

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

11th December, 2024

Proposition No. P.2024/107
STATES' ASSEMBLY & CONSTITUTION COMMITTEE
Review of the Rules of Procedure
AMENDMENT

Proposed by: Deputy A C Dudley Owen

Seconded by: Deputy S A Haskins

To insert an additional Proposition as follows:

In Rule 4(1) of the Rules of Procedure:-

(a) at the end of paragraph c), to delete "and",

(b) for paragraph d), to substitute:-

"d) where there are financial implications to the States:

i the estimated cost of the financial implications to the States of carrying the proposal into effect, or

ii. why the proposer of the proposition is unable to provide such an estimate;" and

(c) immediately after paragraph d) to insert the following paragraphs:-

"e) in the case of an amendment, whether drafting advice has been sought from the States' Greffier and the Officers of the Committee responsible for submission of the proposition to which the amendment relates; and

f) in the case of a proposition on a Requête, whether drafting advice has been sought from the States' Greffier and any Officers of the Committee referred to in the proposition."

Rule 4(1) Information

- a) The proposition does contribute to the States' objectives by seeking to improve the procedures and operations of the States of Deliberation.
- b) In preparing the proposition, the States' Assembly & Constitution Committee has been consulted.
- c) The proposition has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.

- d) There are no financial implications to the States of Guernsey in carrying the proposal into effect.

Explanatory Note

This amendment aims to strengthen Rule 4(1) by encouraging members to seek the advice from the Officers and subject matter experts who have assisted a sponsoring Committee in the drafting of original propositions, together with the States Greffe so that, inter-alia and where necessary, more accurate financial estimates can be arrived at and unintended consequences of any secondary proposal or Requête can be avoided.

Noting of any advice can be given within the explanatory note.

Resourcing of time spent on successfully carried proposals from either an Amendment or Requête, which have not had consideration from Officers or subject matter experts can take considerable effort in understanding the effects after the event. This can result in a significant and inefficient use of resources, taxpayer money and also the rescission or overturning of resolutions which were unfeasible.

Members must retain ability to draft their own proposals should they wish and this Amendment does not impinge upon this autonomy.

The addition of this subsection means that members can be more explicit in their proposals and supporting information, enhancing the quality of that information and providing an assurance of the accuracy of the information therein.

Furthermore, the intention of the Amendment is that the use by Members of the drafting advice is proportionate and should not constitute a burden where Officers, either of a Committee, subject matter experts, the Greffe or St James Chamber are unable to prioritise their existing work or in the instance of a Committee, the work of supporting a political board.

Rule 4. (1) as currently drafted says:

“4. (1) Every proposition laid before the States shall, other than in the case of a proposition of a type described in paragraph (4), have appended to it a statement explaining or asserting:

a) whether the proposition contributes to the States’ objectives and policy plans and, where it is asserted that it so does, how;

b) what joint working or consultation (if any) has taken place with other Committees or relevant stakeholders in the preparation of the propositions;

c) that it has been submitted to His Majesty’s Procureur for advice on any legal or constitutional implications; and

d) where there are financial implications to the States, the estimate of the financial implications to the States of carrying the proposal into effect; provided that: the proposer(s) of such a proposition may request from any Committee any information required to enable such an estimate to be included or appended and the Committee shall thereupon provide complete and accurate information to enable the proposer(s) to set out the estimate.

The effect of this proposal will make additions related to financial implications to the existing sub-sections in Rule 4 (1).

Greater clarity on the financial implications of a revised proposition or Requête is achieved in the amended wording, advising what the consequences financial and/or otherwise would be, or why the mover of the motion is unable to provide this information.

Drafting advice is advice on the wording of revised propositions or Requête, through an understanding of what the bringer of the motion is trying to achieve by a successfully carried amended proposition or Requête.

Civil servants: Officers and subject matter experts are bound by a Code of standards and required to demonstrate impartiality. A link to which is here: <CHttpHandler.ashx>.

Civil Service employees are required to serve inter alia, members of the States, in an impartial manner. In the Code it is stated *“you must act in a way which deserves and retains the confidence of States Members, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in the future.”* Recognising that Officers time prioritises the needs of the Committee they are serving.

States Members are also duty bound and must ensure that that they shall give fair consideration and due weight to informed and impartial advice from civil servants via the Code of Conduct for States’ Members, section 13 which reads:

“Relationship with the Civil Service

13. Members shall uphold the political impartiality of the Civil Service and shall not ask civil servants to act in a manner which would conflict with the Civil Service Code. Members should familiarize themselves with the contents of that Code. In reaching decisions they shall give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice from other persons.”

Together these codes support the changes proposed by this Amendment.

In summary the additional sub-section seeks to guide members to seek with greater regularity, drafting advice for their proposals and consequently to present a better quality of information in front of the Assembly. With a more thoroughly thought process, working collaboratively on proposals, can contribute to consensus building in the Assembly and is ultimately a better use of taxpayer resources.