



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 9th July 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 P. A. Harwood, J. Kuttelwascher, B. L. Brehaut,
R. Domaille, A. H. Langlois, R. A. Jones

St. Peter Port North

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

St. Sampson

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

The Vale

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

The Castel

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

The West

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

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 M. J. Storey, (*indisposé*);
Deputy E. G. Bebb, (*relevé à 10h 26*); Deputy K. A. Stewart; Deputy P. L. Gillson, (*absent de l'île*);
Deputy J. P. Le Tocq (*absent de l'île*); Deputy D. A. Inglis (*indisposé*)

Business transacted

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

Billet d'État XII

STATES' REVIEW COMMITTEE

X. The Organisation of States' Affairs – Second Policy Letter – Debate continued

The Deputy Greffier: Billet d'État XII – continuation of ordinary debate.

The Bailiff: Deputy Conder, then Deputy Duquemin, Deputy Laure Queripel.

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Deputy Conder: Thank you, sir.

Mr Bailiff, fellow States' Members. I thank those many Members of this Assembly who have so generously and graciously complimented the States' Review Committee team on their report. Whilst happy to be one of the recipients of your gracious comments, I have to say it is undeserved on my part.

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The truth is, as I am sure my fellow SRC Members would agree, a very, very large part of any praise for the Committee's efforts properly belongs with Deputy Fallaize. I disagree with Deputy Dave Jones; Deputy Fallaize is not a modern-day Thomas Cromwell. He is a human dynamo. He almost single-handedly wrote the States' Report, somehow managing to work for 22 hours a day, on occasions the full 24. I felt old when I retired from the GTA, having now worked alongside my illustrious dynamic friend and colleague, I know for sure I am old, and past my time. I have marked a few dissertations in my time, and I was known as a mean marker, but this report, as I think most of you agree, deserves a distinction award. I do not hesitate to recommend to you that we award Deputy Fallaize an Honorary Doctorate in States' Report Writing. (*Laughter*) In fact he can have mine; he deserves it more than me. (*Laughter*)

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Sir, when last year this Assembly approved the recommendations of the States' review Committee we recognised the unique, and special nature, of our committee based form of democratic governance, and its rightness for this small community. We rejected an executive style of government, recognising in this Assembly each one of us is the Government. Our committee based system is sometimes flawed and cumbersome, as we saw yesterday, when some of our

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most senior and experienced colleagues, so often eulogised by my friend Deputy David Jones, introduced a number of amendments after lunch, which they had every right to do so, (**A Member:** Hear, hear.) but which I considered to be ill conceived. Be that as it may, they had every right to do so. (**A Member:** Hear, hear.) However, our system of government, that cumbersome and flawed system of government, within our Rules asserted itself, and very quickly we were back on track, discussing this Report, and those amendments were given the consideration I considered they were due. (*Laughter*)

Sir, for our small community, this committee-based Government, giving as it does a closeness to our electorate, access, is quite unique, and it is a precious thing that we should nurture and sustain. We recognise that it could be more efficient and more effective, and that is what the States Review Committee has tried to achieve.

Sir, as we all know the key parts of this enhanced model are the creation of a senior Committee, a reduction in the number of Principal Committees, a strengthening of, and greater flexibility, for our scrutiny function, and a reduction in the number of Deputies. Those are the headlines. Sir, Policy Council does not work. I do not think there could be many of us who have attended Policy Council who would claim it to be an effective organ of policy creation, co-ordination, or leadership. How can it be so, for with the exception of the Chief Minister, every other Member has a huge and burdensome responsibility within their Department? It is not reasonable or sensible to ask them to set aside those burdens, priorities and prejudices, once a fortnight, to focus on corporate objectives, possibly at the expense of their own Department.

What the Policy & Resources Committee will give us, for the first time, is a committee of five senior individuals, nominated by our senior political office holder and chosen by this Assembly, free of the burden of factual departmental duties and able to concentrate upon the strategic direction of this Government, and the co-ordination of policies to deliver that strategy, and the raising of finance, and the allocation of resources, to make those policies real. But, and this is the big safeguard, always as a servant of this Assembly, this Government.

Churchill once said that the only thing that frightened him was Parliament, because that was where authority and power lay. It would not hurt if the members of our new Senior Committee were a little frightened of this Assembly, and it will be your duty, our duty if I happen to be here, to help them achieve that happy state of fear.

Sir, the reduction in the number of committees, makes eminent sense, it cannot be sensible to have tiny departments and huge departments with similar political and bureaucratic infrastructures. In these times of financial stringency we owe it to the taxpayer to run our Government as efficiently as we can, and by bringing together related functions we can achieve economies of scale, and other efficiencies, which hold out the prospect of delivering real savings, and potentially more joined-up government.

Sir, in the absence of executive government, based upon parties, and the consequent absence of an opposition, which would challenge and hold to account our Government, we ask an awful lot of our scrutiny function – a function which has for a long while been insufficiently resourced, and has insufficient profile within our system of government.

This Report, with these Propositions, seeks to place the appointment of the Scrutiny Management Committee near to the top of our appointment process; offers the opportunity for nearly all Assembly Members to engage in this function, and recognises and puts in train the allocation of resources of a size, nature and physical location, which recognises the critically important nature of the scrutiny function in achieving democratic accountability in our unique form of democracy.

Finally, sir, we recommend a modest reduction of elected Members, which we believe will be sufficient to offer political leadership, direction and accountability, in our enhanced and streamlined committee based system. In this Government, at the present time, in nearly all cases each of us has chosen to involve ourselves in one, two, three or four of our Government's functions. That is how it should be, and how it probably will be, in the future. For whatever reason, our immediate predecessors, and ourselves, have made the role of a member of this Government

pretty much a full-time job. That is unlikely to change, and by and large we are rewarded on that basis. Given the few number of committees and the adoption of multiple roles, it does seem that a modest reduction in the number of States' Members is appropriate. Of course, colleagues – of course colleagues – it will mean that there are seven less of us to make speeches in this Assembly each month. *(Interjection)* Surely that is a clincher. **(A Member: Hear, hear.)** *(Interjections)* Stop now – yes, any second!

Sir, I hope that Members will feel minded to vote for all of these Propositions, and so direct the States' Review Committee to proceed to work on the next stage of this process which, amongst other things, includes the preparation of detailed mandates for each of the Committees, all of which will be returned to you for your consideration later this year.

Sir, in closing, can I thank all of my fellow States' Members, who after the past three years have so actively engaged in so many ways with us in this process, and made such a valuable contribution to these deliberations. I hope colleagues feel that they can support all of these Propositions and enable us to proceed with the next stage.

The Bailiff: Deputy Duquemin.

Deputy Duquemin: Thank you, Mr Bailiff.

I would like to start by making comment on and supporting the Proposition for a new Education, Sport & Culture Committee. When Deputy Gollop placed his amendment seeking a Committee for Tourism, Retail, Sport & Culture, he intimated that he was surprised that the concept of Education, Sport & Culture had not already been challenged, perhaps through other amendments by others, and particularly those involved in sport and culture.

Sir, whilst some have seemingly suppressed their natural territorial instincts, I wholeheartedly support the move to a combined Education, Sport & Culture mandate. For me the positives of the move outweigh by far any negatives that exist, and there was no need to even consider an amendment of any sort. Deputies, Luxon, O'Hara and Sillars, have already made mention of the Guernsey Sports Commission, and the very fact that this successful, established organisation exists provides me with all of the reassurance necessary that it will not let sport be 'lost at Education'.

But, remember the new Committee will not be Education; it will be Education, Sport & Culture. In fact as a commissioner on both the Guernsey Sports Commission and the Guernsey Arts Commission for the past three years, I can tell Members that an awful lot of energy has been spent by both of these organisations seeking ways to break down, what at times felt like impenetrable barriers to work closer with the Education Department, that both see as a key, arguably the key partner. Clearly, being *de facto* part of the same team will be of immense benefit, and improve the partnerships and delivery. Sir, I have told both the Guernsey Sports Commission and the Guernsey Arts Commission to see a new Education, Sport & Culture Committee as an opportunity, and certainly not a threat. **(A Member: Hear, hear.)**

Sir, mention of the Guernsey Sports Commissions and the Guernsey Arts Commission segues me neatly to the next point I wanted to highlight. Because the third Commission hat I wear is as Chair of the shadow Guernsey Language Commission. I am delighted that in opening debate on this policy letter our *Guernésiais*-speaking Chief Minister made prominent mention of Guernsey's own language. There have already been conversations, partly in *Guernésiais* I add, in Deputy Le Tocq's office at St Charles Frossard House with individuals from inside and outside of the States keen for Guernsey's own language to feature in the new Government structure. Committee names, titles of politician *et al.*

I shine a light on the possibility today, because I want to make certain that the SRC pay more than lip service to Guernsey's own language in the final part of their trilogy, their third policy letter in November, and that this opportunity translates into something very tangible. I am hugely encouraged by both Deputy Le Tocq and Deputy Fallaize that this will be the case, and I thank both of them. The Guernsey Language Commission will, of course, do whatever it can to assist.

130 Mr Bailiff, I will now move on to the subject of the States' Trading Supervisory Board. During
debate on Deputy Brouard's amendment I said that it was this section of the policy letter that had
captured most of my attention, and this was seemingly a view shared by the States as a whole, as
we debated in some detail the nuances between policy and operation, and between the roles of
States' Members and non-States' members. Sir, perhaps in summing up, but more especially in
135 their third policy letter, I seek clarity from the SRC, because I confess to still being either confused,
or concerned, or perhaps even both.

The mood music from the SRC when I challenged the Chair and Vice Chair of the SRC prior to
the debate, and this continued through the debate on the amendments, is that Policy &
Resources and the Principal Committees will set policies for the States' commercial and trading
activities, and the States' Trading Board will concern itself with 'supervision and operational
140 matters'. I look up to see if Deputy Fallaize is nodding. The reason for my confusion and concern
is that the policy letter does not say this.

Perhaps paragraph 8.9.6 on page 1334 of the Billet was written at 3.00 a.m. in the morning,
because it says:

'...the States Trading Supervisory Board – [will have] a mandate and constitution which are consistent with the need to
balance political and commercial considerations.'

145 'Balance commercial and political considerations.' Over the page, paragraph 8.9.13 says:

'The Committee believes that political leadership and oversight of...'

– and then it names some of the trading entities –

'...should be transferred to the States' Trading Supervisory Board'.

150 'Oversight and political leadership'. For two reasons I believe there needs to be a distinction
between policy and operation. Quite clearly our desired outcomes from our strategic assets need
to emanate from the centre of Government, and equally clearly, having decided what the policy is,
what the desired outcomes are, the best chance of achieving them is by making the operation
work most effectively, and to borrow a quote I recently read about the Davies Report on London's
155 new runway, do it by 'looking past emotions and politics'. Sir, we should have two distinct centres
of excellence: one that is political, and one that is not political.

As a slight aside, Deputy Brehaut's 'let it go' speech on Tuesday really, really, resonated with
me. To build on a Disney film theme, it might leave some Deputies *frozen* in fear, but for me non-
States' members, with the prerequisite skills, are so incredibly valuable to this Government that it
160 frustrates me when others seem so keen to pull rank. (**A Member:** Hear, hear.)

Sir, moving on, in his speech on one of the amendments, Deputy St Pier chose to use the case
study of pontoons in the harbour to illustrate his point. As a *quid pro quo* I am going to use
Aurigny as my case study on how I see things now, and how I would like to see things in the
future, when the States Trading Supervisory Board comes into being.

165 At the moment Treasury & Resources carries out the shareholder function of Aurigny, aka
Cabernet, on behalf of the States of Guernsey. I am sure T&R will protest otherwise, but while the
airline is a strategic asset, I can see that it is perhaps quite natural, because of their own fairly
narrow mandate, that T&R's seemingly default focus is to concentrate on the financials, the
balance sheet, the headline profitability or otherwise, and arguable this leaves a policy vacuum. In
170 the future, post-May 2016, I would like the more expansive Policy & Resources Committee, after
consulting with the Principal Committees, to create a clear purpose, a *raison d'être* for Aurigny
that will be presented to the States' Trading Supervisory Board as its benchmark, as its framework.
Perhaps bearing in mind the extant Resolutions of the current three-pronged States' Strategic
Plan, these might encompass (1) the airline's contribution to the quality of life of Islanders – we
175 often hear Aurigny called a social airline at times, and I am sure the Alderney representatives will

understand how that can affect the quality of life of Islanders; (2) the airline's contribution to the Island's economic future – many, including me, regularly bang on about Aurigny being an economic enabler; and even (3) the airline's contribution to our Island's unique identity – you will get my drift I am sure.

180 This clear specification from Policy & Resources would look at both the resource implications and the policy considerations, the cost we are prepared to pay, and the benefits we would like to reap. Hopefully, we would look far beyond just the balance sheet. What do we want to achieve and how much are we prepared to pay?

185 Having created this vision, specification, or framework, for one of our strategic assets, P&R would then, to borrow Deputy Brehaut's phrase 'let it go', and it would be up to the board of Aurigny, with oversight by the States' Trading Supervisory Board to go away and make it happen. Ditto Guernsey Post, Guernsey Airport, States' Works and others.

190 With all of this in mind I repeat the paragraph from the policy letter that I read out during the debate on the Brouard amendment, paragraph 8.9.23 reads

'It is recognised that the full mandate of the States' Trading Supervisory Board to be presented in the third policy letter, will need very clearly to set out its duties, powers and confines, and encapsulate its relationship with the States, the Policy & Resources Committee and the Principal Committees.'

195 Mr Bailiff, I too add my congratulations to all on the States' Review Committee, for a job well done so far, and I am genuinely looking forward to the third policy letter, when I will be reading the sections on the States' Trading Supervisory Board and, hopefully, *Guernésiais* too with particular interest. *A la perchoine*.

The Bailiff: Deputy Laurie Queripel and Deputy Soulsby, Deputy Rob Jones.

Deputy Laurie Queripel: Thank you, sir.

200 Sir, I would like to align myself with the comments of other Members who have said that this is a very well written and very reasoned policy letter, and to paraphrase the parrot sketch from Monty Python, my goodness it is beautifully punctuated. Deputy Fallaize's old English teacher will be proud of him. There are semi-colons and colons and hyphens in all the right places, it seems, to me anyway. *(Laughter)*

205 Also I am on board with the rationale, sir. To me the rationale is sound. To try and create clearer and more defined and cleaner lines of responsibility, and accountability and reporting, and to bring about more effective government and less duplication – that is all good stuff, sir. To try and create more coherent Principal Committee mandate, and aligning in a better way, and a far more fitting way, the functions and responsibilities and the services that those Committees will oversee.

210 To me, the most important, the pivotal paragraph in this Report, can be found on page 1255, in my view anyway, and it could be probably one of the shortest, if not the shortest paragraph in the policy letter, but it simply says this – it is page 1255, paragraph 2.3.8

'Throughout its review the Committee has recognised that the sole purpose of the States' structure must be to serve the people of Guernsey, both now and in the future. That is the overriding objective of the reforms directed by the States.'

215 Sir, that must be the main reason for this exercise and this must be achieved by this reorganisation for this reorganisation to be classed as a success. So that to me, sir, is a pivotal paragraph, and I was very glad to see it in there.

220 Now, sir, I have had a chat to Deputy Fallaize in the past, as the Chairman of SACC, and I am going to write to SACC about this. Yes, I understand the idea of having fewer Principal Committees, and making sure the mandates are fitting, and the responsibilities, and the duties, and the functions are cohesive, and the services. But, it does mean that the political Members that

225 sit on those committees will have to be at the top of their game. There is no doubt about that, and I think every Member that gets elected to this Assembly, comes here full of enthusiasm and wanting to do a really good job, and to make sure they serve the public, but I think what sometimes gets forgotten is, because of our fairly unique system of Government there is no recognised or organised opposition. So our first duty, whether we are members of Departments, of Principal Committees as they will be in the future, or as Members of this Assembly, is to be scrutineers, is to oversee, is to hold to account, is to question, is to test.

230 I sometimes find, sir – and as I say, I know Members join Departments and will join Principal Committees with great enthusiasm – they will want to push their policy ideas, but when they get elected on to committees, they do not join the team, they are there to oversee the team, they are there to lead the team. So it is a bit like, I suppose, if you took that sporting analogy a bit further, you do not put on the same kit as the team you are actually the referee or the coach. So you do not join the team. I have seen it happen in the past.

235 I have been a Member of this Assembly now for just over three years but, of course, four years prior to that time, I sat in that Gallery many times. I was a very keen observer of the States, from the Gallery and in other ways, and some Members – it is very easy to almost do it unknowingly. You actually join the team, rather than being aware of the fact that you are meant to be overseeing the team. You can have a good working relationship with the team within the Department, with the staff and the officers, and of course, you have to work hard on the Department's behalf, and you have to support the Department, but your first job, your first duty, your fundamental duty, when you become part of a Principal Committee as it will be in the future, is to be a scrutineer, to hold to account, to test, to question, to make sure the services, the functions and everything else that happens in that department are appropriate and correct, and can be justified. I think that needs to be...

245 I found the induction process very useful in 2012, when we were elected to the States, but I think, actually, that should be part of the induction process. I think SACC need to include that in the induction process: that your first duty is to be a scrutineer and hold your Department or your Committee – or the functions and the services within that – to account.

250 Now, sir, also I would like to make some comments about scrutiny. This Report, there is no doubt about it, is putting forward something that will improve the scrutiny process. It is a step or two in the right direction. I am going to support it, but it does not go far enough for me.

I think all three political Members of the Scrutiny Management Committee, should be entirely free of conflict, of any other political portfolio. I suppose I could have brought an amendment to that end, but I just did not think, at this stage, it would gain sufficient support, so I did not.

255 Because I have just made the point that in these Principal Committees, if two of the members of the Management Committee are also members of very busy and very large Principal Committees, they are going to have an awful lot of work to do, as a member of those committees, and so I think a lot of their time will be taken up, regardless of their good intent, will be taken up by – they will be preoccupied with their Principal Committee work, so I think it will be very hard for them to give sufficient time and energy to their scrutiny positions, to make sure they fulfil those... it is not impossible, but I think it will be very, very difficult for them, so I do think that needs further thought. If we are going to have a Management Committee of three, I think they all need to be unconflicted and free of any other political portfolio, because they are going to be very busy if they are on Principal Committees.

265 The other thing is, sir, I cannot help but think that when the Scrutiny Management Committee are deciding what to scrutinise, if two of them are sitting on major Principal Committees, how can they, once again with the best will in the world, how can they make those decisions with complete impartiality. It will be, I submit it will be, to put it mildly, difficult for them, I think. Now, sir, the States' Review Committee has explained why they have chosen to recommend the model of scrutiny that they have. They have provided the rationale behind that, the thinking behind that, particularly in paragraphs 9.2.6 through to 9.2.9, and in addition to that, of course, there are lots of good things about scrutiny in this Report on page 1345 talking about strengthening mandates,

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275 compelling witnesses, enabling scrutiny to look at the other organisations involved with the States, the trading companies etc. That is all good stuff. But, and also, of course, that is good, but the rationale for me, I am not completely convinced about the rationale behind the model that has been chosen.

280 Also, of course, the Committee have made the point to me that because of our system of government, because we are all part of the executive, it is difficult to effect, or have a complete separation between decision making, policy making, and scrutiny. Now, I see those points, but as I say I am not entirely convinced. I think at some stage, at some stage, it will have to evolve, further down the line, at some stage we will have to go several steps beyond what is being recommended here, and we will need, I think anyway, a separated stand-alone Scrutiny Committee and scrutiny process, so a more effective, and dedicated, and meaningful, timely form of scrutiny can be established. Now, ideally, I would like – I made my submission – I think I made two submissions, 285 actually, to the States' Review Committee, and I made it clear – ideally, I would like to see a standing Scrutiny Committee containing five unconflicted States' Members, and in addition, of course, some non-States' members and you could still have the ability to second other States' Members on to *ad hoc* panels. So for me sir, yes I would like to see more timely, more real time scrutiny, so it would be, in a sense, so less looking back. So less telescopic and more microscope is the approach I would like to see taken to scrutiny. 290

I think the effects then of scrutiny, rather than always coming to the place where we say, oh yes, we have learnt lessons now, that happened a year or two years ago, and we have learnt those lessons now. But, of course, by that time, a lot of those processes and those actions are already established, and a lot of money has been spent, and we only find out at a later stage, if there are 295 any, that there are shortcomings, and perhaps money was not spent as effectively as it could have been. I would like to see that happen at an earlier stage, so that those functions do not get so well established, and that that money is not wasted. That is my point about less telescope and more microscope.

Now, sir, I listened to Deputy Dave Jones speaking yesterday about the Policy & Resources Committee, and actually, I understand the point he is making, and, as Deputy Conder said, it is up 300 to us to ensure that, as Members of this Assembly, it does not become an executive by default – that will be the job of this Assembly. I understand Deputy Dave Jones' concerns but, actually, and once again as Deputy Conder said, the Policy Council and – this is not a criticism of any of the individual members of the Policy Council – it is a dysfunctional body, there is a conflict there all the time. How can members of the Policy Council dedicate themselves to corporate working, to 305 fulfilling the Policy Council mandate, when so many of them are so very, very busy with their Department work, and inevitably there will come a time when they want to put their Department first before the corporate good?

I remember many years ago I sat on the Youth Development Council (YDC) and I was very 310 privileged to be – that was a body that administered and organised youth football within the Island – Belgrave Wanderers' representative there. It was a good body, and it did some good work, but inevitably every now and again, loyalty to clubs would surface and some loyalties to clubs were put first before the greater good. It is a very different comparison, of course, a very different organisation, but that is my point, when you have a dual role, at some stage or other, conflict will come into play, and I think Deputy Fallaize has probably had some experience of the YDC, and I really enjoyed my time there, but I did see that happen on several occasions, there was 315 conflict between club loyalty and the greater good. So I think yes, I think a Policy & Resources Committee is a step in the right direction, but we have to be mindful of the fact that it must not become an executive by default.

320 I am going to support most of the recommendations within this policy letter, I do have some concerns about the Supervisory Board of the trading bodies, but I am going to support most of the recommendations within this policy letter, but with some reservations, and I do look forward to further reports from the Committee.

Thank you.

325 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, I would like to follow up on the speech I made yesterday, when I spoke about the considerable change that will arise from the recommendations of the policy letter. But, I would like to take a slightly different tack from the comments made by Deputy James, Domaille and others.

330 But before I do so, I would just like to say I think Deputy Langlois was wearing rose-tinted glasses when he said yesterday that the risk by Deputy James had been exaggerated. He talked about there being a lot of experience from the last time changes were made in 2004, though I would say experience yes, but have lessons been learnt. Recent years have not demonstrated that the States is a master at change management.

335 I would also remind Deputy Langlois that the restructuring in 2004 was, in theory, far simpler than this time. Eleven years ago it was more about a matter of consolidating 50-odd committees. This time it is more complicated, as specific services in one Department are moved to different Committees. The decision made two days ago to split Fisheries and Agriculture will, even in a relatively small way, cause some headaches, I am pretty sure.

340 My real concern, as echoed by others, is that £530,000 will not be enough to ensure that this change is managed appropriately. We have to put this into context. Last year we voted for an extra £1 million to run the SCIP process. We are talking half that to restructure the whole of the States. This will include necessary IT changes, not only security and access rights, but also reconfiguration of financial data.

345 However, despite all that, I do see this as a real transformational opportunity beyond the structural changes. I will give an example that I think Deputy Lester Queripel will like, in fact, and that is pre-printed letter headed paper. I am surprised that pre-printed paper is still used around parts of the organisation. With the changes in Committees this paper cannot be used for official purposes anymore, but this is a perfect opportunity to bring in a template system, that includes a letterhead, across the States of Guernsey. This is just one small example, but I am sure there will be more.

350 I will also be interested to see whether the restructuring will result in sustainable savings, at the macro level, with the reduction of Departments. I am sure there are, although it is likely to take time for these to be realised. So whilst I do have some nervousness over the disruption that these changes will cause, and I wish the Chief Executive all the luck in the world as he embarks on actioning what we have agreed here. I honestly believe this represents a real opportunity to make positive change.

360 **The Bailiff:** Deputy Rob Jones, then Deputy Burford.

Deputy Robert Jones: Thank you, sir.

365 I stand mainly to talk as Chairman of both Scrutiny and Legislation. As a Committee of nine, surprisingly we did come to a consensus on our opinion on the proposals, but I think we agreed that individual members would be able to speak freely. The Committee largely welcomes the decision of the States' Review Committee to provide within the Report many of the changes that we recommended in our submission, and discussions, with the Committee members earlier this year.

370 Before I address some of the specific points of the Report, it is worth me mentioning what this current Scrutiny Committee has achieved, despite its current resources, and given its current mandate. Firstly I should mention the first-class support the Committee receives from Mark, Suzanne, Anna, Keith, Julie and Ian. Months of work goes into the preparation of Review Panel hearings, including briefing notes, to question preparation, to venue preparation on the day. I am sure the members of the Committee will endorse the compliment in terms of their hard work and commitment. (**Several Members:** Hear, hear.)

380 In terms of improving the scrutiny function, the Scrutiny Committee felt that the answer lay more in changing culture and behaviours, and that the improvements made to the Scrutiny Committee's public hearings were already beginning to show. This is evident from the fact that more enquiries have started in the last six months. Members were keen to get these inquiries under way, and if there were a problem the answer was more likely to be found in getting on with it, than with another redesign of the system.

385 In terms of our approach to scrutiny, we have consciously taken a long-term strategic approach to scrutiny, and this involves a traditional retrospective approach to scrutiny. This approach consists of getting new evidence into the public domain. Now we have done this via a call for evidence, where we gather written evidence. We then schedule a series of oral evidence sessions, to test our witnesses' evidence in public. We then produce our report. As we have seen from our two recent reviews, these have been conducted with a more inquisitorial approach rather than an adversarial approach. That said, however, we have not abandoned the concept of urgent business reviews, but since the AFR Review we have been constrained by resources, and the lack of appropriate topics to review.

390 The short-term impact reviews certainly have a role in the future of the scrutiny function, they are without doubt designed to maximise media coverage. There is often a desire to operate within the news cycle providing material which the media could report while the news story is still live. In the UK they are often very adversarial, and they almost always look for what I believe in parliamentary circles is referred to as a 'scalp'. There are, however, in my opinion, drawbacks to such hearings. They more often than not whip up a media circus, they are not always conducive to problem solving and providing the States with lessons learnt. They may also lead to tactically shallow reports, designed only to get the Committee and its members into the news. With an unbalanced focus on the speed of reviews, it could lead to the Committee undertaking too many enquiries at one time, with not all enquiries pursued in sufficient depth.

400 Given the potential drawbacks we have to undertake a balancing act when considering potential topics for urgent business reviews, as we have experienced, in order to conduct such a review, the Committee would have to agree that long-term strategy reviews give way to the short-term review, and there really does need to be a balance in the consequences of diverting resources in that instance. That said the new proposals put forward by the SRC may allow the future Scrutiny Management Committee to react to the accelerating pace of modern communications with increased speed, and agility, to respond to current topics.

405 Moving on, so how have we managed to measure the impact of scrutiny? I acknowledge that the current Scrutiny Committees are often beneath the radar of States' Members, and the media alike. There is sometimes little to gain from a giving credit for positive change to a parliamentary Scrutiny Committee. We should, however, note the impact of a number of reviews that have already been conducted by the Committee this term. For example, the FR Review, this led to, whether you like it or not, the introduction of the Code of Access to Public Information. We began to embark on the GFSC Review, who regulates the regulator? This led to a C&E Review into the political oversight of the GFSC Security of Electricity Review. This endorsed the current policy. Now we are embarking on two reviews, one into the strategic security of air links and a review of a really important piece of legislation, the Children's' Law. So, the impact of scrutiny is certainly underestimated, in my opinion.

415 Moving on to the SRC proposals, I am pleased to see that as a result of the earlier Soulsby/Jones amendment, the parts of the Report that require subsequent actions, such as the granting of additional resources, and powers are actually going to be addressed this term. The experience gained by the two Scrutiny Committees can be usefully engaged in this task, and having this work done before the new term, will allow the newly formed Scrutiny Management Committee to make immediate progress. The Scrutiny Committee submitted the following points to the States' Review Committee. In relation to Committees' powers, the Committee believes that a future scrutiny function would benefit from the ability to be able to compel witnesses to attend

hearings, to be able to enforce requests for documents and information, and to be able to release confidential information where appropriate.

430 It may be inappropriate to review all issues in a public forum, but it is essential that the Committees can access information they need. The revised amendments, when finalised, must ensure that this important principle is established and therefore it is essential that the above powers are available to the Committee when required.

435 For example, the Westminster Standing Orders refer to the power of committees to send for persons, papers and records. Well, there is a difference between calling for information, meaning the body may have to undertake work in order to provide the information, and calling for an existing document or records. In this context the Committee is referring to the information that is available. Access to information is the lifeblood of the scrutiny process, and the culture of openness must be maintained.

440 In terms of the Committee's mandate, the Committee has also strongly made the point that changes are needed to its mandate, to allow the inclusion of scrutiny of the agents of the Government e.g. the GFSC, GEL, Aurigny, CICRA. The Committee therefore warmly welcomes the potential for a broader mandate to support this agenda.

445 One of the key issues for the Committee is the potential for the scope of investigations to be limited by the mandate. It is clear to the current Committee that the agencies and organisations involved in delivering Government policy have developed significantly since the original scrutiny mandate was agreed in 2004, when the Scrutiny Committee was created. Since 2004 the methods of delivery of Government programmes have diversified to encompass third sector organisations, private sector providers, and a number of other agents of Government, where agents are defined as organisations created by Government to undertake functions, or supported by Government to supply services, but are not departments or committees.

450 In 2012 the Government provided grants and subsidies totalling over £30 million to such organisations in Guernsey. It is the view of the Committee that the current mandate limits the effectiveness of scrutiny process and needs to be refreshed to reflect changed circumstances and challenges. If the Committee is given the power to compel attendance, we would need to consider how such powers could be exercised, for example, would the courts be needed to ensure compliance with Committee Resolutions? If so, does this raise the possibility of courts passing judgement on decisions of the Scrutiny Committee?

460 The reviews undertaken thus far have highlighted the problem that agencies and organisations essential to the delivery of Government policy or services, which the Committee is mandated to review, are beyond the remit of the Committee. As a consequence democratic oversight is limited in areas where these agencies, or organisations, are involved in the delivery of policy or services. Therefore, the Committee would, I imagine recommend that the mandate of the Scrutiny Committee is extended to include oversight of the agents of Government. As I have already said that includes the GFSC, the regulation authorities, and certain other functions provided to Government by, for example, St James's Chambers, commercial organisations, etc. It is the view of the Committee that that change will allow more effective Parliamentary scrutiny to be undertaken. The view of the Committee is that organisations of this type, who are granted operational independence while operating under the direction of the Government at policy level, many of these agencies do undertake functions that should be subject to appropriate scrutiny.

470 Resources: the current level of resources available to the Committee remains a major issue of concern. Specific concerns exist in terms of the following areas: the staff resources available to the Committee; the availability of access to appropriate – *[Sound interference]*

The Bailiff: Can someone please deal with that.

475 Not only does it mean we cannot hear in the Chamber, it also means anyone wanting to listen on the radio cannot hear.

Deputy Robert Jones: Sorry, sir, I think that probably was my fault, a bit close to the...

480 **The Bailiff:** Can you please start again then, what you were saying, because we could not hear you.

Deputy Robert Jones: Yes, sorry, sir. (*Interjection and laughter*) Yes! I will start again at resources.

485 The current level of resources available to the Committee remains a major issue of concern. Specific concerns exist in terms of the following areas: the staff resources available to the Committee; the availability of access to appropriate venues at short notice; the availability of access to transcription services; and the availability of funds to commission specialist reviews.

490 One point that has been strongly felt by the Committee is that a major constraint on its ability to react rapidly to events is the limited facilities available. If the SRC wish to improve the current scrutiny process then it is essential that this type of resource issue is addressed. These resources could be provided in terms of additional people, additional budget, or a combination of these two components. Additional staffing will allow more activities to be undertaken, particularly in terms of staging additional public hearings. However, given the wide range of reviews that may be undertaken, it is perhaps sensible, and more efficient, to provide extra staff alongside the
495 additional financial resources required to purchase external specialist support. Staffing is not the only resource constraint. There needs to be a system in place which permits a public hearing to be called at short notice. In order to achieve this the Committee will need the power to compel attendance, as I have said previously, and to have access to a suitable venue, together with the availability of a transcription service.

500 When we report back to the States in relation to those above issues, there may be an opportunity to consider the elements that are missing from the report. One of those issues that has been addressed by the Committee is the access to legal advice and the ability in certain contexts to be able to review the legal advice provided to departments and committees. However, this is a very complex area. For example, in Westminster legal advice is questioned by select
505 committees in certain circumstances. To allow for this to happen, UK ministers, in effect, waive their insistence on the confidentiality of the legal advice their departments receive. In Jersey their arrangements require both parties' – i.e. those who provide the legal advice, and those who receive it – agreement before this information can be released.

510 It is clear to the Committee that the content and rationale of the advice provided to politicians and staff by the officials within St James' Chambers should be subject, when appropriate, to review by Parliament and the Scrutiny Committee. The mechanisms for accomplishing this task need to be thought through very carefully, to ensure the suitability of any new arrangements. An inability to scrutinise this type of information is inconsistent with the principles of openness and transparency that lie at the heart of good government. The scrutiny arrangements, and perhaps as
515 importantly, the scrutiny culture must allow for parliamentary oversight of this type of material, when appropriate. The proposals we believe serve a fundamental principle of the reforms, which is to focus on effective and efficient financial scrutiny. The Committee acknowledges the potential for increased flexibility bestowed by the proposed new Scrutiny Management Committee. The Committee supports the potential increased role for non-States members. However, at this stage
520 we note this benefit is largely perceived, and will require to be confirmed by the participation of non-States' members as envisaged.

As I said earlier the Crowe Report reminded us that the solution lies as much in addressing behaviours and culture, as with the structure of the scrutiny system. The Committee had the impression that the SRC's approach was based on a presumption that if the structure is right
525 everything else will follow. That is only half the story. As I said earlier, it lay more in changing culture and behaviours, and that the improvements made to the Scrutiny Committee's current way of working is already beginning to show.

In terms of structures the Committee is generally supportive of the model of the Scrutiny Management Committee composed of three States' Members and two non-States' members.
530 However, the Committee does have concerns about the longer-term success of the proposed *ad*

hoc panel arrangements. These arrangements have the potential to add flexibility, but the Committee continues to believe the idea of creating panels dynamically have potential pitfalls in terms of working effectively. The continuity and expertise provided by the current model, in the opinion of the Committee, I believe, is better than the proposed model.

535 Whilst the Committee would welcome the option to co-opt States' Members for specific reviews, constantly changing memberships of *ad hoc* panels might fail to utilise the skills and the experience which members of the Scrutiny Committee have developed over time. *Ad hoc* panels also have the potential to create additional administrative burdens, and require considerably more back office resources, without necessarily adding any value to the scrutiny process.

540 Another key resource for the scrutiny function is the skills brought, and then developed, by the members of the Scrutiny Committee. The current model enables members to develop their inquisitorial skills as the term progresses, supported by the provision of training, active learning, and staff support. It is not clear if this process of skills development would work as effectively with *ad hoc* panels of short term members. If the revised amendments are adopted, then training for
545 *ad hoc* committee members needs to be addressed. In addition, any new arrangements need to safeguard the operational independence of the staff charged with undertaking scrutiny activity.

I use Westminster again as an example, but it has its own parliamentary service, which is distinct from the Government civil service. Of course, the scale of Westminster's operation hardly makes for a fair comparison with the States. Nevertheless it is increasingly untenable to operate a
550 truly independent scrutiny function without sufficiently autonomous management arrangements.

I am coming to the end now. I would like to briefly turn to issues relating to the Legislation Select Committee. In their third policy letter, the States' Review Committee will, I believe, ensure that States' Members are always in the majority when there is a vote to be taken on anything relating to the scrutiny of legislation, whether that is in relation to management or oversight by
555 the Scrutiny Management Committee, or in relation to the functions of the Legislation Review Panel itself.

In relation to paragraph 9.3.11 in order to manage expectations, the ability to hold legislation review panels in public, I believe, will be subject to additional resources, which would include appropriate meeting rooms with facilities to accommodate the public. I doubt that the ability to
560 hold review panels in public will be something that will hit the ground running in May.

Deputy Bebb has also questioned the transfer of emergency powers to make urgent legislation to the Policy & Resources Committee. I believe there will have to be further consideration to ensure that the Legislation Review Panel is involved with the scrutiny of legislation made under the emergency powers. It is actually the case now that the Policy Council recommend and advise
565 on emergency legislation, and the Scrutiny Select Committee is involved in the scrutiny there. I do not believe that will change under the new proposals.

So, in conclusion, the Committee believes that the revised arrangements will be successful if the following key areas are addressed. Firstly the mandate clearly requires refinement as discussed above. The powers of the Committee need to be revisited, and updated in line with established
570 best practices, discussed above. In addition, the Committee believes that it is essential that resources are provided to enable robust scrutiny to take place.

The Committee finally suggests that further work is carried out on the proposals relating to *ad hoc* panels in order that a sound case can be made to justify this change.

Thank you, sir.

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The Bailiff: Before I call Deputy Burford, Deputy Bebb do you wish to be *relevé*?

Deputy Bebb: Yes, please – thank you.

580 **The Bailiff:** Deputy Burford and then Deputy Perrot.

Deputy Burford: Thank you, sir.

In my manifesto I stated that I do not support a reduction in the number of Deputies. I have several reasons for taking this position, including workload, and a lack of research assistants. I also support the arguments now made by Deputy James, that changing the set-up and the number of Members at the same time, may well prove not to be the wisest move.

585 However, my main and overriding reason against a reduction at this time is diversity. In an otherwise very well written policy letter, and my congratulations to all involved, the argument advanced by the Committee at paragraph 10.6.4 spectacularly misses the point in citing percentages of female Deputies. In effect, it says that if the percentage remains the same, then nothing is lost.

590 I will tell you what is lost. As a wishful thinking example, if 22% of the current number of Deputies were female, that would be 10 women, but 22% of a revised 38 Deputies would only be eight women, so even if the percentage remains the same, the actual physical number reduces. The critical mass of an already small minority reduces. Of course, the physical number of other groups would also fall, but when two thirds of this Assembly is made up of men over 50, compared to just one quarter of the adult population, well I think we have got that angle amply covered.

600 The same argument applies to young people. There are no Members at all in this Assembly under the age of 34, that fact diminishes us. The fewer Deputies there are all together, the greater the risk that some significant sections of our demographic are grossly under-represented, or simply not reflected at all. It is crucial that we obtain better diversity. Men do not, and cannot, have the life experience of a woman, and although we have all been young, few of us have been young people in the early 21st century. Globally, the evidence shows that when women become engaged in politics, they are more actively involved in the issues such as childcare and the economy as it relates to them, which is often not the same as it relates to men. They champion equality issues, they are more focused on co-operation, and they demonstrate to young girls that politics is a valid path for women. You cannot be what you cannot see. But this is a big ask for a very small handful of women.

605 The critical mass matters. The critical mass is vital. It should be the job of Government to seek to encourage diversity within our Parliament and to understand and address the barriers that prevent young people, and women in particular, from standing for election.

Deputy Green supports reducing the number of Deputies in order to be able to choose fewer from a fixed pool. Surely, instead of focusing on reducing the elected number to increase quality, we should be looking at increasing the pool. Right here and now, I will make a plea to women listening to this States' meeting on the radio, or the internet: if you are interested enough to be listening, perhaps you might consider standing. We need you. Come and talk to me, or my female colleagues, we would be only too pleased to discuss it with you. That was an unapologetic non-party political broadcast on behalf of the pressing need to have more women in this Assembly, (Laughter) so, until such time as we have a much-improved demographic reflection I cannot support reducing the number of Members.

610 Thank you. (Applause)

The Bailiff: Deputy Perrot.

**Request to close debate under Rule 14(1) –
Motion lost**

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Deputy Lester Queripel: Sir, can I invoke Rule 14(1), please?

A Member: Oh, no!

630 **The Bailiff:** Rule 14(1) – is that the guillotine motion, Deputy Lester Queripel? Well, you may invoke it, and I will put the request to the meeting.

So the request is that debate be closed. This is debate on the Organisation of States' affairs, Second Report from the States' Review Committee – debate be closed. Those in favour; those against.

635 *Members voted Contre.*

The Bailiff: I declare that lost. (*Laughter*)

**The Organisation of States' Affairs –
Debate concluded –
Amended Propositions carried**

The Bailiff: Deputy Perrot.

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Deputy Perrot: Could I add to the general encomium of praise (*Laughter*) for those who produced what, I am pleased to say, is called a policy letter again. For some years we have been referring to reports, but in the good old-fashioned language, it is policy letter. Well done. Overlong, of course, (*Laughter*) but then the lead on this was Deputy Fallaize, so one expects that. (*Laughter*)

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But how good it is to see a policy letter, to read a policy letter which observes the laws of grammar and syntax, and English generally. Some time ago, Deputy Fallaize and I were reflecting upon the quality of policy letters which used to come before the States, particularly before 1948. The clarity of those policy letters was wondrous to read. We are coming back to that. If only this could be used as a template in future by our Departments, and I suppose, by our civil servants, I think it would simply add to the prestige for some of us of work carried out by the States, and sometimes we forget that the work carried out by the States is of high quality, irrespective of the constant condemnation which it suffers by people who do not face the electorate, writing in *The Press* or correspondence in *The Press*, themselves.

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I wish the proposals well. But I have to say, in one sense, my heart is not fully in it. Why do I say that? I say that because I think that the way in which we govern ourselves is somewhat dysfunctional. There is – unfortunately, it is inherent within the system – a silo mentality, and that does not play well with the public, and it is certainly unedifying when one sees it in action. I am not going to open up old wounds by referring to what has happened since 2004, but there have been some pretty unappealing episodes during that period, and the States have not come well out of that. We have also seen, quite apart from the silo mentality, over the years, too many very substantial and expensive U-turns. I do not think that was able to command the respect of the public.

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Now, I am a firm believer in consensual government. I am upset constantly at the democratic deficit which I would envisage going with executive government, if that were accompanied by party politics. I hugely respect the fact that we all have our own individual conscience votes here. I hope, I really do hope, that that continues, but I regard these present proposals as a last chance for the consensual system of government. (**A Member:** Hear, hear.) It is a last hurrah.

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If the States do not comport themselves in a rather more joined-up, corporate – not executive necessarily, but a joined-up – way of governing, then I think, inevitably, the demand for executive government will be far too strong to be resisted. So, I do not know how one squares that circle, because it is inherent with the system, whereby you do not have a corporate body which demands

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that departmental or committee heads observe laid down rules. In the absence of that there are bound to be tensions.

675 So I do not know how you square that circle. One possibility could be, perhaps, the idea of the States more often sitting as a committee where the rules are perhaps less draconian, where people are free to speak in a rather more unconstrained way, and where committees, as they will be, will be able to test their ideas in open debate before the matter formally goes before a debate, which will make the final decision. That is merely a suggestion. It might not work, but perhaps it could.

680 The other thing that I wanted to say was, I will not be here because, as I have said before, I will not be standing again, but I wish the States well. I want it to do well. I want the present system to continue, but I think that States' Members themselves are going to have to exercise much more self-discipline about how they comport themselves within this Chamber. I think that there are far too many long speeches. You may think this one is already far too long. There is far, far too much repetition. Members, it seems to me, must always, always recognise that what they are saying and doing in this Chamber should be for government. It should not be for self-aggrandisement. Things should not be said with a glance over one's shoulder at the next election. What ought to be said is in accordance with one's conscience.

690 Now, could I say that I think that Deputy Laurie Queripel only got it half right when he quoted about what the main object was of the States? It is not just to serve. Because if you do that, how can you possibly serve disparate requests, representing so many voices?

695 Part of the object of the States, apart from service, is government, and we are here as a Government of 47 people, and those who follow in the next States, and the States after that, must be prepared to make the toughest possible decisions, irrespective of how that might reflect further down the line, at the next election. Things have changed a lot, actually, since I was first in the States, and one of the problems at the moment, is that the States are the Government, and always have been, but the real problem at the moment is that the media regard themselves now as the official opposition. I think that what we say and do is too often conditioned upon how it is going to reflect in the media. That is what I mean by saying we have got to take really tough decisions, and we have really, really, got to avoid grandstanding.

700 As I said yesterday, we are not delegates, we are not here simply to jump if an organisation such as Enough is Enough says jump. What we have got to do is govern – however difficult that might be. **(A Member: Hear, hear.)** So, just going back to what Deputy Laurie Queripel was saying, I agree with him about service, of course, part of it is service, but much more of it, I think, is government. Much, much more than that, the overarching thing is one of leadership.

705 So I really do wish this child... I think it is a bit of a sickly child, but I wish it well. I do hope the States goes on in its present way. I am inherently conservative, as you know. I *like* what is there. 'If it ain't broke you don't fix it.' So I do hope that it continues to work, I do hope that we eschew this idea of executive government, but if we carry on as we have been doing in the past, by members of Policy Council rowing in the public way they have sometimes, in the most unedifying way, I think that inevitably that will lead to executive government, and we will be the poorer, I am afraid, for it.

715 **Several Members:** Hear, hear. *(Applause)*

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

720 This is, as ever, I do have a tendency to speak... I do not make long speeches, and it is usually a series of bullet points contrived to pass off as a speech.

Yesterday Deputy Burford referred to the loss which you get through committees when there are fewer, and therefore that the cross-fertilisation diminishes. Well, before I was elected to this Assembly, I was a non-States' member on three committees. I was a non-States' member on the

725 Housing Committee, on the Cadastre Committee and the Liberation Day Celebrations Committee, and boy, did the Liberation Day Celebrations Committee make some decisions! Did you take on the newly reformed 2005 New Seekers at £1,000 or did you have the parody act the Asylum Seekers for £600? Decisions of that magnitude were made.

730 Now I do not want to denigrate the role of all the committees, but we should not also exaggerate, because when people say there were 56 committees, there was the Liquor Licensing Committee, and as we heard yesterday there was a committee designed literally to look at the design of flags. There was the Gambling Control Committee. There was the Ecclesiastical Committee. There were a number of committees that did not actually sit as frequently as people imagined that they... Yes, and of course, the Destruction of Rats Committee, which I thought was a
735 bit hard on Policy Council, but there we are. *(Laughter)*

Now, the change of management which was alluded to, or spoken of rather explicitly, by Deputy Sandra James and others, because I was a non-States' member on the Housing Authority, I thought the last transition, as an organisation, actually went quite well, because I had served in both systems. If we look at the current HSSD board, we have a new Chief Officer, appointed by a
740 relatively new Chief Executive Officer, we have a new Minister, we have a turnover of three boards and a number of senior staff have been replaced. I appreciate there will always be problems with HSSD, but actually things keep moving. Things keep moving because they have to do, out of necessity.

We should not exaggerate. Whilst we should not underestimate how much it will cost, which I
745 realise that some people are concerned about, we should not exaggerate the potential for organisational catastrophe.

Briefly, when Deputy Gary Collins spoke yesterday, he spoke of the need for Sport, and as Deputy Duquemin also referred to in ensuring that Sport is enhanced within policy, but also we should see Sport when it is under our nose. We should see a healthy lifestyle issue when it is
750 under our nose. When the States formally signs up to an anti-obesity strategy – and people do – very rarely do people dissent. When they see that obesity strategy enshrined in a transport strategy, when people say, 'Actually, wouldn't be a great idea if you walked to school, if you and your children walked to school? Wouldn't it be great if you cycled? Wouldn't it be great if you used the bus?' we should not see then other politicians on the steps of this Court showing
755 placards to the protestors saying, 'Some of us still care', when all of us signed up to strategies. All of us, but when we find that there is a strategy that has all the components, all the constituent parts that you signed off, but you actually do not like it, then just think a bit, harder, longer and deeper about the consequences. Also, sir –

I will not give way to Deputy Trott, not because he has asked me to, but I have got a feeling he
760 just might! *(Laughter)*

I just want to touch on something and Deputy Roger Perrot has been a little more gentle than me. I know I have a pithy style of speaking, and I know that that is the way I am. But time and time again, we have had Policy Council members stand in this Assembly, or even at meetings, and say, 'Listen, I am my own man or woman, I do what I want, nobody tells me'. I am answerable to the
765 electorate. You cannot tell me what to do.' But actually when you make the transit, when you have been elected, when you put yourself up for the office of Minister, you must forego a few things. You have to, because there must be etiquette. There must be a protocol about the way... because you have volunteered for that office. You have said, 'I will be a Minister'. Actually in taking the salary, in taking the job uplift, you must, surely, recognise that there are a few more
770 responsibilities that come with that.

I remember some time ago, I was in the Public Gallery, Deputy Laurie Morgan had made a speech, and walking out of here I had a chat with him, and I said to him about the nature of the speech he made. He said to me discreetly, as was his style, 'Actually, I did not entirely support the proposals, but I am President of A&F and they asked me', and he did. What we tend to see, we
775 have tended to see over the recent years with the Policy Council is we have reports signed off by

the Policy Council and then it falls apart because each Minister, one usually, will get up and oppose fairly vociferously.

780 Now what is emerging from this debate, oddly, is a realisation of the potential for political parties, which at this stage, having not given it a great deal of thought, I do not think I could support, but I can see a situation, because others under this new system have alluded to it, is this Assembly relies on loose coalitions of people. You can be absolutely diametrically opposed on one item in the Billet, and you get to the next item and you are looking for the next loose coalition. Now if you diminish the numbers within this Assembly, and you do have Policy & Resources acting as one unit, do you want to consolidate that permanent opposition and
785 formalise it under a party structure of some sort?

Also, sir, in my time in this Assembly, if Members are elected under this new system and they return to this Assembly, I get confused sometimes when people make speeches, and say 'I am speaking as a Constable of', or 'I am speaking in my capacity as a Douzenier', or more frequently 'I went to the Douzaine room, 10 people told me they did not like this policy, therefore I cannot
790 support it.' If you are elected as a People's Deputy, Island-wide voting aside, you are here to represent the strategic interests of this Island, rather than have the security blanket of 8 or 10 people who you know will support you because you can support them.

I was pleased to hear Deputy Richard Conder – one turns up in all weathers, the other does not. (*Laughter*) Too early for Vaudeville, or is it?

795 Each one of us is in Government, and I know I go native, I know that I have said... and I know I am too reflective on my own Parliamentary style.

And just as it crosses my mind I will make this point. I think it is quite easy to do the work as a Deputy. I think Committee work/Department work is hard, but nothing is more challenging, actually, than being a parliamentarian. It is just a skill that some people have, and it has taken me
800 some time to acquire, if I am there yet. (**Deputy Trott:** Hear, hear.) Yes, 'Hear, hear', says Deputy Trott! (*Laughter*) The certainties in life are absolutely glorious, aren't they? (*Laughter*)

I have said before that the Policy Council does not work, and how liberating it is now that people can say that. The Policy Council, I think even the author of the Harwood Review, Deputy Peter Harwood, said in a speech some time ago, the Policy Council was a fudge. We can say that
805 now. I realise what my mistake was that I was constantly pointing at the failure of Policy Council, rather than coming up with any workable solutions, and I am delighted to see that the Review Committee has done that work, and come up with a set of proposals. Now, this is maybe their third attempt. This could be even described as the third way. Who knows? If this is the third way, I sincerely want this to work.

810 Deputy Domaille said yesterday, spoke briefly of the operational side, and how it impacts on the strategic side, but I think we are our own worst enemy in that regard, because frequently when you are on a Department a member of staff may raise an issue with you. Now regardless of what the public believe, or what is stated in any forum, if you have an issue with a Department, you can go right down to the nitty-gritty. You can go into the laundry at HSSD, you can go to
815 speak to the Harbour staff, you can resolve a situation. You do not need to do that in the public domain, all the time. We should not be implying cover up, we should not be implying scandal, we should not be implying that particularly our senior staff are conspiring against us, and we have no control. We sign up to the Code of Conduct for States' Members. At times the public accuse us of breaching it, but I think, especially in the light of recent events, particularly at the Harbour, I will
820 be very specific, we need to look again at the Code of Conduct in relation to our relationship with senior staff, because I think some politicians, unfortunately have been very hard on senior staff and they cannot respond in kind to what has been posted for the entire world to see.

But needless to say I embrace these proposals.

Thank you, sir.

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The Bailiff: Deputy Dorey and then Alderney Representative Jean and Deputy Gollop.

Deputy Dorey: Thank you, Mr Bailiff.

830 I fully agree and echo the words that Deputy Conder started, this morning, this debate off with,
about Deputy Fallaize and the extensive work that he has done. But, Deputy Conder has also done
a considerable amount of work, and also the other members of the Committee, and I think it is a
Committee approach. We worked together and created what I think is an excellent report. Also
835 the help of the non-States' members has been extremely beneficial to us, and particularly Terry Le
Sueur from Jersey, and Claire Smith, they have done an excellent job in guiding the Committee,
and also Deputy Harwood, who continued to be a member of the Committee, but non-voting
after he was no longer the Chairman.

If a system is going to work people have got to want it to work, and that comes from
confidence in the system, and I hope that what we have done is build on the experience of
840 previous systems, build on the experiences and knowledge that people have expressed to us, and
we have listened to them, and come up with this system. I think that like any system it will only
work if people want it to work, but, hopefully, they will have some ownership of it, and through
that confidence, and want it to work, because unless you have got that it will not.

I would just like to pick up on a few comments that Members have made, and then I will make
845 a few additional comments on areas which I think have not really been debated so far during this
debate.

Early on in the debate Deputy Luxon asked about the order of voting, and I think it is
important, because it gives a very clear message about the importance of the various offices that
we are proposing. It is very clear that the election of the President of the Policy & Resources
850 Committee will come first, then the members of the Policy & Resources Committee, then the
Presidents of the Principal Committees, and then the Scrutiny Management will be elected
immediately after that, and also the members of the Scrutiny Committee, and that is very clear
they come ahead of the other members of the Principal Committees.

I think that is a very clear message of the importance, which is mentioned in one paragraph,
855 that this is to do with policy development and scrutiny of policy. That is a very clear message that
we wanted to put out it is in 5.3.3:

*'It provides for the number of States' committees directly and continuously involved in the development, co-ordination
or scrutiny of policy...'*

There have been many speeches touched upon the number of Deputies. There is the
860 Resolution from 2014 debate, where we talked about:

*'... a properly balanced democracy and efficiency, but when considering the precise number of States' Members there
should be a general assumption in favour of some reduction.'*

When you compare Guernsey to other jurisdictions we currently have population per Member
is 1,400, which is a lower figure than Liechtenstein, Monaco, Bermuda, Jersey and Isle of Man. By
adopting these proposals we would be in the middle, we would have 1,650 per Member of
865 Parliament. I think that those other Parliaments can have diversity, as Deputy Burford has asked
for, and we can have diversity within those 38, but obviously we would have to work at it and
make sure we have that diversity. I think just to say you cannot reduce the number of Members
and have a range of Members is wrong.

In paragraph 5.2.18 on page 1280 it talks about fewer Principal Committees, that is in
870 comparison to the number of Departments,

*'...but that no Principal Committee should have a broader or more complex mandate, or a budget greater, than the
largest committees in existence today.'*

If you compare to HSSD where I served on, I have served on many Departments in my time, I
think it certainly has the largest budget, and I think has the most complex mandate. We currently
have a Minister, who serves on the Civil Contingencies Authority and Policy Council. We have a

875 Deputy Minister who is Chair of PAC, who also serves on the Constitution Committee. There is a
Member who is Chair of the CPA, Guernsey Branch, and there are also five other committee
memberships within that Committee. So, I think the message is, even with the most complex and
biggest committee, that there is room to do other work, and I think that it would be totally wrong,
in my view, to keep the number of Deputies we have with reduction in the number of committee
880 seats, we are effectively going down from 85 to 60, and I think actually, some said we should keep
the existing number of Deputies for one term and then look to reducing it, but I think that would
just lead to frustration amongst some Members, who will not have significant involvement in
policy development, and they would be seen to be on the outside.

I think the balance of the number of seats in committees, and the number of Members is
885 about right. Why do I say that? Well, there are four scenarios which are gone through in this
report, which look at trying to work out the number of Members we should have based on
different scenarios, and they all come out at 32, 36, 38 and 37. I could go through each one of
them, but you can read them quite clearly, they are on pages 1351 and 1352. Whichever way you
look at it, try and calculate it, I think 38 is about right. We must remember it is not just 38; we also
890 have two Alderney Representatives so the Membership will be 40. I know there was one comment
about why have we ended up with an even number. Well that is, if you are going to reduce one
per district starting with an odd you get to an even, and add two you still end up with an even. I
am not concerned about an even number of Members. It is very unusual that all are present in this
Assembly for votes, and if there is and it is tied, then it will not succeed, that is the Rule. I do not
895 think we should aim at an odd number because of that.

Deputy Perrot talked about conflict. One of the biggest problems, I think, in the Assembly in
the past has been policy planning, and that lack of logical golden thread, or whatever logical
process has, I think, been where a lot of the problems have emerged from. If we went to an
executive government, you inevitably have political parties and you would have conflict then. So I
900 do not think you solve it.

I once went to a health conference and there were three people from the UK Treasury
Department there, and I asked them why they were there, and they said, 'Well we have to look at
the information that comes from the Health Department and we need to be able challenge it, and
we wanted to increase our knowledge of health.' So sometimes those conflicts happen in other
905 democracies outside the public viewing, but they are there. I think it is a strength of our system
that we do show that we do have different views. Party systems often do not allow that, but I think
some of the conflict recently in relation to operational issues is unacceptable. I want to see
differences of opinion on policy, and I welcome people having those views, and airing them.

But, going back to policy planning, I think, this is one area which I do not think has been
910 touched upon, and it is an area which the States has struggled with for a number of years, with
Government Business Plans, States' Strategic Plans, and none of them have really been successful.
That partly comes about because, as we have seen with the UK Government, they have a
manifesto, and they can produce a budget to action many of those items which they had in their
manifesto very quickly, but because we do not have political parties, we do not have that, and I
915 have always seen the policy planning document as our manifesto, but we do it post-election
rather than pre-election, which obviously eats up some of our time. What we have tried to set out,
and it is on page 1312 is a process, which we hope, that will work where the Policy & Resources
Committee will propose to the States a statement of broad objectives for the long term of 20
years, and then in the medium term say looking at five years in connection with fiscal, economic
920 affairs, social affairs, environmental, population, external relations, human resources. Then:

'... each of the six Principal Committees would then draw up *policy plans* setting out their policies and actions they
intend to pursue over the short and medium term...'

- the Policy & Resources Committee would work towards ensuring that the Principal Committees' *policy plans* are co-
ordinated and consistent with the *States' objectives* and with each other, including identifying any conflicts and areas
where prioritisation is necessary, before they are submitted to the States for debate and resolution;'

I think that process gives me a lot more confidence that we have got it right, with having a Policy & Resources Committee, which will be able to allocate, which will be independent of the Principal Committees, but be able to allocate resources based on States' Resolutions, to ensure that we can achieve those policy objectives within the term, and that more than anything else about these changes gives me more confidence in what we are proposing, because I think that has been our biggest problem over many years – the desire to achieve policy objectives, the lack of resources for them, and the problems that that then causes. What we need is States' Resolutions which set out those plans and the allocation of resources to achieve them. If there is nothing else that we achieve from these changes that will be such a major improvement, and will, I think, lead to far greater confidence of the public in our Government.

So, I could go on, but I think I will end with that, and say please support these proposals, because I believe they have the greatest chance of producing something better in terms of government, I think we have got the right number of States' Members. I think we will have Committees that will concentrate on policy development, and that is so crucial. Yes, they will oversee the operational responsibilities of those Principal Committees, but it is the Principal Committees concentrating on policy development and the allocation of resources to those Principal Committees, and the separation of Civil Service staff involved in policy development from involved in operational responsibilities. That is what gives me confidence in these proposals, and I urge everybody to support them.

Thank you.

The Bailiff: Alderney Representative Jean.

Alderney Representative Jean: Thank you, sir.

I support these proposals, and I am grateful of the mention of Alderney by Deputy Dorey, and I am also grateful that the Report itself recognised that in Alderney two representatives is about the minimum that we could have here. We might be slightly overrepresented, but if there were to be one we would definitely be underrepresented.

I really did agree with Deputy Perrot remarks, particularly about the floor of this Assembly and debate, and how healthy it is for the decision-making process to come down here to the Deputies. I am not in favour of executive government because I believe that what that would do is put too much power in too few hands, but I am in favour, and I have always enjoyed, and been very proud, and I am sure that my colleagues feels the same, in hearing the views of all the different Deputies. It is a really admirable process, and I am very fond of it.

I really congratulate this Committee on what they have done, and I wish you well, but not too much at once, I think this will be enough to swallow for some time to come, and it will take time to bed in, and for us all to get used to how the new system works and what comes from it.

Never be afraid, either – my belief is never be afraid to adjust this, to gently tweak it and adjust it as and whatever becomes necessary.

Yesterday much mention was made of the Island-wide franchise extended to Guernsey. One of the things that was not mentioned, and I know perhaps I should not bring this forward in this part of the debate, but please forgive me. In Alderney the franchise was extended to vote in the Conseillers elections in 1991. I was part of the States then, and I immediately gave my support to such a decision, which brings Guernsey closer and Alderney closer to Guernsey, very healthy, very good. Democratically a great success. Three elections were held in Alderney, and they were well supported, and remarked upon at the time in the media was the high attendance and support from the Alderney electorate. If Island-wide voting is considered again, in due course, and I would say not for some time, because these measures will take time to bed in and gently, gently. I would hope Alderney could possibly, or might be able to participate again. It was a wonderful thing, and it was wonderful for the Guernsey States to come to Alderney, into our electorate, and it was wonderful for us to participate. I really believe in that.

975 What else have I got to say here, yes, I think that is about all I have to say, but I am really supportive of this, and I believe it will bring a process-making and a decision-making process, down into the States in a cleaner way, but the power must never be removed from the Deputies.

Oh, no, I absolutely adore it, the process, it is wonderful.

The Bailiff: Deputy Gollop.

980 **Deputy Gollop:** Thank you.

985 When Deputy Brehaut, always the master of the one-liner, mentioned about some HSSD issues, I thought I could do with a cover up in the laundry, but I was not so sure about totally endorsing the obesity strategy. I know that Deputy Perrot has made yet another worthwhile plea for the avoidance of grandstanding, or repetition, but I will actually repeat the – I agree with virtually everything he said, and would also say that there are issues within Government that we need to balance and reconcile. I will repeat that I have great admiration for Deputy Fallaize and his team, and the way in which this policy letter is a good read, and that might reflect the fact that we had perhaps more political involvement in the drafting of it, than what I would call sometimes, I might not be forgiven for this, than the jargonistic approach we have seen in some States' reports, policy letters over the past decade. I would also commend Deputy Conder who has contributed his vast experience of management and policy formulation in this field, from both a practical and an academic analysis.

990 I was to a degree rightly admonished yesterday for bringing a plethora of last-minute amendments, but I would say that we did, in one respect, cross the line yesterday, in that this is really a project of institutional reform, based upon how Government Departments, the machinery of government collectively work. It is not about boundaries or electoral districts, or elections, we have seen as somebody mentioned earlier, in the UK in the last Parliament there was a proposal, that Liberal Democrats to a degree scuppered, of reducing the number of MP's and increasing the size of constituencies, and the Conservatives arguably scuppered the reform of the House of Lords, which was on a different basis. But this Report does drift into election areas, precisely because of the proposed reduction of the number of Deputies, and the reallocation of boundaries, which is implicit in part of the report. In a way that is regrettable.

1000 I agree with Deputy Burford that we do need to focus on diversity, and the last time we reduced we seemed to lose a disproportionate number of environmental supporters, and women Members, and how often have we seen over the years in our election districts, the last Member who gets in is either a stalwart, representing a sound business tradition, who is not a populist, or is a new Member about to embark on a successful political career. We are in danger of losing those people, at least for a term. Therefore, I have strong reservations about the reduction of Members, particularly when we are changing so much else.

1010 Ten years ago we went on a similar exercise, actually 11 years ago, and we changed everything. Unlike Jersey, we changed our constituency boundaries, we abolished Douzaine representatives and the tradition of that, we changed Presidents into Chairmen and Ministers, we created a Chief Minister, we tinkered with everything, and now we are actually saying we got it wrong, we do not want a Chief Minister, we do not want a Policy Council, we do not really want a Treasury & Resources Department or a Culture & Leisure Department. We also, blissfully, say we have too many States' Members. Now when we went down from 55 to 45, and I remember it was good to hear the very well made tribute to Sir Graham Dorey, but in his era and his predecessors, we did have 55 States' Members. The extraordinary thing was in the halcyon era of the Board of Administration and the Civil Service Board, we had 55 Members and we started at 10.00 a.m. and we ended at 5.00 p.m. with a two-hour lunch, and we generally met for two days a month. Now with 10 Members less we are invariably meeting for a three days a month for an extra hour a day. I do not know what that tells you. (*Interjections*) We had some vociferous Members then.

1020 I am not going to repeat the arguments that many people have made about operational about the danger of being too policy focused, whilst operations develop a life of their own, but I would

1025 say that in the absence of catch all legislation on areas ranging from equalities to disabilities, and
the lack of an ombudsman, and the lack of, perhaps a parliamentary division and research
assistants for States' Members, I think inevitably States' Members will be dragged into overseeing
operational matters, particularly by a less than sympathetic media on occasions. I do not think we
can go for a totally pure policy-based framework. That is a reservation I have about the tone of
1030 this Report.

In a way we are re-creating the Advisory & Finance Committee, but it is not the same animal as
A&F was, nor could it be, but we are creating a group of five, rather than seven, political members,
although they will combine the Treasury function and the policy advisory function, they will also
put into the mix much of the old Board of Administration and much of the old Civil Service Board,
1035 so they will be incredibly busy.

I think we have perhaps made a mistake in not going down the route Deputy Duquemin
suggested last year (**A Member:** Hear, hear.) because he would wish to have seen five members
who had portfolio roles— perhaps External Relations which is vital, or a Minister if you like – but
also somebody in charge of resources, human resources and maybe marketing and
1040 communication, because I actually think on balance this States has had an exceptionally sound
record of progressive policy development. Where we have failed, in a way, is sometimes on
implementation, and definitely on PR, advertising and communication. Those are areas that are as
vital to public confidence as is clever policy management and development.

Another crucial difference between the new grouping and the old Advisory & Finance
1045 Committee, and in my view a potential flaw, is the five wise men or women at the top of the
political tree will not be allowed to sit on active Departments or lead them. We all know
distinguished figures in the past, Deputy Berry, Advocate Langlois and others, did both. That
particular advocate to his credit was not only equivalent of Deputy Chief Minister but he also ran
Housing and Civil Defence and Environment and Planning and a full time legal career as well. That
1050 was then, we are busier now in some ways, but we are in great danger of separating thinkers from
doers on this model. The thinkers will be the group of five on Policy & Resources, and the doers
will be everybody involved with Education. The fact that we currently have people like our Deputy
Chief Minister, and indeed all the Policy Council members, who are specifically involved with both
shaping policy and implementing it, that will change, and it will be quite a significant change, and
1055 one we do not know whether will fully work or not.

I would also make another point that Treasury & Resources are easily the busiest States'
Committee, with the possible exceptions of Commerce & Employment or HSSD, but if you look at
the lists of meetings, T&R regularly meet for four hours at least once a week, and there are extra
meetings, and there are many sub-committees. Now this busy Treasury Committee in the future
1060 will have two or three other functions added to it. That will be a significant work load. We have
already seen two changes of political personnel on T&R in this Assembly. The problem, I suspect,
will be if one member had extended family issues, or personal illness, or the need to travel on
behalf of the Island for external affairs, we would soon potentially see an element of
administrative dysfunction, which is why I still believe, despite the numbers being skewed, that a
1065 committee of seven would bring both more man power and more political balance. And it is more
likely a group of seven would more accurately reflect the spectrum of diversity within the
Assembly in terms of left and right, male and female, commercial and social. But, that does not
seem to be the flavour of the day.

I agree entirely that the new system has to be focused on leadership. But there must be
1070 concerns that the new model would be seen as creating a division between leadership of policy
and leadership of departments.

What is in a name? In a way one of my strongest reservations is the abandonment of the name
of Minister and Chief Minister. How can I put it? It is an irony really. It is an irony, based upon
change that we created a non-ministerial system of committees and chairmen and called them
1075 ministers, and now we are perhaps going in the other direction, creating more of an inner think-

tank of power and policy, which could be seen or evolve into a cabinet, but we are not calling it a ministerial system, and I find that a paradox, I must admit.

I believe, as Deputy Perrot has intimated that if this system fails to deliver the goods it will evolve into an executive model. I wish the system well, I have warmed to it in many ways. I think it is capable of evolution. I think it resolves the conflict between Treasury & Resources and Policy & Resources, and I do commend the Committees for coming up with what, I think, are general speaking workable alliances of bodies. I think it is the right way to create a separate planning committee that is no longer tied to particular Departments. The Shepley Report said it was difficult for environmentalists in planning politically; planning has to be neutral and take on board commercial and social issues as well. I think that is sensible. I can see an argument for a combined Education, Sport & Culture, despite what I said yesterday, as it could work with languages and schools, and it would bring synergy with say the Performing Arts Centre and the other arts venues. But, I do worry about the future of Town policy and tourism policy, and the development of the creative industries with that particular split.

I think we will probably debate in more detail the functions at the next debate. So, I wish this well, despite having reservations about much of its nomenclature philosophy and changes in the nature of Members. Because I think it should be remembered – I will just finish with a joke perhaps – (*Laughter and interjections*) It is quite a funny joke in a way.

Long ago, back in Sir Graham Dorey's time, there was a very senior Member of the States who was widely admired and popular, and he used to go along to political seminars and he said we must not ever reduce the number of States' Members, and I said why? He said because there would not be enough people to fill the committee seats. Then when I said, 'Why don't you reduce the number of committees?', he said well, then there wouldn't be enough places for Members to sit on. (*Laughter*) It was a circular argument (*Laughter*) but I think what we forget is many Members do not just spend their time in Sir Charles Frossard House on committee work. They are out there doing constituency cases, meeting the public, focusing on questions, amendments, research, policy development, leadership roles, external work outside the Island, and I think we need to bear that in mind, and not just shape the numbers we have on committee places.

The Bailiff: Yes, Deputy St Pier.

Deputy St Pier: Sir, I rise mainly, briefly, just to respond to a couple of points which have arisen in debate. But just a personal observation to start out. I am not averse at all to the use of procedures to shorten debate, and I have to say I think the Assembly used the procedures very wisely yesterday, for some of the matters that were being brought to it at very short notice. I have to say I would have been disappointed if debate had been curtailed this morning in general debate, and I am very pleased that the Assembly did not see fit to do that.

In relation to the number of Deputies, a number of people have spoken on this issue. Clearly there is a spectrum of views between those who believe there should be fewer and those that believe there should be the same number. I think I am probably on the spectrum that there should be fewer. I have to say, I think the Committee's proposals are very much an appropriate compromise in that reflection of that spectrum of views. The logic of returning to the 33 People's Deputies under the 1948 Law had a certain ring for me, but I am very happy to endorse the Committee's proposals as the next step in our journey.

As I say, I mainly rise to respond some of the issues that arose in debate. Deputy Le Clerc asked some very pertinent questions about how we would manage issues of budget transfers in compiling budgets for the new structure taking effect from May next year. That, clearly, is going to be one of the significant challenges faced by the Chief Executive and his management team, as they pick up from the Resolutions which we will, hopefully, pass later this morning, and turn those into change within the Civil Service. Clearly Departments are now in the middle of compiling budgets and working with Treasury & Resources on that. There will be a big process of mapping to new general ledger accounts, and Deputy Soulsby referred to that in her speech.

1130 Again, I would just make the observation in the context of the debate yesterday, on the amendment which Deputy Soulsby brought, about the adoption of Accounting Standards, of course, again the resource constraints that we have on us, and many of the people involved in the process of moving us in our structure of government from today through to next May will, of course, be the same people who will need to be involved in the process of developing our adherence to Accounting Standards as well, just to illustrate that additional issue and pressure on us.

1135 Deputy Ogier, I think, very rightly raised the question of Aurigny and the Airport by way of example sitting within the same board, the States' Trading Supervisory Board and whether that could give rise to conflicts of interest between them. I think it is a pertinent point. But, of course, I think in practice, as is envisaged by the Committee, the policy direction will be given to the STSB from a number of different sources, so I would expect Policy & Resources to be giving some policy direction on some of the financial objectives, the Environment & Infrastructure on, for example, the Airport infrastructure policy, and the Economic Development Committee on air routes policy. So, the STSB will be taking policy direction from a number of different policy committees, as it provides that supervisory role. But, I think the key point, and I think Deputy Ogier absolutely hit the nail on the head on this, in ensuring that those questions of conflict are managed, is getting the right balance between States' Members and non-States' members on that body will be absolutely essential, I think was the phrase he used, and I could not endorse that point further, and that is why I am delighted that the Assembly very much saw that point in the lengthy debate we had on the amendments in relation to the STSB. I think the right conclusions were definitely reached on that for the right reasons.

1150 Finally, sir, Deputy Duquemin raised a question of Aurigny, and the fact that at the moment the supervisory role of Treasury & Resources as shareholder is very much driven with a financial focus, notwithstanding the wider economic interests and economic enabling role of the Airline. I think that is a fair comment to make. I think our primary role of Treasury & Resources is clearly driven by our mandate, which is dominated by the financial focus of our mandate. Which, of course, precisely underpins the whole rationale behind this report in the first place of bringing together the policy role and the resource role within one committee, to ensure more rounded and more balanced policy direction is given. But, I think it is a valid observation, and one that I would expect to see improvement with the structures that are proposed by the SRC, which, of course, as a member of the Committee I wholly endorse.

1160 Thank you, sir.

The Bailiff: Does anyone else wish to speak, before I invite Deputy Fallaize to reply to the debate?

Deputy Le Pelley.

1165 **Deputy Le Pelley:** Very briefly, sir.

I would just like to touch on three or four very quick topics, if I may.

1170 The first one is I would like to say that I support the proposal (b) in the tables, I cannot remember the page number, but it is where we are talking about the redistribution of States' Deputies. Yesterday Deputy De Lisle mentioned something about the ratio of people out in the West. I would just like to point out to him that in the old days when we had 55 Members, the combined total of Deputies in what is now the West was four, four out of 55, whereas now they have six out of 45, so the balance is better than it was. At the moment St Sampson's is very hard hit when it comes to looking at the number of Deputies per head of population. So, I really would favour the option (b) in that table.

1175 Talking about the length of time that people have for debate: I would like to think that there are better methods of keeping people on *piste*, making sure that they actually stick to what is going on, can be better done than having a Greffier sitting with a stop watch and a bell. Because I think that we do not really want to have three-minute time limits. I would actually extend that to

1180 the sort of question time limits that we have at the present time. I think we have reduced it, and
for good reason, but I think we have reduced it a little bit too tightly. We have had one or two
occasions now where questions have actually been curtailed, I think the Treasury Minister actually
got stopped in asking, or answering, one question a little while ago, and certainly the Chief
1185 Minister was in much the same position, and we actually had to have somebody else ask a second
question asking if the first question could be continued and finished. So I think perhaps a bit more
looking at the length of time for questions and answers in that session would be useful. We do
spend too much time repeating arguments, and I think we need to take that on board ourselves. It
is our own self-discipline that really matters.

When it comes to the actual structure of the States in the future, I too would like to add, a bit
1190 of repetition, but my congratulations to the Review Committee for the work they have done. But, I
think we also need to be very, very careful that we do not start looking at personalities that may
be coming to the States in the future. We need to really look at structure, not the personalities
that may fit particular places. In a previous life I was a teacher, and a lot of my advice coming
1195 towards the end of year 9 for students as they moved from Key Stage 3 into Key Stage 4, when
they had to reduce perhaps 10 or 11 subjects down to six core subjects, was to actually look very,
very carefully at where they wanted to go, and what they wanted to do, in their education long
term, and not to look at how it fitted in with the current timetable, how it fitted in with what they
had done in Key Stage 3, because the topics would change, and also not to look at the staff.
Because you have got a good relationship with a particular teacher, and you say 'I am choosing
1200 that subject because that teacher and I get on well', you could very well find that teacher
promoted, or moved out of the Island, or wherever, and you have made a choice which is no
longer relevant.

I would say to the States' be very careful in looking at the structure, that you are looking at the
structure for the structure's sake, and getting it right for the Island, not because you can see
1205 possibly come back kids coming back into the States next time, or perhaps people anticipating
where they are going to sit under the new regime, because that is not the way to go forward.

Thank you, sir.

The Bailiff: I see no-one else rising. Just before I invite Deputy Fallaize to reply to the debate, I
1210 know the Deputy Greffier has produced an amended set of Propositions, that incorporates all the
amendments, and I think now perhaps Greffier if you could arrange for those to be copied and
then they can be distributed, so that when we come to vote people can see exactly what it is that
they are voting on. So if you could arrange for those copies to be delivered, and I would ask that
they are not actually distributed while Deputy Fallaize is speaking, or that may distract people
1215 from his speech, but if they could just be produced and then we will distribute them when we are
ready to vote.

So, Deputy Fallaize, do you wish to reply to the debate?

Deputy Fallaize: Thank you, sir.

1220 I think the general debate has been almost exactly four hours. I cannot possibly cover
everything that has been said, particularly given the number of speeches which have implored
short speeches, but I will try to refer to the main points which were made and, in particular, spend
a little bit of time on the Proposition to reduce the number of Deputies.

This started for me, I suppose, about three years ago almost to the day, I was sat in Deputy
1225 Harwood's office, and he had just been elected as Chairman of this Committee, and I had just
been elected as Vice Chairman, we had no other members, we had no budget. I was seen as
perhaps the most trenchant supporter of our committee system of government. He was probably
the most famous, or infamous, supporter of a ministerial system of government, and it occurred to
me then that the chances of success were not perhaps all that high. But, they say the essential
1230 ingredient of politics is timing and, purely by chance, the timing of this review has been perfect. I
say that for two reasons, the first reason is because of the members of the States' Review

1235 Committee who were elected, really purely by chance. We have had – it has been an incredibly interesting and intellectually stimulating and challenging Committee of which to be a member, and that is because of the members who have sat on it. Deputy St Pier, Deputy Dorey, Deputy Conder, and the two people from outside of the States have brought something different. We all started in a different place. If we had had to write out on day one our preferred structure, we would have had as many different structures as there were member of the Committee.

1240 I was the last member of the Committee to be persuaded about reducing down to six Principal Committees, other members were much keener on that sooner than I was, but I was persuaded through force of argument. Deputy St Pier had some very strong views about the creation of the Trading Supervisory Board. Deputy Dorey had very strong views about reducing the number of States' Members, but only as far as 37 or 38. I had particularly strong views about bringing together policy coordination and the allocation of resources. It has been through debate that we have reached the proposals that we have reached, and I think that is a strength of the policy letter.

1245 People have said some very generous things about the policy letter, but it has been made possible only because of the stimulating and challenging arguments the Committee has been through. We have also been very well served by staff, particularly the Chief Executive latterly, and also, this is probably highly inappropriate to say this, but also HM Procureur who has sat with us throughout this process, and whose advice has been extremely valuable, so I thank him for that.

1250 **(Several Members: Hear, hear.)**

1255 We have also been led very ably, initially by Deputy Harwood, and latterly by Deputy Le Tocq, and they have encouraged debate inside the Committee to flourish, and I think that has been an important part of the process. But more than that, the people who have really allowed the Committee to get to this stage is States' Members, and that is why I say that the timing of this review has been perfect.

1260 Because States' Members, to a man and woman, have approached this review with an exceptionally open mind. There has been a high degree of political engagement, and we have had very constructive dialogue with States' Members. Previous reviews have been characterised by territorialism. States' Members do not really want to give up functions for which they are responsible. We have seen in these two or three years the reverse of that, and I applaud, particularly Ministers in this process, we have seen almost none of that from Ministers.

1265 Deputy O'Hara who feels passionately about Culture & Leisure has spoken in favour of merging the functions of his Department with Education. Deputy Jones who feels very passionate about Housing was even prepared to take the word Housing out of the title of a Committee. Now I know these seem like small matters, but I think they demonstrate the spirit in which States' Members have entered into this review, and embraced it. There is wide spread scepticism that the States can rationalise the number of Committees, reduce the number of States' Members. I am hopeful that we are about to disprove that scepticism, and it is because of the way States' Members have engaged. It has been a privilege to carry out this review because of the approach that States' Members have taken to it, and that is why this is a coherent and logical policy letter, because States' Members have allowed this process to be carried out in a way which has enabled this policy letter to be produced.

1275 Now there were many good points made which relate to, effectively, asking the Committee to consider things in Stage 3. Well, I am not going to go through all of them, in fact I do not think I am going to go through any of them, because all I can say is that they have all been noted, the Committee will take a copy of *Hansard*, and all of the points which have been made asking the Committee to consider things in Stage 3, will be considered.

1280 Deputy Perrot said that he was supportive of the proposals, but the committee system, effectively, was entering the Last Chance Saloon, I think that is more or less what he meant. I am not sure I would have put it exactly like that, but I think he has a point. Deputy Perrot said that what was proposed was perhaps a third way. Now I would use a different 'Blair-ism' in response to Deputy Perrot's point. The choice here is not between this committee system proposed and a

different type of committee system; the choice is between this committee system and a ministerial system, and in that sense I agree with what Deputy Perrot said.

1285 Deputy Duquemin and Deputy Brouard and Deputy Ogier, and I think perhaps one or two other speakers as well, emphasised the need in the third policy letter for greater clarity in the relationship between Principal Committees and the States' Trading Supervisory Board. The Committee understands that, in fact that is set out, there is a sentence in this policy letter which sets out that that is a piece of work that needs to be carried out, and we will do that.

1290 Deputy Brouard spoke about the titles of ministers or presidents and Deputy Gollop referred to this as well. The thinking here is just very, very simple. If we have a ministerial system we need to have ministers, if we do not have a ministerial system having ministers is a bit of a con. We do make provision in these proposals for the adaption of titles externally, because what works in Guernsey does not necessarily work outside of Guernsey, so that is entirely recognised, and will be included in the mandate of the Policy & Resources Committee.

1295 Now moving on to the Policy & Resources Committee, Deputy Green said that it was clear that it would not be a cabinet. Now Deputy Dave Jones does not really believe it. The Policy & Resources Committee (PRC) will not have any of the characteristics of a cabinet; it will not be bound by collective responsibility; it will not contain the lead members, ministers of other departments; there will not be a Chief Minister who will have the power to hire and dismiss ministers; it will not have a veto on the proposals of other committees or departments; it has none of the characteristics of a cabinet. What is proposed is quite patently a committee system. Deputy Jones refers to it as a super committee, and says you will not be able to get your... or you will find it very difficult to get your proposals through the States if you do not have the support of the Policy & Resources Committee.

1300 On the one hand I think there is a misunderstanding here, because if you look at the numbers, actually, as a proportion of the total size of the States the members of the Policy & Resources Committee will be a much smaller number than the Policy Council is today. Policy Council is 11 of 47, Policy & Resources Committee will be 5 of 40. So their voting power in the States will be less than that of the Policy Council today. And occasionally the Policy Council does act in concert. *(Laughter)* But, in a sense, I want it to be difficult for committees to get proposals through the States without the support of the Policy & Resources Committee, because if, routinely, the States are ignoring the advice of the Policy & Resources Committee, then they have probably elected the wrong committee. We need more leadership in the States, but it has to be leadership by influence, because it cannot be leadership through the exercise of raw power unless we have a ministerial system of government, and we do not want a ministerial system. But the Senior Committee of the States has to be more than just a discussion forum, and I hear Deputy Jones sometimes describing the Policy Council in those terms, that is not enough. We need a senior committee which is influential, which the States is prepared to be guided by. That is the only way it can work in a committee system.

1310 But ironically Deputy Jones said, and it is not the first time he has said this, he thinks the biggest mistake the States made last time around was rejecting the Chief Minister's Department. The Policy & Resources Committee in all but name is the Chief Minister's Department. It has – I will give way to Deputy Jones in just a moment – it has all the characteristics; it has all the responsibilities; it has the same mandate; it has essentially the same membership as what was proposed for the Chief Minister's Department, which the States rejected in 2002. So, I think we are actually proposing what he has suggested, for some years, the States ought to have adopted a decade or so ago.

1320 I will happily give way to Deputy Jones.

1330

The Bailiff: Deputy Dave Jones.

Deputy David Jones: I just want to make the point that many of the serious threats to us do not come from inside this Assembly, they come from outside, and we really do need to be fed up,

1335 and I am not sure that this senior committee of Policy & Resources is going to have the time to
give to external relations that it is going to need, and that is one of my other fears.

Deputy Fallaize: I thank Deputy Jones for that.

1340 It is also important, relating to what he said, to recognise that members of the Policy &
Resources Committee will not be *ex officio* members; they will not have been collected together,
because of rôles they hold elsewhere. They will have been elected, purely, exclusively, to carry out
that mandate of Policy & Resources, and they will not be distracted leading major committees
and major departments. I think we ask too much of Ministers, particularly on the busiest
1345 Departments, HSSD, Education, Public Services, even Departments like Social Security certainly
T&R. We ask too much of Ministers to expect them day to day, every day, to lead their
Departments and then once a fortnight to come together as a Policy Council and provide strategic
leadership. The Policy & Resources Committee will overcome that shortcoming that was built into
the system in 2004.

1350 But, on the point about external relations, Deputy Langlois and subsequently Deputy Dave
Jones said that they were disappointed that the States' Review Committee had not taken up this
idea of an external relations minister, or something, that sort of role. Actually, I think we have,
because the proposal is that the Policy & Resources Committee will be required, required, to
allocate the leadership of that role to one of its members, and that proposal is explained at
1355 paragraph 7.5. But there needs to be flexibility. Our system at the moment, across the *piste* is too
rigid; we are too rigid in the way we organise committees; we are too rigid in the way we try and
carry out the functions of the Policy Council; we are too rigid in the scrutiny of policy and services;
we need to be more flexible, and external relations needs a degree of flexibility, but it needs
leadership too, and these proposals do provide for leadership of the external relations agenda.

1360 Deputy Bebb was concerned about the proposal to transfer the making of urgent legislation to
the Policy & Resources Committee. I think Deputy Rob Jones, in his speech on scrutiny, nailed
that. I do not need to go into any great detail. The making of urgent legislation is not a scrutiny
role, and that is why we are not proposing having it inside the Legislation Review Panel, or the
Scrutiny Management Committee.

1365 Deputy O'Hara talked about communication between committees, the relations between
committees, and he was critical of some of the way in which that has changed since 2004, which is
ironic, given that the Policy Council was meant to encourage inter-committee working. I agree
with him, as is clear from the policy letter. It has not worked terribly well, the relationship between
the Policy & Resources Committee and Principal Committees will be absolutely essential in this
restructuring, and the policy letter goes into quite some detail about how we see that working in
1370 practice.

I am unsurprised that Deputy Gollop, a dyed-in-the-wool and long-standing advocate of
ministerial government, is already trying to increase the size of the Policy & Resources Committee,
because if you increase the size of the Committee, you increase its voting strength in the States.
That is the great danger of moving from five to seven. I am sure if we moved to seven, eventually
1375 would end up going to nine. Deputy Gollop took the words out of my mouth. That is not in the
interests of maintaining a committee system.

Moving on to Principal Committees, several Members, Deputy Domaille, Deputy Le Clerc,
Deputy Brouard, were among them, were concerned about the distance of Deputies from
operational matters. Now, it is not the intention of the States' Review Committee to remove
1380 Deputies from operational issues. There is a sentence, I think it is at paragraph 6.2.13, which says:

'There is not a neat dividing line between policy and operations and anyone who suggests that Deputies should be
completely detached from operational matters probably has little understanding of public expectations. Principal
Committees will need to build up an understanding of the operational services for which they are accountable but they
must not try to run them.'

That is what is essential. It is our contention that the oversight of services is not best done when a Principal Committee meets once a fortnight. That really is a policy-making forum and holding to account staff who are responsible for delivering services. But, the concept of lead members for services, could provide for greater oversight of services, even than exists at present, but not done inside a policy making committee forum. There is a cost when Deputies become too involved in operational matters. The opportunity cost is that policy development suffers. Too often today Deputies are immersed in operational detail, there is a vacuum in policy development and it is filled by civil servants. That needs to be reversed. **(A Member: Hear, hear.)** Civil servants need to deliver policies, as directed by the Assembly and by their Committees, Deputies need to get control of the policy agenda, and that is a big, a significant line of thinking that runs through this policy letter.

Several Members were supportive of, what they said was, the logical and coherent way in which the Committee is proposing grouping policy responsibilities inside the six Principal Committees. I think I can only repeat what I said earlier, this has been made possible only because States' Members, every single States' Member has not taken a territorial view of this review. I think that is admirable.

Deputy Sillars made an important point that the relationships which staff have built up with service users do not need to be disrupted as a result of merging policy responsibility. I think Deputy O'Hara touched on that as well when he spoke about the way in which, at a political level, responsibility for Culture and Sport can be merged with Education. It is very important that at staff level there is continuity in service provision. I thought that his idea, Deputy O'Hara's idea of having shadow committees is a very good one, between now and May 2016. The essence of the proposal in respect of Principal Committees is set out at paragraph 5.10.1 that what we are proposing is

'...the most logical conclusion of the 2014... resolution which presumed in favour of rationalisation of the committee structure. It [will] encourage focus on policy-making, aid policy co-ordination and realise organisational and bureaucratic efficiencies. It represents purposeful but manageable streamlining of the committee structure.'

I am not going to say a great deal about scrutiny, because Deputy Rob Jones, the current Chairman of two of the three Scrutiny Committees, I thought, gave a very good overview of both the opportunities for scrutiny in these proposals, and also some of the risks. There are risks, of course there are. What is proposed here is not a *panacea*; it has imperfections. All organisational structures have imperfections. What is key in respect of scrutiny is that it is prominent, it is proportionate, and it is flexible and agile. We think the proposals of the Committee fulfil those objectives.

Deputy Laure Queripel wants scrutiny to be more detached from the rest of the States, but in order for it to be fully detached you will have to go to an executive system of government.

Now the number of Deputies. I have to try and nail this, because Proposition 31 is as important to the Committee as other Propositions. First of all, in our consultation with States' Members, by a margin of three to one, we were asked to propose a reduction in the number of States' Members. Now Deputy Burford has been consistent, from before the time that she was in the States, in opposing a reduction in the number of States' Members. But, in consultation, that view was outnumbered by three to one. There is, as I referred to earlier, widespread scepticism that the States can vote to reduce their number. I think it would be highly regrettable if all of these proposals went through the States and that single Proposition was isolated and lost **(Several Members: Hear, hear.)**

There has been concern expressed by Deputy James and Deputy Sillars, and others, this morning about reducing the number of Deputies at the same time as undertaking reform of the committee structure. In 2004 the number of States' Members was reduced at the same time as committees were merged and rationalised, and I think that proceeded quite satisfactorily. It is a significant challenge to restructure the States organisationally, including the Civil Service, but the idea that retaining 45 Deputies instead of 38 is going to help that process is, I think, misplaced. I

1430 know it seems as if there is security in numbers, but I think we have to let go, and I think they
must be done together. If we do not tackle the rationalisation in the number of committees and a
reduction in the number of States' Members at the same time, they will not be done. It will not be
a question of say let's review it in four years' time, because once a certain number of Deputies
1435 have settled in to a new system, the arguments for reducing will vanish. We are proposing, we
believe we are putting forward, a set of logical and coherent proposals. That proposal, 31, is
respect of the number of States' Members, is based on the same logic, the same rationalisation
which all the other proposals are based upon.

Now, Deputy Burford made a good speech, but what she failed to do was to make a case for
45 Deputies. Why would we maintain 45 Deputies? If we take the view that the more Deputies the
1440 better, which essentially is what Deputy Burford was saying, well why not have 55, or 65? We have
to come up with a number, objectively, and I think it is clear through the proposals in this Report,
through the arguments put in this Report, that 38, it is not an exact science, but it is as objective a
number as we can propose.

The constitution of the States has changed over the years. There is nothing particularly special
about the number 45 Deputies, and the role of a States' Member has changed. Initially when there
1445 were 45 Deputies, most of them were not doing this job on anything remotely approaching a full
time basis. That has changed over the years. I think the increasing number of Members who are
approaching the role on something like a full-time basis, or something close to a full-time basis,
does provide more opportunity to reduce the numbers.

Other jurisdictions, this is relevant, I think, we are overrepresented in Guernsey. We are over
1450 governed. That does not add to democracy. If the proposal to have 38 Deputies is approved,
Guernsey will still be overrepresented compared to almost all other comparable jurisdictions. We
are not somehow disenfranchising the people of Guernsey by reducing the number of States'
Members; we will still have, relatively speaking a small number of people per elected Deputy.
Some Members who have previously been sceptical of reducing the number of States' Members,
1455 Deputy Langlois and Deputy Ogier were among them, said that through the arguments laid out in
the policy letter that they had been persuaded, which I think was significant. But, this is just the
one area clearly where there is some remaining fear of change. I think that is all it is; it is just a fear
of change. I think we can overcome it in respect of Policy & Resources providing more
opportunity for leadership in the States, within a committee system, but leadership nonetheless.
1460 We can overcome the fear of change in merging committees and letting go of some of the
functions for which we are personally responsible. This Committee is asking the States to let go of
the fear of change in respect of the reduction in the number of States' Members. 38 Deputies is
still a relatively high number of Deputies for a jurisdiction of this size.

With respect to Deputy Burford her argument about diversity is nonsense. She speaks for an
1465 underrepresented section of our community, women, I speak in the States for an even more
underrepresented section of our community, people under the age of 35, or even 40, or 45.
(Laughter and interjections) The diversity of this Parliament plainly needs to be broadened, but you
do not do that by retaining more Deputies than are necessary to make the system work
democratically and efficiently. The only way of broadening the diversity among States' Members is
1470 to broaden the diversity of candidates. – I am not going to give way, I will in a moment – That is
the only way of broadening the diversity of States' Members.

Now I would suggest that Deputy Burford would be better employed arguing that some of the
monetary saving from reducing the number of Deputies should be ploughed into the task of
trying to encourage more people from a more diverse background to stand for the States, (**A**
1475 **Member:** Hear, hear.) because that would have more effect on diversifying the membership of the
States. If there had been 38 Deputies elected in 2012, we would have had exactly the same
number of women Deputies as we have now, but they would have formed a greater proportion of
the States. We do not have too few women because we only have 45 Deputies; we have too few
women in the States because we have too few women candidates. Now Deputy Burford's
1480 response to this proposal is not going to do anything to increase the number of women

candidates, or younger candidates, or candidates from ethnic minorities. That is a completely separate body of work. It needs to be done, but you do not do it by maintaining 45 Deputies. So, sir, I really do –

I will give way, if Deputy Burford wishes me to give way now, I will.

1485

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, Deputy Fallaize.

1490 I just really wanted to confirm that I do not think that having a greater number, whether it is 45, 55, or 65 is the way to address the core problem of lack of diversity. The point I was trying to make is the order in which we ought to do things.

The Bailiff: Deputy Trott.

1495 **Deputy Trott:** Sir, before Deputy Fallaize rises again, and I thank him for giving way, may I ask, following the arguments about objectivity in a logical way, why the Review Committee did not recommend reducing the number of Alderney Representatives from two to one?

1500 **Deputy Fallaize:** Sir, I will return in a moment to the general point about the number of Deputies, but the specific answer to Deputy Trott's question is that while Alderney retains two representatives it is overrepresented, if there was only one Alderney Representative it would be underrepresented. We have not yet found a way of cutting Alderney Representative Jean in half. (Laughter) A small number of people in Alderney have a go from time to time, (Laughter) but, that is the reason, now at the moment Alderney faces very serious economic challenges, and to have proposed an underrepresentation in Alderney at the present time, I think, would have been unjustified. So that is the answer to Deputy Trott's question.

1505 Deputy Burford says we are doing things in the wrong order. I have heard all those sorts of arguments in the past, but the right order is... Deputy Burford, I am committed to diversifying the Membership of the States, I have already been working with her on initiatives which we could put in place to try and do that, but it would be better for us to allocate some of the saving from reducing the number of Deputies and plough it into trying to encourage candidates to stand for election.

1510 There is no logical justification if we have reduced the number of committees to maintain 45 Deputies. I urge Members not to hold out on that one single Proposition, if they are going to vote for all of the other Propositions.

1515 Sir this set of proposals provides the best opportunity in our committee system to provide for effective leadership, the sound coordination of policies and resources, proportionate checks and balances, and the flexibility to adapt as and when circumstances change. They are the main shortcomings which through you, sir, I say to States' Members which you States' Members told us about the present structure. These proposals are in direct response to what this Committee was told by States' Members.

1520 The key point though was made by Deputy Sillars: we should celebrate what is distinctive about Guernsey's system of government. We have a unique system, we have a special system. We should celebrate that, and we should maintain what is distinctive where it works, but we should not be frightened of change where we have identified shortcomings. The proposals contained in this policy letter are, sorry to use this *cliché*, but they are a Guernsey solution to a Guernsey set of problems. We have not taken a structure off the shelf from somewhere else, it is not a replica of what exists somewhere else. These proposals are right for Guernsey, and they are right for 2016. Of course there will be further evolution. This is not the end of a journey of reform. It is not a perfect system, but it is right for Guernsey, and it is right for now.

1530 All Members, sir, have made these proposals possible, this structure, if it is approved by the States today, needs to be owned by the whole States. The responsibility of leading it from 2016

will fall, in the main, on Members of the present States who are re-elected, because they have been on this journey from the very beginning. They have been the Members who have identified the shortcomings in the present structure, so they understand why these changes are being put in place, but they have to have ownership of it.

1535
1540 Finally, just to return to this final point about the number of Deputies, the reason it needs to be done today, is because it is only this States which understands the reasons for reducing the number of Deputies, because it is the logical conclusion of a two or three year process of reform. It will not be possible to make the arguments in isolation in the next States, because they are a coherent logical part of a whole package. So, please Members, do not isolate that Proposition and vote against it.

1545 I thank Members for their generous comments in debate. I thank them for the exceptionally constructive way in which they have engaged in this review. I urge Members to support all of the Propositions.

Thank you, sir. (*Applause*)

The Bailiff: Can I just ask the copies of the Propositions in their amended form be circulated to everyone.

1550 Members, I hope that you all now have a set of the consolidated amended Propositions. Can I ask if anyone wishes to have any of them voted on separately? Yes. Deputy Rob Jones?

Deputy Robert Jones: Sir, could I have a recorded vote on 28, please?

1555 **The Bailiff:** On 28. As a separate vote?

Deputy Robert Jones: Yes, please.

1560 **The Bailiff:** Yes, okay. Deputy Brouard.

Deputy Brouard: Sir, can I have a separate vote on 23, and 31, and also 38.

The Bailiff: So, 23, 31 and 38. Any others? No. Well perhaps what we could do is to vote on those individual Propositions separately and then take all the others together.

1565 **Deputy Fallaize:** Sir, since we are taking those separately, may I ask that we have recorded votes on those please, sir.

1570 **The Bailiff:** Yes, recorded votes. So we will vote first on Proposition 23, which just for the benefit of anybody listening on the radio is:

'to agree that there shall be a States' Trading Supervisory Board constituted as a Committee of the States as set out in section 8.9 of that policy letter including that the States' Trading Supervisory Board should take policy direction from the States' and their relevant Principal Committees as set out in the first sentence of paragraph 8.9.23 of that policy letter.'

A recorded vote on Proposition 23.

1575 **Deputy Trott:** Sir, on the grounds that history would have us believe that these votes are likely to be carried by large majorities, can we not just have people standing to express their *Contre* vote and ask that the Greffier record in that manner.

1580 **The Bailiff:** We have had a request for a recorded vote, under the Rules if somebody requests a recorded vote they are entitled to have one.

Deputy Trott: Well is it not recorded, but not by open outcry.

1585 **The Bailiff:** But if they wish to have a record so that the electorate can see how individuals have voted. If you are merely standing (*Interjection*) in your place there would not be a record. That is what has been requested, as I understand it – well certainly it was a separate vote on 23, was that a request for a recorded vote on 23? (**Deputy Brouard:** No.) No. Oh sorry 23 is not a recorded vote, then that is just a separate vote.

1590 Right, well I will put it to you *aux voix*, unless Deputy Fallaize wasn't a recorded – No. We will go *aux voix* on Proposition 23, those in favour; those against.

Members voted Pour.

1595 **The Bailiff:** I declare that carried. Proposition 28, we do need to have a recorded vote. So a recorded vote on Proposition 28, which is concerned with the Legislation Select Committee and the dissolution of it. Greffier.

The Deputy Greffier: The voting begins with the South East District:

1600 *There was a recorded vote.*

Carried – Pour 40, Contre 2, Ne vote pas 0, Absent 5

POUR

Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Sherbourne
Deputy Conder
Deputy Lester Queripel
Deputy St Pier
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy James
Deputy Adam
Deputy Perrot
Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Burford

CONTRE

Deputy Gollop
Deputy Bebb

NE VOTE PAS

None

ABSENT

Deputy Storey
Deputy Stewart
Deputy Gillson
Deputy Le Tocq
Deputy Inglis

1605 **The Bailiff:** Well, Members, the result of the vote on Proposition 28 was 40 in favour with 2 votes against, 40 to 2.

Proposition 31 we will vote on next, and again by way of a recorded vote. That is the Proposition that as from the next General Election the number of States' Deputies be 38.

There was a recorded vote.

1610

Carried – Pour 35, Contre 7, Ne vote pas 0, Absent 5

POUR

Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Adam
Deputy Perrot
Deputy Wilkie

CONTRE

Deputy Domaille
Deputy Gollop
Deputy Paint
Deputy James
Deputy Brouard
Deputy De Lisle
Deputy Burford

NE VOTE PAS

None

ABSENT

Deputy Storey
Deputy Stewart
Deputy Gillson
Deputy Le Tocq
Deputy Inglis

1615 **The Bailiff:** Well, Members, the voting on Proposition 31 was 35 votes in favour, 7 against, so that and Proposition 28 have both been carried by a majority of more than two thirds, so therefore can be declared to have been carried.

Proposition 38, we wish to have a separate vote on, Deputy Brouard, do you require it to be a recorded vote? No. I put Proposition 38 to you then. Those in favour, those against.

Members voted Pour.

1620

The Bailiff: I declare it carried.
Mr Procureur.

1625 **The Procureur:** I do not know what your intention is for the remainder of the Propositions, but it would probably be wise to take 37, to direct the legislation separately, because if anybody should vote against it we would have to move to a recorded vote.

The Bailiff: Yes, unless I think there may be a request for a recorded vote on all the remaining Propositions. Is that – ?

1630 **Deputy Fallaize:** I would prefer that, please sir, including 37

The Bailiff: So I think we have a recorded vote on every Proposition then we will know what the vote is –

1635 **Deputy Fallaize:** Not all separately, but everything else in one block.

The Bailiff: We vote on all the others together by recorded vote then we will know what the majority is on Proposition 37, or are you suggesting we need to vote separately on 37.

1640 **The Procureur:** My only concern is that technically if more than one half and less than two thirds of the Members present, and voting, were to vote in favour of all the other Propositions we would not have the necessary two thirds majority on 37. Could you not just call 37 *aux voix* and see if anybody says *Contre*?

1645 **The Bailiff:** Yes, we will call 37 *aux voix*. Namely:

‘To direct the preparation of such legislation, as set out in section 11.1 of that Policy Letter and otherwise, as may be necessary to give effect to the above decisions.’

Those in favour; those against.

Members voted Pour.

1650 **The Bailiff:** No-one is... thank you.

Then I put all the remaining Propositions to you, and by way of recorded vote. Is that right Deputy Fallaize? So all the remaining Propositions by way of recorded vote.

There was a recorded vote.

1655

Carried – Pour 41, Contre 1, Ne vote pas 0, Absent 5

POUR

Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Lester Queripel
Deputy St Pier
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce

CONTRE

Deputy Bebb

NE VOTE PAS

None

ABSENT

Deputy Storey
Deputy Stewart
Deputy Gillson
Deputy Le Tocq
Deputy Inglis

Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy James
Deputy Adam
Deputy Perrot
Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Burford

The Bailiff: Well, Members, the voting on the main body of the Propositions was 41 in favour with 1 against. I declare them carried.

1660 That brings this special meeting to a close, and we will be back here with the meeting of the States of Election and States of Deliberation in a few weeks' time.

Procedural

The Bailiff: Deputy Collins?

Deputy Collins: Thank you, sir.

1665 I was just going to make some comment about the amount that is coming at the end of July. Are there are any special arrangements, because I think there is at least five to seven days of debate in that lot, and we have only allocated three days?

1670 **The Bailiff:** No. The Rules are the Rules.
Mr Procureur.

1675 **The Procureur:** Well, what you have allocated is as many days as it takes, because if the meeting is not concluded by the Friday then it will be adjourned to well, really, whenever the States Members decide. *(Laughter)*

The Bailiff: Under the Rules it will be adjourned until sometime in August, but Members at the time may vote to resume at some other time.
Deputy Lowe.

1680 **Deputy Lowe:** I did a calculation this morning, sir, there are actually 20 reports, and we have got 16 hours, so we have got just less than an hour for each one, so Members can be focused when they come back.

1685 **The Bailiff:** Members can make brief speeches, then we may conclude the business. *(Interjections)* When I saw the agenda for the end of the month, and I made enquires, I was told that there was confidence that it will be completed in the three days, so there we are. *(Laughter)* It is not for me to suggest otherwise.

1690 **A Member:** That was not by the Policy Council by any chance, sir? *(Laughter)*

The Assembly adjourned at 12.28 p.m.