy Lester Queripel: Could we have a recorded vote, please, sir.

The Deputy Bailiff: There is a request for a recorded vote.

There was a recorded vote.

The Deputy Bailiff: Members of the States, we will wait to declare the actual numbers formally in a moment, but on my reckoning that amendment was lost. So rather than lose time we will move straight on to the next amendment to be placed.

This is an amendment... Do all Members have a copy of an amendment proposed by Deputy Laurie Queripel and seconded by Deputy Le Lièvre in their places?

Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

Sir, first of all I would like to thank Deputy Le Lièvre for seconding this amendment. It might be a good idea to read it, sir, and read it in context with the Propositions:

Amendment:

To insert at the end of the words in Proposition 1, the following:

'subject to approval in a referendum to be held as expeditiously as possible.'

Of course, there is no need to include Proposition 2 because Proposition 2 would not be affected by the amendment. To read it in full, sir:

'... that with effect from the 2016 General Election, all deputies shall be elected on an island-wide basis and all voters shall have the same number of votes as there are Deputies' seats, subject to approval in a referendum be held as expeditiously as possible.'

Thank you, sir.

1615 So this may seem a bit like Groundhog Day to a number of Members and some of my colleagues, sir, but they will see on closer inspection that this is a very different amendment to the one that Deputy Gollop and I placed last time we three-quarter debated this Requête on Island-wide voting.

Sir, that amendment was to hold a referendum at the same time as the 2016 Election. This amendment is calling for a referendum as expeditiously as possible and if the result of that is that the majority of Islanders favour Island-wide voting it would be in place for the 2016 election.

1620 Sir, there are several advantages and pluses to this amendment. I might make the same arguments as I made last time. We will get the definitive answer from the people that really matter – the public, the voters.

As far as I can tell, sir, opinion always seems to be split fairly evenly. I know we have heard different stories from different Members of the Assembly, sir, and that is the point. A number of Members say that the vast majority of the people they speak to favour the idea of Island-wide voting. Well, actually my
1625 experience is rather different to that. It is probably split about even. I have actually had e-mails this week from people saying they do not want Island-wide voting.

I know that Deputy Hadley is clearly a trendier guy than I am because he listens to *Island FM*, apparently, and on *Island FM* it tells him that people overwhelmingly support the idea of Island-wide voting. Well, I am an old fuddy-duddy, sir, and I listen to *BBC Guernsey* and *BBC Guernsey* – the last time
1630 this issue was raised was only last week, sir, and the opinion was about split. In fact the number of people that phoned in to *BBC Guernsey* and e-mailed into *BBC Guernsey* were calling for a referendum on the issue. So, whatever the enthusiasts or supporters of Island-wide voting say, it is not clear cut. We do not know if the majority of Islanders favour a comprehensive version of Island-wide voting.

So, sir, if the amendment is successful and the result of the referendum is ‘yes’, that would be a solid
1635 mandate for electoral reform because for such a fundamental issue – a game changer that would have a profound across Island impact – I think that kind of public endorsement is required, if indeed Island-wide voting is what is desired.

But, sir, to make such a sweeping change without going out to the people in this format I think is presumptuous. It is not inclusive, it is not informed Government. Deputy Perrot has already alluded to the
1640 editor’s column in the *Press* on Saturday and I have already got some notes on that as well, sir. I do not always agree with the contents of the editor’s column but on Saturday it had a lot going for it. It rued yet another debate on Island-wide voting without the debate being informed. It did say, ‘this is no way to go about Government – giving 45 Deputies the chance to talk at length about themselves,’ sir. It went on to speak of the vain hope that someone would put an end to the chatter before too much time is wasted.
1645 Colleagues, here is your chance to do that.

Plus two other things that can only be positive, sir. Send SACC away to do some very necessary work which will throw further light on this issue and further inform debate and give the public a proper opportunity to let us know what they are really thinking.

Sir, I mentioned Groundhog Day before, which of course is the title of a film. Island-wide voting being
1650 debated in this Chamber is the re, re, re-run of a very old movie. It just goes round and round, sir, wasting States’ time and wasting money – because, as we know, time is money – and nothing has ever been achieved. Hence we have it back before us today.

So the only way we can make any progress on this issue is by approving this amendment, sending SACC away to do their work and taking this out to the people in the form of a referendum. That way, sir,
1655 the next time we debate Island-wide voting it will be meaningful, it will be constructive and, one way or another, there will be an end product.

Sir, if the result of the referendum is ‘no’ then we should be able to put away a perennial favourite for quite a while, sir. It would be very hard for anyone to justify bringing it back if the public have voted against the idea of Island-wide voting. So it will not be wheeled out for some time I would not have thought
1660 for another spin around the block.

So, I say to all my colleagues, but particularly to the supporters of Island-wide voting, ‘What have you got to be afraid of? What have you got to lose?’ If you want to improve the quality of democracy in representation, if you want to give the people a greater choice and a bigger voice, if you want politics to be more inclusive and engaging, you could do no better than vote for this amendment. (A Member: Hear, hear.)
1665

So I say to my colleagues, sir, ‘Let’s do something positive. Let’s approve this amendment. Let’s close this debate. Let’s get on with the pressing work of this session.’ Provide some tangible results instead of acting out a worn out script, sir.

So I would ask Members to support this amendment. Let’s take this issue out for referendum and let’s
1670 get on with our pressing business.

Thank you, sir.

The Deputy Bailiff: Deputy Le Lievre do you formally second (**Deputy Le Lièvre:** I do sir.) the amendment and reserve your right to speak?

Deputy Le Lièvre: I do, indeed.

Not carried – Pour 13, Contre 29, Ne vote pas 0, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Duquemin	Deputy Fallaize	None	Deputy David Jones
Deputy Green	Deputy Laurie Queripel		Deputy Spruce
Deputy Paint	Deputy Lowe		Deputy O'Hara
Deputy Wilkie	Deputy Le Lièvre		Deputy St Pier
Deputy Inglis	Deputy Collins		Deputy Gillson
Deputy Luxon	Deputy Dorey		
Deputy Kuttelwascher	Deputy Le Tocq		
Deputy Langlois	Deputy James		
Deputy Robert Jones	Deputy Adam		
Deputy Gollop	Deputy Perrot		
Deputy Stewart	Deputy Brouard		
Deputy Ogier	Deputy De Lisle		
Deputy Trott	Deputy Burford		
	Deputy Soulsby		
	Deputy Sillars		
	Deputy Quin		
	Deputy Hadley		
	Alderney Rep. Jean		
	Alderney Rep. Harvey		
	Deputy Harwood		
	Deputy Brehaut		
	Deputy Dornaille		
	Deputy Le Clerc		
	Deputy Sherbourne		
	Deputy Conder		
	Deputy Storey		
	Deputy Bebb		
	Deputy Lester Queripel		
	Deputy Le Pelley		

The Deputy Bailiff: Before we move on, can I just announce the vote on the previous amendment that was proposed by Deputy Ogier and seconded by Deputy Luxon? There voted in favour 13, against 29. I therefore declare the amendment lost.

Deputy Luxon.

Deputy Luxon: Thank you, Mr Deputy Bailiff.

I have one clarification request and two questions, although it is the same question to two different people. On the clarification, where Deputy Queripel's amendment says 'subject to approval in a referendum', can I just check: does that need to be clarified by a simple majority? What does 'approval' mean in terms of giving the intent that Deputy Queripel has?

My question, sir, to both the SACC Chairman and HM Procureur, bearing in mind we do not have any legislation currently for a referendum in the Island, is: if this amendment is approved, would SACC be able to deliver this piece of work and still hit the 2016 Election timeline as per Proposition 1, bearing in mind the Home Department Minister some time ago indicated that there was inadequate time to be able to deliver Island-wide voting when we were debating earlier because of the complexities of getting things set up?

Thank you, sir.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

A couple of technical points in relation to the points made and questions asked by Deputy Luxon just now.

In terms of legislation, I have never understood the anxiety there is amongst some people – and one person in particular, who is a former Member of the States who managed to get an amendment about referendums through the States many years ago – about not having some sort of catch-all legislation to govern the operation of referendums, because if the States ever choose to have a referendum it will be necessary to bring to the States an article of legislation dealing with that particular referendum and

therefore it has always seemed to me that some sort of universal legislation to try to deal with all possible referendums is totally and utterly superfluous.

1710 So, yes, if the States votes in favour of a referendum it will be necessary for a piece of legislation to be laid before the States setting out the ground rules, as it were – the terms – under which the referendum will take place, in order that the referendum has some sort of legislative framework in the same way that a general election does.

1715 Now, in terms of the details and whether this referendum, in order for the question to be approved, would require a simple majority or a super majority or whatever is, that, I think, is incorporated in Proposition 2 which is maintained under the terms of this amendment. It would be for the States' Assembly and Constitution Committee to make recommendations to the States, pretty urgently I should think, on the precise terms of the referendum and that is something that we would have to consider in consultation with the Law Officers, obviously.

1720 Now, in terms of time, I should say the Committee has not had an opportunity to discuss this particular amendment because of its late circulation. My feeling is – and I have not even discussed this with HM Procureur – that it is probably do-able. I think it is probably the case that the Committee could report back to the States pursuant to Proposition 2 – that is to say with the details for organising a referendum and then carry out the referendum and then if it is approved come back to the States, or if it is thrown out come back to the States with as it were the detailed practical arrangements for the 2016 General Election, to do with candidates expenditure limits and all of that sort of thing.

1725 The last States considered a policy letter on Island-wide voting in, I think it was, January 2011 which was... Deputy Lowe says February 2011. So that was 14 months before the Election. So we are a bit advanced from that stage and I think it could probably be done. I am not going to give the States an undertaking that it can definitely be done but my view is that it can probably be done.

1730 Now, as far as the terms of the amendment are concerned, this amendment is not proposing any particular scheme of Island-wide voting, nor is it proposing Island-wide voting as a concept. The amendment is proposing that if the States are minded to vote in favour of Proposition 1 on the Requête then the introduction of that scheme of Island-wide voting should depend upon its approval by the public or by the electorate in a referendum or a plebiscite.

1735 It is possible to vote for this amendment on the basis that the electoral system should not be changed, in the way set out in Deputy Hadley's Requête, without public approval and still vote against the Requête, as amended. I am not advocating that for tactical reasons in the way that Deputy Langlois was with the last amendment; I am saying it is a perfectly credible position to say, 'Whether or not I want to vote in favour in principle of Island-wide voting, I do not think we should move to the scheme outlining Deputy Hadley's Requête unless it is approved by way of a referendum.'

1740 Now, I am minded actually – and I am not speaking for the Committee when I say this because we have not discussed this in any detail at all – personally to support this amendment.

1745 First of all because I think it would be useful to draw a line under Island-wide voting. I said in my speech in the previous amendment that this States and the last States have debated the subject of Island-wide voting on average every 13 months and this subject is not going to go away.

1750 I think it took more than a dozen debates to change the electoral system from the old Conseiller system through to that period when Conseillers were elected by the public through to the voting system there is now. And I foresee an endless succession of debates about Island-wide voting – perhaps not by this States if the Requête is lost but certainly by future States.

1755 It is not an issue that is going to go away precisely for the reason that Members have said: that when candidates canvass at the time of the election Island-wide voting is certainly one of, if not the, issue which is raised on the doorstep most frequently. Therefore, there will always be Deputies who believe they have been sent to the Assembly to introduce Island-wide voting and I do think that holding a referendum or a plebiscite would, at least to some extent, draw a line under this subject, at least for some time.

Now, I do not advocate referendums generally. I agree with those Members who say we are elected to govern; we have to get on with governing. I am not in favour of putting policy decisions generally to referendum, but if there is any subject for which a referendum is valid I think it is changing the electoral system.

1760 In the UK there has not been a referendum since the mid-1970's. There was not a referendum since the mid-1970's. I know there is one about Scotland soon but there was not one from the mid-1970's until 2011, when a proposal to change the electoral system was put to a referendum.

1765 I think on major constitutional change – for example, if the Island was to consider its relationship with the UK or changing its relationship with the European Union, or the electoral system under which Members of the States are elected which underpins the whole fabric of our democracy... It seems to me that those are subjects which it is reasonable to put to a referendum.

So I do not think the general aversion to referendums, which I share, is a valid enough reason to reject this amendment which proposes a referendum on Island-wide voting, specifically.

1770 Deputy Hadley earlier mocked my claim of agnosticism in respect of Island-wide voting, but I am genuinely agnostic about Island-wide voting. I do not believe that it will cause the sort of disaster that its greatest critics allege and I do not think it will provoke all of the many advantages which its greatest supporters advocate. As a voter, I do not particularly mind whether I vote under a district system or an Island-wide system and the same is true if I am a candidate.

1775 I am a sceptic about Island-wide voting. I am sceptical about it for two reasons. First of all, I am sceptical about the practical implications. I think the practical problems are grossly underestimated by its greatest proponents and I am also sceptical that there is huge public demand for Island-wide voting.

1780 I do not know whether there is a majority in favour of Island-wide voting or not. I know there are many people who are very strongly and vocally in favour of Island-wide voting, but if I were campaigning for or against in a referendum I would not know at the outset which way to call it. I could be pretty certain if we were to put the question of GST to a referendum it would probably lose. (**Several Members:** Hear, hear.) There are other subjects which I could be pretty certain that if we were to put to a referendum they would probably win. Island-wide voting I think would be very much in the balance. I do not know what the outcome would be.

1785 I am sceptical that the public would vote to endorse the Island-wide voting scheme that is set out in Deputy Hadley's Requête but I am quite happy to be proved wrong. And it seems to me that, although I dissociate completely from Deputy Lester Queripel's view that if a portion of the public wants something to be done therefore we should do it... I mean I just think that is utterly illogical, even on the grounds that it is never possible to determine exactly what the balance of public opinion is. But even if we could determine what the balance of public opinion is, I do not think it is reasonable in a representative democracy to say that the public should always expect to shape tax policy or social policy or environmental policy, otherwise we might just completely do away with the representative democracy and go back to a sort of Athenian model and gather everybody together in a stadium every few weeks and put everything to a referendum or a plebiscite. Deputy Trott is nodding his head vigorously. (*Laughter*) He may not have agreed when he was Chief Minister, I suspect, (*Laughter*) but I do not think... So Deputy Lester Queripel I just think is plainly wrong –

Deputy Trott: For the record, sir, it was indigestion. (*Laughter*)

The Deputy Bailiff: Was that a point of order or a point of correction, Deputy Trott?

Deputy Trott: Arguably both, sir.

Deputy Fallaize: Well, either way, sir, unfortunately I did not catch what Deputy Trott said, so I cannot respond. (*Laughter*) I am sure it was incisive. (*Laughter*)

1805 But I do not think there is a case for putting lots of issues to a referendum, but I do think there is a case for putting the electoral system to a referendum and actually what is proposed in this Requête is a fairly major change.

1810 So I do not think we should underestimate the nature of the change to go from a district-based system to a system where every Member of the States is elected in an Island-wide constituency; where every elector has to weigh up the competing strengths and weaknesses of 70 or 80 candidates; where every elector has the same number of votes as there are seats across the whole Island. That will change the mechanics of the electoral system enormously in terms of how one distributes election material, hustings, the time that is spent in the polling booth, we will have to get electronic counting. These are not insurmountable problems but they will change the character of elections enormously and the general election – the point at which the public elect representatives for the next four years – is the fundamental building block of democracy.

1815 So, for those reasons, I think that, in particular, Island-wide voting sceptics should vote in favour of this amendment. I do not want the States to vote in favour of the Island-wide voting scheme set out in the Requête and then that is it, without going to the public and asking the public, 'Do you want this system of Island-wide voting?' because I have a suspicion that actually it would not work terribly well. I think we would get to the point where a lot of people, the day after the election, would be saying to the newly-elected States, 'Please change the electoral system because that has not worked very well. It did not give us the advantages that we thought it was going to give us.' Therefore I do not want the States to, as it were, visit this electoral system on the public without public endorsement.

1820 I do not know yet how I would vote on Proposition 1, as amended. I think I would probably vote for it but the States would not be bound to vote for Proposition 1 if it is amendment via Deputy Queripel's amendment. But I would ask the States to give serious consideration to voting for this amendment and accepting the principle that we should not support the Island-wide voting scheme set out in the amendment without clear endorsement from the public in a plebiscite.

Thank you, sir.

1830 **Deputy Langlois:** Point of correction, sir.

The Deputy Bailiff: Point of correction Deputy Langlois.

1835 **Deputy Langlois:** The public would not react like that the day after the election, because we would still be counting for the next month. *(Laughter)*

The Deputy Bailiff: Deputy Kuttelwascher, followed by Deputy Storey.

1840 **Deputy Kuttelwascher:** Sir, my sole contribution to the debate on this amendment was to ask a question that Deputy Luxon has already asked, Deputy Fallaize has answered and I gain comfort from the many positive nods from HM Procureur. *(Interjection and laughter)*

I would only say that I will support this amendment and I also counsel the requérants to do the same because I think, with my judgment of the temperature or the feeling of this Assembly, that if they do not that will be the end of the story for another few years.

1845 Thank you, sir.

The Deputy Bailiff: Procureur, would it help for you to answer the question or at least offer some views on the mechanics if you wish to?

1850 **The Procureur:** I think, sir, that Deputy Fallaize has probably said quite enough to answer Deputy Luxon's question. Anything more that I could add would be superfluous.

I was reassured by the relative confidence with which Deputy Fallaize said that this can be done in time for the 2016 Election. I am not saying it cannot. I hope he is right.

1855 **The Deputy Bailiff:** Thank you, Mr Procureur.
Are you going to be brief, Deputy Storey? *[Inaudible]* No. Deputy Robert Jones then.

1860 **Deputy Robert Jones:** The reason I have raised to my feet is I just wonder whether the Procureur can also answer the question I was going to raise which was in relation to whether the referendum would be binding on the States and whether or not we would then have to have approval of the States which again would open up the whole debate again and take us around in a full circle and possibly have an elaborate and expensive public opinion poll?

1865 **The Procureur:** This one I am very keen to answer, to clarify, because it is one of my hobby horses.
The way that Deputy Queripel has framed the amendment is the only way in my view that you could have a sensible referendum which in itself determines an outcome; because if you add those words to the Proposition the States are already bound – in the sense that the States are ever bound – in that they have approved something; they have approved that there shall be, with effect from 2016, an election on an Island-wide basis where every elector has the same number of votes as they have candidates. But all the amendment is doing is saying that approval does not take effect immediately, it only takes effect *if* approved subsequently in a referendum.

1870 That, in my view, is the way that referendums can actually work.

1875 **The Deputy Bailiff:** Thank you, Mr Procureur.
Is this going to be another question to the Procureur?

Deputy Trott: It is and I am very happy for it to be answered after lunch, sir.

1880 **The Deputy Bailiff:** I just wonder if we might take the questions now so that people can think about the answers over the luncheon adjournment.

Deputy Trott: Indeed. I was just wondering whether there were any implications for the Reform Law or whether that matter had been considered and did not pose a problem.

1885 **The Deputy Bailiff:** Mr Procureur, are you able to answer that or would you prefer to think about it over lunch?

The Procureur: I think all I can say, as this was rather last minute, is that I am satisfied that the direction in Proposition 2, for the SACC to return with the necessary changes, including legislative

1890 changes, would include legislative changes necessary to conduct a referendum in this way and if that does involve Reform Law amendments, well, then that would be covered.

The Deputy Bailiff: Deputy Trott.

1895 **Deputy Trott:** The purpose of the question was – and the answer was as I anticipated... but clearly we have a situation where primary law exists at the moment for a referendum of this type to be carried out but Reform Law permission – if I can use that word – or approval would be required, so there is still a chance that the process could be frustrated by those outside of these shores.

1900 **The Deputy Bailiff:** Are you asking whether the vote on the referendum legislation will be different from the vote on the Reform Law amendments?

Deputy Trott: No, I am asking whether Reform Law approval will be required in advance, because without that Reform Law approval any referendum would be invalid in the sense that the legislation would not exist from the Privy Council.

The Deputy Bailiff: Deputy Fallaize.

1910 **Deputy Fallaize:** Sir, I think what Deputy Trott is saying is: would the Reform Law need to be amended in order to undertake a referendum?

Now, I do not know whether the answer is ‘yes’ or ‘no’ but what I can say to Deputy Trott and other Members is that, in order to put in place the arrangements for the 2016 Election, the Committee will have to propose legislation to the States during the course of 2015. It is likely – particularly in combination with the reforms provoked by the States Review Committee Report – that that is going to include the need to make changes to the Reform Law. What is being proposed is that before all of that there should be a referendum on this narrow subject of whether to have the Island-wide voting scheme, as proposed by Deputy Hadley’s Requête.

1915 So I think most of the Reform Law changes, to the extent that any are necessary, will have to occur anyway, with or without this referendum. The only remaining issue, I suppose, is whether the Reform Law actually needs to be amended in order to hold this referendum. I do not know the answer to that.

The Procureur: Exactly and I have just said that I do not know the answer either, but I am sure that would be part of the SACC consideration.

1925 **The Deputy Bailiff:** Is this a further question for legal advice, Deputy Luxon?

Deputy Luxon: It is, sir.

The reason for my first question is that now leaves me very uncertain as to whether or not I can support this, because it may well fail in what it is trying to achieve.

1930 I think we do need to know the answer to that to be able to make an informed decision about this amendment, sir.

Deputy Fallaize: Sir, if it –

1935 **The Deputy Bailiff:** Deputy Fallaize, just a minute –

Mr Procureur, can I suggest that you put your thinking cap on over lunchtime – possibly consulting with Deputy Fallaize – and see whether there is a way that you consider could be put to Members as to how it is likely to progress without committing yourselves one way or the other?

1940 **The Procureur:** Yes.

The Deputy Bailiff: Thank you. We will adjourn until 2.30 p.m.

*The Assembly adjourned at 12.35 p.m.
and resumed at 2.30 p.m.*

**XVII. Requête –
Island-wide voting –
Debate continued**

The Greffier: Island-wide voting. Continuation of debate.

1945

Deputy St Pier: Sir, may I be *relevé*?

The Deputy Bailiff: Yes, Deputy St Pier, we will *relevé* you.

1950 Mr Procureur, would it be appropriate to ask you whether you can assist Members with what was raised just before the luncheon adjournment?

The Procureur: Yes, sir. I have removed my thinking cap now. It gets very uncomfortable to wear a thinking cap in this heat for too long. (*Laughter*)

1955 I had a look also at the Reform Law to try to deal with Deputy Trott's question in a slightly more informed way and I do not see anything in the pages of the Reform Law which would in any way preclude the holding of a referendum. It follows that that particular part of the package would not, I think, require an amendment to the Reform Law and, therefore, we would not be into the two-thirds voting provisions and all that sort of thing.

1960 Other parts of the package, should the States approve the Proposition in the Billet today, would require some amendment to the Reform Law and we will have to be very conscious, if and when that time comes, that there is a potential for a three-month deferral which will have to be built into the timetable. But I am sure that Deputy Fallaize was well conscious of that when he said this morning that he thought it was doable.

1965 Certainly, a specific referendum on one issue does require some legislation but I am not thinking at the moment that it is particularly complex legislation and it does not seem to require an amendment to the Reform Law.

The Deputy Bailiff: Thank you, Mr Procureur.
Deputy Storey.

1970

Deputy Storey: Thank you, sir.

I wanted to say a few words about this amendment – not in respect of the legal implications of holding a referendum but more in terms of the political fallout from holding a referendum.

1975 Where I would like to start, sir, is that I personally do not believe that this amendment is about Island-wide voting; it is about a referendum, because what it is suggesting is that we go to the people for a referendum on whether or not we should proceed with this process of introducing Island-wide voting.

1980 Now, sir, my understanding – and I think the understanding of most of the Members of this Assembly but particularly Mr Queripel here – is we went to a great deal of trouble when we were being elected, to explain our views with a manifesto, with election meetings, and as far as I am concerned we were elected to this Assembly as representatives. We were not elected as delegates. We were represented as representatives because the electorate felt that they had some coincidence with our views on life and that we would be able to represent their views in this Assembly.

1985 So, in fact, by being elected here we have been given the responsibility to represent the people who elected us by using our abilities to reason what the problems are and, with our backgrounds, to reach a conclusion which, hopefully from the electors' point of view, would coincide with their view.

Now, it seems to me that if we are talking about going for a referendum, we are in effect scared to exercise the responsibility that we have been given. Now, if that is the case I suggest that really we should not be sitting here in this Assembly because we are aggregating the responsibility that has been given to us.

1990 Now, it has been said, 'Ah, but this Island-wide voting is different. It is different because a, b, c.' Well, yes, it is different but then every matter that comes before us for debate is in some way different from the other matters and going to a referendum on this particular issue, to my mind, is going to create an unfortunate precedent because in the future... Well, we went for a referendum on Island-wide voting and I think this subject is just as important so we ought to have a referendum on that and here we have got a precedent where we are trying to govern by referendum and that is not a good way to govern.

1995 So, as far as I am concerned, I do not know whether holding a referendum on this matter will help the people who are against Island-wide voting or those who are for Island-wide voting. I do not think there is any way of knowing but to a large extent I do not care. I know I am against Island-wide voting but this is a

separate issue. This is an issue about introducing government by referendum and I reject government by referendum and we ought to stand for what we believe and vote for what we believe and get the job done. That is what we are elected for.

Thank you, sir.

The Deputy Bailiff: Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

I happen to take a different view to that. I am attracted to this amendment for two main reasons.

First of all, what I see as a spin-off from a referendum on this matter. We have spoken glibly in the past about the percentage turnout at our election – 70% sounds good but it is 70% of about 50% of the population that bother to register. We are talking about the possibility of engaging with our population in a way that we do not normally do and I think the spin-off from that, to me, is quite evident.

To engage with our population, to increase the number of people taking an interest in Government, giving people a voice in those decisions, I think is an admirable thing and therefore I will support this amendment on that basis.

With regard to Island-wide voting – if I may speak also in general debate sir? – (**The Deputy Bailiff:** Yes, sir.) I have problems. I actually declared in my manifesto that I supported the principle of Island-wide voting and certainly 22 of the others sitting here... 23 of us declared that we supported the principle. I still support the principle, but in the last two years I have perhaps understood some of the complications. Now, I do not always agree with my St Peter Port North colleague, Deputy Queripel, but on this occasion I do.

There are times where problems just need to be solved – not a reason to dismiss what seems to be a reasonable course of action. I believe there is the wherewithal in this Assembly to solve those problems, to be able to put a package together that will meet some of those concerns – the concerns that I have with regard to the actual practical implementation. Even though basically we agree with the principle, very often the pragmatic solution is to shy away from it because it is too difficult.

Now, I believe there are times where you have to bite the bullet and you have to say, ‘We solve that problem’ and we are able to put to the general public a proposal that we feel will work. It is not beyond us; we can do that.

So I am attracted from those two points of view and I hope that others will see that the actual spin-offs of such a course of action could be great for this Assembly, to engage with our population in a way that we do not normally do. That, to me, is the most attractive aspect of this amendment.

Thank you, sir.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Yes, sir. Deputy Laurie Queripel in fact referred to me as having been the supporter – the signatory – of an earlier and not dissimilar amendment. I must admit I agonised over it because, perhaps not for the first time, I seconded an amendment I was not whole heartedly in support of. (*Laughter*)

The problem I had with it was two-fold. The first was, despite the explanations given to us by Deputy Fallaize and the Procureur, it will inevitably lead to uncertainty and delay and my suspicion would be it is extremely unlikely we would see Island-wide elections by the next General Election, because the sheer mechanics of the whole process would be considerable – although, of course, it is not beyond the wit of man to hold an unofficial referendum involving the good officers of the 10 parishes, but I will leave that to one side.

The other problem I had with it really was not dissimilar to Deputy Storey’s view that it is potentially a surrender of governance and leadership to go down that route. But I think we have to bear in mind, as Deputy Fallaize has said, that we have seen many, many debates over the last 20 to 25 years on this subject. There has been argument and counter argument made, and the significant problem comes when Members say everybody supports Island-wide elections or they do not. We really do need a definitive steer by the public, where the centre of gravity is, in the absence of clear political principles.

I happen to believe there are a variety of Island-wide systems and the two of which we are debating today are only two of such and not necessarily the best two. So actually constructing a question as to whether people are in favour of Island-wide election of course begs another question: What kind of Island-wide? How many members? What terms? What powers? And so on.

But, leaving that aside, I think it would be helpful to stop Members kicking this into the long grass if we supported the Queripel amendment. At least it would be a tool in the tool box in the absence of anything better and a stronger will to give the public an Island-wide choice at the earliest opportunity.

The Deputy Bailiff: Alderney Representative Jean.

Alderney Representative Jean: Thank you, sir.

2060 My view on this one is that in Alderney and in Guernsey I am noticing much more public interest in political affairs. When times were good and things were going well, people – the public themselves – could afford to take less interest and they did. But in Alderney it is very clear that in our people’s meetings and where the public have a chance to give their representation on what we are trying to do... and here in Guernsey I see the e-mails come through from your public, showing concern about the various items. My belief is that a public referendum in this case is a good thing.

2065 It also gives more time. I understand that in due course there is a report from the Review Committee coming. That is what I am waiting for. I am waiting for that because, to me, this is not ready yet, I am not maligning it but this is not ready. I do not like this and I believe as well that the representation from this Assembly for Island-wide... it should happen but what should happen? It should be proportional. It should not be 80 manifestos that you talk about. It is confused; it is a scrum. It should be a proportion of this States to stand and probably not 12 seats, as in the old Conseiller system, because you have reduced your number – it should probably be 10.

All of this needs to be thought about. This is not clear. What is here is not clear to me and what I say is that we need more time. I think to sample public opinion is very wise and a very good thing in this case.

2075 I take Deputy Storey’s points. I understand what he is saying but I do not in this case entirely agree. I prefer the approach of Deputy Peter Sherbourne much more.

Thank you, sir.

The Deputy Bailiff: Deputy Le Lièvre.

2080

Deputy Le Lièvre: Thank you, Mr Deputy Bailiff, Members of the Assembly.

Deputy Fallaize has reminded us twice now that Island-wide voting is an issue that has bubbled to the surface on a regular basis over the last couple of terms. Each time it has done so it has bubbled under again, sunk by an onslaught of different opinions ranging from the difficulties that the public would encounter reading upwards of 90 manifestos, through to the processes of voting and, indeed, different methods of voting.

I am sure that to some Deputies – it certainly does to me – it feels that the issue has been hardly laid to rest before it is unceremoniously revived to be presented to the States in a different format, thereby adding to the layers of uncertainty and the complexities that pervade this issues. Each time it is revived the patient looks a little sicker than it did at the time of its demise and this Requête, to some extent, is no exception. The present Requête will provide us with no more certainty than that of the preceding documents, especially given the negative responses from the Douzaines that raise many of the same complex issues that have led to the defeat of previous attempts to resolve this multi-faceted issue.

2090 It is uncertainty that is at the core of this important and fundamental matter – uncertainty not just over the processes involved but also the outcomes. Without a significant degree of certainty, I suspect that every attempt to introduce Island-wide voting will fail and this Requête, unless amended, will be no different to that which has gone before. Confidence and certainty are only well founded when they are based on fact. Certainty can never be based on supposition or desire – no matter how strong that personal desire or belief might be.

2100 Today, it is facts on which to build an Island-wide voting system that we are significantly short of. If we are to move forward with absolute certainty then before we can do so we need to remove, as best as we are able, any doubts we might have as an Assembly or as individuals regarding the Island’s desire to go down this road. This Assembly needs to know above and beyond everything else that the majority of the Island’s electorate are fully in favour of Island-wide voting. Only then can it proceed with definite purpose.

2105 It is not sufficient to come to this Assembly stating that consultation carried out by the States’ Constitution Committee in 2010 indicated that a significant majority of the general public believed that Island-wide voting should be introduced or that in the 2012 Election many of the people in Guernsey expressed the desire for Island-wide voting. That is simply insufficient. These statements made in the current Requête do not provide this Assembly with the certainty it requires before making the bold step into what is largely an unknown and unpredictable future.

2110 That is why I seconded Deputy Queripel’s amendment. A referendum will provide a firm foundation on which to proceed. If the answer from the public is, ‘Yes, we want it,’ then the course of our journey is clear. Equally clear is, if the answer is, ‘No, leave it alone,’ then the matter can be laid to rest for some considerable time.

2115 Without this process I would predict the Requête will fail for the time being, only to be raised a little way down the road. Indeed, it might become an election issue, but even that will not necessarily provide the certainty that a future Assembly might want or, indeed, need.

We need to put this matter to the test and the only way to do that is to seek the views of all the public. Then and only then can the matter be resolved. Please vote for the amendment.

2120 Thank you, sir.

The Deputy Bailiff: Deputy Green, to be followed by Deputy Harwood.

Deputy Green: Thank you, sir.

2125 I do like this amendment and I am thinking very seriously about voting for it. I do have some issues with it.

2130 Firstly, what is the cost of this going to be? Secondly – I think it is a common argument and Deputy Storey made the point – there is a perception out there that in a parliamentary democracy and in a representative parliamentary democracy that the use of referendums is in a sense an abdication of responsibility and I think that is a valid point.

2135 I am concerned about the fact that this is not necessarily going to give a really definitive steer in the way that some people seem to think it will, because as things stand if this goes through and if the Requête goes through we are having a referendum on one system of Island-wide voting. We know that there are a variety of different systems that you could have. Some people out in the community support Island-wide voting but not in the sense that this Requête is actually focusing on. So actually I am not sure it will necessarily give you a definitive steer. I am not sure you can ever have a definitive steer necessarily in a democracy, in any event.

But I do support this in a general way. I do think we have to be very clear though from the word go, that the use of referendums are purely on particular matters of constitutional importance.

2140 I was just looking on the internet in terms of the referendums that have been held in the UK since 1973 – again, a parliamentary democracy; a representative parliamentary democracy – and on every occasion since 1973 to 2011, all of the referendums that have been held in the UK have been undoubtedly on purely constitutional matters. I will not read out the list but we are talking about 5th June 1975 on the Membership of the European Community, 1979 Devolution Referendums in respect of Scotland and Wales, again in 2145 1997 Scotland and Wales Devolution and up to date in 2011 in terms of a referendum on whether the UK should change its voting system.

2150 So I believe in the use of referendums but on that basis, on the constitutional question, not the all and sundry issues. We are not some canton in Switzerland. We are not going to become the canton in Switzerland. We are not going to have referendums on every single thing as to whether we should have a bus shelter at the end of the road.

2155 So I think we have to be very clear in terms of saying, ‘I support this amendment’ and I get the impression there is some support for this amendment and I welcome that, but they have to be used sparingly and they have to be used in constitutional questions only. Yes, we are a representative democracy and that does carry with it responsibility, but we have to clearly indicate and earmark that we are not going to be holding a referendum on all and sundry.

The Deputy Bailiff: Deputy Harwood.

Deputy Harwood: Thank you, sir.

2160 I would endorse the comments made by Deputy Green in general terms, but I would also like to take further the point raised by Deputy Storey in relation to the appropriateness of a referendum.

Sir, a referendum in this context will not create a precedent. It will be a one-off referendum. It will be treated as part of one specific law relating solely and purposely to Island-wide voting. I would have an issue if we were talking about a general referendum law, which I know has been raised in the past.

2165 Sir, is it appropriate? Yes, it is because what we are contemplating with the Island-wide voting is a fundamental change and the democratic rights of the citizens of this Island as to how they cast their vote. We have heard from Deputy Trott and others that the most important thing, the most important feature of our democracy, is the exercise of the right to vote in a ballot box and here we are – this is one situation where we are proposing a complete change of the nature of the way people will vote.

2170 I submit that as an entirely appropriate subject for a referendum. It is not creating a precedent. It is not – with due respect to Deputy Storey – an abdication of our rights and responsibilities. Indeed, I would argue that it would be irresponsible for this Assembly to take upon itself the decision that, yes, we will move to an Island-wide vote without having consulted properly, adequately and effectively our electorate.

2175 So I would urge Members of this Assembly to support this amendment. It is entirely consistent with democratic principles and I believe it is important and it clearly sends out a very strong message: on this particular narrow issue, this is what the referendum will be.

Thank you, sir.

The Deputy Bailiff: Deputy Bebb and then Deputy Lowe.

2180

Deputy Bebb: Thank you, Monsieur le Député Bailli.

I have always historically maintained a strong position against referendums for the reasons previously explained by Deputy Storey. I do not believe it is correct but I do find that this question, as to Island-wide voting and having a referendum, is the one way of putting this issue to bed for a considerable period of time and therefore it is attractive.

But Deputy Green, when he spoke, raised the question as to the referendum in Wales over the devolution. That referendum had 50.1% of the population participating, of which 50.3% voted for. Do we believe that what is in effect a quarter of the population is a resounding endorsement? The consequences of that action have been considerable for Wales – for better for worse, by a quarter of the population, there has been a fundamental change in the way that Wales is governed.

Now, without going into a full discussion on Island-wide voting, I would simply highlight that one question. It is attractive but do not imagine that this will give a very clear answer. On the back of what our current rates of registered voters are, we are unlikely to see a majority of this Island resolving this question.

Therefore, I think that we should think very carefully about entering into a referendum and believing that that process gives legitimacy. It is questionable and I am personally still unpersuaded to support this amendment. It still feels very uncomfortable and I would note that caution and ask all Members to be very careful in their deliberations before they vote on the issue.

Thank you.

The Deputy Bailiff: Deputy Lowe and then Deputy Langlois.

Deputy Lowe: Thank you, sir.

I fully support this. In fact, I would like to congratulate Deputy Laurie Queripel for coming forward with this amendment. I think it is great because now we can actually go out to the people and we can actually ask them what it is they want instead of us coming back and saying, ‘This is what you are going to have,’ because I accept we have asked them – we have asked them many times. We have spent thousands of pounds going out to SACC. It is the biggest response we have ever had. It was nearly 7,000 responders that came back, with a large majority saying that they wanted some form of Island-wide voting. In fact there was only 16% that came back saying they wanted the *status quo* – that is 1,159 out of that response of nearly 7,000 people.

SACC was then accused of a survey that went out and it was manipulated, people filled it in more than once and all those that were against Island-wide voting came up with any reason that they could to rubbish the survey that the States had actually sent to every household, so that it enabled people who were not on the electoral roll to have an opinion as to whether they would like to see Island-wide voting; because there is no doubt about it, some have said they will not go on the roll until they have got Island-wide voting. I expect there will probably still be some that will say actually they want to come off the roll because we have got Island-wide voting. So you cannot please everybody all of the time – that is the nature of politics. But I think this way it will be out of our hands. It will go out and we will have an honest response back for us to be able to work on and to be able to see.

I have been a huge supporter now for many, many years of Island-wide voting. I will be the first to put my hand up and say, ‘I got it wrong. The results have come through and actually they want the *status quo*’ and that is fine. I would accept that but unless you have actually got that from a referendum there is no doubt – as Deputy Fallaize and others have said – it will come back time and time again because people have their own opinions in here and we have had all the surveys... we had the States’ SACC one. The *BBC* did one, *Submarine* did one, *Island FM* did one, *Guernsey Press* did one with all the candidates and the majority of the sitting States Members here voted for Island-wide voting in a yes/no thing.

So we have done all that and still we have actually come back with *some* being uncomfortable it will not work. I get a little bit concerned of hearing, ‘It will not work’. Unless it is tried you cannot make statements like that. It is a totally inaccurate statement to make. How can you make a judgement that something will not work if it has not been tried? I mean that is just so irresponsible and is such a silly remark to make because unless it has been tried you do not know whether it can work or not.

So I think it gives the public the opportunity to actually have or not have, depending on the results... to come back and have, hopefully, Island-wide voting. Then no more ducking and diving. Nobody has got anywhere to go. We have then asked the parishioners from all parishes, ‘What is it they would like? Do you want Island-wide voting or do you not?’

I welcome this and I hope Members will support this amendment and we will move forward from there. Do not play games and support this and throw it out when we come to vote on the main thing. Just be very clear whether you support it or not. I hope Members do and we will give the public out there, whom we serve, the opportunity to tell us how they want us to serve them.

The Deputy Bailiff: Can I just check with you, Deputy Lowe, whether you were speaking in general debate as well?

Deputy Lowe: No, it was just on the amendment.

The Deputy Bailiff: Are you sure?

Deputy Lowe: It was only about the referendum, sir. I do not think I strayed anywhere. You have not seen the rest of my speech for later! *(Laughter)*

The Deputy Bailiff: Deputy Langlois, are you standing? *(Laughter)*

Deputy Langlois: Thank you, sir. For the avoidance of doubt, I am now, sir. *(Laughter)*

I think this is a really tricky amendment to debate. I genuinely think we have strayed into territory well away from Island-wide voting here.

The comments by Deputy Fallaize earlier had a certain seductive nature about them, in the sense of saying, ‘Well, this would give us belt and braces confirmation of a decision which we have not made yet, but if it has got to be made it will be controversial and so on’.

I, like Deputy Storey, feel very uncomfortable about using – and I stand to be corrected... It would be the first time referendum has been used in Guernsey, I believe, and to use that for the first time relating to an issue like this may not be advisable. The reason I say that... and it could really, seriously, in my view, undermine the representative democracy nature because once you have used this sort of tool once there will be cries over and over and over again to use the same tool for much more complex issues and that is assuming that you do not see this as a complex issue.

The difficulty in this, to my mind, is that we are being asked to commit to a referendum without having any idea of what the question would be and in all other representative democracies, if you observe it – certainly, I was resident in the UK when the referendum on the EU took place – the big debate about whether we would ever get to a referendum took place only when there was a phrasing of a question up for grabs and the same has happened on the Scottish Independence one and so on; because if you commit blindly to a referendum without knowing what the question is... I mean perhaps the question is... We could phrase it something like: ‘The States have made a decision. Do you agree?’ Now, that would be a good one for the media. That would be a good one for a general view of the public view of us and our decision making.

You could actually then have a different question that says, ‘The States are advising or are recommending this. Will you endorse it?’ I am not going to go on about those phrasings. There could be so many different intonations that you put on the question that would actually change the result. The public would be being asked what is, effectively, a very technical question.

I can only disagree, sir, with Deputy Lowe. I think for her to suddenly turn round and say, ‘You cannot say that,’ well, we can say that because we have said that. It will not work. That is what we are paid to do – to make political judgement about things and Island-wide voting, in the form that is being proposed, will not work. The practicalities are vast.

They would be asked a very technical question and for that reason, combined with some of the concerns that Deputy Green had and particularly what Deputy Bebb said, I think that to agree to a referendum and to be bound to find a referendum question which would be without risk, is itself too risky today.

The Deputy Bailiff: Deputy James.

Deputy James: Thank you.

Sir, I have no doubt in my mind that this amendment was brought on the basis of both openness and transparency, but my thinking about the issue is that I felt very uncomfortable about it and for the reason... Many Members of the Assembly will know that I had been involved with the Royal College of Nursing for many, many years... and with a membership of 500,000 people and looking at the impact that voting has.

There are a number of examples I can give you. Perhaps one of the most important issues to Members was changes to their pensions and the Royal College of Nursing did their absolute utmost to contact every single member to give them the opportunity to vote on the amendment to their pension changes. The turnout was something like 18%. This is what we have seen. It is linking into what Deputy Bebb was alluding to.

I remember another really important election and that was on a staged pay award and the threat of industrial action. So the RCN Council agreed to a very, very expensive vote of the membership. We had something like about 10% of the membership who responded and the majority of that 10% wanted industrial action.

So I would give you the opportunity to think about the absolutely impossible position that the RCN Council was then put in – the same as this Assembly will be. That is my worry and that is my experience. It does question the validity of the Assembly's mandate when you have a poor turnout.

2305 The two other issues... Deputy Green has mentioned the potential cost. I would take you back to the opening Statement the Chief Minister made this morning – important pieces of States' work is not being done because of the lack of resources. We just seem to happily vote through issues and not give serious consideration to the overstretched civil servants that we are piling more and more work on.

2310 So I would ask you to stop and think about this. I anticipate – my thinking, my scenario is – we go out to a referendum. I think that many of us in this room that have spoken so far have said the electorate have said to them quite clearly they want Island-wide voting. So we go to referendum; the majority of people say, yes, they want Island-wide voting.

2315 Well, we know that. What the question that we need to be asking is: how we are going to do it? That is the question. You know, this is a bit of a *déjà vu* situation and I am mindful of Deputy Ivan Rihoy, who I think was Chairman of SACC at the time... their Committee was charged with going off and looking at methods and systems of Island-wide voting and, whilst I did not follow it closely at the time – I was perhaps too busy working to listen to States' debates – my understanding was that the then Assembly just threw it all out. So I am feeling that this is a bit of a *déjà vu*.

2320 We spend huge amounts of resources – both financial and human – to take a referendum, to give us the answer which we think we know will be and then we are right back at the starting line. So that is the question we all want to know. I am keen on Island-wide voting and I think many people in this Assembly are, but please tell me how it will work. That is the question.

2325 **The Deputy Greffier:** Deputy Le Tocq and then Deputy Adam.

Deputy Le Tocq: I will be brief.

I think Deputy Langlois particularly emphasised the biggest risk to us, which is we do not know what the question is and it has been reiterated again by Deputy James.

2330 I would also just like to underline – I think if the Home Department Minister was here – the cost of elections at the moment and the unknown cost in this proposal, this amendment, of instigating a referendum. It could add several tens of tens of thousands to the cost.

2335 In terms of referendums themselves, I am, like others, generally against them but I do think that this is an appropriate time... If we were going to do this sort of thing and we knew what the question was, it would be an appropriate time to have a referendum because I think when you are altering the franchise arrangements for the voting public, that is an appropriate time to ask them if they agree with that change to the franchise; but I think at the moment we do not have enough information to make this decision and so I cannot support this amendment.

2340 **The Deputy Bailiff:** Mr Procureur, can you help us with what the question would be?

The Procureur: If it is not treasonous to express any dissent from the Chief Minister, we do know what the question is. The question is, 'Whether, with effect from the 2016 General Election, all Deputies shall be elected on an Island-wide basis and all those shall have the same number of votes as there are Deputyies' seats.' That is the question.

2345 **The Deputy Bailiff:** Deputy Adam.

Deputy Adam: Thank you, sir, and thank you too, Mr Procureur, for telling us what the question should be, because I think that is a very important point highlighted by Deputy Langlois and Deputy Le Tocq.

2350 The other thing is the cost and the timespan. Deputy Fallaize has assured us that SACC should have enough time to get it organised. I hope so. The cost is one thing but also who is going to be allowed to vote? In other words, are we going to have an up-to-date electoral roll in place – a new one in place – in time before the referendum can take place?

2355 Then how do you analyse the result of the referendum? Is it the total number of people who are essentially the total number of people on the electoral roll? In other words, you should be putting 50% on the electoral or is it the total number who has voted?

2360 I think these are things that should be answered and Deputy Bebb also reminded me of the fact of what happened in Scotland with devolution – a very similar situation. Yes, it was positive, it was a majority but – and it is a big but – and it has changed... Well, now Scotland is heading towards a vote on complete independence. It will be interesting to see how that is interpreted because that will be a huge step again on how they are going to...

So these are the questions that still have to be answered but, unlike Deputy Le Tocq's conclusion, I am actually in favour of having a referendum and trying to put this to bed one way or the other.

I have been in the States as long, if not longer than, Deputy Fallaize and Deputy Lowe and therefore I have heard all these debates and the same argument comes out, the same theories. I went round my parish and so many people said they wanted Island-wide voting etc.

So please can we have a referendum and try, before it goes out, to make sure the population understands what a significant or majority will be considered to go forward on. It should be the majority of all the electoral roll which might stimulate and, as Deputy James said, with a referendum... and with trying to stimulate people to actually participate is one of your major challenges – to get them sufficiently interested.

There is always a potential risk factor that those who are interested will go and vote for Island-wide voting and suddenly you have Island-wide voting and the silent majority who should have voted will not have voted. These are the risk factors of a referendum.

Thank you, sir.

The Deputy Bailiff: Deputy Burford, to be followed by Deputy Dorey.

Deputy Burford: Thank you, sir.

I am not in the least persuaded by the argument that we have to come out of here with some kind of positive decision today, merely because this issue has returned every 13 months. However, during the run up to the last Election, I recall answering a question by saying I considered that a very small handful of issues as such that they would merit decision by referendum. It would be difficult to argue that Island-wide voting should not be one of those issues.

My concern, however, is that in supporting this amendment I would still be supporting the wording of Proposition 1 and the thrust of the wording of the Requête, and I believe the approach of the Requête to be a flawed approach as to how Island-wide voting might be implemented.

So that leaves me with a dilemma where this amendment is concerned, because I really want to support the idea of a referendum on such an important matter but I do not want to support the methodology or question proposed by the Requête. (**A Member:** Hear, hear.)

The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

Deputy Bebb spoke about what happened in Wales but I think we should look closer to home and our sister island which had a referendum in relation to a similar issue in 2013. Their turnout was 26.24% and they could not engage their population so we would have a real risk, if we had a similar turnout, that you could have 13.5% of the population voting for something and we would then be committed to then carrying it out. I do not think that is a good way to go forward.

I agree with previous speakers that I think the method is flawed, but I will come back to that on the main debate.

Thank you.

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I rise really just to touch on the resource implications of this amendment, which have been touched on by others, but of course the cost of running a referendum is completely unknown and has not been quantified and therefore I suspect that Rule 15(2) has or would be engaged by this amendment and therefore could not take effect in any event until that issue had been addressed. I think that perhaps Members should be aware and should have regard to the resource implications, as the Chief Minister and a number of others have mentioned.

I, personally, will not be supporting this amendment, for the reasons articulated perhaps best for me by Deputy Burford. For that reason, I will not repeat them but, for that reason, I will not be supporting the amendment, sir.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

There are members of the public who are on the electoral roll and there are those members of the public on the electoral roll, of which Deputy Peter Sherbourne has already said... the number who actually vote is less than the number on the roll.

There are political commentators who take part in Facebook campaigns, who take part on the local forum and I have to be honest in saying that I believe they have a disproportionate voice in debates like this,

because when I meet the electorate of St Peter Port South very rarely do I talk about Island-wide voting. If you were to be a candidate in St Peter Port South, the issue in St Peter Port South the last time appeared to be concerns regarding the open market. That was the question that seemed to be on people's minds.

So, with that in mind, those who are politically active – those who vote, the campaigners – when you start breaking that down you then get to the issue that Deputy Dorey has identified – the scenario in our sister island in Jersey – whereby you have a referendum – assuming it is a live issue, assuming that people are going to take part; few do – with such a very low turnout that the States of Jersey then decide not to go with the thrust of the amendment.

Again, picking up on what Deputy Burford has said, I cannot support this because I do not agree with the wording in the Proposition and I do not want to ask that particular question. So, as sympathetic as I am to the notion and the inclusivity and the implied democracy in all this, I think we are going down a very, very narrow path with a very, very short focus and it does not bode well in my view, sir.

Thank you.

The Deputy Bailiff: I turn to Deputy Hadley, the lead requérant, to reply on the amendment.

Deputy Hadley: I too would like to thank Deputy Queripel for placing this amendment, which I think has a lot of merit and which I will be supporting.

Those of you that read the 80 pages in the Billet, rather than the flimsy one and a half page Requête, will realise that these issues have been thoroughly explored by the previous States' Assembly and Constitution Committee and there was a long debate in this Assembly.

Again, the States Assembly and Constitution Committee have looked at this again and again. The requérants have also discussed the issue. If there was an easy way to solve this problem – a clear cut way – then I suspect we would have done it, but history shows us that somebody like me comes up with a fairly simple solution and people throw all sorts of sticks at it. They say, 'Oh, no, that is not a good idea. It would be too difficult for this reason and that reason.'

Now, what this would enable people to do is to go to the electorate and say, 'Well, it may be you can think of a better way of doing it.' You know, if this way of having Island-wide voting is so awful then vote 'no', but if you think that this way of implementing Island-wide voting has some merit then vote for it.

Several people have alluded to the fact that it will draw a line under Island-wide voting. I do not know what these States' meetings cost but they must be considerable with the staff time expended and to have several days debate every few years is surely a waste of money.

David Cameron wants a referendum on the European Union, to draw a line under it. He wants a referendum on Scotland to put that to bed. These are major constitutional issues and, as Deputy Harwood has said, this is a constitutional issue. I would like to see the electorate vote and a simple majority decide whether or not we implement Island-wide voting.

Deputy Burford said it is a flawed system. It is not a flawed system; it happens that she does not agree with it so the easy thing is to rubbish it by saying it is flawed. There is nothing flawed about it. Nothing could be simpler than telling every elector they can use up to 45 votes. *(Laughter)* I accept that not everybody will want it. I do not know what is funny about that. Not everybody will want to use 45 votes. The enthusiasts will want to read a lot of manifestos; the less enthusiastic people will vote for a small number. Some people will only vote for somebody they know personally. That is their choice.

I urge the Assembly to vote for this amendment so that the people of the Island can make the decision and have a choice.

Thank you, sir.

The Deputy Bailiff: Deputy Laurie Queripel to reply on the amendment.

Deputy Laurie Queripel: Thank you, sir.

Where do I start?

Firstly, all the Members that have participated in this debate I thank very much. I thank those, particularly, that have supported this amendment or have said they are going to support this amendment and, of course, I thank Deputy Le Lièvre for seconding it and making a very good speech.

Sir, in particular I do thank the Members of SACC who have contributed to the debate, raising some very important points. A majority of SACC Members have spoken and it seems to be broadly in support of this amendment, which is not insignificant.

Sir, I am going to start with some of the points that were made by Deputy Green and Deputy Storey and Deputy Bebb.

Deputy Storey, sir, spoke about: if we hold a referendum on this particular issue it is going to set a precedent and we will always be going out to referendum. If you look around the world at... Okay, if you look at countries like Switzerland where they do have a form of direct democracy, of course, as Deputy

Green said, they go out to referendum on virtually everything. But countries such as the UK do not go out to referendum on absolutely everything. They go out for referendum on particular issues, sir, and they are normally constitutional issues. They do not out for referendum on policy issues so it would not be setting a precedent.

This is where we show that we are a strong Government because we choose what we go out to referendum on. As far as I am concerned, a referendum should be a very, very lightly used tool. It should only be in regard to issues like electoral reform, for example. You certainly do not go out for referendum on policy matters.

As some Members have said, sir, we have been elected to consider and to make policy and we have the mandate to do that, but there are exceptions and I think things like massive, significant electoral reform, which has a direct bearing on our democratic process, are the kind of thing you go out to referendum on.

It is something that directly affects our fellow Islanders, sir, and how they will vote and who they will vote for. So I think there is justification for going out for referendum occasionally, particularly when it comes down to constitutional matters and matters of electoral reform. That is when we show we are strong Government because we take that tool out of the box when we think it should be taken out, not when somebody tells us we should take it out.

Sir, I am putting this amendment forward and I do not think I am classed as a weak person or a lily-livered person or somebody that backs down. I have stood my ground many times in this Chamber, knowing I was speaking against the odds – many, many times – and I will do it again in the future. I class myself as a perennial underdog (*Laughter*) but I will always bark and bark loud if I believe in something and I think it should be an issue that should be raised and it should be debated.

I am not a Member, sir, of what you would call the ‘macho politics party’. I believe in inclusive government. I believe in listening to the people. I believe in being informed by people’s opinions. But I do not believe, sir, that we should just be buckling in to the popular wind that blows in our direction. We have to be selective about what we take out for referendum.

Yes, we have been elected to make policy, we have been elected to be strong politicians, to be representatives of the people, but there is a time, there is a place to go out to the people. This is one of those times.

The electoral system, sir, is the building block of democracy. It is the one subject matter, perhaps along with major constitutional change, that it is reasonable to put to the public. We should facilitate, not stand in the way of the electoral system which can command *major* public support. In other words, we want the public to engage in politics, we want the public to take an interest in politics, we want the public to understand what we are doing and what we are trying to do. We will not do that with a disengaged public. We will not do that with a public that thinks we are disconnected from them. This is the way that we can show we are connected to the public and we do take on board their thoughts and their opinions.

Sir, a few Members have mentioned the cost. I mean Deputy St Pier clearly, as T&R Minister, has to stand up and do his bit with regard to the cost. (*Laughter*) I understand that. He would be failing in his duty if he did not.

Two Members: He did not for this amendment.

Deputy Laurie Queripel: Oh, he did not for this amendment. That is true, yes. I had forgotten about that, yes.

Deputy Trott: He was not here for this amendment. (*Laughter*)

Deputy Laurie Queripel: Of course, I think it was Deputy Le Tocq, sir, that raised a similar issue.

But, as Deputy Duquemin did this morning, I did some sums during the lunch break. I think Deputy Duquemin did a better job than I am going to do trying to explain these sums, but I think I am right in saying – am I right in saying? – there have been four or five debates in regard to Island-wide voting over the last five years. Would somebody correct me on that if I am wrong? Six debates. Okay, that makes my sums even more inaccurate then, as far as I am concerned. (*Laughter*)

Sir, by my predictions, those debates during that period of time have cost about £80,000 and that is only in Members’ time in this Assembly. That does not include the Law Officers’ time. It does not include the Presiding Officers’ time. It does not include staff time. That is about £80,000. What I have done is I have times’d the number of hours by an hourly rate of about £15. I do not know if that is accurate enough. (**Deputy Fallaize:** £15?) Yes. Yes, exactly. (**Deputy Fallaize:** Can I have some?) (*Laughter*) No. Yes, I am only talking about Deputies’ time, Deputy Fallaize. So that is about £80,000 and that does not include all the staff time, the Law Officers’ time, the Bailiff’s time, sir. That is a lot of money.

If we had gone out to referendum on this issue many years ago we could have saved a great deal of money, sir. So when you talk about cost just remember how much the Island-wide voting debates have cost this Island over the years. (**A Member:** And the surveys.) Yes, and the surveys and all that kind of thing.

The other thing that Deputy Storey speaks about – and Deputy Bebb and a few others, sir – is about being a strong Government and making decisions, sometimes I suppose in the face of public opinion, but if that is the case why do we go out for consultation so much? Why do we have so many surveys? Why do we spend thousands and thousands of pounds on consultations and things like that and then we largely often ignore what the public have said and we make decisions against public opinion anyway?

Now, the great thing about this is it is a binding referendum. (*Interjections*) No, it is. It is binding. Her Majesty's Procureur told us that this morning because of the way it is worded. We are going out to referendum on a particular model of Island-wide voting.

Deputy Bebb: Sorry, could I ask for some clarification?

I understand that it is binding that we would have a referendum were this to be passed, but that does not mean that the decision of the referendum is binding. Am I correct?

The Deputy Bailiff: Mr Procureur.

The Procureur: The way that it will work on Deputy Queripel's amendment, if that is carried, is that a referendum will only take place if the States have decided to do whatever it says in the words: that with effect from 2016 there will be Island-wide voting. They will have decided that. That will be a States' Resolution but part of the States' Resolution will say that that will happen *if* it is supported by a referendum.

So it is binding in the sense that the States have resolved that that will happen. It is not binding, as is nothing else, in the sense that the States could change their minds. (*Laughter*) Is that funny?

I mean the only way you can enshrine anything even further would be actually to go as far as to pass the legislation necessary to give effect to Island-wide voting from 2016 with a clause to say that that would only come into force in the event that it was supported in a referendum and that actually would be the purest way to do it, but I fear that there would be a lot of timing issues on that.

It will be sufficiently binding in the sense that the Assembly will have said, 'This is the way we have resolved to go, if it is supported by the public.' So it will take effect as a firm States' Resolution.

The Deputy Bailiff: Thank you, Mr Procureur.
Deputy Perrot, you are rising.

Deputy Perrot: Could I take this opportunity just to raise a point of correction, sir?

The Deputy Bailiff: Yes, Deputy Perrot.

Deputy Perrot: Deputy Fallaize said that the debates had so far cost about £80,000 –

Deputy Fallaize: I did not say that, sir.

The Deputy Bailiff: It was Deputy Queripel.

Deputy Perrot: Sorry, not Deputy Fallaize. I should not get that confused. (*Laughter*) Deputy Laurie Queripel – that debates had cost something in the order of £80,000, give or take.

So far as I am aware, Deputies certainly are not paid according to how long they spend in this Chamber. Maybe it is different with you and with the Law Officers but it does seem to me that no additional money has been spent by anybody, other than perhaps...in fact, no additional money at all has been spent by anybody, except for the electricity we use for the lights in this place if we have a debate during December. (*Laughter*)

The Deputy Bailiff: Deputy Laurie Queripel to continue.

Deputy Laurie Queripel: Thank you, sir.

I thank Deputy Perrot for his point but my point is, sir, that Members have been in this Chamber specifically debating the issue of Island-wide voting on a number of occasions and if they were not debating that, of course, they would have been debating something else and probably something far more beneficial and something far more constructive that would lead to something tangible and something positive, rather than going round in circles time after time after time.

So, sir, this amendment calling for a referendum is not a delaying tactic. I disagree with Members that are saying it is not a defining moment. One of my colleagues said that this will be the first time that the States of Guernsey have gone out to referendum. I think that is actually a damning statistic, as far as I am concerned, because all mature democracies occasionally go out for referendum and they are not scared to do so. So, as I say, to me it is a sign of a strong Government that can choose as and when to go out to referendum. I am surprised and disappointed that we have not, even though of course there was a Resolution passed about 12 years ago to put referendum on the books. I am surprised and disappointed that we have never done that.

It is no wonder, sir, that sometimes you hear from members of the public and your electorate and parishioners that they feel there is a disconnect between Government and them and their lives, because I think we are sometimes our own worst enemy in the sense that we do not engage enough with the public.

So, as far as I am concerned, sir, this would eliminate the spectre of this road to nowhere for this Assembly and future Assemblies. This issue has been going around and around on an interminable roundabout for a number of years.

This referendum or the result of this referendum will provide us with a sort of exit road and take us towards journey's end rather than being at Ponders End, as we have been clearly (*Laughter*) for a number of years. The proof is there that we have been at Ponders End because this issue has come back time and time again to this Assembly and it really is time that we made some progress with it and did something positive about it, sir.

Also I think that some of the Members who have spoken against this amendment calling for referendum clearly we have all got an opinion on Island-wide voting and I feel that actually the ones who have spoken against it are probably the ones that are not very keen or are against the idea of Island-wide voting.

I take on board Deputy Brehaut's points, sir, that people that speak loudly about Island-wide voting it does seem like they constitute the majority because they do have a very vociferous voice and do make their feelings and their opinions very well known to us.

Deputy Brehaut said that perhaps we will get a low turnout and it will not be representative, but I think we will, sir, I think this issue has been bubbling around for so many years now and people feel so strongly about it one way or the other, I think we will get a very, very good turnout.

I think going back to the cost for a second, I think there would only be a significant cost if we had to put together the electoral roll again. There is an electoral roll already in place so there would be no need to build from the beginning with an electoral roll and, of course, if people do want to take part in this referendum they can always get themselves added to the electoral roll. So I do not think there would be very much cost in regard to the electoral roll. There will be some costs clearly in putting the referendum together and the legislation and things like that, but I do not think that the electoral roll aspect of this will incur any great cost at all because there is already one in place and if people want to add themselves to the roll they can.

So, sir, I would urge Members to vote for this amendment. If we do not this issue will come back again and again and again in the future and I do not think that plays out well in the public domain. I think people have seen so many hours wasted on this issue and no real or proper resolution, no moving forward on it, sir.

This gives us an opportunity to make a very decisive choice. This gives us an opportunity to do something which will really push this issue along and you cannot do better, sir, than go out to the public on issues such as electoral reform and I really think we should do so.

So I would urge Members to support this amendment.

Thank you. (A Member: Can I have a recorded vote, please, sir?)

The Deputy Bailiff: Very well.

Deputy Gillson, do you wish to be *relevé*?

Deputy Gillson: Indeed, sir, thank you.

The Deputy Bailiff: Greffier will note Deputy Gillson's presence then.

So, Members of the States, we will move to a recorded vote on the amendment proposed by Deputy Laurie Queripel, seconded by Deputy Le Lièvre, to add some words to Proposition 1.

There was a recorded vote

The Deputy Bailiff: Members of the States, while the votes are being counted can I have an indication as to how many people wish to speak in general debate? Could you rise in your places if you are going to or are minded to? Thank you.

Members of the States, I am waiting for the results so that we actually know what is being debated in general debate.

2665 **Deputy Fallaize:** May I just seek clarification from you, sir?

Can you just confirm that it is perfectly possible for any Member to lay an amendment should they wish to propose an alternative scheme to that set out in Deputy Hadley's Requête – in other words, the scheme that would be put to a referendum?

2670 I am just conscious that some Members have said they want a referendum but not on the scheme in the Requête. It is still perfectly possible in the course of this debate for Members to propose an alternative scheme by amendment, is it not?

The Deputy Bailiff: That would be my understanding, unless the Procureur tells me differently.

2675 **The Procureur:** Sir, I am not sure.

We have before us a particular Proposition. Yes, a variation on that Proposition would be properly termed in amendments and, even if it went further than the Proposition, the Assembly could agree to debate it. It would be subject to the usual Rules about wasting money and... There is not a Rule about wasting time, is there? So it would not be subject to that.

2680 I suppose the answer is, yes, at any stage in any debate any Member can move any amendment. Yes.

The Deputy Bailiff: So, Deputy Fallaize, until we take a vote on the Proposition – however that Proposition has been amended – then amendments can still be placed. I might be less inclined to accept an amendment once we get into the wind up on the debate, which will start with you as the Chairman of the States Assembly and Constitution Committee when we get to that stage under Rule 17. But during the course of general debate, yes, theoretically.

Carried – Pour 22, Contre 21, Ne vote pas 0, Absent 4

POUR

Deputy Fallaize
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Collins
Deputy Duquemin
Deputy Paint
Deputy Adam
Deputy Wilkie
Deputy Luxon
Deputy Hadley
Alderney Rep. Jean
Deputy Harwood
Deputy Kuttelwascher
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Lester Queripel
Deputy Stewart
Deputy Ogier
Deputy Trott

CONTRE

Deputy Dorey
Deputy Le Tocq
Deputy James
Deputy Perrot
Deputy Brouard
Deputy De Lisle
Deputy Burford
Deputy Inglis
Deputy Soulsby
Deputy Sillars
Deputy Quin
Alderney Rep. Harvey
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Storey
Deputy Bebb
Deputy St Pier
Deputy Gillson
Deputy Le Pelley

NE VOTE PAS

None

ABSENT

Deputy David Jones
Deputy Spruce
Deputy Green
Deputy O'Hara

2690 Members of the States, the votes on the amendment proposed by Deputy Laurie Queripel and seconded by Deputy Le Lièvre is as follows. They voted Pour 22, Contre 21. I declare the amendment carried.

We move into general debate now on the two Propositions as they currently stand with that amendment. Deputy Bebb.

2695 **Deputy Bebb:** Thank you, Mr Député Bailli.

When Members actually debate Island-wide voting and they make reference to the numbers of people who have been supportive of it I suppose that, although I did not include such a proposal in my written manifesto, it did appear on my online one because I foolishly made the assumption of such an amendment.

2700 What I proposed was the re-introduction of a Conseiller system because I fundamentally believe that of all the Island-wide voting systems that are legitimate, possible, feasible and reasonable, that is the only system possible. I do not believe that what we have before us today is reasonable.

2705 So the question is fair to say: why did I therefore not move an amendment? The answer lies... Having had the Election, there were sufficient Members of SACC at that point in time – it has had a few changes since – who felt that it was essential to deliberate Island-wide voting in light of the Election – and we did.

I think we went back to 1967 – though I am happy to be corrected – and considered all the Billet items looking at Island-wide voting from that point until the latest ones, which of course have been reproduced here. I fundamentally came to the conclusion that it was flawed.

It led to the system whereby Conseillers were never removed, unless they resigned, and I think that is one of the questions. It favours the sitting Deputy. Island-wide voting favours those of us in this Assembly. We are all paid in order to actually do our work and part of that work is effectively communicating the policies of this Government to the Island electorate. Therefore, in effect, I am paid in part to appear in various forms of the media. I am paid to, effectively, increase by default... to increase my public persona and the knowledge of me.

When presented with 100 names on a list there is evidently going to be bias in favour of names that people recognise, therefore that bias will be entrenched in the system. Currently, with our parish elections, what we have is a counterbalance to that public persona. We have the means of having hustings. It is feasible to have candidates knock on every single door of those people on the electoral roll.

I can say that from St Peter Port North we had the greatest numbers of candidates in the last election – 14 of us contesting seven seats. There were doors in St Peter Port North that had signs on them saying ‘no candidates’ because 14 were too many for some people.

I remember talking to one person who appeared on the front page of the *Guernsey Press* saying that his preference for choosing candidates was to be able to sit down and discuss with them; and having appeared on the front page of the *Guernsey Press*, two weeks later he said, ‘Well, yes, I do agree with that statement but I am a bit sick of actually having the same questions and the same answers.’ 14 was sufficient to make someone feel a bit fed up and less likely to vote. Do we honestly believe 100 candidates could go knocking on every single door?

Deputy Hadley frequently contests that in Guernsey, of course, it would be possible – it is far smaller than a UK district – and I would agree with that, but it does not take into account the number of candidates. That is one thing that we frequently ignore in this debate. The number of candidates cannot be dismissed as irrelevant.

Personally, I would like to see more people stand for election. I would like to see more people contest. I have heard from certain people in the Vale that they felt that their choice was restricted by having merely nine candidates with seven seats. I see Members of the Vale both shaking and nodding their heads in equal number.

Whether that is fair or not, the truth is that in order to resolve that problem I would suggest that what we need to do as Deputies is to encourage more people to stand in the next Election. And do we believe that Island-wide voting... where in the last time it would have been 88 candidates, which would have been a great task for anybody to work through all the manifestos.

I know that we as political Members would be interested in reading each and every one of them but ask yourself as to the general public who do not register to vote. They are not on that electoral roll in the first place and the turnout this time was considered a success, despite the fact that it was worryingly low. That is the question.

In order to have a fair election, I would contest that Island-wide voting does not afford it. It is a popular movement, yes. Will it lead to better Government? I contest that it would not because one also has to ask: what is the big difference that Island-wide voting would create? To answer that, take a look around you and ask yourselves which candidates in the last Election were not elected that would be here under Island-wide voting and which candidates are not here today that were sitting Deputies that were removed. In St Peter Port North we had three. Would that be possible with Island-wide voting?

The other contention that I would have is in relation to the means of gathering sufficient votes. I have had discussions with various people as to surveys that have been done on Island-wide voting and, not the 2012 Election but the 2008 Election, it was shown by means of an opinion poll that two candidates would have scored spectacular numbers and that was Deputy Gollop and then Deputy Parkinson. Everybody else bumbled along underneath. But that was it. The distinction became far less clear and I ask you who would benefit from Island-wide voting? The people who are already elected. The desire is rarely to cast a vote for someone in a different district that did not get elected.

I remember talking to someone from St Peter Port South shortly after the Election, contesting that they wanted to vote for Deputy Le Clerc. Well, strangely enough Deputy Le Clerc topped the polls. She did not need those additional votes. She worked hard to gain her position in the poll and she achieved it.

I have not heard someone say that the person that they would have voted for was the former Deputy Matthews who did not get elected. So I ask that question seriously: do we honestly believe those people who would be elected would look so fundamentally different? And at the same time, by having such an Island-wide voting system as what is being proposed here, I would suggest that it will lead to less people participating and a far less attractive system; and I think that we would see an increasing state where the only means of removing a Deputy is when they choose to resign. That is not good for democracy and I therefore urge all Members to reject this Requête.

Thank you.

The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

At the start of the 1990's we had a system of 10 Douzaine representatives, elected by Douzaines, serving for one year, 12 Conseillers, elected by electoral college, serving for six years, and 33 Deputies – the only Members directly elected – serving for three years. And, according to where you lived, you could have 10 votes or just one vote.

The system I have just spoken about was used in the 1991 Election, but by 2004 we had the current system. We travelled an awful long way in a relatively short period of time.

Our current system has been derived from seeing all the problems with the previous systems, numerous hours of debate in this Chamber, a significant number of reports and trying two other systems which were rejected and one included an Island-wide system for part of the States.

Our current system, I believe, is the best system. I wish just to remind Members of the strengths of our current system, in no particular order.

All voters have the same number of votes within one vote. It is a simple system which everyone understands and is based on parish boundaries with just one election. All Members are elected at the same time, serving the same term, so there is no doubt who is responsible for making the decisions in the Assembly. By having multi-seat constituencies, it gives an opportunity for candidates supported by a minority to get elected.

Every candidate who was elected in the last position in each district was a new Member in the Assembly in 2008 and, in the more unusual Election of 2012, three were. But the range of the percentage of votes for the last candidate in 2012 was 35% to 43% of the voters electing.

The constituencies are small enough for candidates to visit all the electorate during the campaigning period – not what you would get with Island-wide, of course. This, again, is important because it gives an opportunity for new and unknown candidates to make themselves known to the electorate and gives an opportunity to connect with their electors.

The number of votes – six or seven – is manageable for most voters. When we had St Peter Port and you go back in time, there was up to 13 candidates and there was criticism then about whether people were coping with the electoral process. I think Deputy Perrot referred to that earlier. So, by having six or seven, it is manageable to most voters in terms of reading and understanding the manifestos for up to 14 candidates that stand in each district.

Probably most importantly, the people of the Island like the system. Why can I say that? Well, there is a significant increase in the number of people who voted in 2004 than in the previous elections. I will go through and illustrate some of the figures. I have rounded them to the nearest 100 and then estimated the number of voters in parishes where they have no elections in the Deputies' elections, because when we had very few one-seat constituencies there sometimes was not an election. I have not included the Alderney electors in the Conseillers' elections.

In 1994 in the first Conseillers' Election 17,100 voted and in the Deputies' Election one month later 16,600 voted. Of course, there was massive publicity leading up to that Election because of the change to the system. In 1997 there were only 11,500 people that voted in the Conseillers' Election – that is down from 17,100 in the previous one and in the Deputies' Election there were 15,500.

In 2000, when it was an all Deputies Election, there were 16,500 but in 2004, under our current system, that increased to 19,400 – 2,900 more than in 2000, 2,300 more than voted in the first Island-wide Election for Conseillers in 1994 and 7,900 more than voted in the second Conseillers' Election in 1997.

In 2008 there was a slight reduction down to 18,600 but that was still – and I think most people, analysts, say that was the problems with the electoral roll at that time, which was carried over – 1,400 more than in the 1994 Conseillers' Election and 7,000 more than in the 1997 Conseillers' Election.

In the most recent Election, there were 20,500, which is 3,400 more than in the Conseillers' Election in 1994 and 9,000 more than the Conseillers' Election in 1997.

I think that illustrates that the electorate like our current system. They preferred it to the Island-wide Conseillers system and they have come out and voted in it. (**A Member:** Hear, hear.)

If somebody proposes a system of Island-wide voting that would improve our system, I would be happy to support it, but I cannot support putting to referendum a system that I think is a poor electoral system – with all 45 Members elected Island-wide, as is the current situation; although I appreciate that 45 might change slightly as a result of the presumption that you voted for in the debate at the beginning of July.

But I think more importantly is what the Electoral Reform Society say – and it is on page 1972 in the Billet. I will read it:

‘We note the Committee’s instructions to undertake a comprehensive review of all practicable methods of introducing Island-wide voting. There are possible models for [Island-wide] voting but unfortunately they all present significant practical difficulties, because of the size of the States Deliberation, and the lack of political parties in Guernsey.’

In my view, it would be irresponsible and I could not vote to put a system to the electorate as a referendum for a system that has such remarks about it.

So I would conclude by saying that the public have clearly illustrated their preference for the current system by the way they voted which, I have explained, has many strengths and the current system is not criticised, as is the proposals by the Electoral Reform Society.

So please reject this Requête.

Thank you.

The Deputy Bailiff: Deputy Gillson.

Deputy Gillson: Sir, thank you.

I will not be supporting this Requête. I think that Deputy Bebb put his finger on it when he said it would be popular but not fairer. What has been put forward by this Requête will favour sitting Deputies; it will favour high profile candidates. It will make it less easy for the unknown candidates. Unknown candidates can get elected by walking the parish, meeting people, doing the physical ground work. You cannot do that on Island-wide voting so it becomes less fair to the unknown.

I think it will be burdensome on people. I think expecting people to read 80, possibly more, manifestos is really pushing it. I am interested in politics and I will find it difficult to read 80 manifestos; and then reading 80 of them to fully digest them and be able to compare across, dreadful, that the hustings are just possibilities of a nightmare.

I know that some mention has been put in previous reports that we could get over that by limiting manifestos and publishing them in a newspaper. Well, if you start limiting what candidates can say, that starts becoming undemocratic. Look at manifestos from the last Election – they go to the extreme of, I think – two people sitting next to each other in the Assembly – Deputy Perrot’s was one side and Deputy Brouard’s was a little booklet. *(Interjection and laughter)*

You cannot suddenly say, ‘I am sorry. You cannot express all your opinions in the way you want to; you have only got 350 words,’ or a limit like that. That is starting to get undemocratic. It is not going to be a better system. It is often said that the devil is in the detail and here the devil is in the practicalities and the things I have heard in other debates, where people have said, ‘Oh, well, let’s approve it and we will sort out... If there is a will, there is a way.’ Aren’t they probably the most dangerous statements that a politician can make? I do not know how to do it but we will make it up as we go along.

This is our Government; we cannot just make it up as we go along. As I was driving here, I heard one Member speaking, saying that we have debated this five or six times. Yes and every time it has been rejected. Maybe there is a hint in the previous debates that every time it has been debated people have said, ‘Generally nice idea. Great concept but it is not practical. We just cannot implement it in a way which will be democratic and fair.’

To lighten a little bit, sir, I think some of the reasons people put forward for wanting Island-wide voting can be really strange. I will recount a story from the last Election. I do not think I have recounted this to Deputy Trott. I am sure he will not mind me recounting this story.

I knocked on the door of a house in St Sampson’s seeing as there are two people on the electoral roll. I went in and there was a lady and gentleman and I had a cup of coffee with them. The gentleman said he wanted Island-wide voting. I said, ‘Why would you like Island-wide voting?’ ‘I do not want to vote for Deputy Trott’. Those were his exact words.

Deputy Trott: Sir, on a point of information, my father has since retracted that statement. *(Laughter)*

Deputy Gillson: The gentleman said he did not want to vote for Deputy Trott and I said, ‘Well, you do not have to because it is a free election. You do not have to put your name next to Deputy Trott.’ He said, ‘No, no, that is my point. I cannot vote for Deputy Trott.’ I said, ‘Well, of course you do not have to. There is nothing in St Sampson to say you have to vote for Deputy Trott. You do not have to.’ He said, ‘No, no you do not understand. I live in St Martins and I *cannot* vote for Deputy Trott.’ *(Laughter)* ‘So you want Island-wide voting so you can *not* vote for him?’ ‘Yes, I do not want to vote for him.’ ‘But you cannot vote for him now.’ ‘Yes, but I am not allowed to not vote for him. *(Laughter)* I want to be able to not vote for him out of my own choice.’ I said, ‘Well, he will never know that you did not vote for him.’ ‘No, but I will know I never voted for him and I know that now I do not have the right or the option not to vote for him but I want Island-wide voting so I can decide not to vote for Deputy Trott.’

Isn’t that the most bizarre logic?

Deputy Trott: Sir, isn't this becoming repetitive and tedious? (*Laughter*)

The Deputy Bailiff: Deputy Trott, it might be repetitive but it is not tedious! (*Applause and Laughter*)

Deputy Gillson: Well, that comes to the end of that little anecdote. It just shows that some of the reasons people have for wanting Island-wide voting border on the bizarre.

To get back to something a little more serious, hardly a meeting goes by when somebody does not say, 'We need to make informed decisions – evidence-based decisions... informed decisions. We should listen to people who know what they are talking about.'

Well, I refer to page 1972 of the report, which is the report from the Electoral Reform Society. Now, if there is anybody who knows anything about electoral reform it is going to be the Electoral Reform Society and they say that what has been suggested cannot work. They say either you have to have electoral blocs of more parties to make it work or a reduction in Deputies – but a reduction in Deputies to 20 or less, not seven or eight as may happen with the reform of Government. I would be amazed if the reform of Government came back saying, 'We are going to change this Assembly so there are only 20 people.' But, and I quote, they say:

'... therefore, a nationwide constituency system...'

– Island-wide voting –

'... could only feasibly operate in Guernsey if one of the following conditions were met:

Candidates coalesced into political parties or... blocs.

There were fewer seats to be filled (however any more than twenty seats would make... the above systems problematic...'

So anyone out there thinking, 'Well, we are going to reduce the number of Deputies so we will be able to do Island-wide voting,' forget it because we are not going to be able to. We are not going reduce down to 20 or less and the Electoral Reform Society – who has got more experience in this than any of... or probably the total of us in this Assembly – say it cannot work; it will be undemocratic.

So it is popular and people like the idea but when you look at how it will work, it will not be fair; it will not lead to a greater democracy. I think the best thing we can do is vote out this Requête, vote out Island-wide voting – as it has been done five or six times before – and then put it to bed. This is not going to work.

Just, please, vote against this Requête.

The Deputy Bailiff: Deputy Storey.

Deputy Storey: Thank you, sir.

It has been said several times, in the amendment debate actually, that Island-wide voting is something that there is a great demand for amongst the electorate, but there has been no statistical proof of that. In fact, I suggest that perhaps this Requête has been brought forward because of pressure from a vociferous minority of people who think that is a good idea.

Now, I have no way of proving my views, my opinion, on this matter anymore than the view that the majority of the public think it is a good idea. We are talking in a vacuum on that basis. So when I stood for election the first time, I did so because I was absolutely amazed by the system that we have – a fantastic system where if you feel as though you can add something to the social life of our community, you can stand for election to this Assembly. You write out a manifesto and you send that down, you go to hustings meetings and you get out on the knocker and you talk to people.

Now, that to me is the most open way of running a Government that I have ever come across anywhere, but part of that and perhaps the most important part of that process is the canvassing – knocking on the doors of the people who have the votes that are going to decide whether you are elected or you are not elected.

On both occasions, in both elections, I found that I was unable in the time allowed to knock on all the doors in my constituency, which was St Peter Port North. I got very near it but on neither occasion did I manage to knock on every door. So I asked myself, 'Well, some of those people did not have a chance to meet me. I did not have a chance to get their views on the doorstep but what would happen if it was Island-wide voting?' I cannot even get round St Peter Port North, let alone round the Island, so that is out straight away.

So the hustings... well the hustings in St Peter Port North were quite complicated because there were 14 candidates – all of whom had to have the opportunity to answer particular questions from the floor. I cannot remember but I suppose, imagining the period allowed for the hustings, we got through maybe 10 questions – something like that – from the floor. Now, unless we have a hustings with 80 or so candidates then people attending the hustings will not be able to compare the candidates who are presenting themselves for election

and if you split it up into smaller hustings it is more practical to actually do that, but in fact the people attending will not be able to do that comparison. So you end up with hustings that really do not fit the bill; they do not achieve what they are supposed to achieve.

So if you are not going to be able to go round and speak to people on the doorsteps and you are not going to be able to answer questions along with you fellow candidates at the hustings, how on earth are candidates going to be able to create a relationship with the electorate before the elections? They are not. We are effectively going to have to rely on manifestos but I think we have already established... or quite a few Members of this Assembly have already stated that to read though 80 manifestos is going to be impossible – certainly to make a decision on which candidates to support on the basis of wading through 80 manifestos or more is going to be an impossible task for the majority of electors; a big turn off.

Now, I understand that they have Island-wide voting in Jersey and the feedback from that is, ‘Well, you need a deep pocket to stand on an Island-wide ticket in Jersey.’ The electoral system there favours those who can afford it. (**A Member:** Hear, hear.) I have no concrete evidence for that; it is just hearsay, but nevertheless I think it is worth bringing into our conversations here this afternoon.

The other point which I think is important for us, but also more importantly is important for our constituents, is that we do not just represent Island-wide concerns when we are debating matters in this Chamber but we are also there to answer problems which affect our parishes. And that connection with our parishes is something which I personally treasure and would I would hate to lose; and I think the parishes also would hate to lose this connection with *their* representatives in this Assembly.

Finally, sir, the main reason I think – or one of the main reasons anyway – why I reject the idea of Island-wide voting is that it will, as far as I can see, inevitably lead to party politics on this Island. This is the view of the Electoral Reform Society who I have a great deal of respect for.

But if the electorate do not have time to read 80 plus individual manifestos, the only answer at the end of the day is going to be to read party political manifestos of groups of people who say, ‘I subscribe to this manifesto’ and there may be 10 or 12 or 20 candidates who subscribe to that manifesto.

So therefore, on that basis, you would only have four, five or six manifestos to read as an elector – which is manageable – and then you can go and vote for the people who subscribe to the manifesto that you feel most inclined to support. Now, that to me is going to be the inevitable consequence of Island-wide voting where it is the only tool that the elector has to help him or her sift through the large numbers of candidates and decide who to vote for.

Now, I do not want party politics on this Island. I think the way that we have such a free and open way of electing our representatives to this Assembly is a wonderful, unique situation which I cherish and would hate us to lose.

So I urge everybody here to reject Island-wide voting and reject this Requête.
Thank you, sir.

The Deputy Bailiff: Deputy Stewart then Deputy Trott.

Deputy Stewart: Deputy Bailiff, I am just trying to look at this logically now because I do have to compliment my fellow Commerce & Employment Board Member, Laurie Queripel, on an excellent amendment. Now we have voted for that, if this Requête goes through it will go to a referendum.

Clearly, this has just dragged on for years and years and years and a point that Deputy Laurie Queripel made was, if I do get re-elected and do not suffer from the Deputy Trott effect in the next term, (*Laughter*) I really do not want to have to sit through this debate again and I think there is only one way to put this to bed and that is to just face up to it and front it out.

We have heard a lot about newbies and promotion but you know it is not just about manifestos anymore; it is not just about knocking on the door. To get known in this Island, many of us that have entered this Assembly have maybe done a lot of public service – whether in the charitable sector or wherever – and become known in various different ways. There is all the social media now to promote yourself, like Twitter, and to be rather self-effacing and modest – like Deputy Trott, sir – I was the first ever Deputy to have Audioboo, because you only got one minute on the BBC so I thought I would start my own little audio bites and put those out.

There are a million and one ways for people that want to get into the States of Guernsey as a Deputy, to promote themselves. It is not just about what you do over three weeks, banging on doors and finding out actually, most of the people are out and the postman asks you to take their Amazon package for them.

So here is the thing: nothing is perfect here, nothing at all. No democracy is perfect. Move the boundaries a little bit in the UK and you can skew the results between Conservative and Labour but I think what a lot of people have been saying for years is, ‘We want *some form* of Island-wide voting,’ and when I was knocking on the doors and also on the social media, there does seem to be a tsunami of opinion that wants *some form* of Island-wide voting.

So I think where we are now is we have voted in favour of that amendment; if we now vote in favour of the Requête with that amendment in place, let's just put it out to the people and let them decide and then SACC will have to work out one way or another how we then handle it.

For me, I think we have to put this to bed once and for all and I think the only way is to proceed. Vote in favour now of this Requête with the amendment in place.

Thank you, sir.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Sir, this is potentially a great day for democracy in Guernsey. We have the opportunity to ask our electors if they wish to change the way in which they elect their representatives. Wow!

Sir, Deputy Storey said in his speech that he had no way of proving his views. Yes, he does: let the electorate, through a referendum, do precisely that for you. And who is to say who is right?

Sir, many, many people in our community still feel anger at the manner in which elected Conseillers were removed from this Assembly. Having been elected through Island-wide suffrage, their terms of office were cut unceremoniously short in order to provide for a simple election day for all Deputies. There are many, many who still feel that was a ludicrous decision on behalf of the States, particularly bearing in mind that it was their electors that had judged inappropriate for those with an Island-wide mandate to serve the length of term that they were serving.

Now, Deputy Dorey lambasts the poor turnout in Jersey on their electoral reform proposals. Well, let's just remember what happened there. Not only were there a number of options but once the electorate in Jersey had decided on their preferred option the States of Jersey ignored it. That is the way you disengage with you electorate, that is how you turn people off in politics and that is how you bring parliaments, in my view, into disrepute by their electors.

Now, others have talked about Switzerland and the manner in which referendums come forward there. They do not come forward willy-nilly, as I am sure Deputy Green knows in reality, a significant number of electors need to support an issue and it needs to pass that particular milestone before it goes to a nationwide referendum. If you like, it is not dissimilar in microcosms to what is happening here today where a number of elected representatives have got together and petitioned this place for this matter to be debated.

Now, in California, sir – the world's fifth largest economy – they have a process of recall. So if they think someone is not doing a very good job – particular the Governor – if enough of them get together they can force a fresh vote into that person's performance.

Here, all we are asking is for the electorate to confirm or deny our particular views as to whether it is appropriate to elect everyone in this place the same way. And why do I say the same way? Well, let's take my good friend, Deputy Brehaut, for instance, sir. He is here and undoubtedly doing a very good job but my equally good friend, former Deputy Jane Stephens, achieved more votes than Deputy Brehaut but is not a Member of this Assembly and yet clearly more people felt that she should be.

Now, I know there are all sorts of reasons for that – less on the electoral roll and so on – but surely that is another perfect example of why it is entirely appropriate that every elector in this Island be treated the same way – one person, the same number of votes – to ensure that a proper democratic representation is achieved.

I very much hope that Members will support this Requête as amended.

Thank you, sir.

The Deputy Bailiff: Deputy Lowe, then Deputy Brouard and then Deputy Burford.

Deputy Lowe: Thank you, sir.

SACC's view at the February 2011 debate was that it is the only system which fulfils the wishes of many who returned the questionnaire regarding Island-wide voting. That survey represented the views of almost 7,000 people – a huge response by any standard and the biggest on record, if I remember rightly.

Members may remember a couple of months ago, the traffic strategy survey had approximately 500 responses and that was deemed to be sufficient to be an endorsement. Will the views received of the 6,837 respondents receive the same support from the States' Members today and support the amended Requête?

SACC also stated in their report certain logistical issues and, in doing so, admitted:

'None of them are not that insurmountable obstacles, which some would have us believe. Rather they are challenges addressed as a means of achieving full Island-wide voting. Not a major problem and all achievable.'

And that has been endorsed today by the Chairman of SACC.

We all want, I am sure, people to participate and vote on Election Day. I, for one, do not want Island-wide voting to be seen as 'it is too difficult'. SACC, last term, said Island-wide voting was achievable and not a major problem.

This Requête is not about hustings, manifestos or counting the votes, it is about approving Island-wide voting for up to 45 Deputies or however many Deputies the States approve after the next Review Committee Report.

This Requête directs SACC to come back later with how the manifestos would be distributed, how the hustings would take place and how the counting of the votes will operate – whether with hiring electronic equipment from companies covering elections elsewhere or alternative ways.

I have heard some of you in this Assembly say that they feel the parish contact will be lost with Island-wide voting or they do not want to lose the knocking on doors and talking to people. So what is the answer, as that in itself could be an escape clause to vote against Island-wide voting? The answer is very simple: there is nothing to stop all candidates standing in an Island-wide election, knocking on the doors in the district where they live – nothing at all.

If candidates want to keep the parish or district link then get out there and walk the parish. But, equally, there are some who use their family and friends to go knocking on the door and distributing manifestos and a common complaint was I do not wish to see a family or friend, I wish to see the candidate.

It is true to say the States, by electing to have seven districts now instead of 10 parishes, have lost the parish Deputy of days gone by. As an example, this term there is not a States' Member living in the Forest. Last term there was not a States' Member living in Torteval or St Saviour's. In this Assembly: St Peter Port South – two Deputies out of the seven did not live in their district, St Peter Port North – two out of the six and St Sampson's – one out of the six.

If we analyse the district data, where is the balance of fairness for St Andrews? Six Deputies for the south east, five are living in St Martins and one in St Andrews. The West district, as I have just stated, no sitting Deputy lives in the Forest parish.

Unless the States make it compulsory that candidates need to live in the parish in which they reside, as we have already seen, the public will make up their minds whether it is acceptable to have an outsider representing them – and they do quite easily now, so what is the difference Island-wide?

Why should the States tell the voting public, 'You can only choose from the candidates standing in your district, yet those candidates can choose to stand in whatever district they fancy their chances, whether they live there or not'? Freedom of choice for the candidate but not so for the electorate. Is that fair in this day and age or does it verge on discriminatory maybe?

One Vale parishioner said to me, 'Some of the current States' Members were able to jump ship and not live in their district, yet I cannot jump ship and vote in another district. You, the States, tell me in the Vale to vote in the Vale or do not vote at all – a rule for the States' Members and a rule for us on how we vote for our Government; a case of do not do as I do, do as I say.'

I now move on to the incumbents having a better chance of being elected and that depends really – ask the 11 who lost their seats at the last Election and I do not think they will agree with you.

New candidates will struggle – not so. New candidates often do better; they have no baggage, previous votes, media interviews, speeches upsetting the electorate. At the last Election, six of the seven districts have a newcomer top the poll, removing the myth that sitting Deputies have an advantage. Two of the seven districts had a newcomer elected in second place and three of the seven districts had a newcomer elected in third place.

No, I am not giving way.

Thirteen newly elected Deputies have 50% or over of the votes –

Deputy Bebb: Point of order.

Deputy Lowe: – cast and 12 –

The Deputy Bailiff: A point of order from Deputy Bebb.

Deputy Bebb: I am sorry. The assertion was that the current system *favours* the newcomers and therefore Deputy Lowe's assertions are actually affirming that.

The Deputy Bailiff: Okay, that is technically not a point of order because Rule 12(5) says that a point of order may only be raised for the purpose of drawing attention to a breach of a rule of procedure. I just raise that because it has come up a number of times today. It is a point of correction.

Deputy Lowe to continue.

Deputy Lowe: Thank you.

As I was saying, 13 newly elected-Deputies had 50% or over of the votes cast and 12 sitting Deputies had 50% or over of the votes cast. More importantly, more sitting Deputies had under 50% of votes cast than newcomers. Nine newcomers were under 50% of votes cast but 11 sitting Members had under 50%

cast. Out of the incumbents who were elected, 13 incumbents had increasing votes against their previous election, with 10 incumbents who dropped votes against their previous election.

I move on to the traditional hustings... have the bonus of seeing how a candidate answers a question under pressure. Really? Well, let's analyse the hustings.

At most of the hustings there may be, at best, 200 people in the Douzaine room or school hall. Amongst that 200, there are family members and friends who have come to support their candidate. Then there are usually other district candidates coming to observe the sort of questions that are asked and how the competitors are managing. Then there are some existing States' Members popping along to watch who they might be working with, should they themselves be elected. Take out all those and actually there are fewer parishioners left. That is good news for parishioners at present – except in reality well below a hundred.

It has also been known in the past for questions to be planted to coincide with when it is the candidate's turn to answer, whom they have come to support on a subject where he or she shines. The only true reaction to questioning Members on the panel is when they are first to answer a question as, by the time it is the tenth or twelfth person along the line, he or she not only can see the audience reaction, he or she has picked up some information they were unaware of so slots that in his or her answer. So, yes, hustings are fun but with less than 100 parishioners out of 5,000-plus on the roll, they are not as beneficial as some might make out.

The Vale have seen a trend, especially in the last two Elections, where hustings followed by pop-ins with one-to-one surgeries have taken place, which were popular. We had three of these, with the many parishioners saying they preferred asking questions directly as they were too embarrassed to stand up at hustings meetings. Electors told me they were able to engage with asking questions of the candidates on a one-to-one basis and enjoyed the opportunity to do so. They also liked being able to ask more than one question.

SACC could come back suggesting Island-wide voting one-to-ones being held, possibly for a whole week depending on demand, and candidates making themselves available during the day and evening at various large venues around the Island when the electorate can attend at a time to suit them and ask questions of the relevant candidate.

When it comes to voting I have heard, 'How will the public cope with a list of names to choose from – a lottery?' It is quite offensive about those who you hope will use their votes responsibly to vote for you. Remarks questioning the ability of the electorate indicating that they will not cope – why say that? Why belittle the electorate? Do you not think that those who filled in the questionnaire sent out would not have thought about how to vote for up to 45 people and approximately 5,500 of them did?

We really want to make it easy for people and promote that they can vote in the comfort of their own home at a time to suit them leading up to Election Day. They do not have to come out and queue, although some like the fun of Election Day and that method would still be available. But there is an alternative available now which suits those with a busy life style – and that is postal voting.

Postal voting is available for everyone, whether you are in the Island or not. Families can spend time together going through the collective manifesto document, discuss the candidates and then vote at home – be that only one cross in the box or up to 45; as many or as few as the voter's choice.

The time has come for the electorate to vote at their convenience not on a set Election Day between very restricted times and in the future – touch screens, voting online either on computers at home or by a mobile phone. We need to move with the times and make voting convenient.

I would like to ask SACC at this stage to give consideration, regardless of today's vote, to have voting on Election Day to be a Saturday. This will enable a lot more volunteers to help out at the polling stations and maybe have longer hours. Some have even suggested could take place over two days – a Friday and a Saturday.

SACC could promote free postal voting within the manifesto document. We must encourage and make voting for those on the electoral roll as easy as possible and postal voting is a very user-friendly option.

Whilst on voting, I know, I am sure, others share that we would like to give our thanks and appreciation to the many volunteers who assist on Election Day, (**A Member:** Hear, hear.) whether at the polling station during the day or during the evening when counting the voting slips sometimes into the early hours of the morning. They work tirelessly to help us elect their Government.

I now move on to manifestos and how will these be circulated? Certainly, in an Island-wide election it would be almost impossible for candidates to deliver personally a copy of their manifestos to each voter. SACC may wish to propose that all candidates be entitled to have their manifestos included in a collective document which we deliver to the electors.

I have produced here a document 'Manifestos 2008'. There you go. That is everybody's manifesto for 2008. That is the document.

It is half the size of the population document that we encouraged everyone to read and respond to and it is smaller than the Transport Strategy Document we asked the public to read and respond to, yet when it comes to reading manifestos I hear cries of 'You cannot expect the people to read all those pages'. Yet we

ask them to read every important document and respond after reading them, on the population and traffic strategy, as two examples. You cannot have your cake and eat it.

3180 So let's look at the collective document. Would you read all the manifestos? I doubt it. This will be the same, I suggest, for the electorate, when they may well turn over the page when they see so and so and, no matter what he or she has written, they would not vote for them no matter what they had written. Therefore they would be more likely to just turn the page over in the same way they would probably recycle – hopefully, recycle – that same manifesto dropped through the letterbox by the candidate.

3185 Having the manifestos together in one document, ensuring none get lost, would be a huge benefit leading up to the election day. It is also important each candidate has control to the input of their manifesto. SACC did not feel able to recommend in their last report distribution of manifestos through a supplement of the *Press*.

3190 The website of the *Guernsey Press* and staff say the newspaper is, quote, 'read by eight out of 10 of the population'. In terms of delivering manifestos, this could mean that 20% of the electorate may not receive a copy. It is unacceptable that a significant number of electors may not have sight of the manifestos and therefore, in my opinion and previously SACC's opinion, all manifestos should be delivered to each household occupied by at least one elector.

3195 The States' website would also be key and have a dedicated section covering all the manifestos including other information about the election process. E-mail links to all the candidates included on the website so communication with questions from the electorate would be available. If they choose to use this forum the joy of the internet communications are made easier for those we serve and more accessible when it suits the electorate, day or night.

3200 Polling stations may need to be in larger premises, perhaps church halls or school halls, with more car parking available than presently. It would also be necessary to provide the parishes with additional polling booths. This one-off cost was calculated in the previous SACC report.

These matters to which I have just referred are not the insurmountable obstacles which some would have us believe – rather, they are challenges which have been addressed as a means of achieving full Island-wide voting.

3205 I cannot remember the time when I was just helping Vale parishioners. I am sure we all have regular contacts from people right across the Island. I do not even know if they are on the electorate roll in their district; it never interests me to ask. If they want help, I will do my best to assist them, like I am sure the other States' Members do too.

3210 The review report recommendation was for a reduction in the number of Members who have no adverse consequences on this method of election. However, a reduction in the number of seats does not necessarily mean a reduction in the number of candidates. You could still see many put their names forward and that is good news – giving the electorate a choice, surely.

3215 We are often told that if the electorate are not happy with the Deputies, they can show that at the polls, but this is just not correct. They can only remove six or seven, depending on which district they live in. Often a district had six or seven seats with only seven, eight or nine candidates. Do you call that election?

3220 I doubt if we went out now for Island-wide voting there would be very few, if any, changes in existing Government Members sitting in here today. So why do we tell the electorate they can only vote for a seventh of their Government? Why? Is that right? Isn't it about getting the best candidates – their choice of candidate not ours? I have heard Members say, 'What about if so and so gets elected?' It should not be Members' concern; it is the electorate's choice that matters. Members have to work with whom the electorate give them. You have to work with colleagues, not necessary love them. (A Member: Hear, hear.) (Laughter)

3225 In the February 2011 report the Committee was of the opinion that the democratic process should not be compromised solely to achieve efficiency in the electoral process. It was of the view that every elector should have the opportunity of casting as many votes as there are seats available.

I endorse that sentiment and I ask States Members to please support the amended Requête.

The Deputy Bailiff: Deputy Brouard.

3230 **Deputy Brouard:** Thank you, sir.

It is a legitimate issue but I do not think that the majority of the Islanders want Island-wide voting and Deputy Trott makes a good point in his speech where he said, 'Well, ask them'. I think that does have some merit.

3235 I just want to touch on a couple of things which Deputy Lowe said. Hustings. Certainly, in St Peter's and the western parishes, the hustings go a lot further than just the hustings. A lot of people at the hustings are one member of a family and they do take the story back to other members – who performed well and who did not. So it is very important, certainly in the West.

Manifestos. I saw Deputy Lowe's mock-up there of the manifestos guide which I think she is showing here.

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Deputy Lowe: I am on the top.

Deputy Brouard: Her name is on the front page of the 100-odd manifesto (*Laughter*) and I just wonder if there is a premium for that particular slot when they are published?

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I think Deputy Gillson did an absolutely cracking speech, though it has wiped out basically most of mine.

I would just remind the Assembly of why we have the Requête or at least my recall of why we have the Requête. It was not the clamour of electors phoning me up, saying we must bring Island-wide voting back; it was, what I think they call in the news media thing, a slow news day and the media did one of these, 'What have the States done one year in? What happened to the manifestos?' And lo and behold they picked up on, 'Why aren't the Deputies clamouring for Island-wide voting, because it was in their manifestos?' and then lo and behold, miraculously, a few days later the vacuum that did not exist was filled by the Requête.

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The Deputy Bailiff: Deputy Lowe, you are rising, but why?

Deputy Lowe: Could I just help Deputy Brouard there?

The Deputy Bailiff: Is it a point of correction? (*Interjections*)

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Deputy Lowe: Probably not. (*Laughing*) It is just that we did approach many of the new Members in the first year to ask them if they would actually bring a Requête and they declined to do so. They wanted somebody with more experience to do it.

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The Deputy Bailiff: I will take that as a point of correction.

Deputy Hadley: I would also like to correct.

The Deputy Bailiff: Is it a point of correction, Deputy Hadley?

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Deputy Hadley: Yes sir, it is.

I mean I approached Deputy Lowe and SACC about Island-wide voting because I was lobbied so much about Island-wide voting, not only on the doorstep but amongst family, friends and relatives.

I undertook to vote on this in the Assembly. Deputy Lowe felt that she had done it once and it was somebody else's turn to bang their head against a brick wall and SACC refused to bring it. That is the reality of it. It was nothing to do with a slow news day at the *Press*. It was something I took up shortly after I was elected.

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The Deputy Bailiff: Deputy Brouard to continue.

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Deputy Brouard: Thank you, sir.

As I said it was at least my recall of it and I think there was some media coverage and then suddenly the... The two may well have been completely separate.

On balance, we have a very pure system that balances numbers, logistics and representation and I do not think it can be improved with a total Island-wide franchise. Now, some years ago I did vote for Deputy Rihoy's half way house, but that is not what we have on the table. Maybe there is an alternative but until it is on the table and it stands the rigour of fairness, logistics and representation, I will be voting again today against this Proposition.

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Thank you, sir.

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The Deputy Bailiff: Deputy Burford, to be followed by Deputy Conder.

Deputy Burford: Thank you, sir.

I would like to endorse the comments by Deputy Dorey and Deputy Gillson and I will not repeat them, except to say that it is easy to fail to realise when we already have a good system and we should be careful what we wish for or indeed vote for.

We do need more people standing for election and then we can see how people feel about the system and the results it delivers. We also cannot, in all seriousness, implement a flawed electoral system just so that we do not have to endure another debate on this matter. (**A Member:** Hear, hear.) That is plainly ludicrous.

I also wish to speak briefly to relay a concern expressed to me by some Douzaine members in the West. The western district is made up of a total of four parishes, each with an individual identify. These four parishes are served by six Deputies which is quite fair and is pro-rata to the population of these smaller parishes but, as a result of the last electoral changes, there is a chance that one or more of the four parishes will have no resident Deputy which, as Deputy Lowe has mentioned, is currently the situation in The Forest.

The concern expressed is that a move to Island-wide voting – especially in the manner proposed by this Requête – would risk leaving the West with few or possibly no resident States' Members. There is still a strong desire to retain the parish element, which I completely endorse and this Requête does not do that.

Thank you.

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

Deputy Conder: Thank you, sir.

I entered this Assembly this morning being very clear that I would vote against it but, as a consequence of the referendum amendment, I have to say I am less clear even at this late stage as to just how I will vote and I would ask for some clarification from Deputy Hadley in his summing up.

What we have before us is a very simple Proposition that says that all Deputies shall be elected on an Island-wide basis. It does not say what that model would be. I have to assume it will simply be on the basis of First Past The Post and, assuming we have 45 Deputies, the first 45 will be elected.

It does then go onto say in Proposition 2, 'To direct SACC to report to the States... [on any] changes necessary'. I would be grateful if, in his summing up, Deputy Hadley could just explain whether or not the expectation is simply on the First Past The Post system, because if it is I think I have a real concern and I think this Assembly should.

The danger would be, I assume, that what is called 'the distribution curve of votes' – in other words how many people vote for any individual candidates – could be very seriously skewed because, quite obviously, there are some candidates on this Island who, by virtue of what they have achieved, their profile both in the States and before that, will attract a very large number of votes and that could be quite a significant number I guess, for whatever reason.

So the temptation would be collectively on the voters' part to vote... Significant numbers of voters will vote for those high profile candidates. Now, if that is the case, if my concerns are correct, in the most extreme version there could be a possibility that the last say 40th, 41st, 42nd, 43rd, 44th, 45th could get no votes and we could actually end up in a situation where the Island do not elect a sufficient number of the candidates.

That is extreme but even if that does not happen there has to be a possibility if all electors do not use all of their 45 votes and if of the 45 they use they, as a majority, vote predominantly for the high profile candidates, the tail of the distribution curve – the last five or six candidates – could get in with a very, very low number of votes – mum and dad and the kids. (*Laughter*) Now, what does that say for democratic legitimacy?

I am absolutely prepared to say that I might have got this wrong and I await Deputy Hadley's summing up with interest, but if I am right I think we need, before moving on – and again I need to be convinced that SACC has the authority to do this – to actually look at our system of voting; because if it is First Past The Post and it is about the first 45 past the post, I think the last few of that 45 could sneak in very low under the wire.

So I would be grateful, in terms of making my final decision, for some clarification on that. And I hope if my case is properly made and well made, other colleagues will reflect upon that danger in terms of where we are going with democratic legitimacy.

Thank you.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, like the many here, I have always favoured an element of Island-wide voting. However, I cannot find myself supporting the Requête because the system proposed, I believe, would be completely unworkable and, perversely, less democratic than our present system.

3355 Distribution of manifestos limited to 700 words, will not help the first time candidate or at least those candidates who have not benefited from a high profile beforehand, whether not they are sitting Deputies. Yes, Deputy Stewart... Deputy Stewart is not here at the moment but there is social media and I use it, but for me the manifesto was very important, not only in expressing my views but also to give the electorate an idea of who I was. They are, whether we realise it or not, an expression of who we are.

3360 I agree, therefore, with Deputy Gillson that by putting a limit on these manifestos we are denying freedom of expression, which I believe is very dangerous.

Now, when anyone comments about the difficulty for the electorate to choose between the 80 or more candidates that might appear on a voting form, they are told, 'How dare you question the intelligence of the Guernsey voter?' Well, this is not about intelligence but the ability of any human, wherever they may live, to choose up to 45 out of 80 people. It is no small feat. It is okay for those with lots of spare time to study
3365 every candidate, but not those who lead busy lives. It is also more likely to lead to errors and Deputies being elected on less votes in total than now.

Now, why errors? Well, think about it. There may be a few Le Pages or a variation on a theme of Mahy / Le Poidevin and even a scattering of Jones's – whether they are sensible or not. (*Laughter*) How likely is it that, given a list of candidates – however that is produced; alphabetically or randomly – that with just a voting form in front of them mistakes are made? Sorry, human nature as it is, that will happen.
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Who is going to bother ticking 35, 40, 45 boxes? They will not. The average number of votes cast in those parishes with six places was 4.6 at the last election, i.e. 77% of the potential number of votes cast. I believe with the system proposed in the Requête that that will be significant lower.

3375 The one thing I liked about the amendment was that the parish system did not disappear. This is why I would not support a full Island-wide system but would be happier with a hybrid variant. We all tend to think on the macro scale when considering the impact of Island-wide voting. Indeed, the Requête talks about most issues being Island-wide, but certainly for me a very important and rewarding part of my work – as I am sure it is for others here – is helping individual parishioners with issues that they may have.

3380 I know that Deputy Hadley spoke about the fact he gets more e-mails from outside the parish than within – as do I – but that is e-mails. I find that when someone has a real concern they pick up the phone and the vast majority of calls are from parishioners who want my help or advice. The parish system means people know who represents them and they have six or seven to choose from, which means that issues are respectively divided up and spread more evenly amongst us.

3385 How would that work with Deputies being elected on an Island-wide basis? No, I think if we lose the link to the parishes Deputies will be perceived as more distant and out of touch than now and that really bothers me.

Now, this debate was delayed to await the outcome of the debate on our system of Government, however, we still have not agreed what that should be, apart from the very basic structure. We do not know how many Deputies we are likely to have, committees or scrutiny function.

3390 I therefore think it is too early to make a fundamental change to our electoral system until we have that information. The fundamental question to me is: will this Requête make for a more democratic system than we have now?

3395 I note the advice from the Electoral Reform Society and, whilst I still support an element of Island-wide voting, I believe the system as set out in this Requête would not improve the current system and on that basis I cannot support it. (**Several Members:** Hear, hear.)

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

3400 I do not have a great deal to say and, bearing in mind we are here for four days, I will keep it brief.

Deputy Lowe remarked that people say elections favour the incumbents and then cited the 11 people who have lost their seats in the last elections, who were Members of this Assembly. Well, that demonstrates actually that the system we have works, because when you are in a smaller electoral district constituency and you have to do the meeting and the greeting, and the constituents believe that you are out of kilter
3405 broadly with their views, then you do not get re-elected.

On an Island-wide platform, you pick up votes from every nook and cranny and it does favour the incumbents and if you want the same bums on the same seats for the foreseeable future then just support Island-wide voting.

3410 Now, also a point I think picked up by Deputy Soulsby a moment ago is there is a real possibility that the north of the Island, for example, may have fewer representatives in this Assembly... that under Island-wide voting it may be something that the people in the South East of the Island particularly like doing. So

you have a Chamber that is not representative truly of the entire Island and that people have expressed concerns that parishes are not elected. There could be electoral districts, as we know them now, with very few representatives.

3415 And just to my good friend, Deputy Trott, (*Laughter*) who said that it is really a simple game... I came third within St Peter Port South. It is a percentage game. If I had stood somewhere else with that percentage, that is the nature of the game.

This idea that it is an unfair system – that some people are not elected because they have 1,400 votes and I am elected with a 1,000 or less; that is just the nature of the game we are in. It is the percentage of electoral turnout reflected in the returns.

3420 Actually, the risk is – and it is something that Deputy Conder referred to before – that when you have cast a large number of votes and you have got a bit of fatigue, who picks up the last couple of votes? And you could find people able to say, ‘I have an Island-wide mandate but have very, very few votes.’

3425 If I get in with 900, or whatever the amount is, there would be people in this Assembly who could get under the bar – if people do not mind me using that expression – with very, very few votes indeed, but still argue that they have an Island-wide mandate. And I do – I do not want to overplay this, but – know there is another Baz Brehaut on the Island, for example. I do not know if there is another Al Brouard or a Barry Brouard, but there will be that sort of confusion. I am sorry I cannot lip read, Deputy Perrot.

3430 So there will be that type of confusion which is unnecessary and this is not – this is not, this is not – about insulting the intelligence of the electorate. It is about the wisdom of this Assembly and working in this system, understanding the system, understanding what we have now. Having regard for it and an appreciation for it does not mean we do not respect the wishes of the community. We know what works, we have been elected to this Assembly to – as Deputy Storey was saying – make those judgement calls and this is not about insulting the intelligence of the electorate. This is about our wisdom and doing the right thing to deliver for the people of this Island.

Thank you, sir.

The Deputy Bailiff: Deputy Luxon.

3440 **Deputy Luxon:** Mr Deputy Bailiff, very briefly, I had no intention of supporting the Island-wide voting Requête but, now amended with the Deputy Laurie Queripel... I am going to support it.

The reason I am going to support it is because I think the only way we are going to get clarity about whether the people of Guernsey do or do not want this is to go and ask them.

3445 On page 1964 the SACC Report talks about a majority of the electorate wants full Island-wide voting, as proved through the public consultation. That is complete nonsense. There are 63,000 people living in Guernsey and two-thirds of them – 40,000 – are eligible to be on the electoral roll. Only 40% – 27,000 – actually did enrol on the electorate roll and only a third of the people of Guernsey – 20,000 – actually voted.

3450 The numbers I have been given is that about 6,000 to 7,000 were consulted in 2010, which constitutes about 10% of our population, and only 4,500 actually said that they did want some variation of Island-wide voting. That is 5% of the total population of the Island.

How in the Requête Deputy Hadley can say that many of the people – the majority of the people – want Island-wide voting and support it; how he can say that, based on the consultation information that we have, amazes me.

3455 So, sir, I do not particularly like the idea of Island-wide voting because I do not think it can work and I actually agree with all of the sentiments of those people who have spoken against the Requête, but I am going to vote to support it because we will then hear from the people of Guernsey whether they actually do want this or do not want it and if they do want it then we will give it to them.

Thank you, sir. (**A Member:** Hear, hear.)

3460

The Deputy Bailiff: Deputy Langlois, to be followed by Deputy Duquemin.

Deputy Langlois: Sorry, sir, to have been slightly wrong footed by the last speaker. I will say what I was going to say and possibly return to those comments.

3465 At this, hopefully, late stage of the debate – because we have surely done most of the circuit already – there is always the fear of repetition but I just want to refer back to one comment earlier and then build on it slightly.

3470 Deputy Gillson very skilfully pointed out the aspects of the evidence base here, pointed out the Electoral Reform Society evidence and, without a doubt, they came up with the argument that, with the sort of numbers we are talking about, it would carry with it a risk. It did not try and quantify that risk because you cannot in a soft area like this, but it would carry with it a risk of developing a party system.

Now, if I could just take that one step further, sir? I spent time at the Commonwealth Parliamentary Association Conference. I was a small delegate at a small States Conference (*Laughter*) and it was around about the time of the previous debate about Island-wide voting and I was very interested to engage people in quite complex discussions relating to their own systems in their own islands and smaller States.

What became clear there was that, where a small jurisdiction has a party base, what almost inevitably happens – especially in the sort of system we have got where you have a complete election every few years – is that there is a sort of pendulum effect that builds up and one party gets in and drives forward in a very particular direction for, shall we say four years since that is the system we use, and then the electorate changes their mind and the other party gets in and all they do is dismantle what has just happened and then push as far as they can go and so on, to a far greater extent than happens in this Assembly – to a far greater extent – because it is very much related to some sort of ideology in each party grouping.

I think the risk of that happening is too great to even contemplate accepting this Requête. (**A Member:** Hear, hear.)

The Deputy Bailiff: Deputy Duquemin.

Deputy Duquemin: Thank you, Mr Deputy Bailiff.

I voted for the St. Pier/Ogier and Luxon amendment. I did want a workable system of Island-wide voting and I was disappointed that it was not carried. I also voted for the Queripel amendment but I will not now be supporting the amended Proposition 1. (*Laughter*)

It might have been the only time, thus far, that I have voted tactically in this Assembly because if Proposition 1 does go through I prefer it to be the amended version, the lesser of two evils. Why? Because the referendum aspect would also provide a kind of backstop where the Island or the Islanders would have the opportunity to sanity check a decision made in this Assembly to right our wrong. The public would be acting as a second Chamber – an Upper House – not the House of Lords but perhaps the Houses of Le Page and Le Tissier, if you like.

Mr Deputy Bailiff, we voted for the referendum aspect to be added to the whole Proposition; we did not just vote for the referendum bit. This system – 45 votes for each Island from the aforementioned 100 or more candidates – the one that we could be approving today and then the only one that would be on offer in a referendum... the only question being asked is, in my opinion, and because of many points raised by other Members already, it simply will not work.

We might get an answer from a referendum, as Deputy Luxon has intimated, but it might not be an accurate answer. People might want Island-wide voting but not this system. Mr Deputy Bailiff, I will not waste Members' time by repeating the reasons, but the risk of failure... the risk is far too great. Deputy Gillson, Deputy Conder and Deputy Dorey have all made points that I hope will resonate with Members.

We need to make the *right* decision, not to just make *a* decision or, as one Member said, 'put it to bed'. If the issue comes back in another 13 weeks, 13 months or even 13 years, with a system that works then, yes, this Assembly could vote for Island-wide voting in the future, but this is not the system.

I would also like to make a similar point to the one raised earlier by Deputy Burford. The method of filling in the ballot paper is not half as important as the names that are on it. Whatever the system, I trust the Guernsey public, Guernsey voters, to pick the best of what is available.

I wish that all of the energy today was better directed, working out ways to engage with and seduce more, and particularly better candidates, rather than just engage with more voters. (**A Member:** Hear, hear.) That would be a real game changer.

As I said last month, if there were seven better candidates in Castel, I would only be too delighted to step aside. Mr Deputy Bailiff, I cannot support the Requête as amended and I urge all Members to reject it. (**Several Members:** Hear, hear.)

Deputy Hadley: Okay, Mr Deputy Bailiff?

The Deputy Bailiff: Well, if you are thinking the debate is over we have got a sequence to go through, Deputy Hadley. (*Laughter*)

Deputy Gollop, I have marked you down as having spoken in general debate earlier.

Deputy Gollop: That is true, (*Laughter*) but I have a point of order to raise –

The Deputy Bailiff: A point of order? Which Rule has been broached?

Deputy Gollop: – and that is I have drafted a new amendment to the Proposition that may well be seconded to get it into play, by Deputy Fallaize. (*Laughter*)

Deputy Fallaize: It is news to me but (*Laughter*) you know...

3535 **The Deputy Bailiff:** Well, there is no amendment in play at the moment, unless you have got a seconder, Deputy Gollop?

Deputy Fallaize: Well, no. If Deputy Gollop wants to lay an amendment which proposes an alternative scheme of Island-wide voting –

3540 **Deputy Gollop:** That is what it does.

Deputy Fallaize: – frankly, I am happy to second *any* amendment (*Laughter*) along those lines to get that in play because I think it is healthy that the States resolves the least bad system of Island-wide voting today, rather than trying to revisit it in six months' time. (*Interjections*)

Deputy Gollop: If I could read the wording of the proposed amendment, it would be as follows:

‘To substitute the following for Proposition 1:’

– that is from the Requête –

“‘That with effect from the 2016 General Election approximately one quarter of Deputies shall be elected on an Island-wide basis, and all voters shall have the same number of votes regardless of the electoral district in which they reside, subject to approval in a referendum to be held as expeditiously as possible.’”

3550 ... the issues that we have heard from numerous Members in the last hour that they would prefer a different question to be put before the electorate.

The Deputy Bailiff: Well, Mr Procureur, we could get a copy of that circulated and just start the debate on it now.

3555 **Mr Procureur:** Well, it has got to be in writing.

The Deputy Bailiff: Yes.

3560 Interestingly, of course, Deputy Gollop has obviously got it in some electronic form because he has just read it out so under the Electronic Transactions Law there might be an argument that it is already in that form.

Deputy Fallaize: Sir, I do not have one of those electric communicators. If I am going to second it could I at least see it, please? (*Laughter*)

3565 **Mr Procureur:** Well, as you said, I have and I have got it on my i-Pad as well and I have looked at the wording of it (*Laughter*) but the Rules say it has got to be in writing and it must have the name of its proposer and seconder.

The Deputy Bailiff: So five minutes to get that done and then we will reconvene.

3570 **Greffier:** All rise.

*The Assembly adjourned at 5.10 p.m.
and resumed its sitting at 5.22 p.m.*

**XVII. Requête –
Island-wide voting –
Debate continued**

The Deputy Bailiff: What is the position then, Deputy Gollop? I have got an amendment in front of me that is written now.

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Deputy Gollop: Yes, the intention, sir, is to place the amendment, although it will be seconded by Deputy Arrun Wilkie and, of course, it is up to the States whether we wish to debate it.

I think it is quite fundamental, bearing in mind the success of Deputy Laurie Queripel's amendment, that we put the question to the electorate on the referendum; that we decide the wording of that question today or tomorrow and that the question is the best possible question we can put to the electorate and the one most likely, I think, to produce a result that all sides could live with.

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To that end, having listened to the debate about the numerous difficulties of electing –

Deputy Ogier: Excuse me, sir –

3585

The Deputy Bailiff: Does everyone have a copy?

Deputy Ogier: May we have a copy of it before hearing Deputy Gollop's opening speech, please?

3590

The Deputy Bailiff: Have we got copies for everyone?

Deputy Gollop: You haven't got copies?

The Deputy Bailiff: Well, we will get copies prepared for you. (**Deputy Gollop:** Yes.) Deputy Gollop, read it out beforehand. (**Deputy Gollop:** Yes.) Will you read it out again, please?

3595

Deputy Gollop: Yes. Thank you, sir.
The Requête on Island-wide Voting –

Amendment:

To substitute the following for the Proposition 1:

'1. That with effect from 2016 General Election, approximately one quarter of Deputies shall be elected on an Island-wide basis, and all voters shall have the same number of votes regardless of the electoral district in which they reside, subject to approval in a referendum to be held as expeditiously as possible.'

3600

Now, its main changes are that it implies that the parochial electoral districts will continue to exist and that they all have the number of Members – which they do not quite at the moment, as three of them have seven and four have six – but that one quarter of the Deputies, who will be Deputies, will be elected on an Island-wide basis. Whether that is on the same day or a different day, can be decided but my preference would be the same day.

3605

It is a simple question because, effectively, we have had eight electoral districts instead of seven.

Deputy Ogier: I am sorry to interrupt the speaker, sir, but are we hearing what the amendment is or is Deputy Gollop beginning his opening speech on it?

3610

The Deputy Bailiff: Effectively, Deputy Gollop is opening debate on the amendment.

Deputy Ogier: Can you advise at what point this Assembly will be able to challenge whether this goes further than the original Proposition or not?

3615

The Deputy Bailiff: It has got to be proposed and formally seconded, Deputy Ogier, first. So we are having the formal proposing of the amendment now from Deputy Gollop, then I will turn to Deputy Wilkie and then any procedural motions can be put at that point.

Deputy Gollop to continue.

3620

Deputy Gollop: It is my contention that if the Requête, as placed by Deputy Hadley, is voted against today – which is probable, given the large number of speeches against it – that will be seen as a premature and unhappy end, at least for the moment, to the Island-wide issue.

3625 We know from the experience of canvassing opinion polls and everything else, that perhaps two-thirds of the electorate wish to see an Island-wide component, but the crucial point there is an Island-wide component. The Hadley Requête and the six other requérants have put forward a view clearly that it is all or nothing – *all* of us are elected Island-wide.

3630 I believe that that question, as approved in the Deputy Laurie Queripel amendment, will be a confusing one to put before the public and one that will inevitably bring about a rejection of Island-wide, because the innate conservatism of many voters and the concerns that they would have about the complete loss of district or parochial representation, combined with the uncertainty of large numbers of candidates and manifestos – although I accept that it would be less problematic than some people have alleged – would nevertheless lead to a degree of scientism about the change; because it would be a venture into the unknown.

3635 The system within this amendment is completely known. We have elected in the past, on the same day, counting until the small hours, 12 Island-wide representatives. That works – we know it.

3640 We know that the system of electing a few people in each district works and we also know from across the water in Jersey that they have actually achieved both an Island-wide election and a district election on the same day, when Sir Philip Bailhache and three other candidates won office as senator at the most recent election.

So it is achievable. There is no uncertainty as to whether it will lead to chaos, confusion or anything else. This is a very simple system – far simpler than the one proposed in the Requête and far more part of Guernsey's recent political traditions.

I therefore wish for this amendment to be put into play.

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The Deputy Bailiff: Deputy Wilkie, do you formally second that?

Deputy Wilkie: Yes, sir. I reserve my right to speak.

3650

The Deputy Bailiff: Deputy Ogier.

Deputy Ogier: Thank you, sir.
May I invoke Rule 13(6)(a)?

3655

The Deputy Bailiff: Mr Procureur, can you assist?

The Procureur: Do you want my advice on whether you should rule that it goes further than the Proposition?

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The Deputy Bailiff: Well, I would certainly like your view on it, please.

The Procureur: Okay, I do not think it does. (**A Member:** Hear, hear.)

3665

The Deputy Bailiff: And I agree.
Deputy Fallaize.

Deputy Fallaize: Thank you, sir.
I will be a little bit longer than 10 seconds but not much longer.

3670 I want to speak now on behalf of the Committee really because, as I have said a few times – and I do not think the Committee has communicated this perhaps as effectively as it had hoped, but – appended to this Requête in the Billet is a report on Island-wide voting which was produced by the previous States' Assembly and Constitution Committee.

3675 It is, in the present Committee's opinion, a comprehensive and reasonable and accurate analysis of, quite probably, all of the variants of Island-wide voting that any Member of the States could possibly ever conceive of.

That is why I was keen to have amendments laid when Members could come forward with their preferred schemes, relying on the analysis that had already been carried out by the predecessor committee and is set out in the Billet over, I do not know, 70 or 80 pages, I think.

3680 The scheme that Deputy Gollop is putting forward in various... the scheme itself and variants thereof, are described between page 1949 of the Billet and page 1960 of the Billet. So there is no point in me

standing here and trying to offer the Committee's analysis of this amendment. Members can read it. It is in the Billet that is before the States this month – pages 1949 to 1960.

The Committee is happy that is a comprehensive and reasonable analysis of the strengths and weaknesses of the kind of system that Deputy Gollop is putting forward.

3685 Thank you, sir.

The Deputy Bailiff: Well, Members of the States, it has just gone 5.30 p.m. I am minded to put you a motion that the sitting continue until we at least complete debate on this amendment, so that people know where they stand overnight and, depending on how quickly it is, possibly even the whole item of business. That is put to the vote without any debate. So, those in favour?

3690

Members voted Contre.

The Deputy Bailiff: We will rise until 9.30 a.m. tomorrow.

The Assembly adjourned at 5.33 p.m.