



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Thursday, 25th June 2015**

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**Present:**

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

**Law Officers**

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

**People's Deputies**

**St. Peter Port South**

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

**St. Peter Port North**

Deputies M. K. Le Clerc, P. A. Sherbourne,  
R. Conder, L. C. Queripel

**St. Sampson**

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

**The Vale**

Deputies M. J. Fallaize, D. B. Jones, L. B. Queripel, M. M. Lowe,  
A. Spruce,

**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, D. A. Inglis

**The South-East**

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

**Representatives of the Island of Alderney**

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

**The Clerk to the States of Deliberation**

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

**Absent at the Evocation**

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller); Deputy P. A. Harwood, (*indisposé*); Deputy J. A. B. Gollop, (*relevé à 09h 37*); Deputy M. J. Storey, (*indisposé*); Deputy E. G. Bebb, (*relevé à 09h 37*); Deputy L. S. Trott, (*relevé à 09h 37*); Deputy A. R. Le Lièvre, (*absent de l'île*); Deputy G. M. Collins, (*absent de l'île*); Deputy Y. Burford, (*indisposée*);

## **Business transacted**

Evocation .....	1355
<b>Billet d'État XI .....</b>	<b>1355</b>
X. General Election 2016 – Debate continued – Propositions as amended carried .....	1355
XI. Panel of Members – Report of the Review Board for 2014 – Proposition carried.....	1392
<i>The Assembly adjourned at 12.14 p.m. ....</i>	<i>1393</i>

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The Deputy Greffier*

## EVOCATION

# Billet d'État XI

## STATES' ASSEMBLY & CONSTITUTION COMMITTEE

### X. General Election 2016 – Debate continued – Propositions as amended carried

**The Deputy Greffier:** Billet d'État XI – Article X – continuation of debate.

5 **The Bailiff:** We continue with the amendments, and the next amendment, Members of the States, is one to be proposed by Deputy Fallaize and seconded by Deputy Conder. Deputy Fallaize.

*Amendment:*

*In Proposition 2, to add 'and the Vale' immediately before 'at 8 a.m.'; and to delete 'and those in the district of St Sampson and the Vale' and substitute therefor 'and in the district of St Sampson'.*

**Deputy Fallaize:** Yes, thank you, sir.

10 The policy letter includes a proposal to have polling stations in almost all electoral districts, open from 8.00 a.m. to 8.00 p.m. for the 2016 General Election, as opposed to opening at 10 a.m. which has been the case up to this point. The two electoral districts which advised the Committee that they did not feel able to open at 8.00 a.m. were the Vale and St Sampson, and the Committee decided that because the polling stations are staffed by the parochial authorities that we would respect the wishes of each district.

15 Now the Vale, because the Vale is a wise parish, it has taken the time very carefully to reflect on the proposal, and after sober consideration it has decided that it too would wish to afford Vale parishioners the opportunity to vote from 8.00 a.m. and therefore the Committee is very pleased to be able to ask the States to include the Vale in this new provision of opening the polling stations from 8.00 a.m.

20 Of course, this does mean that St Sampson will be the only parish, if the States approve the Proposition and the amendment, which would not open its polling station until 10.00 a.m. I do not know how St Sampson Deputies in the States will feel about that but, of course, there is no time

limit on an amendment of this nature, and if those Deputies wish to lay an amendment to afford their parishioners the same opportunities to vote that will be afforded to all other people in Guernsey in 2016, then I feel quite sure the Committee would not be inclined to oppose such an amendment. But, of course, that is a matter for the Deputies of that district, and if the amendment is approved, and the Proposition as amended is approved, all the electoral districts will open their polling stations at 8.00 a.m. except St Sampson, which will not open until 10.00 a.m.

So, I ask Members to support the amendment.

Thank you, sir.

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

**Deputy Conder:** I do, sir.

**The Bailiff:** Thank you.

Then I think we have a number of Members who may wish to be *relevés* – Deputies Gollop, Trott and Bebb.

Does anybody wish to debate this amendment? Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Sir, I would like to propose a guillotine motion on this one, because I do not feel there is going to be any opposition, and go straight to the vote – *(Laughter)*

**The Bailiff:** It may there is no debate. It may actually be quicker to see if there is... Is there any debate? *(Interjections)* Well, there is –

**Deputy Wilkie:** Just a point of order, sir.

**The Bailiff:** Yes.

**Deputy Wilkie:** Should the amendment have been read out by...?

**The Bailiff:** No, it is not mandatory, it is discretionary.

**Deputy Wilkie:** Oh, it is discretionary.

**The Bailiff:** If you had wished it to be read out it could have been read out, but I think Deputy Fallaize explained the gist of it so any listeners listening will be aware of what the amendment does. As I read the Rule, it is either the proposer of the amendment or any other Member may request the Greffier to read it, but it is not mandatory that it be read.

So, rather than guillotine it I suggest we go straight to the vote. Those in favour; those against.

*Members voted Pour.*

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

The next amendment is one to be proposed by Deputy Wilkie, and seconded by Deputy Rob Jones. Deputy Wilkie.

*Amendment:*

*To insert a further proposition, immediately after proposition 4, as follows:*

*'4A. To direct the States Assembly and Constitution Committee to consider measures that would facilitate the electronic distribution of manifestos by candidates in the General Election and future elections and, if the Committee deems it appropriate, to implement any such measures in time for the General Election;'*

70 **Deputy Wilkie:** Sir, I will read out my amendment (*Laughter*)

**The Bailiff:** Thank you, Deputy Wilkie.

**Deputy Wilkie:**

'4A. To direct the States Assembly and Constitution Committee to consider measures that would facilitate the electronic distribution of manifestos by candidates in the General Election and future elections and, if the Committee deems it appropriate, to implement any such measures in time for the General Election;'

75 **The Procureur:** And it ends with a semi colon; it should be a full stop.

**Deputy Wilkie:** Thank you, Mr Procureur.

80 Sir, every day on this planet the human race sends 182 billion e-mails (**A Member:** Too many) and 500 million tweets, and not all of them by Deputy Gollop. We post 70 million pictures on Instagram, and we like over three billion Facebook posts. An idea or a thought could be transported globally in an instant, and a single post can reach billions, and yet five centuries ago more than 99% of our population could not even access a single book. In 1886 it would take 17 hours to send a 90 word telegram from Europe to America, and we heard in a presentation yesterday – many Members were there yesterday at the Sure presentation – that it took 30 years to go from 2G to 3G, and it has taken eight years to go to 4G, and we are now hearing that it is going to take four years to get to 5G.

85 Technology is moving faster than ever before in human history. We as an Island should embrace this new world as we did with banking, with growing, and to some extent privateering – okay, we may have gone a bit far there. This amendment simply asks that we look into giving Islanders the choice to receive manifestos by e-mail. If we are serious about engaging a younger generation of voters then voting for this amendment is essential.

90 This is a simple idea, it is a simple amendment, but I was hoping to have a more pro-active amendment. However, the legal complexities around collection and storage of e-mail addresses, and the Law around the Registrar General meant that this was not the quick win I had hoped for. You can today by voting for this amendment start the ball rolling so that our legislation can catch up with technology, and our fellow Islanders can, if they wish, participate in this global phenomenon, and your inspiring manifestos could be circulating the globe

Please support this very sensible, very simple, and very essential amendment.

Thank you.

100

**The Bailiff:** Deputy Rob Jones, do you second the amendment?

**Deputy Robert Jones:** I do, sir.

105 **The Bailiff:** Deputy Fallaize, do you wish to speak at this point or some other time?

**Deputy Fallaize:** I suppose.

110 A couple of things, I mean the Committee is happy to look into it, obviously, but just a couple of points. At the moment there is nothing which precludes candidates from communicating with their electorate electronically. It is perfectly possible to do that at the moment. I think that facilitating it, which would perhaps get us close to requiring the States to avail candidates of the e-mail addresses, for example, of the electorate does raise issues of data protection, and perhaps other legislative issues, which cannot be overlooked, and I am not sure it is going to be as complicated to facilitate it as perhaps some Members would wish, but it is not precluded at the moment.

115

The other thing is, the second point, is that because of what I have just said, I really do not think it will be possible to implement any facilitation measures in time for next year's General

120 Election. There are problems which would have to be overcome, issues which would have to be worked through, and I do not think it is going to be possible to do it for the next General Election, but other than that the Committee has no advice to provide to the States on this amendment.

**The Bailiff:** Deputy Gollop.

125 **Deputy Gollop:** Sir, well I do not know if I am responsible for the 600 million tweets that Deputy Wilkie alluded to, but I suppose some Members of the States have a fair number of followers. Deputy Stewart, Deputy St Pier, Deputy Le Tocq, particularly, have a large number of adherents.

130 What was interesting, the media or some branches of the media, defined the last General Election as the first real social media election in Guernsey. That was probably overstating the point, because nobody had as many followers as who vote in the seven electoral districts, and we do have some notable Members, I think the SACC Chairman would be one, who are not on Twitter as far as I know – (*Interjection*) Exactly. But approximately half of the Members of this Chamber are members of Twitter, and in the so called Sarnian Spring of 2012 when a new generation of Members arrived, many with barnstorming, poll-topping performances, it was quite interesting to see that nearly all of the candidates who got in, or came very close to getting in, were already on Twitter, and many of the other candidates were not. So it clearly is an evolving trend, even if the Westminster elections suggested that Twitter can be an own goal on occasions.

135 I mention that to say that we have to move with the times. I take seriously Deputy Fallaize's concerns, but maybe the initial way of doing this would be for all electors on the Island to voluntarily submit an e-mail account to the Registrar General that they would be happy to receive such correspondence, and those who chose not to do so would not be sent manifestos in that way, unless the candidate himself, or herself took a particular risk. Perhaps that would be a way round some of the legislative framework here.

140 I do in principle support the amendment.

145 **The Bailiff:** Deputy Kuttelwascher.

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

150 Having given this a couple of minutes thought, (*Laughter*) I feel there could be an initial way forward which was not quite, maybe, his intention of the amendment. But if those Members who so wish would submit an electronic version of their manifestos which could be posted on the Gov Website, then those members of the public who would want to download it would be able to, and that would preclude any issues, I think, with data protection. So if members of the public were aware that manifestos were available on line, they could if they so wish download them.

155 Thank you, sir. Sorry I will give way –

**The Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** I thank Deputy Kuttelwascher for giving way.

160 On that very point, the Committee is working with the Home Department in relation to preparations for the General Election, and at our next meeting I was going to suggest, if it is not being considered already that we have – I do not know whether it would be a separate part of gov.gg or a separate website, but – an election website, and candidates are then invited to upload material that they wish. It may even be possible to have some sort of forum on that website, but I think the development of an election only website or section of the website is now probably overdue. That is what happens in most smaller jurisdictions, and I am keen to pursue it for 2016 if we can afford to do it.

170 **The Bailiff:** Deputy Stewart – I do not know if Deputy Kuttelwascher is finished, because he was just giving way, so that is why I was looking to him, to see if he wants to stand again.

175 **Deputy Kuttelwascher:** I was going to finish, but now that I have heard what I have heard, I think this is maybe the way forward in the short term. Whether or not we should go down the route of as it were letting Deputies e-mail thousands of people at will is another issue, but this would, I think, provide the same result in the sense that only those people, the public, who want to have an electronic version of the manifesto would have the option to do so. You then have the problem of the candidate not knowing who has got an electronic one and who has got a paper one, but that is life, isn't it? Nothing is simple.

180 **The Bailiff:** Deputy Bebb, then Deputy Stewart and Deputy Lester Queripel.

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

185 The first question that I would ask to the proposer of this amendment is, what does he mean by an electronic manifesto? The reason I say that is because we are used to manifestos as being pieces of paper and you read it, very simple, but when it comes to an electronic manifesto, realistically, I suppose I could say that I had an electronic manifesto last time, because I have a website, and that is exactly what my website was. There is nothing else in there except realistically my manifesto commitment. But, I do not want to just place an image that is a copy of my manifesto on my website. The experience, the expectation of anybody engaging with a website is something very, very different to the expectation of engaging with a piece of paper. You expect  
190 that when your mouse rolls over something that something happens, you can click through a link in order to read something else. I remember my manifesto commitments were just headlines, you had to click on them in order to read them, facilitating the person to choose what they read, what they do not read, what they are interested in, what they are not interested in, and that is realistically the problem. Expectations when it comes to electronic communications are very  
195 different to expectations when it comes to paper commitments.

Therefore I question first of all what is meant by an electronic manifesto, because surely we have those. A number of Deputies already have websites. Also a question in relation to this idea that the Government should be facilitating the websites. Plenty of us already have them, plenty of  
200 us pay good money, and not an awful lot of that, every year in order to keep them going. I think that paying something like £70 or £80 fee – and that is it per annum – this is not overly expensive, and I would state from my personal experience that, having done a very small amount of blogging it is well received within the electronic community of Guernsey to have that type of interaction and engagement. Therefore this would not be a one-off thing. I would encourage all Members to  
205 engage more frequently in this way. It is something that my experience is that people do receive it very well, and I do believe that we would be in a better position if we communicated more frequently in this type of way.

Therefore it no longer becomes a question of the election, it becomes a question of someone's platform. Either as a Deputy for the four years, or anybody who is thinking of becoming a Deputy  
210 in 2016, have probably got some form of electronic website, or some form of communication, up and running already. We know that certain people are already campaigning for certain issues, well that could well be viewed as an election commitment in the making. It is a platform that is being built up already.

Now the other thing is that I pay for my own website, but increasingly we find that people  
215 choose to use Facebook or Twitter, particularly Facebook because it allows different forms of engagement, in order to also engage with people. Is that an electronic manifesto? When we are talking about communicating on a regular basis, who are we to actually have a list of e-mails, when people can opt in or out of whether they receive communications with us in the same way that it happens in Twitter and in Facebook? People choose what they want to read, how they want  
220 to read it, when they want to read it.

Whereas there might be a case for some form of Government Election website, my personal instinct is that it should contain links to the candidates' website, and not to have its own specific areas. I think that we would also do well to gather the names of all companies that can easily and conveniently set up websites, so that it becomes part of the election pack, if you like, to assist candidates as to whether they wish to engage in this form or not.

Now the question also of distributing e-mail addresses. I have thought about this, and due to the fact that the post has been around for a couple of hundred years, we are also very well used to vexatious post. We all remember the junk mail that used to arrive on a huge basis a couple of decades ago, it has trickled now into a much smaller amount at my house. But, everybody knows how to deal with junk mail, it goes directly into the recycling bin, or into the fire. That is not an issue today, but when it comes to e-mails, I am afraid it still is.

I had cause recently to visit my mother in Wales, and I found out that somebody had phoned her claiming to be from Microsoft and therefore she made some changes, and lo and behold at the end of the conversation the person said, 'Well now if you want any of your information I will need £400', which apparently comes quite cheap these days. Cybercrime is such that if you want to have the use of your computer again it sometimes reaches into thousands of pounds. It is one of those things that an awful lot of people do not have the knowhow and experience of how to deal with vexatious e-mails, vexatious claims on their computers. These are becoming increasingly important within people's lives and the education in order to be able to deal with such vexatious people is not there as part of the general public yet. Therefore, I question whether for those of us who know how to deal with e-mails and so forth, and if you receive an e-mail with an attachment that you know is a little strange then you know to delete the e-mail. But how many people on the Island do know that at this moment in time. I question that. It is not a question of us; it is a question of a large number of an older generation that do not have the experience of dealing with such issues. To certainly make a list of e-mails, as is the Register, publicly available invites such problems. I believe that for anybody who would expect to deal electronically with any candidate in 2016 already have the knowhow to engage with websites, Twitter, Facebook, any other form of social media. Therefore I am tended to mind that there would be little benefit in investigating how this could be facilitated at this point in time. I honestly believe that we have not reached that point.

I also question what benefit would it have to have this facilitation, and this work done, when realistically the next election, the 2016 Election, every single person on the register will have their address there and therefore a paper manifesto will be distributed as well as probably on that paper manifesto the website address. If that is not engaging electronically in order to invite people to then interact electronically I do not know what is. Therefore I question what merits there would be in the 2016 Election.

Thank you.

**The Bailiff:** Deputy Stewart.

**Deputy Stewart:** Yes, Mr Bailiff.

I would really encourage the Committee to engage with our Chief Information Officer, and also members of the Dandelion Project. Over the next year we will be launching the Digital Greenhouse, in fact that will be on the ground within the next couple of months. We are bringing together members of the community, which is quite disparate, whether they do coding, whether they do apps, but already the Policy Council is posting both dynamic and static data to a site called data.gg.

Then these people within the digital community have already written things, free of charge, at no cost to the States, apps for example at the airport, Guernsey flights. So it is one thing to go to a website, but on a smart phone just to be able to hit the app, all the flights come in... So what I would suggest is to engage early, because I think what we could have is an election app.

275 This is not just about young people – I know we have universal suffrage at 16. Many, many  
older people now are very smartphone savvy, and to have an election app where you can instantly  
find out when the polling stations open, where you can instantly find out the candidates, where  
you can find out more details about the candidates, go and then find their web addresses – I  
would encourage you to do that. This is something that we are really driving forward. At the  
Digital Greenhouse we are going to have an e-government drop-in part of that, so that people  
who do not understand some of the services that the States of Guernsey offer digitally can be  
walked through it and shown.

280 So I think this is something that we need to start embracing. People do not just consume bits  
of paper anymore. They like to, when they are sitting at home on their sofa, be able to look  
through and browse through an app where they can then spread further and find further details.  
So I would encourage, we have massive amount of resource in the Island, the Digital Greenhouse  
will help bring some focus to this, but certainly the whole transformation programme, where our  
285 Chief Information Officer is looking, is how does Government communicate with the public, how  
can we do that better, how can we open up more channels of communication? This will really be  
one, so I would really ask the Committee to meet with our new CIO, talk to people from the  
Dandelion Project and I am sure they will come up with some really good ideas to inform you.

Thank you, sir.

290

**The Bailiff:** Deputy Lester Queripel, and then Deputy Soulsby.

**Deputy Lester Queripel:** Sir, thank you.

295 I just seek clarification on three points. The first one is this: Deputy Wilkie did say in his  
opening speech this gives candidates a choice, and I am all in favour of that. I would just ask  
Deputy Wilkie please to clarify, will this be as well as giving candidates the opportunity to  
distribute paper manifestos?

My second point is this: will this be included in a candidate's overall campaign costs in any  
way, because if it is, that will restrict the amount a candidate can spend on their paper manifestos?

300 My final point is this: Deputy Fallaize and Deputy Bebb have already alluded to the fact that  
the candidate can distribute electronically now. So if you vote in favour of this amendment,  
presumably valuable resources will have to be used to look into this, at a time when we already  
struggle with resources to do what we want to do now. So, is this not rather a superfluous  
amendment that will cost the taxpayer unnecessarily?

305 Thank you, sir.

**The Bailiff:** Deputy Soulsby, then Deputy Conder.

310 **Deputy Soulsby:** Sir, I would just like to comment on what Deputy Bebb said earlier, and just  
follow up on what Deputy Lester Queripel just said.

I think Deputy Bebb has lost the point really about this amendment, because as far as I am  
concerned it is not whether or not you have a website, or the form that your manifesto will take,  
either a PDF or a link to your website. This is about being able to make the electorate directly  
aware of your manifesto. Just in the same way we currently just put paper manifestos through the  
315 post-box, and for one I would have thought this has to be another option in this day and age,  
where people do not have more paper being shoved through their letter-boxes. I am sure many  
people out there will be very grateful for not having more stuff just stuck through that they have  
got piling up on their kitchen table. I would certainly like to say that about in our household.

320 But also in terms of Deputy Lester Queripel talking about 'will this cause extra cost?', well no I  
would hope if people have got the option of only receiving manifestos electronically this should  
slash the cost of the next Election or what is probably, as Deputy Fallaize said earlier, probably will  
be 2020 now, because of the time available, but I think this is the way we have to go in the States  
and certainly ensure we could get added value for money.

**The Bailiff:** Deputy Conder, then Deputy Duquemin.

325

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

I would just like to say I think this is an excellent idea which the States' Assembly & Constitution Committee should consider. I would just like to point out, sir, that in respect of Deputy Stewart's suggestions and recommendations. It is actually the Home Department that has responsibility for running and organising the Election not SACC, so his ideas would be in their domain and not SACC's.

330

**The Bailiff:** Deputy Duquemin.

335

**Deputy Duquemin:** Thank you, Mr Bailiff.

I think I would echo the words spoken by Deputy Stewart, and also Deputy Soulsby, but perhaps I think this debate has perhaps become more expansive in its subject, and it is a question for me, having had a few more minutes to digest than Deputy Kuttelwascher, it is how technology can play a part in the Election, and in a sense it comes back to part of the debate that we held yesterday on the amendment, which was how we could engage with voters to increase turnout and improve the mandate. For me it is simply about the electoral roll having the ability to capture the correct data.

340

We realise that for candidates to be able to engage with the electorate they are given the home address of the voters. Here, we are potentially giving them the option that they not only give their home address but also give their e-mail address, because they like receiving e-mails in exactly the way that Deputy Soulsby has mentioned, in the same way that they would appreciate receiving letters. But for me that data capture could almost also include things such as SMS text, because in terms of engaging with voters it could be a possibility if they opt in; it could be a case that the Home Department that will then run the Election through the website, through the app that Deputy Stewart mentions, could literally tell people that their voting opens at either 8.00 a.m. in the morning or 10.00 a.m. in the morning. It could tell them that the hustings takes place on a certain evening, it could engage and enthuse them to vote, because I think that is the main thing that we need to do and is a real positive impact from changes, and dare I say it, the cliché phrase, 'might be joining the 21st century'.

345

350

355

So for me I would ask – I would support the amendment because I think it makes a lot of sense, but I would also urge SACC in their deliberations, and also the Home Department, to consider exactly what data we capture on the electoral roll, because, yes it makes sense to collect their home address, but also it makes perfect sense to collect other forms of communication channels that could be very useful.

360

Thank you, sir.

**The Bailiff:** Deputy Brehaut.

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

365

I think we need to not over-egg the tech pudding here, because the reality is: if somebody is voting for you, they want to get a look at you; they want to speak to you; they want to have an appreciation of exactly where you are coming from. Now if – as a result of listening to Deputy Soulsby I thought, well, why don't we just all work from home? Let's not print a manifesto, let's drop somebody an e-mail or direct them to a website – I will give way –

370

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** I thank Deputy Brehaut for giving way.

375 This is not in addition to pounding the streets. This is just a means of getting the paper  
manifesto because often you go round and try and knock on doors, people are not there, so it is a  
way of ensuring that people do see what you stand for.

380 **Deputy Brehaut:** I think if we look at *The Press* circulation and, although a number of people  
do get *The Press* on line, *The Guernsey Evening Press & Star* or whatever it is, some people will still  
buy a paper, because it is habit. It is what they enjoy, and you pour yourself a tea; you look at the  
comment column; generally you cry after you've read the paper – (*Laughter*) You are then talked  
down off a stool by your close relatives... but we should not imply that we are not engaging, and  
that was said at the very beginning here, this is an opportunity to engage – do not give up  
another opportunity to engage – for people like myself who have a States' e-mail account,  
385 another e-mail account. I use Twitter. I used to use Facebook, but frankly it is so abusive, and I  
have to say that when people come to this Assembly and say, for example, 'The Environment  
Department needs to listen to Facebook, there are 1,000 likes', have you *read* them? *Have you  
read them?* They are absolutely brutal! Yet people use them to say we should be using that as  
feedback to inform policy.

390 Do *not* over-egg the tech pudding here, because I think there is incredible strength and power  
in knocking on somebody's door, they get to meet you and they will decide in that way. I believe  
politicians in a small community, whether you are buying a loaf of bread, whether you are getting  
a litre of petrol, wherever you are, the Guernsey public will take the opportunity to engage with  
you. I think we are probably some of the most accessible politicians in any community anywhere,  
395 perhaps other than Alderney.

Thank you, sir.

**The Bailiff:** Deputy Gillson.

400 **Deputy Gillson:** Sir, just one quick small point, technically it is the Registrar General of Electors  
that runs the election, not Home Department. It will be Home Department's staff but just so the  
public know there is not political control over the election process.

Home Department has not discussed this, this is my own personal view. I am surprised there is  
any opposition to this, actually. It seems to me just a simple amendment to allow manifestos to be  
405 distributed in a different format. I do not think there is any real practical complications, difficulties,  
people can have an opt-in box on the registration form, that if they want to they can give their e-  
mail address. They can have a tick box to say if they prefer to have the paper manifesto as well as  
the electronic one. That is straightforward. The IT department have confirmed that it should be  
straightforward to be able to export the addresses from a gov.drop to other formats, so if  
410 someone uses Hotmail they will be able to export directly into someone's Hotmail system.

I think there is a question regarding the use of e-mails after the election process. After the  
election is gone whether people would want – whether there is a data protection issue on those  
e-mail addresses being available after the election process is done and dusted, but that is  
something that can be sorted out. So quite frankly I will support this, and I am surprised people  
415 do not support it.

**The Bailiff:** Deputy Le Clerc.

**Deputy Le Clerc:** Thank you, sir.

420 I agree entirely with Deputy Gillson, it was what I was really going to stand up and say. But, I  
think this does afford us a huge opportunity that if we can use this beyond the election, for  
targeting some of the consultations, that we do. We really need to reach our younger people. I  
went into St Sampson's School last week and I asked them who were the Deputies in Vale, St  
Peter Port and St Sampson, and they only knew Deputy John Gollop. So we have to find a way of  
425 communicating with our young people.

Some of the feedback that we are already getting on the consultation of the Children and Young People's Plan is that we need to make more contact on social media with young people, while another comment was that texting would be better. This is the medium that young people use, and there are very sophisticated ways now using marketing methods to ensure that we reach  
430 the people, and that for those people that do not want to receive things electronically there is way of making sure they do not receive them.

Last time I knocked on doors there were actually people saying to me, 'I would just really prefer to receive an electronic manifesto.' So I think we have to give people choice, and I think part of Service Guernsey is communicating with the people of Guernsey in a different way and I  
435 think this is the way forward.

Thank you.

**The Bailiff:** Deputy Rob Jones.

440 **Deputy Robert Jones:** Yes, thank you, sir.

I will not be long. When Deputy Wilkie phoned me to second this, it took me a couple of minutes to say yes. The way I see it is to consider measures that would facilitate the electronic distribution of manifestos. It is another string to our bow. When I hit the campaign trail in 2012, I posted manifestos; I carried them round with me when I knocked on doors. I would not envisage  
445 this as a substitution to knocking on doors and getting to meet the electorate. I think it merely enables you to give them an advance copy of your manifesto before you knock. So I think we really do need to be measured in our opposition to this.

Thank you, sir.

450 **The Bailiff:** Does anybody else wish to debate this amendment? No.

Deputy Wilkie, do you wish to reply to the debate?

**Deputy Wilkie:** Yes, sir, I will keep it short.

I thank Deputy Fallaize for his comments, and obviously in the amendment we have not put a definite date in there, because I understand the complications that you may come across in this  
455 investigation.

I thank Deputy Gollop for his support, Deputy Kuttelwascher for giving it a couple of minutes' thought, and I thank Deputy Bebb for his comments, but I think the way that Deputy Bebb is – Sir the way that Deputy Bebb is saying that people should go out and look for the websites –

460 Oh sorry I did not see you, I will give way –

**The Bailiff:** Give way to Deputy Kuttelwascher.

465 **Deputy Kuttelwascher:** I thank Deputy Wilkie for giving way, and I just wish to point out that his seconder also only gave it a couple of minutes' thought. *(Laughter)*

**Deputy Wilkie:** I would just like to clarify that point, sir, that he gave it a couple of minutes to say yes, not a couple of minutes' thought.

470 But, yes, going back to Deputy Bebb's point that you have already got websites that people can go on, but we do not ask people to come up and pick up manifestos from our house, we send them to their door, so that is quite an onerous thing asking people to search for our websites so they can get our manifestos. This is giving them the choice and the option to receive manifestos.

Deputy Brehaut's point that for some reason Deputies will now become hermits, and not go out and speak to people, that it not what this is about. It is simply giving people a choice, a  
475 different way of receiving manifestos. If we do not start this work now, we could be in a situation where I explained before how fast technology is moving on, and we could get to the 2024 Election and people still will not be able to receive manifestos via e-mails if they want to.

So, I would just ask people to support this amendment, and get this work started now.  
Thank you, sir.

480

**The Bailiff:** Thank you very much.  
Deputy Lester Queripel.

485

**Deputy Lester Queripel:** Sir, I did ask Deputy Wilkie to clarify three points. I think he has already clarified one of them. The first one was: will this be as well as giving candidates the opportunity to distribute paper manifestos? I think the answer to that was yes.

My second point was this. Will this be included in a candidate's overall campaign costs in any way? Because if it is, then that will restrict the amount of money a candidate can then spend on their paper manifestos.

490

The third point was: isn't this rather a superfluous amendment that will cost the taxpayer unnecessarily because valuable resources will have to be used?

I would like clarification on those points, please, sir.

495

**The Bailiff:** I think Deputy Queripel is saying you have not answered his three questions, Deputy Wilkie.

**Deputy Wilkie:** Thank you, sir.

500

I thank Deputy Lester Queripel for pulling me up on that. I think on his point of cost, well if you are going to e-mail, e-mails cost nothing. If you send paper it costs money, so I believe it will actually reduce costs, and reduce costs to the taxpayer, if this is successful.

So I really cannot see why he thinks that is an issue, and why it is going to cost the taxpayer money, so I say to Deputy Lester Queripel that it is not going to cost money, and if you vote for this you will be saving the taxpayer money.

505

**The Bailiff:** We vote then on the amendment proposed by Deputy Wilkie, seconded by Deputy Rob Jones. Those in favour; those against.

*Members voted Pour.*

510

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

The next amendment is to be proposed by Deputy Spruce and seconded by Deputy Gillson.  
Deputy Spruce.

*Amendment:*

*To add a further proposition as follows:*

*'9. To direct the States Assembly and Constitution Committee to lay before the States of Deliberation no later than the States meeting in January 2016*

*a) amendments to the Rules of Procedure of the States of Deliberation and the Rules relating to the Constitution and Operation of States Departments and Committees, specifically to require Declarations of Unspent Convictions, that is to say of any criminal convictions resulting in sentences of imprisonment which are not to be treated as spent pursuant to the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002. This additional declaration to be made and lodged with the Greffier and published by him, in the same manner and at the same time that existing Declarations of Interest are required to be so made, lodged and published;*

*b) proposals to extend the requirements in relation to Declarations of Unspent Convictions, to candidates at elections for the office of People's Deputy; to ensure appropriate verification of such declarations, and to create a specific offence of knowingly or recklessly making false statements in them; and directing the preparation of such legislation as may be necessary to give effect to those proposals.'*

**Deputy Spruce:** Thank you, sir.

515 Members, I shall not read out the amendment, because it is obviously quite long, and I imagine you can all read. So, I will just give my speech. *(Laughter)*

I hope you find the amendment before you self-explanatory. At present Members or individuals standing for election need not provide any proof that they have a clean criminal record. There is not even a requirement for a People's Deputy to declare that they have no  
520 recorded criminal conviction.

Now, as we are all aware, it is commonplace that most people are required to provide a criminal records check in order to secure employment in any position of trust. By way of example a member of my family wishes to be employed by the States of Guernsey, they have two advanced criminal records checks currently in their possession, but that is still not good enough  
525 for our HR Department, they are being asked for yet another one to work for our own Civil Service.

Given that these are the processes the general public have to go through to secure employment, I believe that at the very least Members elected to public office should provide the electorate with demonstrable proof that they comply with the highest ethical standards. After all a  
530 People's Deputy is often required to provide advice and support to members of the public, we get invited in to people's homes, and are privy to a considerable amount of trust. We may not be popular, but we are generally considered to be trustworthy people due to the position we occupy – at least that is what I think. In my view we cannot have one slack set of rules for elected representatives – rules which only require a candidate to declare their personal interests, but do  
535 not require them to declare whether they have a criminal record – and a more stringent set of rules which require criminal record checks for practically every person who wishes employment where contact with the public or children is commonplace.

As the policy letter states, way back in 2012 I approached SACC to consider amending the nomination process to require all candidates standing for election as a People's Deputy to provide  
540 a criminal records check, together with their nomination form. However, as you can see SACC on balance did not feel this was necessary. Having now spoken with the Procureur and Chairman of SACC, I am advised that it is not now possible to achieve a change in the Rehabilitation of Offenders Law prior to the next election to include criminal records checks. Given that situation, I have had to reconsider what can be done. For the avoidance of doubt, clause 9.(a) of the  
545 amendment will require Members to declare only unspent criminal convictions, that is to say serious criminal convictions of over 30 months' duration; while clause 9.(b) will make it a specific offence to make a false declaration to that effect.

This amendment will, if accepted by you, significantly improve our governance procedures, and demonstrably ensure that only the highest ethical standards are acceptable from Members  
550 elected to public office. It will also ensure that the risk of legitimate criticism is minimised due to inadequate process.

I would ask you therefore to support the amendment, in order that sensible governance procedures are eventually put in place.

Thank you.

555

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

**Deputy Gillson:** I do, sir, and I reserve my right to speak.

560 **The Bailiff:** Thank you.

Deputy Fallaize, do you wish to speak now or – ?

**Deputy Fallaize:** No, I do not think so, on this one I will speak later, sir.

565 **The Bailiff:** Thank you.

Deputy Trott.

570 **Deputy Trott:** Sir, I am not sure if I heard my good friend Deputy Spruce correctly, but did he say that this would only relate to unspent criminal convictions of a duration of 30 months or greater? If he did, is not the consequence of that to reduce the period of eligibility for declaration from five years to two and a half years?

**The Bailiff:** Deputy Bebb.

575 **Deputy Bebb:** Thank you, Monsieur Le Bailli.

I appreciate everything that Deputy Spruce said, and I see the logic to his argument, but this one I really do disagree with, and I know that Deputy Spruce will not be surprised with that. I cringe every time I hear of the criminal records check, because I fear that we use this so often as a phrase that somehow people think that it provides protection and, of course, nothing could be  
580 further from the truth. I think that it was a Deputy here, and I cannot remember which Deputy who said in a meeting that we once had, Jimmy Savile would have a beautiful clean record. We would do well to remember that it is not a catch all. It is false to imagine that it is, and yet with an increasing regularity we see this being used as some form of justification that everything is fine.

I am a little concerned as to what Deputy Spruce said of the States requiring three different  
585 criminal records checks, because that in and of itself does not in any way guarantee that the person is safe. You could have run 50 criminal records checks on Jimmy Savile, to use the latest bogeyman, and it would have been absolutely fine – and would have been able to work with children, as he was – would have been able to work with vulnerable individuals. The criminal records check only does anything in relation to those people that have been caught, and they are  
590 generally already known, and if it is something serious then my understanding is that the criminal process actually deals with a lot of this. The people that we should be worried about are those that have no criminal record.

The other concern that I have in relation to this amendment is, of course, that we would have – and it is not a small measure – I would like to equate it – the problem that we have is the wording  
595 that would appear in relation to the registration, because it asks for unspent convictions, and it immediately has that word ‘convictions’. I can well see the system that would have people who have convictions, that have spent convictions, looking at it and feeling that they would not want to engage. Now before people dismiss this argument, I would like to point out that the experience of those which have a legal disability, because the legal disability appeared on the ballot and so  
600 forth, a number of people who had a disability, and were claiming benefits from the Social Security Department, questioned whether they were entitled to vote. Now we all know that they, of course, were entitled to vote, they had every entitlement to vote. But let’s not imagine that it did not cause confusion to have that legal disability – when people go to vote the question as to whether you are, it created the point that a number of people with disabilities felt that they could  
605 not register to vote.

Now in the same way if we have something with the word ‘convictions’ there, I would wager that in the same way a number of people would also feel that they are not entitled to participate when they are, and the problem that I have is that there is a lot that we could learn from people who have spent convictions. There is a lot that we could learn to understand where we go wrong,  
610 and we immediately disenfranchise part of the electorate. I know that Deputy Spruce does not agree with that, but I believe that it is something that has happened in another area, and we would be inviting the same problems in this area. I do not see someone in future actually wanting to increase the franchise in that way.

On balance I feel that it is the wrong approach. I feel that we have sufficient measures in place  
615 at the moment in order to deal with the question of who should and should not be eligible to stand.

Thank you.

**The Bailiff:** Deputy Conder.

620 **Deputy Conder:** Sir, thank you.

I very much agree with what Deputy Bebb has just said. Just a couple of other points. I think in terms of human justice, in the main, when somebody has served their sentence they have been assumed to have paid their penalty to society. This concerns me a bit, although I have to say I do understand what the amendment is trying to achieve, but it does concern me that seeking election as a people's representative is very different, in some ways it has a higher standard, but also it is open to anyone, and if we are saying that a spent conviction, in effect, will affect your ability to be elected, I think it perpetuates the sentence, so I am a bit concerned about that.

625 I would seek clarity also from Deputy Spruce in terms of sentence of imprisonment or longer imposed in the last five years, the amendment does not specifically relate to Guernsey or indeed to the United Kingdom, so perhaps Deputy Spruce would be kind enough to elucidate what he intends, because an offence which might attract a sentence of six months in prison or more in an entirely different jurisdiction might be for an offence that is considered imprisonable under those terms in that jurisdiction for a perceived crime in a different jurisdiction which would not be a crime in this or other jurisdictions. So I think he would at least have to define what he means by that and put some sort of restriction, I think, for this to be fair. Because in many other countries there are offences which are related to religion, or matrimonial behaviour, which can result in an imprisonment of six months or more, which simply would not be imprisonable here. So I would be grateful for Deputy Spruce's explanation and clarification of that point.

630 As I say, I do entirely understand what he is trying to achieve, but I think in some ways it is a sledgehammer to crack a nut at the moment, and I would not be able to support this at this time.

**The Bailiff:** Deputy Brehaut.

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

Some years ago when I was a St Peter Port Douzenier, I was surprised that when I became an Overseer – Procureur of the Poor – that I had no type of check carried out whatsoever, and there I was with vulnerable young people, single mothers who needed one thing, they needed money. They needed money and they needed it then so they could get through the week or the days ahead and there I was with that decision at my fingertips. No checks were carried out on me whatsoever. When I said to the Douzaine that Procureurs should be police checked it was met with... As my mother-in-law would say, they were 'black affronted' by the idea that any member of the Douzaine should be police checked for anything.

650 The first time I ever had the longer police check was when I volunteered to do some reading at St Martin's School – the children fell asleep after page 3 of my manifesto by the way (*Laughter*) – but I had to do a police check for that and I accepted that.

655 What concerns me about this is if we walked down the High Street today we are mixing with people that we know nothing about. They have got interesting life experiences, some of them have led very different lives, and believe it or not we are actually quite safe in doing that. If this Assembly – if we start weeding out, whittling down, different sectors of society then what would this Assembly become? For example, with change in the terrorist legislation, there are lots of people that believe action of one sort is the most appropriate thing to do, so if there were those young people out in our community now protesting against Shell's oil exploits in the Arctic, they could well be arrested on anti-terror legislation, or people who have taken direct action before whether it has been opposing a bypass, or whatever it has been, the anti-terrorist legislation is used in my view with a heavy hand.

665 So what I am saying is, someone who was a political activist and took part in direct action in, let's say when they were 23 or 24, at the age of 40 they arrive at politics and they want to participate. How long will it be before the manifestos say – because people will, it will become that sort of arms race – people say, 'I am cleaner than you'. It would say 'what are your spent

670 convictions?', then other people would say in their manifestos, 'Well I have got no convictions whatsoever', and you will find that people will be singled out and whittled down and separated out from, and you will have a curious mix in this Assembly. You will have –  
I will give way to Deputy Bebb.

675 **Deputy Bebb:** I thank Deputy Brehaut for giving way.  
Would he acknowledge that, of course, such a measure would result in Nelson Mandela not being able to participate in politics in South Africa because of his convictions?

**The Bailiff:** Deputy Brehaut.

680 **Deputy Brehaut:** I know it is a bigger subject, but Nelson Mandela is a classic example where I think even the Tory Government had him down as a terrorist, and I think now every child would list Nelson Mandela as the example of leadership and reconciliation and all the rest of it.

685 But we have to be very careful here that you do not end up with – because looking around the Assembly I am still, I think, one of the youngest Members of this Assembly, now what do we – sorry Deputy... I have forgotten his name, how embarrassing! (*Interjections and laughter*) – Deputy Green – I am sorry, Green by name and green by... Deputy Green is also looking 'black affronted' because he is a bit younger than me! But no, seriously we cannot have too many filters on this process, because if we want a representative Chamber we need to have that warts and all thing, to  
690 be truly representative of the society out there.

My concern is that... I take the point clearly... I understand what Deputy Spruce is trying to achieve with this, but I think we will have another layer of filtering that will mean some very good people, some very capable people, would be perhaps even embarrassed or encouraged not to stand because of an event motivated out of a sincerely held belief is used to in some way  
695 embarrass them or expose them, for want of a better word, at some later stage.

Thank you.

**The Bailiff:** Deputy Dave Jones.

700 **Deputy David Jones:** Thank you.

I think also you have to account for the fact that people change over the years. When I was young, 40-odd years ago, I used to like to fight a lot, and I got into trouble with that and I ended up before the courts on a couple of occasions for doing just that, but I think you grow out of that.

705 You have to also allow for people's background. I came from a background, I gave you a flavour of it yesterday, that was one of violence and punctuated with short periods of terror, and fighting in boys' homes was something you needed to do to survive, quite frankly. So, I think that you have to remember that people do change, and what we were like 40 years ago, I doubt there are very few of us in this States who have not done some things when they were much younger that there were not particularly proud of, but you change. You are all now upstanding members of  
710 the community – whether the community believes that is another matter – but you offered yourself for election, you proved to the public that you represent a clean and upstanding society, and that is right.

I do not think we should buck against this particular amendment. It is basically saying that you cannot just rock up in Guernsey and three years later, four years later, stand in an election without  
715 at least declaring whether you have got some outstanding issues. So I think we should embrace it, but remember the fact that you have to allow people the right to change as they grow up.

Thank you.

**The Bailiff:** Deputy Gillson.

720 **Deputy Gillson:** Sir, I am happy to second this amendment. I think it is a sensible amendment.

725 I would like a word on the rehabilitation of offenders. The rehabilitation of offenders is hugely important, which is why we do have a Law that says depending upon the crime, depending on the sentence, convictions become spent after a period of time, which means that a person does not have to declare them, and prior to that period of time they class as unspent, and in certain circumstances they have to be declared. That is quite right. I agree totally with Deputy David Jones people do things in their youth, people change, and that is why we have the rehabilitation of offenders, why we allow convictions to become spent, and it is hugely right.

730 Let's remember this amendment relates only to unspent convictions, and it relates to a declaration relating to those. It is about openness and transparency, people being transparent about their history, and if somebody in the last year or so has a conviction for – it is an extreme one – GBH, then the electorate, if they are going to invite them into their homes while they are electioneering, should have a right to know about that.

735 I take up two points that have been made. One is Deputy Bebb that made a speech, a very good speech, as usual, but most of it was about criminal records checks, and their inadequacies, and I see Members nodding, and it is true there is an inadequacy in criminal records checks because it only shows people who have been convicted. But this is not about criminal records checks. The argument on criminal records checks is irrelevant to this. This is about people making a declaration – I will give way.

740 **The Bailiff:** Deputy Bebb.

**Deputy Bebb:** I thank Deputy Gillson for giving way.

745 The reason I raised the records checks is because it was raised in Deputy Spruce's opening speech.

750 **Deputy Gillson:** He raised it because he was giving background into his thoughts. That is completely different to trying to use it to discredit or talk against this amendment. Because this amendment does not relate to it. It is a different argument. What the amendment is talking about is being open and transparent and giving people knowledge, so I think it is good.

755 There was one interesting thing that – again Deputy Bebb mentioned as he interrupted Deputy Brehaut about Nelson Mandela. Well that actually is a good case supporting this amendment, because that is a case of somebody who was convicted for murder, and the public knew about that, and he was still elected. So it shows that you can be elected with that transparency. So I think that this is about openness, this is about transparency, and I am happy to support it.

**The Bailiff:** Deputy Gollop.

760 **Deputy Gollop:** I am not going to be too perturbed if this amendment is passed. I think the arguments Deputy Brehaut and others have made are stronger at the present time, although I do see where Deputy Spruce is coming from.

765 Deputy Gillson reminds me that there are different cultures and different countries, one could think for example of one of the European Union states where from time to time senior figures are accused of quite serious crimes but continue in office. One could also think of America where there was an amazing example in at least one city of a mayor who was given a long-term of imprisonment for a drugs charge and then came out of jail and became mayor all over again. *(Laughter)*

770 Jersey, I believe, have pre-hustings meetings whereby instead of like we are nominated through you, sir, through the Bailiff's office, they actually have parochial nomination meetings, and I understand candidates there are obliged to declare certain kinds of offences. In the UK, of course, right up until the 1980's it was possible for a person who was actually in prison to be elected as a Member of Parliament. That was a right that went back many hundreds of years.

775 The problem with this – as I say the way it has been modified is acceptable, because if I have understood Deputy Spruce correctly, it would only apply to persons who had a 30-month or more sentence of imprisonment. Of course, there would be members of the electorate who would be concerned about candidates having different kinds of even what the Law might define as minor convictions for certain kinds of offences. Depending on how it is done, convictions can even be seen to be fines or cautions, but not in this case, because clearly you are talking about serious long term periods of imprisonment.

780 One concern I have about it is would it just apply to persons who lived most if not all of their life in Guernsey, or would it apply globally, to a candidate who had served imprisonment in some other place, or whatever? Because that would be an anomaly. In fact, I know we are not talking about criminal records checks, but I always think that the local candidate is possibly slightly disadvantaged by their rigorous analysis, because not all countries of the world necessarily have quite the same administrative standards that we have come to expect, and have.

785 My other concern would be the points Deputy Brehaut raised are actually pretty relevant, that if we are going down this route for Members of the States, we possibly should be for non-States members of Departments or Boards or Committees, we probably should be for Constables of a Parish, Douzeniers of a Parish, and Overseers and various other officers, and such a process would be very difficult. The reason why I think it has not been done, compared to a Civil Service position, or voluntary position, is the time of receiving nominations and the time of election and the various bureaucracy needed to ensure fairness for all would never fit in, it would be extremely awkward in a political electoral process. So really my message is the electorate should take candidates on trust, but use their own discretion and caution.

790 I would say as a generalisation – I have perhaps been proved wrong once or twice over the years – but generally speaking, people in Guernsey usually know about the past of any person who has been on the Island significantly. The bigger issue is persons who have reinvented themselves who have come from elsewhere. But I am not sure this amendment would fully cover all those people, because it would assume that every possible and worldwide country would willing give meaningful data. So without more legal analysis, and thought, I do not think it is the right move to make at the moment.

**The Bailiff:** Deputy Lowe.

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

Just picking up from Deputy Gollop, regarding Constables and the Douzaines, that is down for the Constables and the Douzaines: that is not to do with the States. They are elected by the public just the same, but of course, that is there decision how they deal with that.

810 I welcome this, I think it is good. I know at one time we did actually discuss it at SACC a few years ago and we included as well that if we went down this route it would also include the Jurats who were elected in this Assembly in this Chamber. It should be a comfort, we go into people's homes as a States' Member, and it should be a comfort to those who elected us that they know exactly up front who is coming in. As Deputy Jones has said, and others have said, people do change, and should be given that opportunity. We put a huge amount of resources, as a Government, into rehabilitation and yet we are sort of nervous about being honest about our own selves or candidates in the future. That is what we need to get away from. We need to start being a lot more open and transparent with people, and give people that opportunity, as we would expect to be giving current people that have actually been in some form of trouble a future as well in our community. So I have no problem with this. I actually think it is good, no matter what

820 you are involved in these days, if you are working at a school even as a volunteer you have to have the enhanced police check. Lots of charities do as well. When we discussed it at the Vale Douzaine the other night, they actually welcomed it as well, because they felt the good old Guernsey Chinese whispers and rumours, by the time you have told somebody else or something

825 else has been said about somebody else, it is actually grossly exaggerated as well. At least this way that dismisses it, and they welcomed it, and I hope the States actually endorses as well today.

**The Bailiff:** Does anyone else wish to speak before I ask Deputy Fallaize if he wishes to speak immediately before the proposer replies to the debate? No?

830 Deputy Fallaize.

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

835 Before I say anything about points that have been made in debate, can I ask HM Procureur to advise the States, if this amendment is approved, and the Committee comes back with the necessary amendments to the Rules of Procedure, how it would be possible to deal with criminal convictions obtained elsewhere, which would not be criminal offences in Guernsey? For example, if somebody was convicted of affronting Islam in an Islamic country and sentenced to a term of imprisonment, clearly that is not an offence in Guernsey, but would it still be necessary to declare it, if it was considered an unspent conviction, either in their country of origin or in Guernsey?

840 **The Bailiff:** Mr Procureur.

**The Procureur:** Well, the proposal in the amendment is to direct the States' Assembly & Constitution Committee to lay some matters before the States, so it is really up to the SACC how broad they spread the net.

845 I would say in terms of rehabilitation of offenders, though, that our legislation in that regard applies to any conviction before any court in the world. So unless you are sentenced to more than 30 months' imprisonment for affronting Islam, that would become spent under our domestic legislation in the same way as a conviction before a court in Guernsey.

850 Can I whilst I am on my feet just clarify – I think one or two Members understandably got perhaps the wrong end of the stick on the time periods from what was said by Deputy Spruce in opening. There is no proposal in this amendment to alter the disqualification from Membership of the States, which will continue as any sentence of imprisonment exceeding six months imposed by a court in any part of the British Islands in the past five years. The reference to 30 months is the rehabilitation limitation period. The proposal in this amendment is not that you would be disqualified from election, but that there would be some obligation to disclose any conviction anywhere in the world, which resulted in anything other than a sentence of imprisonment which is spent. I am sorry, I am confusing myself and everybody else. Let me just start again very briefly.

860 If this amendment were carried, and rules came back to the States, there would be a requirement to disclose any conviction which is unspent. That means any conviction which has led to a sentence of imprisonment of more than 30 months, whenever incurred, or another sentence if incurred within the relevant period for being spent, and that period actually under our Law varies from between one year and 10 years depending on the amount of the imprisonment imposed.

I have probably confused people a lot more than I hoped. *(Interjections)*

865 **The Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** Thank you, sir, that was helpful. *(Laughter)* No, it was, seriously, because I think the answer is, that it is possible that a person could be convicted of a criminal offence which would not be a criminal offence in Guernsey and could find themselves having to declare that conviction.

870 Deputy Spruce does have a point, in fairness, in that Deputies are often – well in my experience anyway – invited into people's homes, and people are often quite open. I was surprised when I was first elected at how open people are. I have been invited into people's homes and they have seemed keen to... perhaps if one is dealing with a social welfare case, you get presented with their bank accounts, or people will tell you details of their own personal affairs, and it probably is a fair

point to say that they ought to have some reassurance that some kind of qualification exists before a person stands for election, and that there is some information available about a person's background.

880 But I also take the point that Deputy Bebb makes. He is clearly right in that, actually, what would be caught by this amendment is really very, very restricted indeed. Now one could read that either way, one could say well, therefore there is no great harm in the amendment, or that the amendment is not actually going to achieve a great deal, but this is really relatively restrictive. It is restricted to unspent convictions, and that does require quite a lengthy term of imprisonment as the Procureur has just set out.

885 I am very grateful that Deputy Spruce has not pursued his original idea, which was to require all candidates to have criminal record checks, because I think that would really have conflicted at least with the spirit of the Rehabilitation of Offenders Law, and there would have been all sorts of practical and logistical problems. The great difference between standing for election and seeking employment is that when one is seeking employment one is seeking to enter into a contract, and  
890 it is not a matter of public record. Whereas when one is standing for election, if you had to go through a criminal record check, you would have to have that criminal record check published. Now Deputy Gillson said well, it only relates to criminal convictions, a person who has already been convicted. Well, actually, it does not. Criminal record checks, particularly advanced checks, and I used to have to arrange for them to be carried out on people – I will give way in a moment –  
895 in a former job, and you received back all sorts of information which goes way beyond convictions.

I will give way to Deputy Gillson.

**The Bailiff:** Deputy Gillson.

900

**Deputy Gillson:** Sir, thank you for giving way.

My comment was relating to this amendment only relating to convictions, not the general criminal record check. I appreciate they do go a lot wider.

905 **Deputy Fallaize:** Okay, yes, I thank Deputy Gillson for that, and clearly that is the key difference between this amendment the way it has been presented, and the original request that Deputy Spruce made. So in that sense this is really a very restricted amendment, and it is a pragmatic way of dealing with this problem; whereas I think criminal record checks would not have been.

910 The points made about Nelson Mandela are fair, although Deputy Spruce inevitably will say, when he sums up, how on earth... or that is very unlikely to happen in Guernsey, and in practical terms he is probably right. Probably a more serious or substantial practical issue is the possibility of getting into what Deputy Brehaut called the arms race, and I am quite sure that if the States vote in favour of this amendment, and I suspect the States will, that at some point there will be an  
915 attempt to extend this into other areas, for example, people having to declare whether they had ever been bankrupt, because Deputies clearly have a responsibility as custodians of the public purse it could be argued should the public not be aware, before they elect a Deputy, whether a person has been declared bankrupt.

920 In Jersey, as I think Deputy Gollop said, there is a requirement at – I do not know whether they are called hustings meetings or – nomination meetings I think they are called, to read out as I understand it even spent convictions. Now, clearly they were able to do that notwithstanding the Rehabilitation of Offenders Law, but for all the reasons that have been said in debate, I would not be in favour of that. But, I do think that it is likely that if the States adopt this amendment, and impose these sorts of rules, that there will in time be calls to extend them further.

925 I also think that if this principle is right for the office of Deputy, it must be right for other public offices. I do not quite agree with Deputy Lowe when she says well that is a matter for the Parochial Authorities, actually the States are the Legislature, and if the States wish to introduce

930 legislation to require other public offices to be treated in much the same way as Deputy Spruce is trying to for the office of Deputy, then I think that would in time be a matter for the States, and I think the Parochial Authorities would just have to comply.

935 I would also point out part (b) of the amendment, which has not received any attention in debate thus far, and that is to create, or include, the creation of a specific offence of knowingly or recklessly making false statements. Now I think what is envisaged here is that if a candidate fails to declare an unspent conviction that in itself would become a criminal offence. I think that is what is intended. Now in order for part (a) of the amendment to have any teeth, it is probably necessary to have part (b), but that does extend the provisions of this amendment quite substantially. That goes way beyond making a false declaration in the declaration of interests that States' Members have to submit. If a Deputy makes false declarations there, there is no criminal offence, as far as I understand it, but that is clearly what is envisaged in part (b) of this amendment.

940 So, I do not think that this is... it is not easy to make a judgement on this. The States' Assembly & Constitution Committee does not take a clear view other than – or it does not take a united view on the matter – other than that we should not use criminal record checks as the way of trying to inform the public more about any previous convictions that candidates for the office of Deputy may have obtained. But this amendment clearly does not go as far as criminal record checks, it is more restricted, and on that basis I think there probably is a practical and pragmatic way of giving effect to Deputy Spruce's wishes, if indeed that is the wish of the States, and we, the Committee, obviously will come back to the States' before... at or before January of next year if this amendment is successful.

950 **The Bailiff:** Deputy Spruce.

**Deputy Spruce:** Thank you.

955 I am not so sure that the Procureur's explanation to Deputy Trott's question really clarified the situation, but my understanding is that clause 11.3 of the Report would stand as it is now, and yes you would have to make a declaration if you had any unspent convictions of more than 30 months, or three and a half years as he mentioned in addition by declaring that fact. So a nominee could stand for election, but they would have to declare it so the public knew what they were voting for.

960 Deputy Bebb made much – well, in my view, protested far too much – we require checks of employees of the States, we require checks of members of the public who are welcomed into people's houses and deal with people. I never said, and it is not proposed in this amendment, that it is a catch-all. Obviously, you cannot catch people that have not been convicted, and I thought to raise the name of Jimmy Savile in relationship to this amendment was quite ridiculous, to be truthful. You cannot catch or know of issues which people have got which they have not been convicted for, so that was a bit of a red herring. As I say again it is only unspent convictions that people will have to declare. That is a key point. I was persuaded after discussion with the Procureur and Deputy Fallaize that criminal records checks were a step too far. Not only because it could not be managed before the election, but we have the Rehabilitation of Offenders Law to deal with, so that is the reason the amendment is in its current form.

970 My past response actually applies also to Deputy Conder's comments. In my view to say that you have served your sentence should be okay is just not good enough really. You could have somebody move to the Island. We all think we know everybody that is local, but you could have somebody move to the Island at the age of 50, stand for election, get elected, they could have been a paedophile, they could have had serious fraud convictions against them in their 20's, 30's 975 40's – there is no end of things they could have done in their past life that we would not know anything about, and by supporting amendment (a) section 9.(a) and (b), you would then have that information put before you, or clause (b) would make it a criminal offence for not declaring your past life. I think that is an important point, so it is all about clarity.

980 I think the other thing was you asked whether it would only apply to the Bailiwick or the UK or  
elsewhere. My understanding is that the Rehabilitation of Offenders Law covers unspent  
convictions in the UK as well. Is that correct?

**The Procureur:** Anywhere in the world.

985

**Deputy Spruce:** Anywhere in the world, right, so that is great. The point is: section (b) makes it  
a criminal offence not to declare your conviction, even if it was somewhere far away from the UK.

Deputy Brehaut, he made a few good points, I thought, but I do not think it is a matter of  
weeding out members – I will give way –

990

**The Bailiff:** Deputy Conder.

**Deputy Conder:** I thank Deputy Spruce for giving way, and thank him for his explanation.

995

I was seeking an explanation which I do not think he quite gave in terms of convictions in  
other jurisdictions which would not be offences in this jurisdiction.

**Deputy Spruce:** I will have to ask for the support of the Procureur on that.

1000

**The Procureur:** Including those. The Rehabilitation of Offenders Law applies to any conviction,  
in any court, anywhere in the world, for any offence against the laws of that jurisdiction, and  
provides a period in which you are rehabilitated depending on the length of the sentence that is  
imposed by the court.

**Deputy Spruce:** Thank you.

1005

Deputy Brehaut mentioned weeding out members of society. It is not about weeding out  
members of society; they could still stand for election, they just have to declare their past, and  
that is where I thought bringing in Nelson Mandela into the discussion. We have Jimmy Savile and  
Nelson Mandela this is quite a big issue here. Nelson Mandela, everybody knew his history. He  
was not excluded, in fact nobody is excluded; they only have to declare their past. The people  
1010 knew of his criminal record, and they were still happy to appoint him. So nobody would be  
excluded.

I thank Deputy Lowe for her support, I entirely agree with her, we need to be open, we need to  
be transparent, and if you stand for public office you should expect to be scrutinised, and you  
should at least declare your misdemeanours of the past if they are significant.

1015

I thank Deputy Fallaize for – we have spent a few hours discussing this and, as I say, I was  
convinced that I would be causing more trouble than enough if I pushed ahead with the criminal  
records check idea, and so we tried to reach a compromise here.

1020

Part (b) – what did I write down there? Oh yes, part (b) of the amendment is absolutely  
essential. It gives teeth to the declaration. So it is no good elected Members just signing the  
declaration form, that we sign internally, it needs to be known that if you make a false statement  
with regard to your criminal past it would become a criminal offence.

So I would ask you all – I hope I have answered everybody's questions – I would ask you all to  
support the amendment.

Thank you.

1025

**The Bailiff:** Members, we vote on the amendment proposed by Deputy Spruce – *(Interjection)*  
A recorded vote? *(Laughter)* A recorded vote on the amendment proposed by Deputy Spruce,  
seconded by Deputy Gillson.

1030

**Deputy Brehaut:** Sir, can I just clarify –

**The Bailiff:** Deputy Brehaut.

1035 **Deputy Brehaut:** – bearing in mind that we are live streaming, and for the record, that Nelson Mandela was committed of high treason and not murder as the Home Department Minister suggested. I did not want an e-mail from the South African Embassy later. *(Laughter)*

**The Deputy Greffier:** Voting begins with the West District.

1040 *There was a recorded vote.*

**The Bailiff:** Members that was obviously carried, but we will get the formal confirmation in due course.

1045 In the meantime, can we move on with the amendment proposed by Deputy Ogier and seconded by Deputy Luxon, which now needs to read to add a further Proposition as follows No. 10, because we have just added No. 9, so this one needs to be No. 10. Deputy Ogier.

*Amendment:*

*To add a further proposition as follows:*

*'10. To direct the States' Assembly and Constitution Committee and the Policy Council jointly to investigate and liaise with the appropriate authorities of the States of Jersey concerning the merits and implications of, and potential modalities for achieving, a closer alignment in the future between the terms of office of elected Members of the States of Deliberation and the States of Jersey; and to report the outcome of that liaison, either in a Policy Letter containing recommendations or in a Statement under the Rules of Procedure.'*

**Deputy Ogier:** Thank you, sir. The amendment is:

To add a further proposition as follows:

'10. To direct the States' Assembly and Constitution Committee and the Policy Council jointly to investigate and liaise with the appropriate authorities of the States of Jersey concerning the merits and implications of, and potential modalities for achieving, a closer alignment in the future between the terms of office of elected Members of the States of Deliberation and the States of Jersey; and to report the outcome of that liaison, either in a Policy Letter containing recommendations or in a Statement under the Rules of Procedure.'

1050 I have been party to a number of discussions over the years with counterparts in Jersey in order to attempt joint working, to achieve economies of scale, to do things differently, and to do things more efficiently. At operational levels it is true to say that there have been some successes by jointly working together with our sister Isle to increase, for example, our purchasing power in particular instances, and to reduce costs in certain areas.

1055 On the policy development front, however, things do not always run smoothly, and speaking to counterparts in Jersey it is clear that many feel the same way. Over the years, during meetings with Jersey politicians, I have often heard that one Island's States has just been elected, or the other is just about to be elected, so the time is not right for joint working at that moment. As we know two years into the Jersey term Guernsey politicians are being elected, and two years into Guernsey's term Jersey politicians are being elected, so for two years of our four year term, we  
1060 have either just been elected or are about to enter a new election, and for the other two years the other Island has either just been elected or is about to enter an election. So as well as being in this permanent annual position in any one year, of one Island having just been or about to be elected, if after the first year one Island is ready to talk to the other, the other is already three years through its policy development, and well past the point where joint policy can be developed, and  
1065 perhaps we should not be reticent of developing joint policy in these circumstances, but nevertheless such reticence exists. There never seems to be a straight run at joint policy development throughout the term.

1070 If the Island's election periods were aligned I feel the potential for greater working together  
 may be reached. With both Governments beginning a four year term together, the opportunities  
 to synchronise pan-Island workstreams would be significantly enhanced. That does not mean that  
 every issue raised by our attempt to work together will be resolved, but it does mean that one  
 significant barrier to joint working will be removed, and at least we can get on with talking to each  
 other at the right times in our political terms to ascertain where the opportunities lie, and where  
 we should focus our efforts, as currently that is very difficult to do.

1075 This amendment is no more than a request for the Policy Council and the States' Constitution  
 Committee to investigate this matter, and report back to this Assembly with their  
 recommendations.

1080 I understand the Chief Minister, Policy Council, and the Chairman of the States Assembly &  
 Constitution Committee raise few, little, or no objections to being tasked with this. I do not  
 envisage a long debate on what I perceive as an uncontentious issue. In the interests of time I ask  
 Members to support this amendment and go shortly to the vote.

Thank you.

1085 **The Bailiff:** Deputy Luxon, do you formally second?

**Deputy Luxon:** Yes, sir.

*Deputy Spruce / Deputy Gillson amendment.*

*Carried: – Pour 30, Contre 7, Ne vote pas 2, Absent 8*

**POUR**

Deputy Perrot  
 Deputy Brouard  
 Deputy De Lisle  
 Deputy Inglis  
 Deputy Soulsby  
 Deputy Sillars  
 Deputy Luxon  
 Deputy Quin  
 Deputy Kuttelwascher  
 Deputy Brehaut  
 Deputy Langlois  
 Deputy Robert Jones  
 Deputy Le Clerc  
 Deputy Lester Queripel  
 Deputy St Pier  
 Deputy Stewart  
 Deputy Gillson  
 Deputy Le Pelley  
 Deputy Ogier  
 Deputy Fallaize  
 Deputy David Jones  
 Deputy Laurie Queripel  
 Deputy Lowe  
 Deputy Spruce  
 Deputy Duquemin  
 Deputy Green  
 Deputy Dorey  
 Deputy Paint  
 Deputy Le Tocq  
 Deputy James

**CONTRE**

Deputy Wilkie  
 Deputy Hadley  
 Deputy Gollop  
 Deputy Sherbourne  
 Deputy Conder  
 Deputy Bebb  
 Deputy Trott

**NE VOTE PAS**

Alderney Rep. Jean  
 Alderney Rep. McKinley

**ABSENT**

Deputy Burford  
 Deputy O'Hara  
 Deputy Harwood  
 Deputy Domaille  
 Deputy Storey  
 Deputy Le Lièvre  
 Deputy Collins  
 Deputy Adam

1090 **The Bailiff:** Just before I call any speakers, I can formally announce the result of the voting on  
 the Deputy Spruce/Deputy Gillson amendment, 30 votes in favour, 7 against, with 2 abstentions. I  
 declare the amendment formally carried.

Deputy Fallaize, do you wish to speak now or later?

**Deputy Fallaize:** Now please, sir.

1095 Must we really have to work with the Policy Council over this? (*Laughter*) I think it would be much easier if we did not have to. I do not really understand why the Policy Council has to be involved in this amendment, but anyway.

I will give way to Deputy Jones.

1100 **Deputy David Jones:** I suppose the answer to that question is because the Ministers currently work with other Ministers in Jersey, and they will be able to bring some of the experiences they have had and the problems they have had by not having a coterminous – is that the right word? – coterminous period of office.

1105 **Deputy Ogier:** Sorry, just to further clarify, if I may, that the advice was that Policy Council should be included in the interests of inter-Island communication, and if it transpires that their involvement is not needed, after the initial introduction, that it is something that SACC could get on with, then that is a matter to discuss between the parties.

1110 **The Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** It was a joke. (*Laughter and interjections*)

Now, yes, the Committee obviously is content to investigate this sort of thing, although I would strike a note of caution. I do not expect much success in trying to persuade Jersey to amend their terms of office, not least of all because Jersey, unlike Guernsey, have got themselves in a right mess over their electoral terms for years, and they have changed their electoral terms frequently, they have had different categories of Member elected on different dates, and they have debated it – to give some idea – about as often as we debate Sunday trading, the States of Jersey debate their electoral terms of office. But very recently they have moved to a single electoral term for all the Members of their Assembly, a single four-year term, as applies in Guernsey. The first time that they are moving to this single electoral term, after many, many years of debate is 2018. They will run their four-year term from 2018 to 2022.

Now, I have spoken to certainly one influential – very influential – Member of the States of Jersey, and I rate as negligible the prospects of our persuading Jersey to rip up their four-year term starting from 2018, since after so many years of debate they have finally arrived at the position they want to be in, and moving even towards our own electoral terms. So I think in practice, if the Islands' electoral terms are going to be coterminous, Guernsey will have to do the moving. That would mean at some point our, probably, having to have either a six-year term, or a two-year term, because whichever way one looks at it, Jersey and Guernsey are now two years out of sync, or will be from 2018. The only way of our aligning ourselves with Jersey would be to have a two-year term, or a six-year term. So I think that is going to be the practical consequence of our wishing to have coterminous elections.

In terms of the two Islands starting the term at the same time, I would think that the arguments are probably broadly in balance, because the present arrangement means – you could say that there is some continuity. That if a new Committee is elected in Guernsey but in Jersey their Ministers – because of course they do not have Committees in Jersey; they have Ministers, real Ministers – (*Laughter*) they will already be two years into their term of office, so they would have some understanding of what the previous Committee in Guernsey may have been discussing. Now I do not know whether that is much of an advantage or not, but it seems to me that the arguments for coterminous elections and continuity are perhaps broadly in balance.

So, Deputy Ogier is right in that I do not, on behalf of the Committee, put up all that much resistance to this amendment, because we are only being asked to discuss it with contemporaries in Jersey, and to, if we believe it is desirable, make some recommendations to the States. There is nothing very much to object to in that kind of amendment. But I really would caution Members against the chance of successfully persuading Jersey to alter their terms of office.

Thank you, sir.

**The Bailiff:** Deputy Le Tocq.

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

1150 Do SACC really need to be involved with this? I do not see a particularly good reason!  
(*Laughter*) (**Deputy Fallaize:** No.) (*Laughter*)

1155 Seriously though, I have encouraged the Ministers and Departments to engage with Jersey, particularly since their election, because there are opportunities. We always focus on the obstacles and the negativities. I am glad to say that my – well the person who carries the same name as my title in Jersey has a similar view that we do need to work more cohesively together, and of course, we are doing that much more in external relations, and this is an external relations matter. It would not be very good if we were just working at individual Committee to Departmental level in Jersey and had no co-ordination whatsoever, because there is so much of what goes on even amongst ourselves that overlaps, and it requires that sort of coordinated approach. Under the new  
1160 system the senior Committee, P&R, will be responsible, we have already decided that for external relations, and so there will be a co-ordinating role that I think needs to happen.

1165 It is certainly very much well worth exploring. I do not know how it would happen in practice to enable both Islands to have coterminous election cycles, but at the moment one of the issues with our system compared with Jersey's is that they can hit the ground running much quicker with a proper ministerial system, because they can decide fairly early on in the term what their policies are going to be, whereas it is always going to take us a little longer with a Committee system to do that. So we are missing some tricks here, and I think particularly in the way in which our ability to work together could be enhanced in the future. We are already seeing some benefits of that in certain places, but we need to explore that far more seriously, and it would demonstrate to both  
1170 of our electorates, I think, that we mean business on this. So many people do say to us, 'Why have we got two of this and why don't we amalgamate that?', and certainly externally we are looked at in many ways reputationally in that manner.

1175 I was invited this morning to open a British-Irish Data Protection Conference that is happening here, and what I was able to say is that in terms of data protection Guernsey and Jersey now co-ordinate, work together, and that saves huge amounts of misunderstanding, and time, and effort, because obviously a lot of the businesses that they deal with have offices in both Islands and therefore it was silly to have duplication of all that effort. There are many, many other areas, and in order to explore that, in terms of Government, it would be very helpful to have coterminous terms of electoral cycles.

1180 So I do support this amendment.

**The Bailiff:** Deputy Kuttelwascher.

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

1185 Sir, having given another couple of minutes' intense analysis to this amendment, I was really pleased to hear Deputy Fallaize elucidate my views.

The problem at the end of the day is, would this Assembly agree to a two-year term, or a six-year term, of election in the future? I would suggest, that is not on.

1190 I was disappointed to hear Deputy Ogier use those 'kiss of death' words when you lay an amendment – 'this is uncontentious', 'should not cause much debate' – because for a long time now every time somebody said that the amendment has failed. Now I consider at the end of the day this to be a complete waste of time, because it will not deliver on a two- or six-year term for this Assembly. I have no doubt that the electorate would not want it, this Assembly would not want it, and that is the only way forward if this is going to happen.

1195 As regards joint working, of course, I have been involved with it in the Treasury & Resources Department, we have had meetings with their Treasury Department, and when there was a change of faces in the Department things carried on, because you still get staff level meetings. It is not just the politicians. The staff – in fact the staff level meetings are more frequent than the political

1200 meetings. Well, they are in T&R, so nothing actually stops because we do not have a coterminous-type system. So I do not think that is really a big issue. It would be great to have it, but I just do not think it is going to happen, so I think this is really a waste of time, and I will not support it.

**The Bailiff:** Deputy Bebb.

1205 **Deputy Bebb:** Thank you, Monsieur Le Bailli.

The question as to whether SACC needs to work with Policy Council is something that I do come back to, and not as a joke. I know it is actually not possible really in our system of governance to separate government business from parliamentary business, but this is where I do feel that the driver for coterminous terms of office really is government business, not parliamentary business, and therefore the desire really comes from the Policy Council.

1210 The reason I am a little sceptical about this amendment is that I am unsure that until the Policy Council have appropriate conversations with their opposite numbers in Jersey, and that there is a clear will on both sides to move towards such a coterminous arrangement, that there is much benefit in SACC being involved, and I think that the right way that this should be dealt with is that if the Policy Council have a meaningful discussion, and a general broad consensus between all of the Policy Council and all of the Jersey Council of Ministers, there will be movement on both sides to bring about an alignment of dates. Unless there is that work done, there is little need to engage SACC, because what would we contribute?

1215 If Members want to vote later on today in order to... or lay an amendment today to change the term of office for the next term, and rather than focus on the two or the six year, it is, of course, possible to do it over a longer period of time by having two consecutive five years here, or two consecutive three years here. But I would agree that it will be Guernsey doing the moving, not Jersey. But if somebody wants to move such an amendment, that the next term will be for five years, or for three years, I look forward to such an amendment.

1220 But realistically that is what needs to happen, and I do not hear from Policy Council such an assurance that actually the exploratory work done between them and the Council of Ministers in Jersey has been done, and we are committing ourselves later on today to 2020 as the next Election. So let's not imagine that today is your only chance. Let's not imagine that this is meaningful until the following elections, and therefore I do question, because from a parliamentary perspective, it makes little difference if it is three or five years, but from a government perspective I see where it is, but I do not see the commitment in order to bring such an amendment that would be prescriptive.

1225 So I honestly believe that the right thing to do is either we see another amendment from a Member of the Policy Council, immediately after this one, asking for the term of the next election to be changed to five years, or to three years, or we simply say to the Policy Council thank you very much, but please have those exploratory talks, find out if there is movement possible from Jersey, and if there is please send a letter to SACC, we would be more than happy to lay a policy letter seeking to amend the next term – not the next term, too late; the one afterwards. So we will be talking about the 2020 to 2024 term that would be changed. Those are the timescales here.

1230 I therefore ask what benefit for us as SACC to be getting involved at this point? If there were an amendment later on to change the next term to either three, or five years, I think because there was known to the Policy Council to be sufficient will, and a determination on both sides to see such an arrangement, I probably would be minded to support such an amendment, but until there is that commitment I question the value of SACC getting involved in this issue.

1245 Thank you.

**The Bailiff:** Deputy Lowe.

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

1250 There is one thing missing on this amendment, and indeed from the speeches that I have heard around here. This is all about consulting Jersey. Has anybody thought about consulting the electorate? Are they not important? Should we ask the public whom we serve, do they want a three-year, or a five-year, or a six-year, form of government? It is not in here. It is all about working with Jersey. I would prefer to actually find out what the public think.

1255 We had six-year terms in this Assembly and it was changed. It was removed because it was seen as too long. So if that is still consistent then it should be a two-year, in which case you have got the huge expense of having a two-year election, followed by another election to slot in with Jersey.

1260 There is great merit in actually having a difference in election time, because of that continuity which Deputy Fallaize mentioned just before, because whichever Island you are talking with, there is some form of continuity, which is a huge bonus, and you know, many of you in here as well, that when you first start there is a lot to learn. That would be happening in both Islands, and that is not particularly helpful.

1265 It was also mentioned as well about this would be good for the external relations. Well, really, sir, are we actually going to fit in with the UK then, when they have their elections, because they change? It could be Labour, it could be Conservative, it could be LibDem, bodies change, it could be whoever, it could be the Green Party, it could be UKIP (*Laughter*) but I think it is a weak argument to say that we have to have this continuity right across... the changes right across and all fit in at the same time, because that is not the real world really. If Members struggle to be able to work with others because they have got a different time lapse, I question why that is the case because –

I am happy to give way to Deputy Bebb.

**The Bailiff:** Deputy Bebb.

1275 **Deputy Bebb:** I thank Deputy Lowe for giving way.

Would Deputy Lowe agree with me that given that within this very Bailiwick, we cannot actually agree on coterminous arrangements with other parliaments within the Bailiwick, it is indicative of the problem of trying to have coterminous elections?

1280 **The Bailiff:** Deputy Lowe.

1285 **Deputy Lowe:** Well, we have got Alderney closer to home, they are not on here. What are we doing about Alderney? They have got a different election time to us. What are we doing about them? We probably have an as equal working relationship with Alderney as we do in Jersey because it is more relevant to Alderney that they have got the same time period as us, because (a) the Members are in the States, and also because of the connection with Alderney as part of our Bailiwick.

1290 So I cannot support this. I just cannot see a need for it. I think people are quite able and capable of picking up working with whoever they have to work with, and the work that is involved. They have staff in both Islands, as mentioned before, that can advise the new Members whether it is in Jersey, Guernsey, London, Alderney, how it is working, and where they are working, and who they are working with. So I just see this as an unnecessary amendment.

Thank you.

1295 **The Bailiff:** Deputy Conder.

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

1300 I have to confess I feel quite sorry for Deputy Ogier; we seem to be debating not his amendment, but a different amendment which predicates that we are going to move on this. If I read the amendment, it says;

'...to jointly to investigate and liaise with the appropriate authorities of the States of Jersey concerning the merits and implications of, and potential modalities for achieving, a closer alignment in the future between the terms of office...'

1305 And then reporting back. It is no more than that, simply investigating with the authorities in Jersey. I cannot see why, in the more complex, economic, and political world we face, we would object so adamantly, so forcefully, just the possibility of investigate the merits and implications of and potential modalities. As the Chief Minister says, if we do no more in responding to this amendment and supporting it, we simply investigate and report back, whether it is SACC and Policy Council together, SACC on its own or Policy Council. It is surely worth, and justifies, investigating that. It does not say in 2020 or 2022; it says in the future. It may take years to do. But at least we will have investigated the possibility. I feel as if we are discussing an amendment that is not reflected in the wording of this amendment that Deputy Ogier and Deputy Luxon have laid.

1310 So I would urge colleagues to at least give this a chance to be investigated. It is no more than that, and perhaps be a little less negative than we appear to be at the moment.

1315 **The Bailiff:** Deputy Luxon and then Deputy Dorey.

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

1320 Thank you to Deputy Conder who actually has hit the nail on the head – the straw that broke the camel's back. One day Guernsey and Jersey either jointly or separately will find themselves in a position where they absolutely meaningfully work together. Deputy Ogier and the Chief Minister gave some examples of – some real examples where there has been better joint working over recent times, but the list of options of potential working that would bring financial benefits to both Islands at the same time are quite long. That list has been established. The previous Chief Minister, Deputy Harwood, and his counterpart, and Deputy Le Tocq since, have agreed in a very meaningful way that both Islands should work more together. The T&R Ministers equally so, and I know in my role as Minister of the PSD, and now both Departments have been interacting with our opposite partners in Jersey.

1325 The trouble is that both Islands if they can afford to continue to have things on their own, will want to carry on having things on their own. Our reality – our fiscal reality, as is Jersey's – in fact Jersey's fiscal reality needs this even more than ours – we do need to work together to actually find value, and all this is, in answer to Deputy Bebb, the reason that both SACC and Policy Council are included, is that it may well be that the Policy Council should lead on it, but the discussions between SACC and the Policy Council should establish what is the best way to go about exploring this. That exploration in its own right will actually be joint working with the other Island. One day the straw that broke the camel's back, something will happen in either Island that will absolutely almost lead us to actually take some significant action to work together. This may or may not be the issue that leads to that, but why would we not support this, if it might be the catalyst to get stronger working between the Islands for fiscal benefits, or for productivity benefits.

1330 I would ask Members to support the amendment, and let us see what comes back. The logistics of asking the people of Guernsey whether they would like this or not – that is a matter if SACC or Policy Council bring a report back to the States at that time.

1335 Deputy Kuttelwascher's view that it would be a six- or a two-year term: no, it would not. One Island could go with a five-year, and the other with a three-year. You could actually solve the problem relatively easily. There are all sorts of answers to the problems. But let's find out whether or not there is a solution, before we worry about the problems of not making that solution work. So please support the amendment.

1340 Thank you.

**The Bailiff:** Deputy Dorey.

1350 **Deputy Dorey:** Thank you, Mr Bailiff.

1355 I fully support working with Jersey where we can, but just because we have the electoral systems aligned does not mean that personnel will be the same during the period of four years. If you look, currently of the 11 Ministers, five of them were not in their current offices after the election in 2012. *(Laughter)* So it is not going to produce that stability that necessarily people think. Both Islands have struggled to get stability in their electoral systems, and there have been frequent causes of change. Jersey has had many changes, and as I understand, we are going to be looking possibly at Island wide voting again, and the outcome of that might be that we do as in the US Senate, where a third are elected every two years. So this will not necessarily lead to stability in position that people are wanting.

1360 Also there have been calls when we had the public meeting on the Review Committee's proposals about mid-term elections. We might possibly – people might think about doing that, as was effectively what happened previous to the 2004 changes. So I, on reflection now, think that I cannot support this because I do not think it will lead to the outcome that people want, and I do not see the purpose of investigating something which I do not think is achievable.

1365

**The Bailiff:** I see no-one else rising. Deputy Ogier, do you wish to reply to the debate?

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

1370 Deputy Fallaize begins already, in advance of the investigation, to think of potential pitfalls, such as not being able to get things in place for 2018, and I think that is probably likely. He mentions that it may be the case that changes have to be taken in tranches. As Deputy Luxon says it may be that we have a four and a half, and three and a half, and then you reverse that over for the following election period. It may take more than one election cycle to get there, maybe a five and a three. It may be a number of different ways to resolve this. To fixate now and go, 'Oh well, it is going to be a two- and a six-year term, so I cannot support this amendment', the thing is we are not going to be able to imagine on the floor of this Assembly in discussions between the two Islands what potential there is to change this in a relatively benign way.

1375

1380 Now I cannot think of what is going to be the result of this, but what I do want to do is I want the two Islands to have the discussion and to see what can be done, if anything, what the pitfalls of doing anything will be. Whether we need to interface at the point with our electorate to see if they want the changes that we want to make in order to make the two Islands work together. I cannot think of all the outcomes in the way that this could possibly be solved. But what I do want to happen is I do want this conversation to be had. Any discussions between the Islands would help flesh out the possibilities.

1385

1390 Now the continuity argument, because Deputy Fallaize talks of current continuity, as does Deputy Lowe, between the two Islands, and there is continuity, because we continue to have little opportunity to co-develop policy. There is little coherence between the two Islands and the advantage of continuity is that workstreams continue beyond one political term. But there are very few, if any, joint policy developments between the Islands to benefit from such continuity. So I really do not think the continuity argument stands up. Both Islands are developing policy in an isolated manner. There is no continuity between the Islands of staggering their election periods, because we both continue to develop policy in our own isolated way. There is no continuity other than continuing on in our little policy development silos.

1395

1400 I think jumping to one potential... Well, sorry, Deputy Kuttelwascher in my view misses the point of this investigation – he jumps to one conclusion, and fixates on one potential outcome – a potential outcome which is a two-year term, and a six-year term – and on the basis of his current conclusion that this is the only way, resolves not to support a discussion on how this may be better achieved. I think jumping to one potential outcome and resolving to do no investigation work, to me, is a failure of creative thinking. I would ask Members not to – I am not accusing any individual now – I am just saying we must let the process take its course and not judge the creativity at this stage.

1405 I would ask Members not to fixate on what they can conceive of here today, but whether we should have a discussion to see what else can be achieved. And if it is two years, and six years, we may not like it, but there could be a number of other ways to achieve a coterminous period. I urge Members to give the process a chance to come up with something that currently we are unable to envisage.

1410 Now I always struggle to understand when we arrive at this place, when we are asking for an investigation, and Members jump to one particular conclusion and say, 'Right, it is that, so I am just not going to investigate it.' Deputy Conder elucidates this situation perfectly, and I thank him for that. We are asking for an investigation on how we can do this. To not investigate how we can do this means that there are many other options we cannot conceive of here today that will not be explored.

I urge Members to support this amendment.

1415 **The Bailiff:** We vote then on the amendment proposed by Deputy Ogier, seconded by Deputy Luxon. Those in favour: those against.

*Some Members voted Pour, other voted Contre.*

1420 **The Bailiff:** I would call that as having been carried, but I have heard a call for a recorded vote, so we will go to a recorded vote.

*There was a recorded vote.*

1425 **The Bailiff:** While the votes are being counted can we move into general debate. Does anyone wish to speak in general debate, or has everything been said? Oh, Deputy Gollop.

**Deputy Gollop:** A few brief points that others may pick up on, even though we are tired today, I think.

1430 The first is that the SACC proposes to move around the Douzaine – not the Douzaine rooms – the voting station, polling stations in St Saviour's, which of course, I have got no reason to oppose, but what I would say is, one should bear in mind the polling station's accessibility, and accessibility is in perhaps two or three parts. The first is availability of parking, perhaps. Secondly is walking distance from bus stops. The moving of one of the polling stations in St Saviour's takes  
1435 it away from a frequent bus route to an unserved area at the new Community Centre. Also, of course, accessibility for people with a myriad of disabilities, and obviously, that would involve appropriate sight lines, signage, accessibility for wheel chairs, and perhaps disabled parking spaces, but that is a micro point.

1440 My other reason for standing, there are two other issues, in fact three really. I agree in broad terms with the increase in expenditure for candidates, although I do not think it is a particularly scientific measure to determine what is the fair amount for candidates to spend, and how that should be spent. Because many people in the community believe that candidates are given the money to spend on their elections, but, of course, we know there is only £500 or maybe £600 under these proposals, and an unsuccessful candidate who has expended a fair amount on their  
1445 campaign, of course, bears the loss of that.

1450 Nobody so far has discussed the key idea of moving the 2020 election potentially to June. I think, on balance, I will support that, for some of the reasons mentioned in the last debate. Deputy Lowe mentioned that maybe it would be logical with Jersey looking at dovetailing ourselves with the United Kingdom election dates. Well, of course, until recently the election date was in the province of the Prime Minister. Now for the moment at least they are on five year terms which means that the current Government's term of office will end round about the 1st May 2020. Now it might be helpful therefore if there was – if effectively the Guernsey election period and the UK election period did not exactly coincide.

1455 I would make the point that, bearing in mind the debate we had yesterday, it would have been more sensible for SACC perhaps to have proposed that the next term began not on 1st May but 3rd May given the bank holiday, and the arguments we have had, but that is a minor point. I think the June election date at least will perhaps increase the turnout.

1460 One other element that has been alluded to in this report is the long overdue updating and reform of disability phrasing for candidature, and for the right to vote. Clearly the language in the Electoral Law 1948 reflects the feelings of the time, talks about institutions, and that kind of outdated and unrealistic thinking, and I very much support the reforms made in that, and I think they have been extremely uncontroversial with the public, but supported by people within the Disability Alliance and related groups.

*Deputy Ogier/Deputy Luxon amendment.*

*Carried: Pour 21, Contre 15, Ne vote pas 1, Absent 10*

**POUR**

Deputy Inglis  
Deputy Soulsby  
Deputy Luxon  
Deputy Brehaut  
Deputy Langlois  
Deputy Robert Jones  
Deputy Le Clerc  
Deputy Gollop  
Deputy Sherbourne  
Deputy Conder  
Deputy Lester Queripel  
Deputy Stewart  
Deputy Le Pelley  
Deputy Ogier  
Deputy David Jones  
Deputy Spruce  
Deputy Duquemin  
Deputy Green  
Deputy Paint  
Deputy Le Tocq  
Deputy James

**CONTRE**

Deputy Brouard  
Deputy Wilkie  
Deputy De Lisle  
Deputy Sillars  
Deputy Quin  
Deputy Hadley  
Alderney Rep. Jean  
Deputy Kuttelwascher  
Deputy Bebb  
Deputy Gillson  
Deputy Trott  
Deputy Fallaize  
Deputy Laurie Queripel  
Deputy Lowe  
Deputy Dorey

**NE VOTE PAS**

Alderney Rep. McKinley

**ABSENT**

Deputy Perrot  
Deputy Burford  
Deputy O'Hara  
Deputy Harwood  
Deputy Domaille  
Deputy Storey  
Deputy St Pier  
Deputy Le Lièvre  
Deputy Collins  
Deputy Adam

1465

**The Bailiff:** Before I call any other speaker, I can formally announce the voting on the Deputy Ogier/Deputy Luxon amendment: 21 votes in favour, with 15 against, and 1 abstention. I formally declare it carried.

Deputy Green.

1470

**Deputy Green:** Sir, thank you.

1475 Three points. First of all, like Deputy Gollop, I also welcome the proposals in here that will allow those adults who are under guardianship and detained in hospital because of a mental health condition to have the right to vote in 2016. I think that is absolutely the right thing to do. Guernsey has been out of kilter with the rest of the British Isles in that respect. Removing somebody's franchise, removing somebody's ability to vote, is a pretty drastic measure to take, and it is good that we are correcting that at long last.

1480 Secondly, again like Deputy Gollop, I approve of Proposition 7, which is to have the term of office to run to June of 2020. I think having our general elections in June is vastly better than having them in April, or March for that matter, because of the point about turnout. Yesterday I was very pleased that the Deputy Dorey amendment was successful in terms of moving the election date back a week, in order to hopefully increase turnout, but the much more fundamental point is that if we move to holding our general elections in June, in the summer, I would genuinely hope that that will increase turnout, because that is something that we should never take our eye off the ball in relation to.

1485

1490 Thirdly I just wanted to touch on the increase in the grants towards candidates for distribution of manifestos, and also in terms of general electoral expenditure. Because the increase that has been recommended is certainly in excess of inflation, as Treasury & Resources point out in their letter of comment, and I just wondered why that is. I am not sure I am necessarily motivated enough to vote against Propositions 4 and 5, but I do wonder why those increases are being suggested, whether that is truly justified. So I ask the Chairman of SACC to perhaps touch on that when he concludes, because it does seem slightly excessive.

1495 **The Bailiff:** Deputy Wilkie.

**Deputy Wilkie:** Thank you, sir.

I am just going to rise briefly. I echo the words of Deputy Green, and I applaud the work by all parties on Proposition 6, and that is

' repeal the definition of 'legal disability' in Article 49 of Reform (Guernsey) Law, 1948,

1500 It will in effect remove that statement from the electoral roll, and from any papers to become a People's Deputy. We know via the Disability Survey there are 4,000 disabled Islanders on Guernsey, and they are not proportionately represented in this Assembly, and I would wager, sir, that that statement on those documents since 1948 would give a perception that fostered this current situation.

I am supportive of this report, and I would ask Members to support it in its entirety.

1505 Thank you.

**The Bailiff:** Deputy Bebb.

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

1510 I am pleased to hear the comments in relation to increasing the franchise, because it is something that obviously should be welcome. But I will simply state that we have to also recognise, and nobody has made the point, that our turnout is appalling, where in the last election it was something like 80% of the electoral roll. When we look at the voting eligible public it is around 40%, if memory serves me right. So the real question that we should be grappling with is:  
1515 how on earth do we improve the number of people who enter onto the electoral roll in this first place and engage with politics? It is to our shame that we have figures of 40% as a turnout which elects this Assembly. There is no other way of talking about it.

Now when Members today talked about how grateful they are to see the removal of the current bar on legal disability, well the one obvious thing is that the Committee would do well to  
1520 engage with the Guernsey Disability Alliance in order to ensure that they encourage as many of their members as possible to both be on the register and to vote in the election. But if we therefore think that that is probably a good idea for increasing participation in that part of our society, then the question really should come to us as to why on earth are we not making greater efforts in other areas. This is not the only problem. We have a real problem with 40% at the  
1525 moment.

Now moving the franchise down to 16 is something that obviously happened previously, and that is to be welcomed. The results of various surveys show repeatedly that those people who on their first opportunity to participate in an election do so are therefore far more likely to also participate in every consecutive election. So the very real question is how do we engage with the  
1530 youth of the Island, 16 through to 20-year-olds? Their first opportunity to vote being in 2016. Those are the people that we really have to grapple with, how on earth do we engage with them? Now there are various organisations, there is the Youth Commission, or there is the... and we think of the Hub as two areas that we could immediately contact, and have discussions as to how we could engage with them, so that they encourage participation. But it should not stop there, we

1535 should also think of the Sports Commission, we should also think of Guernsey Football Club, we  
 should be handing out leaflets. We should be encouraging leaflets to be handed out at the  
 football games, these are hugely popular, but I would ask you now, how many people who attend  
 those games do not participate in elections? It is a massive opportunity, but nobody is talking  
 1540 about how we actually get to grips with this very real problem. We cannot continue to sit in a  
 tower thinking, 'Well that is okay, if you participate then obviously it shows that we have got a  
 great democracy and given that 80% of the electoral roll vote, then that is all fine. It is not. The  
 numbers that choose to be on the electoral roll in the first place is appalling.

I know that there have been efforts in the past to encourage greater registration on the  
 electoral roll. But as I was talking to Deputy Conder yesterday, and I think we both knocked on the  
 1545 same door, there was one person at least whom I knocked on their door, and I told them, 'I am  
 here. I am a candidate', and they said, 'Oh I am not interested.' I said, 'But your name is on the  
 electoral roll.' 'Oh yes, well somebody came along and asked me to do it, and I simply signed it in  
 order to get rid of them because I am not interested.' (*Laughter*) But this was a person within  
 States' housing, the amount of say that we have through policy as to how that sector of society  
 1550 actually... their ability to live in that house, how much rent they pay, what benefits they may or  
 may not receive, that is all determined here. How have we got to the point that there is such a  
 disenfranchisement that they are not interested? They sign a piece of paper to get rid of  
 someone, and have no interest in engaging with the very people who determine such a large  
 amount of their current expenditure: probably the largest being their rent, and the second largest  
 1555 being their tax. That is staggering.

We have reached a point of failure, you know. 40% is failure. We cannot even justify it by  
 saying that 50% of the electorate turned out. We have not even got a majority of those people  
 who are eligible turning out. That is the question we should be asking ourselves. That is what I  
 would be working with in SACC in order to try and work with other partner organisations to  
 1560 increase the franchise across the board. It is great that we have actually got this position that we  
 now remove this bar on certain members within our community. Now that we have done that,  
 right, nice pat on the back, let's get on and deal with the real problem, that 40% people turned  
 out to vote last time, and we thought that that was good news. That is not good news; that is  
 shameful! We really have to think differently.

Now I know that I spoke against the Wilkie amendment, but given that it is now passed, I will  
 work very hard in order to try and see what we can do in a digital sense in order to engage, of  
 course I will. There are certain measures that I think we definitely should do, and it does call into  
 question a slight thing as to what is Government's responsibility for delivering, and what is the  
 individual's. That is a question that will need to be resolved within Committee. That is fine, we can  
 1570 deal with that. But the question as to what the Committee will do in order to engage to have  
 greater registration on the electoral roll is one that we will obviously tackle. But it is something  
 that every single individual in this Assembly, and anybody interested in the election, and thinking  
 of being a candidate, it is something that they need to grapple with as well. Because it is about  
 time that we increased the number of people that are on the electoral roll.

Forty percent is not something to be proud of. It is something we need to address,  
 1575 desperately.

Thank you.

**The Bailiff:** Deputy Conder.

1580

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

I will endeavour to address some of the points made, particularly by Deputy Green, although I  
 am quite sure the Chairman of SACC will do it much better than me.

Sir, we are, of course, representatives of the people not delegates, and we represent them but  
 1585 what we do not do in this Assembly is reflect them, reflect the makeup of our population. We  
 neither reflect them in terms of gender, manifestly we do not, age, social background and

differently able. Whilst these proposals can never address those issues in full, I believe, and I think the Committee believe, they may help in some small way.

1590 Dealing with Proposition 4, and Deputy Green raised concerns about the greater than inflation increase in the grant. We do not of course have parties; there is no support for candidates in terms of their election expenses other than the grant. I think, and I hope, most colleagues would agree, that it would be iniquitous for individuals from whatever background to be unable to stand for election due to financial hardship. And whilst £600 would never... *potentially* would not be enough, it would go some way to being able to run a modest campaign, I think it is appropriate  
1595 that we should enable individuals from every background to have the opportunity to stand as a people's representative.

In terms of changing the date to June - we have had a great deal of debate about that. Deputy Bebb mentioned it yesterday, he and I were adamant that under no circumstances should this Assembly's term be extended, that would be undemocratic, and the electorate have to know that  
1600 they are voting, if Proposition 7 is passed, they have to know they are voting for an Assembly of four years and two months. We do believe, and we had some discussion yesterday, that a June election date would again facilitate so much more, other individuals from a much wider background to stand. Why is that? Well clearly there are lighter evenings and that must be very important for some Members to be able to get round and canvass their electorate. Particularly  
1605 those people who work, or those people who perhaps are less mobile and would be reluctant to walk the constituency on dark evenings. In addition it perhaps makes it easier for women to arrange child cover, or whatever they need to do in order to be able to stand as candidates. So we think this is a very progressive move. And, of course, it will at last remove the nonsense that we have experienced yesterday when Deputy Dorey's amendment had to resolve the issue of school  
1610 holidays and clashing with Easter.

So I hope colleagues will see that these are progressive Propositions, a progressive report, which in a small way will resolve some of the inequalities and inefficiencies in our electoral system, and will feel able to support all of these Propositions.

Thank you, sir.

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**The Bailiff:** No-one else – Deputy Le Pelley.

**Deputy Le Pelley:** Thank you, sir.

Very quickly, I would like to know if at any time SACC is likely to think about automatic  
1620 inclusion on an electoral roll. That may well come someday along the lines of helping to raise the turnout.

Again the point has been made, I think, with Deputy Wilkie's amendment, that perhaps we could reach more of the electorate by the electronic distribution of our manifestos, so that may well be a way forward as well. We do need to engage with the electorate. There is no doubt about  
1625 that whatsoever. We need to do that not only at States level, but also at parish level, and through schools and education, and many other ways. It is something that we need to start doing now in order to raise the profile for next March and April.

With regard to the timings and the openings of the polling booths, I have to say that St Sampson's now appears to be the odd parish out, and I have had words with one or two of my  
1630 fellow Deputies from St Sampson's. This matter was talked about in a St Sampson's Douzaine meeting, we had a problem really with the actual manning of the stations, and the reason for that is that we have one person who is long-term ill, we have several people who are doubling up in their positions – me, for example, I am a Constable and a Deputy – but we have also got another Member who is a Constable and a Douzenier, so we are, if you like, short-staffed, and the decision  
1635 of that particular Douzaine meeting was that it would be difficult to actually maintain two booths over those amounts of time.

What I will do is, and I have actually asked for the Parish Clerk to include this item on the next Douzaine business, hopefully with the Deputies present, so that we can actually reconsider that

1640 decision. I understand that if we wish to change that we may have to do so by Requête but that is not an impossibility. It will be included on the next Douzaine meeting.

Thank you, sir.

**The Bailiff:** Anyone else? No.  
Deputy Fallaize.

1645

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

Is the Procureur able to confirm that there could be time to do it by Requête in the way that Deputy Le Pelley has just suggested?

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**The Procureur:** I am sorry, I was not listening. *(Laughter)*

**Deputy Le Pelley:** I have that effect on people, sir.

1655

**Deputy Fallaize:** Deputy Le Pelley said that *(Laughter)* the St Sampson's Deputies may lay a Requête to propose that the polling station in that district open at 8.00 a.m. I am just wondering whether, if the States vote today in favour of Proposition 2, there would be time to sort all of that out, if it were done by Requête, I don't know, at the October meeting of the States, or something like that.

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**The Bailiff:** Does it need a Requête?

**The Procureur:** Possibly. There are lots of Rules about everybody having to be consulted when a Requête is –

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**The Bailiff:** It will come back in an Ordinance, won't it? Could not the Ordinance be amended when it is laid before the States?

**The Procureur:** The Ordinance could be amended, but without a Requête.

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**The Bailiff:** It would not require a Requête, would it?

**The Procureur:** No, no, no.

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**The Bailiff:** Would not the simple thing... as I say, when the Election Ordinance comes back before the States with the opening times for the polling booths, which I think is in the Election Ordinance, is it not?

**The Procureur:** It is.

1680

**The Bailiff:** It is. The simple thing would be just to amend the Ordinance when it is laid before the States.

**The Procureur:** Oh, yes, that is the easiest way of doing it, but I was being asked about the timing for a Requête. So it does take ages, because of the Rules of Procedure.

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**The Bailiff:** But, I am not sure a Requête would be necessary, is the point I am making.

**The Procureur:** No, no.

1690

**The Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** Okay, well I thank Deputy Le Pelley for undertaking to discuss it again with the Parish Officials in St Sampson, and encourage them to move in line with the rest of the Island, and I thank the parochial authorities in the other districts for agreeing to go to 8.00 a.m.

1695 Deputy Gollop made some good points about polling stations. Clearly the accessibility of a polling station is key, and previously the Committee has worked with parishes to encourage improved accessibility, and will continue to do so. Of course, the Committee has also done that in respect of accessibility in this States' Chamber. But I think the Committee would need very good reasons to deny any electoral district the opportunity to have a polling station where they felt it best to have a polling station, and there are no good reasons to do that in respect of the request from St Saviour, and that is why we are putting Proposition 3 to the States.

1700 Proposition 6, which relates to legal disability is important, the present language is outdated, and unreasonable. It is not possible to ensure the rationality of a vote through the sort of legislative provisions that are in place at present, and if the States vote in favour of Proposition 6 the Committee will seek, I think it is by regulation, to make changes relating to anybody who a candidate may request to be present at a count, because at the moment the legal disability provision applies in respect of those persons as well, and that ought to be swept away. I should point out this was brought to our attention by the Guernsey Disability Alliance initially, and they deserve the credit for doing so.

1710 Deputy Green is right that June is vastly better than April. I should point out that Jersey have their elections, I think it is in October or November, so we may be able to look forward to autumnal elections in the future – *(Laughter)* Oh, half term in October, of course, yes. But perhaps Jersey will see the merit of having summer elections in the future.

1715 Now Propositions 4 and 5, well Deputy Conder has really addressed why we are proposing an above-inflation increase in respect of Proposition 4. It is felt that there should be as few hurdles as possible put in the way of a candidate running an election campaign, and there is a link between the amount that is spent by candidates, and the candidates who are elected. If you look at the analysis of the statistics, it is very difficult to get elected if a candidate is spending only perhaps in the low hundreds of pounds. That is what the evidence suggests anyway. I think if Proposition 4 is lost, the grant to candidates for 2016 will probably be zero, because there is no amendment to set it at £550 or whatever figure Deputy Green might have had in mind, so I would ask him not to reject Proposition 4 on that basis at least.

1720 Now in respect of the amendment the States have now approved, laid by Deputy Ogier, I have suggested to Deputy Le Tocq and to Deputy Ogier that the two Committees, the Policy Council and SACC, convene a small working party chaired by Deputy Ogier, to work with Jersey and see whether there is a way of – a practical way of making the two Islands terms coterminous. I hope the Policy Council will agree to that suggestion, and I look forward to working with Deputy Ogier on that.

1730 Now Deputy Bebb spoke about the low turnout at elections, and, of course, he is right. Our turnout is I think slightly higher than Jersey's. It is very low in comparison to most of the western world, but there is a big difference between Guernsey and Jersey and most of the rest of the world, and that is the absence of parties. Now there are many negatives with political parties, and I certainly do not advocate their establishment, but one advantage is the possibility for parties to mobilise votes. I have no doubt that a party system encourages a higher voter turnout, because parties spend a great deal of time and a great deal of money, first of all trying to engage people in election campaigns, and then in 'get out the vote' operations as they call them and I think that if we had parties we would not experience 30% or 40% turnout, but there would be very many negatives that would come with that positive I suppose. Actually 40% is quite optimistic in Guernsey, because there are many electoral districts that their turnout is in the 30's. It is expressed as 60% or 70% or something, because it is expressed as a percentage of those on the electoral roll, but the numbers inscribed on the electoral roll are really very depressing indeed.

1740 It is not really a matter for SACC actually. This falls into the mandate of the Home Department, and the Home Department have in recent elections made very considerable efforts to get people

1745 inscribed on the roll, because all the evidence suggests that if people are inscribed on the roll the  
tendency is they do vote, and actually we have districts getting perhaps 70% plus of those  
inscribed on the roll out to vote on the day. Now that is a very healthy turnout. The problem is  
getting people inscribed on the electoral roll in the first place. Home do commit considerable  
resources to that. The Committee is working with the Department in that regard, and will continue  
to do so. Any Member who has any suggestion for how we may encourage people to inscribe  
their names on the electoral roll, their suggestions would be welcome.

1750 Deputy Le Pelley has already made a suggestion, which is automatic inclusion. I have always  
favoured automatic inclusion. In fact, I do not think that there are all that many dangers in the  
Australian system of requiring people to turn up at a ballot box, but certainly automatic inclusion,  
or automatic enrolment, I think would be a positive move. It has not proved possible up to this  
point, but anything the Committee can do to work with the Home Department in pursuit of that  
objective it will do.

1755 Sir, I do not think there is anything else I need to say. I would encourage Members in particular  
to vote in favour of Proposition 7, the Committee feels very strongly that an election in June is  
preferable is preferable to an election in April, and other than that, sir, I ask Members to support  
the Propositions as amended.

1760 Thank you, sir.

**The Bailiff:** Well, there have been five successful amendments, so can I just remind Members  
of what they are now voting on. The Propositions are to be found on page 1232 of the Billet.  
Proposition 1 has been amended so that the Election date is changed from 20th April to 27th  
1765 April. Proposition 2 has been amended so that the polling stations in the Vale will open from  
8.00 a.m. until 8.00 p.m. A new Proposition 4(a) has been inserted as a result of the  
Deputy Wilkie/Deputy Rob Jones amendment concerned with the electronic distribution of  
manifestos. We have a new Proposition 9, resulting from the success of  
Deputy Spruce/Deputy Gillson amendment concerning declarations of unspent convictions, and a  
1770 new Proposition 10 from the successful Deputy Ogier/Deputy Luxon amendment regarding  
discussions with Jersey over general election dates.

So we have 10 Propositions, unless anyone wishes any of them to be taken separately – well, in  
fact we have got 11 Propositions, because we have got 4(a). So we have got 11 Propositions.  
Unless anyone wants any of them taken separately, I will put them all to you together. Those in  
1775 favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.

1780

**XI. Panel of Members –  
Report of the Review Board for 2014 –  
Proposition carried**

*Article XI.*

*The States are asked to decide:*

*Whether, after consideration of the Report dated 16th April, 2015, of the Panel of Members (constituted by the Administrative Decisions (Review) (Guernsey) Laws, 1986-1993), they are of the opinion to note the contents of the Report.*

**The Deputy Greffier:** Article XI – Panel of Members – Report of the Review Board for 2014.

**The Bailiff:** Deputy Fallaize, do you wish to speak to this Report?

1785 **Deputy Fallaize:** Sir, the Report is self-explanatory. All I wish to do is to thank the Policy Council for agreeing to the various reforms of this process, which I have suggested to it, and to welcome the Policy Council's agreement that they will expedite a policy letter and bring it to the States, I believe, before the end of this year. Perhaps the Chief Minister would confirm, but I think that was the agreement, in order that we can make these reforms to this process, which are probably long overdue.

1790

But other than that, sir, I have nothing to add to what is in the Billet.

**The Bailiff:** Chief Minister.

1795 **The Chief Minister (Deputy Le Tocq):** I can confirm what Deputy Fallaize has just said, sir.

**The Bailiff:** Thank you.  
Deputy Gollop.

1800 **Deputy Gollop:** Sir, I always welcome the opportunity to see the Review Board in action, and I think it serves a useful purpose, before perhaps one day we adopt a more focused ombudsman-type approach, and I support the reforms as outlined, which I will not go into now.

1805

One thing I would point out, though, is it seems very difficult for a complaint to get to the level of the Review Board because the Report identifies 10 different issues, which were resolved in a variety of different ways or just abandoned. I think actually the States, possibly for the next term, has to look more carefully about the process of appeals, and how it is all managed, because clearly the current system really is not working.

1810 **The Bailiff:** No-one else is rising.  
Do you wish to reply, Deputy Fallaize?

1815 **Deputy Fallaize:** Well, only to say that really I agree with Deputy Gollop, but the reason why, if one looks through most of the complaints which were received by the Chief Executive and then not transmitted to a Review Board, generally it was because the complainant had not exhausted the complaints procedures which exist. Sometimes internal complaints procedures within Departments, or before a planning tribunal, but it is important that complainants exhaust the other avenues that are open to them before they make application to have their case heard by a Review Board.

1820 Deputy Gollop, I think, is right when he says that in the fullness of time there may be a new arrangement introduced. Clearly the States do need to look very seriously at how they deal with complaints against States' Departments, and appeals against administrative decisions. That is also acknowledged in the States' Review Committee's Report, but in the meantime the Administrative

1825 Review Board process, in my view, does provide a useful check upon Departments' administrative decisions, and I would encourage anybody who wishes to lodge, effectively, an appeal against an administrative decision to use this process, and that is why we are introducing, or trying to introduce, the reforms that are outlined at page 1235. They will, if approved by the States, greatly strengthen the perceived impartiality and standing of this review process.

Thank you, sir.

1830 **The Bailiff:** Members, there is a single Proposition on page 1239, which is to note the contents of the report. Those in favour; those against.

*Members voted Pour.*

1835 **The Bailiff:** I declare it carried.

That concludes the business for this meeting. Thank you very much, Members.

*The Assembly adjourned at 12.14 p.m.*