



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 25th January 2024

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Present:

Sir R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

M. M. E. Pullum, Q.C. (H.M. Procureur)

People's Deputies

S. E. Aldwell	M. P. Leadbeater???
C. P. A Blin	D. J. Mahoney
T. L. Bury	A. D. S. Matthews
A. Cameron	L. J. McKenna
D. de G. de Lisle	C. P. Meerveld
H. L. de Sausmarez	N. G. Moakes
A. C. Dudley-Owen	R. C. Murray
J. F. Dyke	V. S. Oliver
S. P. Fairclough	C. N. K. Parkinson
S. J. Falla	R. G. Prow
A. Gabriel	L. C. Queripel
J. A. B. Gollop	P. J. Roffey
S. P. Haskins	H. J. R. Soulsby
M. A. J. Helyar	G. A. St Pier
N. R. Inder	A. W. Taylor
A. Kazantseva-Miller	L. S. Trott
C. J. Le Tissier	S. P. J. Vermeulen
J. P. Le Tocq	

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and E. A. J. Snowdon

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (States' Greffier)

Absent at the Evocation

Deputy A. H. Brouard (*absent de l'île*); Deputy Y. Burford (*indisposée*);
Deputy P. T. R. Ferbrache (*relevé à 16h 08*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCAATION

Billet d'État I

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

2. General Election 2025 – Debate commenced

Article 2.

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'General Election 2025' dated 18th October 2023, they are of the opinion:-

- 1. To amend Article 45 of the Reform (Guernsey) Law, 1948 ("the Reform Law") to add provisions requiring all candidates and parties to agree to the publishing of their electoral expenditure returns by the States and imposing a duty on the States to publish all expenditure returns.*
- 2. To agree that the Ordinance for the 2025 Election should redefine the regulated period for campaigning as starting 6 weeks prior to the date a candidate nomination can be delivered.*
- 3. To amend Article 41 of the Reform Law to:*
 - a) base the margin required to trigger a recount on the number of votes between an unsuccessful candidate and the lowest polling successful candidate;*
 - b) set the margin required to trigger a recount at 1% of the number of votes received by the lowest ranking successful candidate or 50 votes, whichever is the lower; and*
 - c) afford the Presiding Officer discretion to call for either a manual or electronic count, and to determine the extent of a recount, allowing for the possibility of only recounting manually adjudicated ballots.*
- 4. To amend Part VI of the Reform Law to make provision for a candidate to be able to nominate a representative to be present at a recount in the place of the candidate, including conferring a power on the States Assembly & Constitution Committee to make rules making relevant provision in this regard.*
- 5. To amend the restriction on eligibility to hold the office of People's Deputy at Article 8(e) of the Reform Law so that it only applies to:*
 - a) persons convicted of electoral offences, fraud or corruption in the five years 2 immediately preceding the date of the election; and*

b) persons serving a sentence of imprisonment of a year or more or an indefinite period, or who have been so sentenced but are unlawfully at large.

The States' Greffier: Billet d'État I, Article 2, States' Assembly & Constitution Committee – General Election 2025.

5 **The Bailiff:** And now I will invite the President of the Committee, Deputy Meerveld, to open the debate, please.

Deputy Meerveld: Thank you, sir.

10 I am pleased to present the first policy letter from the States' Assembly & Constitution Committee in the General Election 2025. In preparing this policy letter, the Committee has prioritised matters of legislative change recommended by the CPA's Expert Election Mission which observed, virtually, the first Island-wide general election that took place in 2020, as well as the post-election Report from the Registrar General of Electors, submitted by the Committee and considered by the States in 2021. As a result of which the Committee was charged with taking forward a number
15 of Resolutions, including looking at legislative changes. On this occasion, we have the advantage of being able to propose such changes well ahead of the General Election, in keeping with the Venice Commission's advice that it is poor practice to amend election legislation within a year of an election taking place.

20 The policy letter deals with a number of different issues addressed in the Reform Law which I will summarise in turn. First, the matter of election expenses.

After the 2020 Election, there were calls for the States to publish candidates' election expenses. **(A Member:** Hear, hear.) However, while some candidates voluntarily published their expenses, there is no obligation on them to do so, nor is there any mechanism for the Central Returning Officer to make them public, owing to data protection considerations. The Committee feels strongly
25 that this falls short of the standards of transparency required in one-day elections, as set as set out by the Committee on Standards in Public Life in its recent review of electoral regulations in England. Consequently, the Committee is seeking to amend the Reform Law to include a requirement that all candidates and parties' election expenses must be published. By putting everything in the public domain in this way, it will become easy for the public and other interested parties, such as the media,
30 to have access to the information, and this is right and proper.

Other issues were raised by the public about the spending of candidates and parties in the period preceding the general election. And the Committee believes the Reform Law should be amended to improve clarity around election expenses.

35 In 2020, complaints were received that candidates and parties might have circumvented the Rules by spending money on campaigning outside the regulated period. The regulated period in 2020 started on the day candidates' nominations opened and ended on the day of the general election. The interpretation of the term, candidates, as applicable to the election expenditure, means that an individual becomes a candidate only when he or she is nominated for election. This means that, in theory, a would be candidate could incur one-off expenses prior to being nominated, and
40 would not have to declare them, because, first, they were not a candidate when their spending took place, and second, they did not use the goods or services during the regulated period. For example, one-off radio and newspaper advertisements run or placed prior to nominations opening would not have to be declared.

45 In this age of social media when potential candidates can publish themselves easily at any time, this is a thorny issue, and one which Guernsey is not alone in grappling with. Given the queries that this matter generated in 2020, the Committee is recommending that the Reform Law be amended to extend the regulated period to six weeks prior to nominations opening. To capture one-off campaign expenditure, as it is considered, this would both ensure a perception of greater fairness and increased public confidence in the process.

50 As Members will know, 2020 saw the first Island-wide general election which meant that
although the electorate could vote in their parish polling stations if they wished, all ballot papers
were counted centrally. Given the enormity of this task, the count was, for the first time, carried out
electronically. The margin for triggering a recount is set out in the Reform Law, despite the fact that
55 the method of counting voting changed considerably for the 2020 Election. The Law was not
amended in this respect, meaning that unsuccessful candidates had the right to ask for a recount
in the event that the difference between the number of votes they received and the number of votes
received by the 38th successful candidate was less than 2% of the total vote cast.

In the 2020 Election, this was a difference of 493 votes. A significant margin, particularly when
60 using highly accurate electronic counting machines. The smallest margin among the six
unsuccessful eligible candidates eligible to call for a recount was 126. Still a far higher than expected
error rate given in a manual count, even in a manual count. The recount, which took a day and a
half to complete, did not result in any changes to those elected. Now the States have a reliable e-
counting system, it is unnecessary to have such generous margin. Indeed, one so largely virtually
guarantees the possibility of a recount.

65 The Committee concluded, in consultation with the Presiding Officer, that it would make more
sense to base any recount on the numerical difference between those polled in 38th place and
below, and the Committee believes a sensible margin will be 1% or 50 votes, whichever is the lower.
And it, therefore, recommends that the Reform Law be amended accordingly, in order to reduce
the possibility of recounts involving multiple candidates and differential so large that it is
70 unthinkable that a different outcome would result. Our system of election and way of counting
votes have moved on, and the Law needs to be updated to reflect this.

It is the Presiding Officer who has responsibility in law for determining where any recount should
take place and appointing independent scrutineers carried out. In the new era of electronic
recounts, there are now other factors that the Presiding Officer needs to take into account. For
75 example, whether the recount should involve rescanning every ballot paper or whether it is
necessary to re-examine only those that were manually adjudicated, as they are the ones that may
change as the scanners will read marks on a paper the same way each time, but human
interpretation may vary.

The Law gives the Central Returning Officer the discretion over whether to run a manual or
80 electronic count. And it is recommended that it is amended to ensure that the same direction
applies to the Presiding Officer. It is, therefore, recommended again to ensure that our election
legislation keeps pace with advances in technology, that the Presiding Officer has also given the
ability to determine the extent of a recount. That is to say, whether all ballot papers should be
rescanned or only those that were determined manually. This will give the Presiding Officer sufficient
85 flexibility to respond to different circumstances as he sees fit, should the need arise.

The Law provides that candidates may be present during a ballot count. Or should they not be
able to attend, they may nominate someone to do so in their stead. Candidates are also permitted
to be present at a recount, but it does not allow them to nominate persons to represent them. The
Committee is, therefore, seeking an amendment to the Law to remove this seeming anomaly and
90 allow candidates to nominate others to attend recounts if they are unable to do so in person.

The final matter covered by the policy letter is that of eligibility to stand for those with criminal
convictions. The Law currently states that anyone who has been found guilty of an offence,
resulting in six months or more imprisonment, including suspended sentences during the five years
preceding the election, is not eligible to stand, regardless of the nature of the offence.

95 The CPA pointed out in its Report that this high bar is, arguably, unreasonable, because of the
wide-ranging nature of the bar and the lack of consideration of whether, in specific circumstances,
it is objective and reasonable to prevent people from standing for election. Of course, the
Committee is aware that people have strong views on this, with some people considering that the
bar should be set even higher, which is perhaps a result of living in a small community where the
100 electorate is very close to its elected representatives. It is a difficult line to tread, trying to ensure

that democratic rights are not interfered with, while at the same time being sensitive to the wishes of the community.

105 Some offences are more relevant to those seeking to hold public office than others and it is notable that other jurisdictions draw such a distinction in their legislation. The Committee believes that such an approach would work in Guernsey, too, with a higher bar applied to anyone convicted of electoral offences, fraud or corruption. It is proposed in this respect that anyone convicted of such offences in the five years prior to the election should not be allowed to stand.

110 With regard to the other offences, the Committee feels it would be reasonable to provide that anyone serving a prison sentence of one year or longer for other offences should not be allowed to stand for election. But once their debt to society has been paid, there should be no restriction on their ability to be nominated. This brings Guernsey into line with the UK, as well as addressing the comments made in this respect by the CPA following its expert election mission in 2020.

115 To summarise, the main purpose of this policy letter is to ensure that our election legislation is keeping pace with the advancements in both society, generally, and also specifically in relation to elections. The 2020 Election was a huge success in many ways, and these proposed changes will help to ensure that we build on that success and make 2025 even better. Any delay in drafting the relevant legislation could result in it not being possible to affect legislative changes a year prior to the election. So I encourage all Deputies to vote in favour of the Propositions to ensure no delays are incurred. However, I ask Members to remember that constitutional changes of this nature
120 depend on a two thirds majority in the States. So every vote counts and every abstention is a choice that has consequences.

Thank you.

125 **The Bailiff:** Well, Members of the States, two amendments to the Propositions have been submitted and I am going to simply deal with them in number order. But with Deputy Ferbrache seconding both, I understand, Deputy Prow, that you have an alternate, where you are going to ask to second Amendment 1.

130 **Deputy Prow:** Yes, sir. And with your permission, I would ask Deputy Helyar to second the amendment.

Thank you, sir.

The Bailiff: Thank you very much. Do you now wish to lay that amendment in place?

[Amendment 1](#)

135 For Proposition 5, substitute the following Proposition 5.

To amend the restriction on eligibility to hold the office of People's Deputy at Article 8(e) of the Reform Law so that it also provides that a person found guilty of an offence (whether in Guernsey or elsewhere) and sentenced to be imprisoned or detained for more than one year shall not be eligible to hold the office of People's Deputy while detained anywhere in the United Kingdom, Channel Islands or Isle of Man in pursuance of the sentence or while unlawfully at large at a time when he or she would otherwise be so detained.

Deputy Prow: Yes, please, sir.

Thank you.

140 **The Bailiff:** You are free to do so.

Deputy Prow: Thank you very much, sir.

Could I ask The States' Greffier to read it, please, sir?

145 **The Bailiff:** Of course you can.

Deputy Prow: Thank you, sir.

The States' Greffier read out the amendment

The Bailiff: Deputy Prow.

150

Deputy Prow: Thank you, sir.

Please may I start by thanking His Majesty's Procureur for all the assistance that was afforded to myself and Deputy Ferbrache in the preparation of this amendment. And I would also like, right from the outset, to thank Deputy Bury, who we had some conversations around this and thank her for her input into and giving me the benefit of her very valuable views.

155

Sir, in this Assembly, we often, rightly, highlight that Guernsey is a safe and secure place to live and work, bring up children and a jurisdiction which is deemed stable and takes its international obligations extremely seriously. Many would say those principles underpin our economy and makes us an excellent place for people to conduct business.

160

This amendment, as outlined in the Rule 4 information contained in it, seeks to maintain States' objectives and policy plans, ensuring freedom to stand for election is balanced against the need to ensure a safe and secure community. We have, for many decades, had legislation in the form of the Reform Law, in particular, at Article 8, which deals with eligibility as a People's Deputy. This has held us in very good stead over many elections and more than adequately achieves that balance.

165

Before this debate goes down any rabbit holes, I contend that the Reform Law is deemed fully compliant with ECHR legislation requirements and has in this regard never been subject to challenge. Sir, I shall now refer to the extremely helpful advice received from His Majesty's Procureur on the evening of 22nd January, and copy to all Deputies, following a request made by Deputy Soulsby. I will not read it out in full, as I am sure all Members of the Assembly will have had the opportunity to do so. I thank her again most sincerely for this and the clarity it brings where she confirms this point around compliance with the ECHR. Furthermore, and importantly, she comprehensively advises that Article 8 is *not* an unreasonable restriction. Sir, there is just no case made out in sections 5.1 and 5.2 of the policy letter to the contrary.

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Article 8(e) means that a candidate is eligible if he or she has not, during the five years immediately preceding the date of the election, been sentenced by a court to imprisonment for a period of six months or more, unless quashed or reduced. The advice received indicates that this has never been challenged. This means very serious offences have been committed. There is a time limitation imposed and, therefore, only a very few people, indeed, that might be caught as not eligible. Indeed, sir, the policy letter does not identify anyone who tried to stand at the last election and was prevented due to the current position of the Reform Law. Neither are there, apparently, any complaints raised by members of the public in this regard. In fact, and this has already been mentioned by Deputy Meerveld, I would argue that there *is* public concern aired at election time, which would indicate that the question of criminal convictions should, in fact, be tighter.

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Our sister Island's eligibility criteria are considered more restrictive by way of example, and as far as I am aware, there are no plans to change them. The Jersey position is laid out in the policy letter in sections 5.9 and 5.10. So, sir, what is broken and needs fixing? And upon what evidence or valid argument exists to remove Article 8 eligibility? The short answer and the short case at section 5 is just not made out. And the policy letter at section 5 is woefully contradictory, unclear and confusing.

185

The only justification for making this significant change is found in section 5.16, alleging that the current provisions may – *may* – be disproportionate. But there is no clear analysis as to why and there is no legal advice provided. Indeed, His Majesty's Procureur, whilst noting the Covenant on Civil and Political Rights provides the comprehensive advice I have already alluded to around the objectivity and reasonableness of Article 8.

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But sir, importantly, in any case, what is actually proposed fails its own test. All Proposition 5 offers us, in simple words is, 'A person convicted of electoral offences, fraud or corruption in the

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five years previous to the election'. In terms of drafting instructions, this is crude. What exactly does this mean?

200 Following an approach made from the media, I sought further legal advice on the wording, which has ascertained that the States' Assembly & Constitution Committee are now saying that although they do refer, in the policy letter, to the corrupt practices as defined by the Representation of People Act 1983, the reference to fraud and corruption in the recommendations were meant to apply to offences, generally, under Guernsey Law. And the specific electoral offences are simply not defined. It now appears as saying they wish to restrict anyone from standing who is convicted of undefined
205 electoral offences, fraud or corruption, generally. Be that as it may, this will still permit persons convicted of serious violent offences, serious sexual offences (**A Member:** hear, hear.) Some offences of dishonesty which might not be covered by reference to fraud and corruption from standing as a People's Deputy. Again, His Majesty's Procureur has given clear advice on this.

210 Deputy Ferbrache and I are, therefore, very concerned by the inadequacy and lack of clarity of the wording in the policy letter and exactly what convictions SACC would restrict eligibility, including those serious offences which affect our international standing, such as money laundering, cybercrime, identity or computer fraud. I believe, sir, this will become a matter of serious public concern and challenge. Is SACC seriously suggesting that restricting eligibility in those instances is not reasonable?

215 Moving on to the references in paragraphs 5.4 and 5.8. To The Representation of the People Act 1983. They outlined specific electoral offences which, so far as I am aware, do not exist in Guernsey legislation. I am really not clear on SACC's intentions. Do SACC intend to apply these provisions to Guernsey and fraud and corruption which I have just covered? The Proposition makes no attempt to properly define what those offences are, or in which jurisdiction they apply.

220 Sir, I could simply ask that Proposition 5 is voted on separately and encourage Members to vote *Contre*. However, SACC have highlighted that our provisions fall short of those contained in the People's Act 1981. They think this matters. Those provisions provide where a person found guilty of an offence, whether in Guernsey or where, and sentenced to be imprisoned or detained for more than one year, shall not be eligible to hold the office of People's Deputy while detained anywhere
225 in the United Kingdom, Channel Islands or the Isle of Man, in pursuance of the sentence, or while unlawfully at large, at a time when he or she would otherwise be so detained. I do agree with SACC that this is sensible.

Sir, I ask all Members to support this amendment and preserve the current position and to add the further restriction that I have just outlined.

230 Thank you, sir.

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

235 **Deputy Helyar:** Yes, sir, I do.

The Bailiff: Thank you very much.
Deputy Bury.

240 **Deputy Bury:** Thank you, sir.

I rise to speak in strong support of this amendment, and I am very grateful for Deputies Prow and Ferbrache and now Helyar, for bringing it.

245 The changes proposed by SACC in Proposition 5 of their policy letter are very significant. And I believe, had the policy letter not been laid when the Assembly had other very high profile and headline grabbing matters in front of it, would have drawn far more public commentary and opinion. I am not insinuating that SACC did that purposefully, it was just what happened. And so it should draw far more public commentary and opinion, because this relates to an election, and elections belong to the people.

250 The matter is a complicated beast, sir. And I know this as I have been attempting to draw up an amendment myself, which I do have ready to lay should this one fail. However, I very much hope that it will not be needed. The two primary issues in my mind relating to this Proposition are the matter of risk, both practically and reputationally, and the matter of the electorate's right to information about who they are voting for. And as I was trying to thrash through the complexities of those two subject strands, relating to specific offences that I would be most concerned with, should SACC's proposals pass. And trying to weave either one or both of those strands into a succinct and understandable amendment, which was proving very difficult, I became aware of Deputy Prow's amendment and was very relieved to have such a simple solution presented to us. Retain the status quo that has served us very well in these regards, with little complaint, other than it might be too lenient and not informative enough, and retain the positive aspect of SACC's proposal of 5(b).

260 So as the Rules stand now, and will be retained, should the amendment pass, both the functioning of Government and the electorate are afforded a reasonable level of protection. The electorate, most importantly, can know that by the Rules of Eligibility, they will not unwittingly be voting for anyone that has received a conviction for any offence deemed serious enough to attract a six-months or more prison sentence in the last five years. It is broad, but it includes a level of severity bar that has to be reached.

265 As is referred to in the policy letter, at the last election, complaints from the electorate, in this area, were along the lines of wanting more information about offences committed by candidates, not less. And yet this is what the SACC proposals essentially do. And many of the members of the public, sir, were and still are flabbergasted that not even a basic DBS check is required to be a Deputy. And while I respect the CPA's work, sir, I do believe that in this case, their recommendations have been interpreted in a certain way and taken too far. And I believe that this is one of those times where Guernsey's fairly unique context does need to be at the forefront of mind.

270 As politicians here, we are incredibly accessible to the public for one-to-one contact, as well as receiving invites to all sorts of events all the time, often with vulnerable people and/or children in attendance. Those people should be able to feel confident that speaking with a Deputy, one-on-one, or having them in attendance at their event is not a risk.

275 Under SACC's proposals, we could have, for example, very recently released sex offenders standing for election. (**A Member:** Hear, hear.) Possibly while still subject to notification orders. This Assembly has taken such a strong stance in this area this term, I find it very hard to believe that they find this acceptable, and I really do not think that the public would.

280 And this goes on to one of my major issues with these proposals around eligibility. This is really core stuff, relating to what our community wants and thinks is acceptable in appointing its Government. And I see the voice of the electorate nowhere. Changes such as this, especially so sweeping, should have had at least some public consultation, in my opinion. (**A Member:** Hear, hear.)

285 I asked my colleagues, through you, sir, if everyone remembers when we stood for election, the vast list that we received to aid us if we were door knocking during campaigning, which detailed everyone on the electoral roll, their name, address, house location. And further, sir, if they know that if a person registers to vote when they are 15, because they will be 16 when the election rolls around, that their date of birth will also be printed on that list. That is hugely sensitive information to be in possession of. Do we want it in the hands of recently released sex offenders or stalkers, perhaps?

At 5.2 in the policy letter, it explains that:

5.2 the CPA BIMR Report explains that: "The International Covenant on Civil and Political Rights, applicable to Guernsey, provides, in Article 25, that citizens shall have the right and opportunity to take part in the conduct of public affairs. This has been interpreted to mean that the right to stand for election may be suspended or excluded only on grounds which are 'objective and reasonable'. It is arguable that the exclusion of all those sentenced to imprisonment, without regard to the nature of the offence, is unreasonable."

295 And I have to say that I disagree with that, sir, because there is regard to the nature of the offence in our current Rules, because only those offences which draw a prison sentence of over six months apply. Regard to the nature of the offence is being drawn from already acceptable bars that we have previously set within our justice system.

300 And while I am referring to sections of the policy letter, just on from that, at 5.3, it states:

"The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."

Well, to my mind, this cuts both ways. How can the electorate be confident of their free expression if they are not given all of the information about their candidates? And again, I think this goes back to my previous point, around the voice of the electorate being missing from these proposals. If this is supposed to be a free expression of the opinion of the people in the choice of their legislature, why haven't they had a say?

305 So to finish, sir, I will say that if changes like this are to be made, then much more work needs to be done to understand how the people of Guernsey, who the election belongs to, feel about it, and what their thoughts are on the various types of offence that should or should not restrict eligibility. That, sir, would be a huge piece of work and rather messy, no doubt. And so to that end, Deputy Prow's amendment is the neatest and most simple way to offer reassurance to the electorate, and so I would encourage Members to support it.

Thank you.

315 **The Bailiff:** Deputy Meerveld, do you wish to address the amendment now?

Deputy Meerveld: Yes, please, sir.

SACC welcomes the amendment. At the end of the day, this is a decision from the Assembly on what we believe is appropriate in election from a candidate. The Committee neither opposes nor supports the amendment. We welcome it as an additional choice to the Assembly. What we have is a Proposition that, after considerable consideration about not just the rights and wrongs, but the unique character of Guernsey and our unique situation, as alluded to just now. We do have a situation where the public do have unique access to their Deputies here. Transgressions, personal political, legal are all pretty well known in the gossip mill of Guernsey and the social media. And things will out. They will go out in the public domain, they will be discussed at a time of an election.

325 So unlike in the UK, where elections can be covering a million people or more and it is unlikely that individuals will know somebody who knows the individual directly, here we have a situation where things are known. So we have to put a veneer over the top of our election processing, knowing that, at the end of the day, it is the electorate's choice of who they want to elect. People have served their prison sentence are judged under our legal system to have sort of served their debt to society. But there are certain categories of offence that we would consider lean to the honesty and integrity of the individual, such as fraud, such as breaking election Rules, that we would say should be excluded.

335 What the SAC Committee did was they looked at the recommendations from BIMR, they looked at our unique situation, and they said, is there room for liberalisation? And by majority in the Committee, we decided there was. But it was not after a long discussion over what we think the society wants and what we think is practical in our unique environment.

340 What this amendment does is gives this Assembly a choice. You can accept the proposal put by SACC, the Proposition, and therefore, liberalise our process in line with recommendations from the BIMR. We can –

I will not be giving way, sorry.

The Assembly can reject our Proposition and simply remain as we are, or the Assembly can adopt Deputy Prow's amendment and actually make our requirements stricter. And the Committee discussed the amendment, and said, good. It gives this Assembly a choice. So we are supporting

345 that discussion here, and we welcome the views of the Assembly and will implement whatever the
Assembly desires by majority. And the individual Members of SACC will vote whichever way they
feel when the time comes.

Thank you, sir.

350 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

I am mindful to vote against this amendment and to vote against Proposition 5 in the Billet, not
because I think that our current Rules are absolutely perfect. I do not. I think they do need reforming,
355 but I am not sure that SACC have got it absolutely right as far as what that reformation should be.

I think this is almost a philosophical question. And I share 80% of what Deputy Bury's
philosophical stances, but come to a slightly different conclusion. She said the election belongs to
the public, and I agree with that. And I think the public should be free to elect people that I,
personally, would deem to be utterly unsuitable to be elected. Indeed, they often do. (*Laughter*) But
360 that is another matter.

But my point is, that to the largest extent possible, we should be giving freedom of choice to
our people who I think are sensible in their judgement if they have got the information. And I think
the reason the Reformation that is being proposed is slightly wrong is that rather than actually
debaring a whole category of people, I would rather ensure that the electors have the full
365 information about the candidates to be able to use their judgement.

Our current arrangements are very strange. You could commit a serious offence and be
convicted, as I understand it, by a court in Denmark or in France or in Ireland, and it will not affect
your ability to stand. I stand to be corrected on that, but that is the way I read it.

Now I understand why it is limited to a certain number of jurisdictions, because perhaps
370 somebody that has drunk alcohol in Saudi Arabia or committed blasphemy in Pakistan, or whatever,
will think that the fact that they have had a sentence should not disbar them. But it does seem odd
that if you do something in Guernsey or England it should be different to other well developed
western areas of jurisdiction.

And yes, the sex offender is an obvious argument. But at the same time, I would put the
375 counterargument that there could be somebody standing to reform legislation, let's say, in the area
of drug sentencing, for instance, who happens to have been convicted for a drug offence. Well, that
is right, they were convicted under the current law. But should they be debarred for five years for
actually being able to say, we want I want reform in this area? I do not believe Mr and Mrs Le Page
are going to vote for a recently released sex offender. They might, conceivably, they probably would
380 not vote for anybody that has done a sentence more than six months. But there might be, I can
conceive circumstances where they might. So I would rather put the power in the hands of the voter
by reforming our law, so that every candidate had to make a declaration of any conviction, does
not matter where they ... If it is Saudi Arabia for drinking, then they should put that and it can be
taken into account on that basis. I see no reason why somebody who is seeking to represent the
385 public of this Island should be unwilling to actually declare any conviction and the nature of that
conviction within the last 10 years. Then, I trust the electorate of Guernsey to exercise their
judgement appropriately.

So I would prefer to leave things as they are now by voting out Proposition 5 and requesting
SACC to go back and look at, rather than the debaring of election of by the Government. And I am
390 always worried about governments debaring categories of people from standing. We see that
happening a lot around the world. I know it is a far stretch. You cannot stand against Mr Putin if
you are not very in favour of the war in Ukraine or whatever. I am not trying to make that
comparison, but it just philosophically, I worry about the Government saying who can stand. I have
no problem in trusting what I think is a very mature and sensible electorate in Guernsey if they have
395 got the knowledge.

400 So I would prefer the reform that we make to ask SACC to leave things exactly as they are. As Deputy Bury said, it served us well, and asked SACC to go back and look at that aspect of a proper declaration of any candidate. And, frankly, anybody not willing to make that declaration, well, that is their choice. We are not stopping them from standing. They are saying they do not want to make it and, therefore, will not stand. That is fine.

The Bailiff: Deputy Soulsby.

405 **Deputy Soulsby:** Thank you, sir.
This has been an area that has interested me for quite a while, actually. Last term, I believe it was, it might have been the term before, I cannot remember – I haven't slept since then! – I did write to the then SACC, asking them to investigate the possibility of bringing DBS checks. And considering candidates as well as Deputies, I think it was since I was on Health & Social Care, because it raised issues for me about having Deputies, or those who end up becoming elected with serious offences, being sat on Committees where they will have access to areas which could be of concern. Education being another Committee, in particular.

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415 And I thought, well, all the staff that work in those areas have to have enhanced DBS checks and yet a Deputy can just swoop in, walk around the Hospital, go into a school. And it is just much easier to get access. And it was something that has interested me. It seemed that the response at the time was very much there seemed to be a lot of barriers in the way to doing it. I still think that there must be an opportunity there. Whether there are issues over DBS checks being publicly available might be one thing, but I think in terms of managing people who become elected and restricting their access for good reason, I think there must be a way through. So I do hope that SACC, on the back of this discussion, and what Deputy Bury said earlier, which I totally agree with ... that should be something that is revisited. If not that, then at least the advice that was given at that time, and then Members can decide whether they want to pursue it.

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425 But the other reason why I was really interested in this popping up at the moment. It has in the delay, actually. I must admit, my focus has been, since the New Year on this, was the timing with the election observation training that I was lucky enough to attend this week with Deputy Brouard. It was really useful. And we covered all manner of different areas. And this was one thing I thought I would bring up, because we have got this debate and we had the questions resulting in the amendment from Deputy Prow. And so that is a reason why I asked the advice, because what we were hearing, there was that conflict, and I wanted to get a better idea of where we stood before the training came along.

430 A lot of mention was made at the Convention on Civil & Political Rights, and that has been used as a basis, I believe, for the recommendations that were in the Mission Statement. But there was also the Venice Commission that I was drawn attention to as a result of my questions. And it says:

Provision may be made for clauses suspending political rights. Such clauses must have or comply with the usual conditions under which fundamental rights may be restricted. In other words, must be provided for by law, observe the principles of proportionality and be based on mental incapacity or a criminal conviction for a serious offence.

435 I believe from, specifically regarding His Majesty's Procureur's advice and from the Commission, I believe that what we have already is perfectly okay. And I am satisfied with this amendment as well, and I would be quite happy to support it. And it does show that there are grey areas and everything is always open to interpretation, but there is also the issue about how a recommendation is written. And there is one thing that we just discussed on Tuesday. And if Members could be able to see the recommendations now. That recommendation was asking the States to consider to deal with Article 8 in our Reform Law. Did not say, change it, it just said, consider it. And at the same time, we had discussions over how there might be different provisions in different laws in different jurisdictions because of the uniqueness of each individual jurisdiction and the history and how things have built up. And it could be a very small jurisdiction or have different viewpoints to a very large one. One of those was how we do not have ID cards. We do not have to bring an ID to prove

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445 who we are when we cast our vote. Other areas like that, they might be something that a large jurisdiction might consider as necessary, but we think, well, that is a bit OTT. We know most people. It is not something we see as a major concern to us.

And another thing, and I have mentioned that to consider, we looked at each previous recommendations' submissions. And we were asked for our opinion. And one was to consider. And we said, yes, that is fine, because it is saying, it is not being dictatorial. It is not saying, you must do this now. And that is fine, because it is asking that jurisdiction, you think about it in the context of where you live and your community.

And then we were shown another one which said, this jurisdiction should absolutely do this. And all the all the other representatives online thought, this is not good. This is absolutely the wrong way of doing it. And in many cases, we could see how some of those recommendations actually went beyond the brief of that mission, the mission there to observe the election.

I do not think that is a case. Well, it is certainly not the case with this recommendation. It is a good recommendation, but it is only to consider, yet we did have another recommendation to tell us to bring in the Convention on the Elimination of All Forms of Discrimination against Women without delay. But where is that? I have not seen any movement on that whatsoever. There has not been movement on that for decades. And despite the fact our nearest neighbours have already brought it in. But that, you could argue, well, that does go beyond the remit of the mission. It does not mean I disagree with what they have put, but that was telling us to do something and we have ignored that. But we are happy to do something that is to consider.

So I do not think we need to take into account what was ... We need to take into account and consider it, but it does not mean we need to do it. And I do think this amendment actually does make sense. And I think Deputy Bury really articulated that excellently. I do not need to repeat it. And so, Members, I will support this amendment.

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

Deputy Le Tocq: Thank you, sir.

As I am speaking after Deputy Soulsby, I only need to be brief. But I think some comments made by Deputy Roffey, particularly, bring me to my feet. I understand his concerns when it comes to Governments trying to limit who can stand. We want to ensure that that will not be the case here. And it is a risk. It is probably already a risk if you are a complete libertarian on these sorts of issues. However, I think Deputy Bury put it very well when she articulated her support for this amendment. And I think there are risks here, but there are also risks if we do not do that. And on the balance of risk, I think I will support this amendment.

480 Sir, I remember in some elections ago, there was a particular individual who stood here in Guernsey. And it turned out that he had a conviction, I think, for an abduction, in another part of the British Isles that we did not discover until afterwards. So Mrs Le Page would not have known about these things. He was not honest. He was foolish enough, I think, to use the title, Deputy, in his attempt to get elected. So in that respect, the Guernsey public did see through him and did not vote for him. But it did raise issues. And we discovered after that that there were serious concerns. And I think we need to do our utmost to ensure that we put those risks, we minimise those risks, as much as possible. And, therefore, I think this is the correct way forward. It may well be that in due course further refinements can be made, but I will be supporting this amendment on that basis.

490 **The Bailiff:** Deputy Inder.

Deputy Inder: I was hoping to, had Deputy Meerveld given way, and it is his right not to, it would have been a fairly short question for him. But, unfortunately, Deputy Roffey got to his feet and worried me, to be perfectly frank with you. Deputy Roffey claimed that he trusts the electorate of Guernsey. Well, I have probably got a longer memory than he has. In 2018, he took the seats of SACC. And in, I think it was *The Bailiwick Express*, he said that he was, as part of his Proposition,

500 looking forward to delivering the referendum and the outcome of that referendum. The outcome of that referendum was, all Members to be elected, one electoral district for a four-year period on one single day. He resigned two days later. So I do not believe that Deputy Roffey truly trusts the electorate of Guernsey. That is what he did. He resigned as soon as the people voted. And it is there for the public record.

What also slightly worries me is that he was a laissez-faire on why I think our sexual offences, and if they changed it, they moved to drug offences. Does anyone really think that anyone on a sexual register should be anywhere near this Assembly? Does anyone seriously believe that?

505 And I am glad. I personally think Deputy Prow should have gone further, but I am particularly happy with Deputy Bury's speech, because Deputy Prow and Deputy Bury are not normally conjoined or in one position (*Laughter*) Okay, bad choice of words.

510 But anyway, the point is that we have got to somewhere where we basically agree that something needs to change. I do not take that libertarian view at all. I am actually libertarian, but I do not take the libertarian view that anyone who is on a sexual register should be anywhere near this Assembly. And I am very surprised that Deputy Roffey has such a laissez faire view on it. So really, to Deputy Meerveld, who does not have a chance to respond now, because you have responded. I will support this, but I would encourage him to pursue this point of anyone on a sexual register, should they have the ability to stand, because I generally think there needs to be a little bit more work on it.

515 So I will support the amendment. But I would encourage SACC to do a little bit more work and possibly, before the next election, come back to the States with a slightly more fatted out or a more detailed response of which I will respond. There should be no one anywhere near this Assembly who is on the sexual register or has been, for all the reasons Deputy Soulsby made. It is wrongheaded and just bad.

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The Bailiff: Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

525 First of all, I thought as outlined by Deputy Le Tocq, I thought Deputy Bury's speech was excellent. I really enjoyed that. And she made some really good points. One of which, I must admit, was the only point I had scribbled down was on the DBS checks side of it.

530 When I first stood, I am sure a lot of us when we first stood in 2020, one of the things that most surprised me was that there was no DBS check on us, on any of us, let alone extended DBS checks. And that stunned me somewhat. All football coaches, tennis coaches, athletics coaches, rugby coaches. I will give way briefly.

Deputy Inder: I have been through this before in a previous iteration and I will be fairly short with this.

535 We come into this Assembly as self-employed. That is the problem. We do not have an employer. The big difficulty we had when we discuss on the predecessor, and I think it was inspired somewhat by Deputy Soulsby, is that, who do you submit the DBS check to? That was always a problem. And what, do you do it once? Who checks it? Normally, under the process, an employer would ask you to apply for your own DBS check and then you would give it to your employer. And that was all a fairly a standard process. The problem we have got here is that we are not employed by anyone. And what do we do with it?

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545 **Deputy Mahoney:** I thank Deputy Prow. I will not be giving away. I thank Deputy Inder for that. But I have had extended DBS checks for my rugby refereeing and I am not employed as a rugby referee. So the body that oversees it will be responsible for it. Now, whether that is the Presiding Officer –

I am not going to give away again. Sorry.

Or the States' Greffier, someone, somewhere keeps us in check, hopefully, in some way. And they, I believe, should be doing it. As I say, all coaches of all descriptions have to do it for

550 safeguarding for obvious reasons. And I have access to nowhere near the records as a rugby ref and coach that I do sat in this Assembly.

So I think that needs looking at. And, in fact, I was very surprised. I was going to ask in summing up, or rather, in his speech, if Deputy Meerveld could comment on that. But I was very surprised to see him spring to his feet one speech in, basically saying, we give up. We do not care what you vote for on this. Somewhat, yes, very surprised.

555 But perhaps in general debate, when he speaks, or another member of SACC, perhaps now, could ask, was this matter considered? It is interesting to hear from Deputy Soulsby that a number of years ago, she had raised it and it still sat on a shelf somewhere. So was this matter of DBS checks discussed in this, around this policy letter? If not, why not?

560 **Deputy Meerveld:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Meerveld.

565 **Deputy Meerveld:** DBS checks have been considered by the SAC Committee in depth. The problem with DBS checks is, as Deputy Inder highlighted, who is going to be put in charge of making the judgement. A DBS check and especially an advanced DBS check comes back with subjective issues. This person has had this, etc. They have never been convicted of anything, but there may be issues here. Who are we going to appoint if we have DBS checks for candidates to pass judgement on that? Are we going to publish the DBS checks that might have defamatory information in there
570 that the person might want to challenge us? Well, actually, that is not true. I did not know about that before it was published.

The Bailiff: Deputy Meerveld, you have raised the point of correction –

575 **Deputy Meerveld:** Yes, sorry.

The Bailiff: – to say that Deputy Mahoney was making an inaccurate statement, (**Deputy Meerveld:** Yes, sorry.) but it is not an opportunity to make another speech. (**Deputy Meerveld:** My apologies, sir.) That will be for a later time, or it will be for somebody else on the Committee.

580 Deputy Mahoney to continue.

Deputy Mahoney: Thank you, sir.

In fact, I did not say you had not considered it. My question was, have you considered it? And if not, why not? And if you have, then why was it not included in this policy letter, so someone else
585 can give the speech that you have just given?

I do not take the point. My point earlier was, I am not employed as rugby ref and yet I had to undergo one. I had to submit to the police, etc. to do a check on me. And I do not see any reason. If you do not want that, do not put your name on a ballot paper. (**A Member:** Hear, hear.) Simple as that. That is the Rule, should be the Rule, in my opinion. If you do not like it, do not put your
590 name down.

Should that be the States' Greffier or anyone? I frankly do not care, but someone should be taking responsibility for that. And I think that should be looked at post-haste, before the next election. It is not that complicated. Rugby clubs from a huge number of unpaid volunteers do this, so I am sure, I hope, it is not beyond the wit of this Assembly for someone to be able to put that
595 together and do it.

One of the points that has been made is regarding, 'No one's going to elect someone that has got a criminal offence of a certain nature.' And I am afraid that may have been true way back when. But in the days of social media, it is entirely conceivable that someone has 6,000-plus followers on across their various social platforms and do not care, because they like you or whatever, that you
600 have committed an offence of whatever nature. Again, I do not care.

So it is entirely conceivable that you could put a message out across your social media platforms, get your 6,000 votes and be elected. And then, frankly, it does not matter what Mrs Le Page thinks of you, because your 6000-plus followers, which will get you elected, most likely, will mean that you are suddenly sat in one of these chairs. And I do not think that that is right.

605 So as I said, I would just like to thank Deputy Bury again for her speech. I thought it was really excellent. And I, of course, will be supporting this amendment. I urge other Members to do so.

The Bailiff: Deputy de Lisle.

610 **Deputy de Lisle:** I strongly support the amendments, sir. But I note also that the Jersey legislation of not less than three months. And I take it that that was something that was considered by the proposers of this amendment. In other words, tightening further. But I would like to know why, for what reasons did they not decide to tighten the law further to not less than three months, in the same way as the Jersey legislation is written at the current time?

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The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

620 I was not going to make a contribution, because I have been interested in listening to the debate, and I must commend Deputy Prow and Deputy Bury's speeches at the top of the debate, but also the Committee's approach to accepting the amendment. And I am pleased that they have been very open minded in this. But it is the conversation about DBS checks and also responding to some remarks made by Deputy Roffey earlier that brought me to my feet, because I want to lend my voice to the growing voices in here that are talking about DBS checks and saying, I too believe very strongly that we should have DBS checks at the very least, if not enhanced DBS checks when we enter this Chamber.

625 Certainly, I would like to see it as a criteria for candidates, because (**A Member:** Hear, hear.) this talks to a point raised by Deputy Roffey, who I am assuming is seeing the beauty and the good and the truthfulness of people and the honesty of people. But actually, we know that some people are extraordinarily devious and malevolent (**A Member:** Hear, hear.) and we cannot trust everybody that comes forward to be telling the truth and to be making self-declarations on the goodness of their character and their past demeanours, which might be significant misdemeanours, as we have had evidenced by people coming through the electoral cycle over many terms.

630 I was talking to Deputy Le Tocq before, and I mentioned the individual that he also alluded to. He was in government at the time. I was not, but I was shocked. There were posters all over the place with this individual's names on them at the time. And that was the thing that people did not like, was how he was characterising himself as a Deputy before he had even got in for an election, which he did not. But then subsequent to that, I found out that this individual had a really very worryingly chequered past that people did not know about. That came forward in the election that we were all elected in, that individuals were subsequently convicted of offences and that they also had chequered pasts. And I think that that is just too much of a risk for us to take. We cannot expect the electorate to know all of this because it is a small jurisdiction. People have come in from other jurisdictions. People have left Guernsey, local people have left Guernsey and had lives elsewhere. We cannot expect the electorate to be across all of that. And we cannot expect people who have been dishonest or disreputable in the past to be honest at the time of an election.

640 So I would suggest that Deputy Roffey's principle, whilst I understand it, about restricted groups of people standing for election in a small jurisdiction like this, where it is really, really up close and personal with our electorate, we have to be extra careful. (**A Member:** Hear, hear.) And I lend my voice to the weight of those coming through, and I hope others do in this forum as well. Today, I would invite others to stand up and say, let's have DBS checks and put it in before the next election. Certainly. I think that is extremely important for ourselves.

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The Bailiff: Deputy Moakes.

655 **Deputy Moakes:** Thank you, sir.

I will be quite quick on this. I support this amendment wholeheartedly. I think it is a very good amendment and clearly, by the sounds of things, has the backing of the Assembly.

660 These DBS checks, I also agree that we should be doing that. And I think there is a general consensus. Not everybody, admittedly. But as a general consensus, that is something we should be doing. I have heard people say that this has not happened because we are self-employed or it is difficult for different reasons. My attitude, I think, is that we should be doing it. Rather than just talking about the fact that we should be doing it, we should be getting on with doing it. And whoever is responsible for organising this should get on with it. Maybe that is SACC, maybe that is somebody else. But there are, I am sure, ways in which we can do it. As Deputy Mahoney has already pointed out, he is self-employed. We have a Commissioner of Standards. Is that the right place to do it? Is SACC the right place to do it? Perhaps not. I think it should be independent. But maybe, an additional amendment should be laid to this, directing whoever it is that is responsible to go out and make it happen before the next election, so it becomes a reality, because I think most people are in support of that.

670 Thank you.

The Bailiff: Deputy Aldwell.

675 **Deputy Aldwell:** I will be very brief. I just wanted to commend Deputy Bury. You have said much of what I wanted to say or my thoughts. Being the leader of Domestic Abuse and Sexual Violence at Home Affairs, the main thing for me is minimising risk. And on our mandate, we see lots of risks. So I am delighted that my President has brought this amendment and I will absolutely be supporting it. DBS, yes, that would I absolutely agree. And that would be a good idea. I do not think many people would think that if it was possible. Let's make it happen.

680 Thank you.

The Bailiff: Deputy Matthews.

685 **Deputy Matthews:** Thank you, sir.

I applaud the intentions behind this amendment, but there are certain parts of the wording detail that I really do not understand, and I would appreciate it if Deputy Prow, perhaps, could try and explain some of it. Part of it is I do not understand the sense behind having a geographic restriction on it to just the UK and the Channel Islands and the Isle of Man. Why are we excluding murderers from the UK but not excluding murderers from France? I cannot see the sense of that. On the other hand, of course, I do understand that there are all kinds of difficulties with looking at people who have been sentenced in the rest of the world, because there are all kinds of offences that are offences in other countries that we would not want to recognise here. There is currently a trial in Hong Kong of Jemmy Lai, who is on trial for pro-democracy offences. And of course, you would not want to exclude someone from an election who had been convicted in a Hong Kong court of pro-democracy. And we have the bizarre situation, potentially, I understand, in the United States, where Donald Trump may well be elected President whilst serving a sentence. He may well. That is an actual possibility that could happen.

695 Which actually brings me on to the second point that I cannot really understand about how this amendment is worded. And I have tried to work out the wording. I do not know if it is something that Deputy Prow or perhaps His Majesty's Procureur could help me with, because it appears to say that you are ineligible while detained anywhere or at large, anywhere in the United Kingdom. So are we simply excluding people who are currently imprisoned or detained? And after somebody has been released, how are they then immediately eligible the next day. And if it is not that, then what is the period? Does that mean if somebody has served a sentence for a year that they are ineligible

705 forever? It is a point that I would seek clarification on, because we do know that many people have
given examples of people who have stood in the election and have had chequered pasts. What are
we actually looking to exclude? People with chequered pasts or people who are currently
imprisoned? We also know that some of those people who might fall into the category of having
had chequered past are people that people might actively wish to vote for. And we know that there
710 were candidates at the last election who had subsequently served sentences for drug offences which
people who would want to vote for them would want to vote for them anyway. That is not a reason
that people would want to exclude somebody ... That voters would want to exclude them from the
election.

So these are points that I am really seeking clarity from in terms of the wording. And if Deputy
715 Prow could help me, that would greatly help me. I did find the wording and the ideas behind it very
difficult to follow. I think this is certainly an area which does need some work. But there are all kinds
of complexities to it. And listening to Deputy Meerveld explaining how DBS checks are very
complicated and difficult. It is not simply a case of saying, are you clear or not? There is more to it
than that.

720 I think these are the types of issues that I think probably need to be nailed down, rather than
put down as a wish list. And it is not entirely clear sometimes what it means. But if it could be cleared
up, I would appreciate that.

Thank you, sir.

725 **The Bailiff:** Deputy Leadbeater, is it your wish to be relevé?

Deputy Leadbeater: Yes, please, sir.

The Bailiff: Thank you very much.

730 Madam Procureur, I think we might need some assistance at some stage for Members in relation
to the issues that have just been raised. But I will take some other speeches so you can prepare
yourself.

Deputy. Dyke.

735 **Deputy Dyke:** Thank you, sir.

Speaking first to this amendment, it is very narrowly drafted. Deputy Matthews, I think, has hit
upon the point. You have to have been convicted of something and sentenced for a year or more
and be in prison. So if you have only been convicted of something for less than a year, for example,
six months and you are in prison, this would still leave you eligible to be a Deputy in the States. I
740 am not sure if that was the intention, but that is how I would read it.

Overall, a couple of general points. I am always a bit wary about these international conventions
getting into the very details of what we are doing. I am always very nervous of that, because you
can say these international conventions are terribly vaguely drafted. And you can make an argument
either way that something is permitted or something is not. I do not like to spend too much time
745 on those things.

There is also the point, again, that Deputy Matthews raised and I think others have raised
regarding foreign convictions. Whether we should only be applying UK and Channel Islands
convictions, not worrying about other things. Obviously, if you start going abroad, they have all
sorts of crimes that we do not have. Austria has a crime of denying the Holocaust. I think Germany
750 does as well. Well we do not. That is a freedom of speech thing for us. The Russians have crimes for
everything that President Putin says is a crime, as applied to any particular person. We do not really
want to follow that. On the other hand, if somebody commits a murder in France, what do we do
about that? So that is an issue.

Deputy Roffey has made a libertarian point, which I agree with. If everything is fully disclosed,
755 then shouldn't the population decide whether they worry about that particular thing or they do not
worry about it. Should you leave people to make their own decisions?

760 And then there is the issue of DBS checks. Should they be done, should they be published, all that sort of thing. So I think there is a whole load of things around here that, if we are going to change the Rules, perhaps need further discussion. So I am inclined to suggest, I do not have any objection to this amendment. It cannot be wrong. It is terribly narrowly drafted. But if you add it then to the Proposition, where does that take us? But perhaps it would be best if this particular item were not dealt with right now and had more discussion (**A Member:** Hear, hear.) about it. That might be a good idea because of all the points that have been thrown up in this debate.

Thank you.

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The Bailiff: Madam Procureur, are you in a position to ...? I think it might help those Members who were just standing if we hear from His Majesty's Procureur first.

The Procureur: Thank you, sir.

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Yes, hopefully, I can assist. It is a little bit confusing. What the amendment seeks to do is retain the *status quo*. But in addition, it is seeking to add the second suggestion that was in the SACC policy letter which is to include that, persons who are actually serving a sentence of in prison and have been convicted of a sentence of imprisonment of a year or more, who might have absconded and be unlawfully at large. So arguably, there was a small loophole in the *status quo*. Those persons could still be eligible to stand. So the current wording retains the *status quo*, but adds provisions which are reflected in UK, actually, in terms of Members to the UK Parliament. This is largely a provision taken from the Representation of the People Act 1981, as per the SACC policy letter, but it was perceived to be a loophole because technically, with the *status quo*, you might have been sentenced to in prison for a lengthy ... for more than a year, you might still be serving in prison. And actually, under the current wording, you could still stand if we did not have this extra addition. So it is more restrictive, the proposed amendment.

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That is the sense of it, sir. I hope that assists Members.

The Bailiff: If we start with what the *status quo* actually is. The wording of Article 8(e) is?

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The Procureur: So the wording, the *status quo* is that:

At any time during the five years preceding the date of the election, if you have been sentenced for an offence by a court in the UK or the Channel Islands or the Isle of Man to imprisonment for a period of six months or more.

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So any time in the preceding five years. If you have been sentenced to imprisonment six or seven years ago and you are still serving your sentence in prison, arguably, you are not going to be affected by that. So the addition of the extra wording, which mirrors the wording in the Representation of the People Act 1981, is to make the current provision slightly more restrictive.

Looking around, I think that helps.

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The Bailiff: When, in the wording of the amendment, there is, 'whether in Guernsey or elsewhere', in the parentheses, is that extending it worldwide?

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The Procureur: Well, it would be. Sorry. My screensaver has just come on. Forgive me, sir. 'Elsewhere'. Arguably, that could be read to be worldwide, but it is caught by the fact that whether you are sentenced or imprisoned or detained while detained *anywhere* in the UK, Channel Islands or Isle of Man. So 'elsewhere' would include Channel Islands, the Isle of Man. But in order to be caught by this restriction, you would still need to be serving in the UK, Channel Islands or Isle of Man. If you were serving elsewhere around the world, which I appreciate would be a very remote possibility for anyone wanting to stand, then I will give you that.

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The Bailiff: It might be a remote possibility, Madam Procureur, but the use of the words at the end of, 'all while unlawfully at large', potentially would capture somebody who is on the run?

The Procureur: Yes, it would, sir. Absolutely it would. I agree with that.

810 **The Bailiff:** Even if they have been sentenced in somewhere other than the United Kingdom or any of the Crown Dependencies?

The Procureur: That is correct, sir. Yes.

815 **The Bailiff:** Well, I hope that helps, Members.
I will take Deputy Gollop.

Deputy Gollop: Yes, sadly I have got to go to a funeral in, literally, two or three minutes. I am, of course, a Member of SACC. Whether I should give way to another person, that is another topic.

820 We did discuss, and I have considered it many times, about the DBS which is not a part of this amendment or the policy letter. Although, some Members have indicated it should be. Certainly, I could see a way where a standard DBS check might be a coherent requirement for candidates. Enhanced is a more difficult matter. Although, I think Deputy Soulsby's point that Committees in sensitive areas could request one might be a way forward there.

825 The thing is, though, if we are a parliament and we are Members of the Commonwealth Parliamentary Association. And in a way, what we do is almost 19th century. I know Deputy Inder has said that, that we are 21st century people in 19th century context. But we have an office rather than a job or self-employment. And Deputy Mahoney is apposite example of a rugby coach. The way I think the system works is the sporting or charitable or employing organisation would ask, where appropriate, for an enhanced check, and that check would come back to the person who
830 asked it. You cannot, to my surprise, ask for one on yourself. So prospective candidates would have to request that many months before the election began and the nomination period. That is because it could take a long time to arrive. And therefore, it might have to be prioritised. So that is a complication. It also goes against other parliaments. We are actually quite liberal in some respects. We gave all serving inmates of the prison a right to vote, whereas, in America convicted –

835 I will give you a to Deputy Matthews.

Deputy Matthews: I thank Deputy Gollop for giving way.

840 Really, it was just my experience was certainly at the Guernsey Rugby Academy who do them, obviously, for the rugby coaches, etc., two weeks is certainly a long enough time for the Rugby Academy directors to request it on Joe Bloggs and for that to come back and they do enhanced DBS checks rather than just a basic bog standard ones. So I do not think the time scale that he is talking about is actually that realistic. They are pretty quick to be done.

845 **Deputy Gollop:** But, yes, we were concerned about ... Also, the point has been extremely well-made, I think, by Deputy Inder. Although, he would support the principle that there are complications as to who makes the judgement; The States' Greffier, the Presiding Officer, a Committee, an independent, as to whether the candidate is suitable or not, or whether the candidate is obliged or the States is obliged to publish any sensitive data that they may have perceived from an enhanced check. I agree with Deputy Roffey that it would be perhaps good if
850 candidates would be obliged to put potential convictions ahead, and they are required to do so in Jersey.

855 But we were following, really, the Report that we got which was a parliamentary report. And we had to consider to, where possible, be reasonable with candidates. And we all took a sharp intake of breath when this came before us, because we thought it would not be popular. We actually had a meeting in public, unlike most States' Committees. The media were present. Our views were put in the media. There was not a huge pushback, either from Members or anyone else. And we included the offences of electoral fraud, because that was particularly relevant, and fraud, generally.

860 I accept Deputy Prow's point that maybe money laundering issues could have been included as well. Deputy Bury and others would say sex offenders, other would say domestic violence, other people might say violence of any kind. And then you would widen the point up to the effect that you were excluding people with convictions, maybe well beyond the five years. And so we were going against the spirit of the Report.

865 When I started as a candidate and before that, we actually had a laissez faire where candidates could actually stand, I think, if they were actually in prison, as you had in the UK until the 1980s. Now, I remember Deputy Bury, the great Conseiller Bury. He was one of those who said, this was ridiculous. And we introduced the six months rule. So we actually got tougher than Guernsey was, because there were occasional personalities who did stand, who had issues. I am open to the amendment. Possibly support it and take away from this a message of what SACC can do.

870 I will give away to Deputy Meerveld.

Deputy Meerveld: I thank Deputy Gollop for giving way, because hopefully I can address some of the concerns.

875 DBS checks have been something to be considered, not just by this SAC Committee, but others as well. There are a lot of complications with it. If you wanted to do 118 DBS checks, you would need to be starting that process months in advance, far in advance of the registration period, to be able to get all of them in on time. Who actually requests them and pays for them? Because, as Deputy Gollop pointed out, the individual cannot request a DBS check on themselves. Are those DBS results going to be published? Would the individual who has not seen the DBS check then want to challenge the content for accuracy?

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Deputy Soulsby: Point of correction, sir.

The Bailiff: Point of correction, Deputy Soulsby.

885 **Deputy Soulsby:** You can apply for a DBS check yourself, because you have to apply often through work to make sure that you have got a DBS check to be able to get the job in the first place.

The Bailiff: Deputy Meerveld, continue.

890 **Deputy Meerveld:** Okay, well, I will concede that point, because I was picking up on something Deputy Gollop said. Probably, the important point is, at the end of the day, DBS checks require a judgement by the recipient. They are usually requested by an employer or an organisation who wants to make sure that an individual that will be put into contact with young people will not have, does not have a dubious record. But they have to make a judgement call. And it is actually guidance on the website regarding what information can be and cannot be used in an appointment regarding DBS checks. Somebody has to make that judgement call. And again, would the Assembly be looking to appoint an individual outside of the States to make a judgement call on who can stand without that process being open to public scrutiny? So there are a lot of issues.

895 I certainly would encourage Committees like ESC and Health to require DBS checks for Members of their Committees, which have direct contact with children. But I sat on the Education Committee. I have been in the States now for nearly eight years, and I do not think I have had a single opportunity as a States' Member to be with young people unsupervised, without another responsible adult present. I do not think that being a Deputy, and certainly the SAC Committee, does not give me a massive opportunity to meet young people. So it is not –

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Deputy Mahoney: Point of order, please, sir.

The Bailiff: Point of order, Deputy Mahoney.

910 **Deputy Mahoney:** I have no idea which point it is, but are we still on a points ... a give way here, given that Deputy Gollop has actually left the Assembly now! (*Laughter*) Are we just ...? Quite wisely in my opinion, but –

The Bailiff: That is another matter.

915

Deputy Mahoney: Are we expecting a third speech from Deputy Meerveld?

The Bailiff: Deputy Gollop did give way to Deputy Meerveld.

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Deputy Meerveld: I will round this up.

The Bailiff: I know.

Deputy Meerveld: Yes, I am hoping that my interjection might help to remove the need for further debate on this. I would like to just tell Members very quickly, I have put my name as seconding an amendment which is being vetted by the Law Officers now, proposed by Deputy Roffey, with his very sensible suggestion, which I agree with. I have not had time to consult with the Committee, obviously. But I agree with the idea of publishing offences, all offences, worldwide, as a requirement as a candidate for the last 10 years. That would cover all of the sexual offences and everything else that would be covered by a DBS check. The requirement for disclosure on that, it would be public domain as part of your proposal as a Deputy, your documentation, and of course, the joys of the internet, etc. There will be people who know.

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Deputy Queripel: Point of order, sir.

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The Bailiff: Point of order. Deputy Queripel.

Deputy Queripel: Sir, the Rules clearly state you have to deal with what is in front of you. You are not supposed to talk about what is coming up in the future. But Deputy Meerveld is talking about an amendment we have not even seen yet.

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The Bailiff: Yes, I think that is a valid point of order. I think you probably said as much as you need to after Deputy Gollop gave way to you. Deputy Gollop is not here now to resume his speech. (*Laughter*) So on that basis, we will wait for him to come back. (*Laughter*)

945

Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

I feel we are about to lose it, I think, in terms of what is going on in this debate. I have spent about half an hour Deputy Matthews trying to understand what, first of all, the amendment was trying to say. Trying to understand what the *status quo* was, etc. And I feel, and helpfully, His Majesty's Procureur has explained a little bit further, but I think, as has been indicated by others, perhaps there are also some issues with the amendment as well. I feel we are in that territory. We are making up potentially quite serious decisions, literally, not even on the floor, but on some kind of fly. And I think what Deputy Bury said at the very beginning is that because for whatever a range of reasons, there does not feel like there has been, really, any consultation or proper engagement, either with ourselves to really understand the matter, but more importantly, with the public.

955

And so I am in a position where I cannot, I do not feel like I either want to vote for the amendment or the original Proposition. This is going back to what Deputy Roffey was saying. And I am also in agreement with, I think, what Deputy Dyke, in the end, said. I would suggest that this matter is almost withdrawn. This needs further exploration and then the Committee can take stock. But more importantly, then engage with the public as well on what needs to happen. But I think it

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needs to be done more properly because this is quite serious. And I would urge Members not to start coming up with solutions on the floor. And then we end the debate for today (**A Member:** Hear, hear.) and that the Committee takes this point away.

965 Thank you.

The Bailiff: Deputy Queripel.

970 **Deputy Queripel:** Sir, like others, I am struggling with this. I am struggling with it because we all shout from the rooftops about the fact that we need to be an inclusive society. And therefore, we should not exclude anyone. But here we are being asked to exclude certain people on this particular issue. So once again, there is a certain amount of contradiction, not only in this Assembly, but out in society in general.

975 So what does the inclusion end and where does the exclusion begin? And who are the people we think should be excluded and for what reason? What criteria is being employed to decide who is excluded and who is not? That is why I am struggling with this.

Now, I have been concerned about the freedoms of sex offenders for many years. Deputy Le Tocq will recall I challenged the Common Travel Area, the Rules and Regulations, when he was Home Affairs Minister and I was the first-time Deputy back in 2012.

980 And I have had to be pragmatic and diplomatic and accept the fact that there is no point in pursuing those areas. But, coming back to this, relative to this, we have to be mindful of all the efforts and all the resources that are needed and are used to rehabilitate people. So surely rehabilitation comes into this whole area, this whole issue as well.

985 Do we exclude certain people from rehabilitation at the current time? I would ask someone to, perhaps on Home Affairs, perhaps Deputy Prow could inform us of that. Are there people? We are talking about exclusion here and inclusion, which is a massive thing in society. No one has ever said where the lines are drawn, so I would like to know a bit more information. Do we exclude people, now, offenders, do we exclude them from rehabilitation? And if we do, which people do we exclude from rehabilitation and why do we exclude them from rehabilitation, to give them the opportunity to turn their lives around?

990 Sir, I may have to abstain, though I do not want to abstain. I do not like abstaining. The only reason I ever abstain is if I am not convinced of arguments from either side and I am in the middle and I cannot make a judgement call. I do not have the evidence, enough evidence.

995 So I hope a colleague can belay my concerns and explain to me where the lines are drawn, because I do not know where the lines are drawn. And if anyone in this Assembly knows where the lines are drawn, then perhaps they should get up and tell me because – I am willing to give way. None of my colleagues are asking me to give way, sir.

1000 So yes, so I am struggling with this one. But I know where I draw lines, but it is not about me. I know who I would exclude and I would who choose to rehabilitate and not rehabilitate and not include. But this is not about me. This is about Rules, Regulations, Laws, what is in place at the moment. The evidence of what we should be doing if we do not do it now. I need to hear all that. So hopefully, Deputy Prow can enlighten me when he sums up.

Thank you, sir.

1005 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Sir, can I do Rule 26(1), please?

1010 **The Bailiff:** Can I invite those Members who wish to speak in debate on this amendment to stand in their places? Is it still your wish, Deputy Oliver, that I put a motion to the States?

Deputy Oliver: Yes, please, sir.

1015 **The Bailiff:** In that case, Members of the States, the motion is that the debate on this amendment should be curtailed, subject to hearing from the proposer of the amendment replying to the debate. Those in favour; those against?

Members voted Contre

1020 **The Bailiff:** I will declare that lost.

A Member: A recorded vote please, sir.

1025 **The Bailiff:** Can we have a recorded vote, please, Greffier?

There was a recorded vote.

Rule 26(1)

Carried – Pour 13, Contre 18, Ne vote pas 4, Did not vote 5, Absent 3

1030

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Blin, Chris	Dudley-Owen, Andrea	Gollop, John	Brouard, Al
Dyke, John	Bury, Tina	Queripel, Lester	Matthews, Aidan	Burford, Yvonne
Helyar, Mark	Cameron, Andy	Roberts, Steve		Ferbrache, Peter
Inder, Neil	De Lisle, David	Snowdon, Alexander		
Le Tissier, Chris	De Sausmarez, Lindsay			
Le Tocq, Jonathan	Fairclough, Simon			
Mahoney, David	Falla, Steve			
McKenna, Liam	Gabriel, Adrian			
Meerveld, Carl	Haskins, Sam			
Murray, Bob	Kazantseva-Miller, Sasha			
Oliver, Victoria	Leadbeater, Marc			
Parkinson, Charles	Moakes, Nick			
Prow, Robert	Roffey, Peter			
	Soulsby, Heidi			
	St Pier, Gavin			
	Taylor, Andrew			
	Trott, Lyndon			

1035 **The Bailiff:** So in respect of the motion proposed by Deputy Oliver pursuant of Rule 26(1), there voted in favour 13 Members; 18 Members voted against; 4 Members abstained; 5 Members did not participate in the vote and that was why it was declared lost.

Deputy St Pier.

Deputy St Pier: Thank you, sir.

1040 I, of course, am presently a Member of SACC, although I was not a Member at the time that this policy letter was discussed so I played no part in its construction other than a brief discussion at a meeting last week at which this amendment was discussed.

1045 A number of Members have raised the question in relation to DBS checks and the time limits required and the cost and so on. One further point that has not been addressed so far on the discussion of DBS checks is the matter of the jurisdictions which are covered by them which, of course, is principally the UK as well as ourselves. So again, it really is a potentially leaving a false sense of security that the matter is dealt with by, even with enhanced DBS checks, when there could be offences committed elsewhere.

1050 I think Deputy Queripel, as the former Vice-President of SACC, I think, it was clearly raised some interesting concerns about this policy or this particular issue in his speech, And he also raised the question of the rehabilitation of offenders. And no doubt His Majesty's Procureur can speak to that, should there be any further points on that. But the whole question of whether candidates should be subject to the benefit of the Rehabilitation of Offenders Rules is very relevant.

1055 So, for example, there has been a lot of discussion and focus on sexual offences, quite understandably. But, of course, crimes of dishonesty, of theft and fraud, may well be of significant relevance to members of the community if they know that candidates have committed those at some point in the past.

1060 Now, a shoplifting offence age 16 may have a different impact on the public's perception to an individual committing a fraud in their 30s, for example. The point and I think this was the point, that essence that Deputy Roffey was seeking to make, was actually the public should have all that information and then should then be able to make their own judgement as to whether they wish somebody who has committed fraud in their 30s to be elected as a candidate or not. And that, I think, is really the point that Deputy Matthews was making. That in the case of the US, of course, to some extent, going completely to the other extreme, that an individual with 91 indictments against them, is perfectly capable of standing as a candidate and potentially being elected even if imprisoned. And I am not suggesting that that is the right outcome, of course.

1065 But I think the issues which are raised go beyond merely DBS. They do touch on whether rehabilitation of offenders is or is not appropriate, and there will be opposing and differing views and Deputy Queripel has touched on that. And I think that really speaks to, ultimately to, Deputy Kazantseva-Miller's point that I think there is very real risk with amendments flying around, amendments to the amendments being proposed in emails. That Proposition 5 is an issue here. We probably need to move on to deal with the rest of the policy letter.

1070 But I understand, on the basis of Deputy Roffey's speech, his suggestion of voting against the amendment, but then ultimately throwing out Proposition 5, and it forces the matter back to SACC to reconsider the whole thing, is, I think, a very pragmatic approach. I think there is a risk that if this amendment succeeds and it becomes a substantive problem, that the matter is then regarded as essentially closed. And it clearly is not. There are too many other issues which have been raised today that require attention of the Committee, I would suggest. So it clearly is a matter for the Assembly, how they wish to proceed from here.

1080 **The Bailiff:** Deputy Haskins.

Deputy Haskins: Thank you, sir.

I tend to agree with Deputy St Pier and Deputy Kazantseva-Miller. But, I think on balance, what I am planning to do is to support the amendment and then throw out the Proposition in the general debate.

1085 Thank you.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

1090 I am not going to comment on DBS checks because that is nothing to do with this amendment. But I just want to comment a point that Deputy Bury made, which has been the standout comment for me, and it was something I completely failed to consider when this amendment was first published. And that is the access to electoral roll and all the information that would get handed to a candidate just on signing up, no checks done. But I am not sure that this amendment would actually address that problem. And I am not sure whether I am directing the question to Deputy Prow, how it would work. But at the point of signing up as a candidate, who is going to do the check to check that you are not? Yes. You are not being elected to your office, so it might not be you might not be eligible to hold the Office of a People's Deputy, but you are still entitled to stand. Who is going to do the check and say, no, you are not able to stand and we are not going to give you the information. And if you do not supply any information to say that you have been convicted or you have been sentenced for one year or not, who is actually going to check and verify your statement?

1105 I am minded to think that if you are inclined to seek the electoral roll so that you have access to information that you can use for nefarious ways, you are probably not of the mind to declare that you should not be getting the electoral roll in the first place. So I cannot. I take it as a very valid point. It is a concern that I now share with Deputy Bury, but I am not sure how this this specific amendment addresses it, unless I am massively missing something which I always –
I can see Deputy Mahoney might be shaking his head, so I will give way to him.

1110 **Deputy Mahoney:** Only just, sir, I am not sure that is the intent of this amendment at all, to deal with anything to do with the electoral roll.
So I am not sure if things are getting mixed up here. I do not think that was the intent of this amendment. So that is why it does not speak to it.

1115 **Deputy Taylor:** Yes, it is absolutely right. I highlighted the DBS was nothing to do with it, but yes, you are right, the electoral roll, or Deputy Mahoney is right. The electoral roll is nothing to do with this. But I do not feel I can support this anyway.
Personally, sir, if I had a vote and there was a candidate standing who, in full knowledge or not, had served a sentence, I would look at what they actually served their sentence for and I would cast my vote accordingly. And I would expect the public to do exactly the same. And I think in a small community, I think that that is a quite a powerful tool.

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1125 And I do want to put it on the record that I do have a slight concern about a candidate who stood in the last election that would or has now been sentenced to a period exceeding one year, who would no longer be eligible to stand in a future, or would no longer be, under this amendment, would not be eligible to hold the office of People's Deputy. I do not condone any of the actions of that person. And I would not have voted for them, or I did not vote for them in the election. And if they stood again, I would not vote for them. But it cannot take away that they are a citizen. They have powerful views on a particular subject and they commanded nearly 20% of the vote of the public. So they do have a voice. And there are people who share the voice. It might not be something that currently accords with our laws, but there are a section of the public that agree with that person on some level. So I just do not think I can seek to block that. That is not what we should be doing.

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1135 So I will not be voting for this. I do not think I have really given any very powerful argument to sway people against it, but I just do not think it is necessary. But, like Deputy Roffey, I think I would be going with the vote out the original Proposition as well.
Thank you, sir.

The Bailiff: Deputy Vermeulen.

1140 **Deputy Vermeulen:** Sir, what a debate! When I saw this initially, I recoiled and I thought, should we actually be deciding who is eligible to stand? So, but yes, we are Deputies, we are paid to do a job. We do have responsibilities.

1145 Sir, I am all for better behaviour in the States, not just in this Chamber, in the Committee meetings as well. I am, I can see how improving the screening could technically improve that. Then Deputy Roffey spoke.

A few people before had mentioned who decides. Well, it is the electorate that actually decide who gets voted in and who does not get voted in. There might not be these checks and balances in place, but boy, oh boy. I think the electorate know who they are voting for on the Island. They are pretty. That has not stopped Deputies who have been incarcerated before being elected.

1150 I am mindful of this going to the UK, covering the UK. And I am mindful of those postmasters being wrongfully prosecuted for theft, which turned out to be a glitch in their computers. And I am also mindful that not everybody that is convicted is, unfortunately, guilty. Most people are, but there are. You know, I was reminded of a book I read on holiday about somebody convicted for a murder

1155 in the US that served many years on death row by John Grisham, *The Innocent Man*, *Small Town Injustice*. And it does make you stop and think.

I think I would prefer to see something in between what Deputy Roffey has suggested, where people declare any criminal convictions and the electorate deciding. I think that is probably where I am on it, but at the same time, I support better screening and better standards. I am all for improving that. I guess I am like many others, torn on this one which does not often happen.

1160 Thank you, sir.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1165 I did not get to the debate when it commenced, so I missed the opening. And I am really confused, because I am reading the amendment now. And I read it as to, it says that so, provides that a person found guilty of an offence, whether in Guernsey or elsewhere, and sentenced to be prisoned or detained for more than one year, shall not be eligible to hold office for People's Deputy while detained. Only while detained. So it does not affect somebody that has served a sentence and comes out. Am I correct?

1170 So effectively, if I am a really naughty boy tomorrow and I get sentenced to a year in prison, I cannot hold office while I am in prison, but I can when I come out. Yes. That is correct, I see His Majesty's Procureur nodding, so that gives me some comfort. (**The Bailiff:** I think that is wrong.) So all of this about people serving a sentence and not being eligible to stand afterwards, that is not what this amendment is saying. Am I right?

I will give way to Deputy Kazantseva-Miller.

1180 **Deputy Kazantseva-Miller:** I do not know why I am standing. But I think this amendment adds to the current *status quo*, which is currently, if you have been sentenced for six months for any reason, up to five years before the election, you will be prevented. I am not an expert in this, but I thought. (*Laughter*)

1185 **Deputy Leadbeater:** Yes, no, I get that. But people have been, I thought because the listening to the debate around the room, it is as if this amendment was doing this. I am aware of the previous Rule and I am aware of ... And I just did not think. I suppose when people have been debating this, they have been straying off and talking about other things. Well, of course they have, because DBS checks, etc. have come up.

1190 I am going to listen to the summing up before I make my decision. But at this point, I do not, I cannot really see what is, how it is necessary, because I cannot see how you can perform the functions of a Deputy while you are in the nick or on the run. I cannot figure out for the life of me that the reason that this is required. And unless that can be articulated to me, I will not be supporting it.

Thank you, sir.

1195 **The Bailiff:** Well, as there is no one else who is standing, I will turn back to the proposer of this amendment. Deputy Prow to reply to the debate, please.

Deputy Prow: Thank you, sir.

1200 Well, that was a bit of an extensive debate, sir. I have run out of pad! (*Laughter*) So I will not, and I apologise up front, I am not going to reply to every point made.

There are two good reasons, I think, for that, is a lot of points have been running a current theme and I think I should deal with them together.

1205 I will start, though, sir, by referring to Deputy Bury's speech, which I describe as truly excellent, and I absolutely concur with that. What Deputy Bury has done is, and I know she has done this. She very carefully has read the policy letter, in particular, the section 5, and has really spotted the points.

And I am not going to repeat her speech, because it was very eloquent and to the point. However, as this debate has gone on, my word, we have gone down some rabbit holes. And I really want, in my summing up, to bring this back to basics.

1210 Now, sir, with regard to the wording of the amendment. His Majesty's Procureur has given us the benefit of the advice. And if I get this wrong, I am sure, through you, sir, I can ask that His Majesty's Procureur can correct me. But I want to make this as simple as possible. What you have, in the policy letter, is a recommendation from SACC that this amendment seeks to preserve. Otherwise, as I said in my opening, the simple answer to the concerns I have raised and I believe
1215 *overwhelmingly* have been confirmed through this debate is that the current position under Article 8 should be retained and replaced by the suggestion that is laid out, and the case for that is made out in the policy letter itself.

And the explanatory note, sir, does set that out. It says, 'by preserving the current position as set out in Article 8(e)'. And then by adding another restriction, 'corresponding to paragraph B of Proposition 5, based on that set out in the Representation of People Act', which is what the SACC
1220 policy letter refers to. And that has been explained, I think, sir, very well by His Majesty's Procureur. And, indeed, Deputy Kazantseva-Miller has added some clarity around that. So, sir, I believe that the amendment actually is quite clear.

Now, I think it was unfortunate, actually, that the President of SACC made his speech at the beginning of the debate. To be fair, I am not sure that he expected the debate to expand in the way
1225 that it has. But, of course, in my summing up, I want to really deal with the amendment. But I think that there is a very clear message that has been made in this debate. And the clear message is this, that Proposition 5 is simply not fit for purpose. And that is not overwhelmingly what this Assembly wants to pursue.

The element that I supported in the Proposition 5 is retained by the amendment and that is
1230 where we are. But I would encourage the Assembly to vote for the amendment. And I would also encourage the SACC to listen very carefully to this debate. I am very nervous about the suggestions of amendments to follow, because, and I think, the President of SACC, himself, has noted the dangers of this. We have really delved in into a very detailed debate. I would suggest that we vote for the amendment and that SACC go away and think very carefully around this debate.

1235 Now, Deputy Bury, in her excellent speech, she brought up the question of DBS checks and she very eloquently described that, as have others. And, certainly, Deputy Soulsby in her speech really started to analyse, with the benefit that she has received around observing elections. Really, I think, gave a good analysis of why that might need further consideration.

But, I think, that is where we are. I think a further debate around this is not the best use of this
1240 Assembly's time. That we should be getting on, not least, with the other amendments and get on with the business (**A Member:** Hear, hear.) that we have to conclude. I just do not see the point in rehearsing the debate we have already had. A very lengthy, very useful debate. I do not see the point in that.

You see, sir, the main problem with the Proposition as we have it, is that whilst there is a very
1245 interesting debate around the appropriateness of those offences that should bar eligibility, which is the current position, Proposition 5 does not actually do that. It is far too vague in actually establishing what those offences would be. And in my speech, I will not refer to them further. I have outlined a whole raft of offences that I think *are* reasonable. It is about the reasonableness and the objectivity. That is the test. That is the ECHR test that is made. His Majesty's Procureur has clearly
1250 outlined that it does pass that test. And I will just refer back to her written advice, which she very kindly gave us all. And this is at point 5 of her advice. It says:

By way of background and a general rule, custodial sentences are reserved for the most serious offences where the court believes it necessary to protect the public. They are imposed when the offence committed is so serious that neither a fine alone nor a community sentence can be justified for the offence. The length of the sentence reflects the seriousness of the offence and maximum penalty provided by law.

1255 So I, sir, submit that the *status quo*, the legislation that is already in place enshrined in Article 8(e), has stood the test of time. It has not been challenged, and it serves us well. Now, sir, if the Assembly, and I think the will of this Assembly is for SACC to go away and think even further about this, some very powerful points have been made around DBS checks. And to be fair, the difficulties of imposing that on prospective candidates. But, sir, I believe a clear message has been given.

1260 Sadly, sir, section 5 of the policy letter has got us absolutely nowhere. And, sir, I therefore very much urge every Member of this Assembly to vote for this amendment that allows SACC to consider this debate and come back to us at an appropriate time.

Thank you, sir.

1265 **The Bailiff:** Well, Members of the States, it is now time to vote on Amendment 1 which is proposed by Deputy Prow and seconded now by Deputy Helyar.

And I will invite the Greffier to open the voting which he has already done.

There was a recorded vote.

1270 *Amendment 1*

Carried – Pour 24, Contre 6, Ne vote pas 5, Did not vote 2, Absent 3

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Cameron, Andy	Blin, Chris	Gollop, John	Brouard, Al
Bury, Tina	Kazantseva-Miller, Sasha	De Sausmarez, Lindsay	Parkinson, Charles	Burford, Yvonne
De Lisle, David	Leadbeater, Marc	Queripel, Lester		Ferbrache, Peter
Dudley-Owen, Andrea	Matthews, Aidan	Snowdon, Alexander		
Dyke, John	Meerveld, Carl	Taylor, Andrew		
Fairclough, Simon	Roffey, Peter			
Falla, Steve				
Gabriel, Adrian				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Le Tissier, Chris				
Le Tocq, Jonathan				
Mahoney, David				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Prow, Robert				
Roberts, Steve				
Soulsby, Heidi				
St Pier, Gavin				
Trott, Lyndon				
Vermeulen, Simon				

1275 **The Bailiff:** So the voting on Amendment 1, proposed by Deputy Prow, seconded by Deputy Helyar, is that there voted in favour 24 Members; 6 Members voted against; 5 Members abstained; 5 Members did not participate in the vote. But I will declare it carried which means that Proposition 5 has been substituted.

We will move swiftly on to Amendment 2.

Deputy St Pier, is it your wish now to lay that amendment, but possibly with a different seconder?

1280 **Deputy St Pier:** I will begin by reading the amendment. I know the States' Greffier is always willing to do so and Deputy Trott is always keen to test the States' Greffier desire to do so.

Sir, the amendment is:

Amendment 2.

To insert new propositions as follows:

“To direct that the Committee considers the recommendations in the Scrutiny Management Committee’s November 2023 report entitled, ‘Review of Island-Wide Voting’ and to report back by June 2024 with any recommendations for the States’ consideration.”

“To direct that the Committee considers the merits and viability of a system of rolling islandwide voting, as discussed in the Scrutiny Management Committee’s November 2023 report entitled, ‘Review of Island-Wide Voting’ (or variants thereof) and to report back by June 2024 with any recommendations for the States’ consideration.”

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Deputy St Pier: And I think, sir, it is worth emphasising that this amendment seeks to insert two new Propositions. And Members will, of course, have the opportunity to support or reject these separately when we move to the substantive votes on this policy letter. For those Members who have concerns about the second Proposition, and I have seen some of that in email traffic in the last week, that directs a look at rolling Island-wide voting. I would encourage them still to support this amendment in order to ensure, at least, that the first Proposition proceeds. And this directs that SACC review the eight recommendations of the SMC’s November 2023 Report.

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Sir, the Members of the Scrutiny Management Committee’s review panel, I think, should be thanked and congratulated for their work and Report. It is a clear, well-constructed and presented Report. It is also, of course, informed by the call for evidence, a public survey with 1,500 or so responses, and public panel hearings. This work, over a little more than a year, deserves more than to be filed on a shelf. And that, I fear, is precisely what will happen unless this Assembly directs that further work is undertaken to consider its recommendations. Hence, the first additional Proposition. And that is not least because SACC’s current work programme, for the rest of this term, does not currently include looking at the SMC’s Report and recommendations.

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With regard to the second Proposition, sir, I must emphasise that it is not – *it is not* – an endorsement of the model discussed in the SMC’s Report, namely a six-year term with Island-wide elections every two years. It is simply a direction to SACC to look at that:

The merits and viability of a system of rolling Island-wide voting and to report back to the States.

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There are other variants that SACC might want to consider. And giving just two examples, retaining a four-year term with elections every two years, or moving to a six-year term with elections every three. The evidence that is worth quoting from Scrutiny Management Committee’s Report, of paragraph 4.2.10 on page 28 is as follows. And I will read it:

Secondly, respondents were asked if they would like to see the current system of island-wide voting replaced. 62% were in favour of change with a further 11% who answered that ‘it depends’. This group of respondents were able to give a free-text comment, and the most frequent response centred on what system might be put in place instead which would seem to indicate that provided they approved of the alternative, they too would like to see a change. This level of support for change may seem contradictory when 39% of people say that they are still supportive of island-wide voting; however, part of the reason may be that some of those people now support a different version of island-wide voting which would, of course, require a change. Only 14% of respondents said that the system should not be changed. The data underlines, yet again, the difficulty of finding a system around which a majority of voters can coalesce.

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And then, sir, the report goes on and summarises what it calls a dilemma on page 53.

The dilemma is as follows: The overarching reason people support island-wide voting is to have the ability to vote for any candidate, wherever they live. At the same time, the overarching reason that people oppose island-wide voting is the difficulty, if not the impossibility, of adequately assessing over one hundred candidates. To move forward with a system that engages a majority, this dilemma must ultimately be resolved. Various modifications can be made to the present system that will improve it, but they will be unable to resolve this intrinsic dilemma.

It is acknowledged, sir, that time is tight to do this work. But I submit that it is incumbent on this Assembly, in my view, to acknowledge the evidence in the Scrutiny Report, some of which I have

quoted, that there are challenges, flaws even, with the current electoral system which need to be considered.

1315 If, like the Emperor in new clothes, we choose to ignore these, in particular, the lack of ability for voters to adequately scrutinise individual candidates and the inability to make an informed choice, then the most likely outcome is reduced voter participation. And we should not simply say that will be a matter which the next Assembly will need to deal with. It would be irresponsible not to seek to mitigate those risks *if* we can. And I emphasise *if*, because I do not know whether a rolling Island-wide system can do that without having done the work which this amendment directs.

1320 Sir, I would like to thank Deputy Ferbrache. He is not present this morning, but he had agreed to second and support this amendment. And I am grateful to Deputy Falla for stepping in to Deputy Ferbrache's stead to second it. And I would also like to thank the Committee *for* Home Affairs and the Policy & Resources Committee for their letters of comment by identifying a number of the issues involved. For example, the more regular maintenance of the electoral roll, the costs involved and so on. These letters will greatly assist and help expedite the work of the States' Assembly & Constitution Committee in discharging the second Proposition in this amendment, if it becomes a successful Resolution.

1330 **Deputy Inder:** Rule 24(4), sir.

The Bailiff: You cannot raise 24(4) until such time as it has been formally seconded. Deputy Falla, do you formally second?

1335 **Deputy Falla:** I do, sir.

The Bailiff: Thank you very much. Now, Deputy Inder.

1340 **Deputy Inder:** Sorry about that, sir. Rule 24(4), please.

The Bailiff: Thank you very much.

Can I invite those Members who support debate on this Amendment 2 to stand in their places. Well, there is clearly a greater number just than seven and, therefore, that does not succeed.

1345 You now wish to speak, do you?

Deputy Inder: I do, sir.

The Bailiff: Alright.

1350 **Deputy Inder:** Go hard, go early. That is what I think.

Right, sir. I think that the problem with, there is no doubt that the Scrutiny Committee did a good job in as much as they spent a long time looking at the evidence. But, unfortunately, we are in a world where, we have all got an ability to see what we want to see. I do not recognise very much of what Deputy St Pier opened, what he saw in the Review. He thinks that what is largely a poll is more important than a referendum. We went out to referendum, and we asked the people what they would decide. But Deputy St Pier thinks a poll is better than that.

Deputy St Pier: Sir, point of correction.

1360 **The Bailiff:** Point of correction, Deputy St Pier.

Deputy St Pier: Deputy Inder cannot possibly know what I think. I was quoting from the Report as to what the *Report* had concluded, not what I think.

1365 **The Bailiff:** Yes, I think that is accurate.

Deputy Inder: Now that is fair enough. But Deputy St Pier *must* agree with me that when I bought the first policy letter for the referendum as the Chief Minister, he did not vote for that. He, as the Chief Minister at the time, he did not support the referendum. He was one of the, I think it was six people, possibly five. I am happy for him to get up and correct me. And but he did not vote for the validation of the referendum. So that is, I am afraid, a statement of fact.

1370 Now in this, he talks about there are two parts to the amendment. He talks about the recommendations. But actually, I suppose to a degree, by his own admission, to direct the, the second paragraph is, 'to direct the Committee considers the merits and viability of a system of rolling Island-wide voting, as discussed'. As discussed is not the same as a recommendation. It is distinctly different. So the amendment itself does not suggest it is a referendum. It is a matter of opinion and it is something that was discussed in the Scrutiny Management Review.

1375 Now the recommendations do not include a rolling system of elections. The sponsor of the amendment have cleverly used the word 'recommendations' in paragraph 1 and 'as discussed' in paragraph 2.

1380 And I will remind Members of the paragraph in the Executive Summary from the Review:

It was made clear at the outset that it was not the intention of the Review Panel to recommend any change to the system of election for 2025. The main objective was to gather evidence reflecting public opinion and to propose improvements for the 2025 general election.

1385 Now, on Wednesday, 18th October 2018, an Island-wide referendum. Sorry. The people of this Island went to referendum. The decision was as follows:

Option A

- 1 island-wide electoral district.
- Each voter would have 38 votes at each election.
- Each Deputy would serve for 4 years.
- An election would be held every 4 years for all Deputies at once.

1390 That was the decision of the people of this Island. This is not for us to start playing around with one of the most significant votes this Island has ever taken based on the back of an amendment to slightly suggest that that SACC should go and have a look at something with no real intention that when pull up another by Deputy St Pier's own admission. There might be some other ideas SACC could come up with. That is not the job of this Assembly. The job of this Assembly is to adhere to the will of its people. We only heard this recently in the most recent amendment. And when I think it was Deputy Roffey who said that, Deputy St Pier was nodding his head away in agreement until it is his amendment, of course.

1395 Now, the closest to the two-tier St Pier/Ferbrache amendment. I will get to what by two-tier. In the referendum, it was Option E. And it is worth reminding. And the only thing that got close to this was Option E, and Option E only received 6.6% support. That was the closest we got to a rolling election. It had only 6.6% support. It fell away in round one. It did that badly. And today, we are asked to look for another variation on a rolling election. Not even anything close that looks like public support. Nothing even close. It fell away in round one, a rolling election.

1400 Now, sir, Members, the right for Islanders to put a tick against their preferred candidates is very dear to me and I am sure to the majority of you. I am a child of an evacuee and it has been embedded into me and culturally, the importance of our freedoms, our liberties and the rights of the people to determine their destiny. And anything that looks like, and I am afraid it looks like sleight of hand to me, worries me deeply. It does look innocuous, doesn't it? But think what this might set in train. No real direction. Come back in June. Another big debate and I can almost ...

1405 Certain people on manoeuvres. And I think there is an intention here to get rid of Island-wide voting. I am incredibly protective of that now.

1410 Now, so you will excuse me if I am suspicious of someone who did not ratify the result of the referendum. He now has a seat on SACC and now is directing the Committee he sits on to look at something he now seems to be a bit keen on. So he is directing himself to look at something that he is basically going to be up to his knees in.

1415 Now, you have heard me say on numerous occasions that your vote in this Assembly is a vote of equality. It does not matter how any of us fared in the general election. You are all one of the 38 elected and you will have an equal vote. Be you rich man, poor man, beggar man, thief. All of you have an equal vote and an equal place in this Assembly. And I will drill down later in this speech as to how the effects, how the how the setting up of a two-tier system is at best a lottery and at worst creates an upper 19 or a lower 19. That is what the intent of this will happen. It is either you picking people out of a hat or as the 38 have voted, there will be an upper 19 or a lower 19.

1420 Now, the incredible, successful Island-wide elections was an exercise in fully functioning democracy. Referendum to election to this Assembly. Well, if Deputy Trott can talk about bonds, then I can talk about my role in delivering the Island-wide election. Now, it was not a presidential election. It absolutely was not a presidential election, as some may have you believe. He who was elected at 38 position is equal to he who came at position one. And I have to say that this nonsense that we that we hear peppering through the last three years really needs to end. We all have one vote when we come into this Assembly and we come into this Chamber and we come into this Committee. Those of us who receive the most votes are no better than those who received the fewest. That is how our electoral system works. We are all equal.

1430 Now, unless, of course, we are now in this new Orwellian world where the first commandment of *Animal Farm* was all animals are equal and later the revolutionary articles are compressed into all animals are equal, but some are more equal than others. And I think there is an element of this peppering through. I would even go as far as to say, I think we should look at time limits, because there is an element in this Assembly that some people think they have a job for life here. I really do. And I distinctly detect that there is basically, 'I have been here longer'.

1435 **Deputy St Pier:** Sir, point of order.

Deputy Inder: It is a detection, sir ...

1440 **The Bailiff:** Point of order, Deputy St Pier.

Deputy St Pier: This is not remotely relevant to the amendment before the Assembly.

The Bailiff: And I share that view, Deputy Inder.

1445 **Deputy Inder:** I am sure you do, sir.

The Bailiff: At the moment, you seem to be addressing what might happen if the amendment carried and the Propositions were actually to be voted upon favourably.

1450 Can we concentrate on whether or not the amendment ought to be carried to start with.

Deputy Inder: I am happy to not speak in general debate if that satisfies you, sir.

1455 **The Bailiff:** No, it will not, because on the basis that if this amendment does not carry, then there will not be any debate upon it.

Deputy Inder: Well, I am here to defeat this. What am I –?

1460 **The Bailiff:** Deputy Inder, I have made my ruling. So you concentrate, please, on this amendment.

Deputy Inder: I am entirely, I consider myself completely as an elected representative. I consider myself speaking to this amendment and warning people, as this is a debating Chamber, of what the likely outcome of this could be. It is not as innocuous as just giving SACC a role to have a look at something in June. Everything we do in this Assembly has consequences and I will carry on now.

1465 Now, this will create a two-tier system, because what was not said in the amendment is how this is going to work. Is it by lottery or is it the upper 19 get all the jobs and the lower 19 have got to suffer an election in halfway through?

Deputy de Sausmarez: Point of order, sir.

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The Bailiff: Point of order, Deputy de Sausmarez.

Deputy de Sausmarez: Sir, it is a similar point. I think Deputy Inder is speculating on the outcome, not on the actual content of the amendment which is simply to direct the States' Assembly & Constitution Committee and come back with something that would address the kinds of things that he is discussing. But I think it is outside the parameters of the wording of the amendment.

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The Bailiff: Deputy Inder, I agree again. And I would simply repeat the direction I have given you which is to concentrate on whether or not this amendment should be carried.

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Deputy Inder: Sir. Well, it is not for me to argue with the Presiding Officer, but I do find it odd that something as significant as this, although it looks innocuous, as an elected representative of this Assembly, I cannot make my argument. I am entirely concentrating on the risks of what this might, what this could, mean. I do not think it is unreasonable for me, as an elected representative of this Island, who introduced Island-wide voting, to give some kind of direction or some kind of concern of what this amendment might mean if it then gets supported and then moves into proper final Propositions.

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I do not really know what to say anymore, sir. But if my voice must be stopped, then that, as an elected representative, I am quite happy to have my, I am not happy about it at all, but I will. Would you let me, I could ask, sir, would you let me continue a little bit in this debate or am I not allowed to?

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The Bailiff: You are allowed to continue speaking, Deputy Inder. I have not stopped you speaking. I have simply upheld two points of order that what you appear to be saying is going beyond what is relevant to the debate on this amendment.

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Deputy Inder: Well, I will pursue it. And if I get told again, I will stop, of course. But I think it is relevant to this debate.

Now, of the 19 people, there is only two ways of doing this; by lottery or by 19. Now, by having an upper 19 and a lower 19. Let's look at the lower 19. That is everyone from Deputy de Sausmarez to Deputy Meerveld.

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The Bailiff: Deputy Inder, I am not even going to wait any further for somebody to make a point of order in respect of that. You cannot, in debating this particular amendment which seeks to insert two new Propositions which might then be debated further, talk about what the ultimate outcome might be, because it is not about the top 19 or the lower 19, or however. Whatever might be done is in relation to that. So that is my direction. Please do not trespass into those matters, because if you do, then I will consider putting a motion under Rule 8.

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Deputy Inder: No doubt, sir.

Anyways, sir, Deputy St Pier made reference to the Scrutiny Management Scrutiny Review. I am having my voice effectively stopped. I cannot speak anymore. I do not believe this is the right way

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1515 forward. I think this is SACC itself is effectively, it is not the first time it has had to withdraw a policy letter. It is maybe on the cusp of withdrawing another policy letter. If you honestly think the will of the Island, which was 38 people elected on one day, on a four-year period, should be changed today, then vote for Deputy St Pier's amendment, because Deputy St Pier's amendment will be the one that he already, that he is on the Committee and he will have the impact of being able to effect. So it is not that innocuous at all. Deputy St Pier as President, as Chief Minister last year, when I brought the policy letter to this Assembly, voted against it.

1520 Thank you.

Deputy St Pier: Can I raise a point of order, nonetheless?

1525 **The Bailiff:** No, because Deputy Inder has finished.
Deputy Oliver.

Deputy Oliver: Thank you, sir.

1530 I understand this is just for the Committee to go have a look at it, but I would like to hear from Deputy Meerveld to actually know, because I cannot quite remember the timings. And I do not know if this amendment came before Deputy St Pier was elected to the Committee or if it was after. I cannot remember that. But I would like to know what the rest of the Committee feel about this amendment. Me, personally, I just think we are backtracking. We had a referendum (**A Member:** Hear, hear.) on 10th October 2018 and I will just read this a little bit out from what one of the Jurats said,

1535 There were seven districts contained, the names of 31,865 people. So, therefore, it was a turnout of 45.1% which is above what we needed.

1540 What Deputy St Pier has, what this amendment has basically said is Option D of the referendum, and that only got 672 votes from the public. And I just think we are repeating what we did a number of years ago and just trying to say, we did not like the result of that. Let's relook at it again. I think if you are going to open this up, you may as well say, is Island-wide voting really working, because I know a lot of people that said, 'We do not like Island-wide voting. We much preferred the parish elections'. This time we have, I think, I cannot remember the exact figure, it was about 90-something candidates stood. And reading through all those election papers, all the videos, all the material that went out, they just said it was too much for them and they much preferred the parish elections. Start overruling a referendum, you may as well start –

1545 **Deputy Taylor:** Point of order, sir.

The Bailiff: Point of order, Deputy Taylor.

1550 **Deputy Taylor:** Just to be fair to Deputy Inder, I feel like 17(6) is relevant here. I am not sure this is looking at, again, the future or anything that might come back from a review as opposed to just deciding whether or not we insert this Proposition to include a review.

1555 **The Bailiff:** Well, I will just see what Deputy Oliver is going to say next. But it is not about what might happen.

Deputy Oliver: No, I get that.

1560 **The Bailiff:** It is about what has happened. And that is what, Deputy Oliver, I heard at least saying.

Deputy Oliver: Yes, I was talking about the past, sir.

So all I was saying was just summing up. I was just going to say, please, Assembly, do not vote for this amendment. I think it will put us in a worse position than the already not great policy letter.

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The Bailiff: Deputy Falla.

Deputy Falla: Thank you, sir.

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I shall try, with the benefit of the advice that you have given, to restrict myself to the matter of the amendment.

So what this amendment asks is simply that the Assembly & Constitution Committee considers the recommendations in the Scrutiny Management Committee's Report of November last year. Also to report back by June this year. So in good times, still a full year clear of the next election.

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At the point at which SACC Reports back to the Assembly, there can be a full debate on whether there is merit in making any changes. And there will be a further opportunity for voters to make their views known to Deputies in advance of any such debate. People do change their minds, sir, with the benefit of hindsight and experience. And whether the 2020 method of Island-wide voting contributed, in any way, to the perceived dysfunctions of this elected Assembly is a subjective matter.

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So to conclude, sir, I would say, let's not waste the effort put in by Scrutiny in producing that Report. Instead, let's give it the oxygen it deserves by supporting this amendment.

Thank you.

The Bailiff: Deputy Queripel.

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Deputy Queripel: Thank you, sir.

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I have in my hand the front pages of *The Guernsey Press*, dated Friday 12th January which, along with the picture of a fellow Islander who found just over 50, almost in 1.5 hours, carries the headline, 'Old rivals join forces in bid for Island-wide voting reform'. And so I have written my first response reaction all over this *Press* cutting. And I wrote all of that before I had heard anyone else's reaction to this amendment. So I am just going to relay a few things that I have written on this article. Before I do, sir, I just want to emphasise at this point. I got on extremely well with my colleagues on SACC when I was Vice-President of SACC. And I have the utmost respect for Deputy Meerveld, Deputy Fairclough, Deputy McKenna and Deputy Gollop. I hold them in the highest regard. So what I am about to say is in no way, shape or form meant to demean or discredit them. And I hope it does not come over as that.

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But while I am on that, sir, I just take the opportunity to say it was an absolute privilege to work with the staff as well – dedicated, hard-working and committed to the cause members of staff; in my opinion, their commitment often went above and beyond the call of duty.

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So what I have written on this *Press* article, well, the first thing I wrote was 'lack of resources'. The fact we cannot make any headway with a lot of the work on the SACC Forward Work Programme is always because of a lack of resources which is incredibly frustrating. So just to pick up on a few things that are relating to the lack of resources. My whole issue with this amendment is two-fold; the lack of resources available and the interests of our fellow Islanders who currently summon up the energy to go out and vote, once in four years, every four years.

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So the reality is that SACC do not currently have the resources to carry out this work. So unless SACC can second at least two civil servants from some other area, bar which to state the obvious means that work they have been doing in other areas would be put on hold or either be severely depleted. This work cannot be done. So that is my first question to Deputy St Pier, sir. Where are those two Members of staff going to come from? And will the work they have been doing in other areas be put on hold? And also, what will that work be that will need to be put on hold for this work to go ahead? And in asking that question, sir, I am only too aware of the fact that several civil servants are on sick leave at present due to pressure of work. So with that in mind, surely we cannot

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ask civil servants to undertake even more work, some of which may be completely alien to them. I
1615 look forward to Deputy St Pier commenting on that point, sir, when he responds.

When I was writing this speech on Sunday, I hooked out the SACC Forward Work Programme
for November 2023. And on that Forward Work Programme, there are a total of 23 items. People
often ask what SACC, sir. Well, there were 23 items on this Forward Work Programme, four of which
1620 relate to the issues we are debating today. That leaves 19, others 19, one is ongoing, 10 have been
made low priority due to lack of resources. They have been made low priority. Seven are medium
priority and one is high priority. So sir, seeing as Deputy St Pier is now Vice-President of SACC, I
would expect him to be fully aware of all of those areas that have been put or are on the Work
Programme and have been made low priority. Because my view is if this work this amendment is
asking to be undertaken goes ahead, all of the items on the low priority list will be kicked into the
1625 long grass completely.

No one else knows apart from SACC, I do not think so, what items are on that Forward Work
Programme. I just want to relay a couple of them in an attempt to alert colleagues to what will
happen if this amendment succeeds and what kind of thing will be kicked into the long grass. And
I am not revealing any confidential information because the media often come along to SACC
1630 meetings and they will have heard all of this.

Item 5 on that Forward Work programme seeks to address, 'The Code of Conduct for Non-
States' Members'. As far as many of us in the Assembly are concerned, sir, this is a serious area
which needs to be addressed asap. Yet, it will be kicked into the long grass if this amendment
succeeds. Second item on the list I want to address is, 'The Review of the Rules of the States'. Now,
1635 this is a piece of work that is very close to my heart. And it is a piece of work I was assured would
be treated as a priority when I was first elected as a Member of SACC. Yet, here we are over three
years on and nothing – *nothing* – has been done. And why hasn't it been done? Because of lack of
resources and pressure of work in other areas.

So, sir, that is an important point I ask colleagues to bear in mind, because several colleagues,
1640 over the years, have approached SACC with their concerns about the Rules, need to be amended,
need to be removed, need to be added. All of those Members need to take note of what I am saying
here. Your desire to have the review of the Rules is not going to be done by *this* Assembly, this SAC
Committee in this Assembly, if this amendment succeeds. So I can only hope that it is the Members
who have approached SACC and have approached me over the years had taken this on board,
1645 because they have, I had a whole list of Rules I think should be amended. Colleagues that have
approached us have a whole list. They have concerns. Those concerns will not be addressed if this
amendment succeeds.

Now, when I brought my concerns about the Rules up at a SACC meeting. I have done that on
two occasions, actually. I was told, 'We do not have the resources to deal with any Rules in isolation.
1650 We need to undertake a comprehensive review of all the Rules'. A year later, I asked the same
question and I got the same answer. But sir, recognising the need to be pragmatic, I took it on the
chin. But there is only so much you can take on the chin. There are some simple answers to
addressing the Rules of the States. Does not need a 100-page policy letter, two-page would suffice.
So that is not going to happen. None of that is going to happen.

So I will close on that particular issue by reminding my colleagues that, currently, a
comprehensive review of the Rules is low priority and the intention is to undertake the review at
some stage before the end of this term. That is not going to happen. There is no chance that is
going to happen if this amendment succeeds due to a lack of resources. Oh, and, of course, on the
point of lack of resources, that is exactly what we were told in an email recently. I cannot remember
1660 who sent it, either a Member of the parliamentary team or a Member of the SACC team. 'We do not
have the resources to carry out this work'. That was clearly stated. *Clearly stated*. So what part of
that statement does Deputy St Pier not understand, sir? That SACC do not have the resources.

And just to move on to my second point briefly, which is the patience and the interest of the
electorate. Approximately, a third, I think I am right in saying, of Islanders who could sign up to vote
1665 or interested enough to sign up to vote. And the fact of the matter is that several of the electorate

who are registered to vote did not vote and do not vote in elections for reasons known only to them. Losing in Waterloo, perhaps, is a recent. I understand that.

1670 Sir, it would seem that interest in turning out to vote once every four years is dwindling due to election fatigue. So surely, it stands to reason. If you have an election every two years, how is that going to attract more interest? I do not get, I do not understand how that is going to attract more interest from Islanders who already have the opportunity to vote once every four years. But many of them do not take up that opportunity.

1675 And we have also been told that, on this issue of lack of resources, as soon as they finish work on one election, they will then have to begin work on the next election if this amendment succeeds. And as soon as that election is over, they will then have to begin work on the next election.

The Bailiff: Deputy Queripel, you seem to be talking about the consequences, similar to the way Deputy Inder did. That is not relevant to whether or not this amendment should be carried. So please, can you move on?

1680 **Deputy Queripel:** Sir, I will do, indeed, sir. But just to remind colleagues, we have had an email from a staff member. They have not got the resources to do this work. So where are those resources going to come from? From an already depleted Civil Service. And if we employ more civil servants, it will add to the cost of Government to state the obvious.

1685 So my final question, sir, is, I know this is on the back of the Scrutiny Committee Review, but what exactly is the problem Deputy St Pier thinks he is trying to fix. What is the problem with the current system? I am asking that for him to respond to that personally, sir, irrespective of what the Scrutiny Committee have said.

1690 Sir, I will leave it there, on having dispensed with three pages of my speech. And I look forward to Deputy St Pier's response.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez:

1695 Thank you, sir. I feel as though people have maybe misunderstood this amendment and what it's attempting to do. Well, that is the sense I am getting given some of the focus of the debates, because, and perhaps it is about the way it is set out, because actually it asks to insert two new Propositions. So they are two distinct Propositions and all the focus seems to be on what would be the second one. And I think the first one is *really* important. And that is why I would just like to draw

1700 Members' attention to it.

So the first one would be, and I appreciate this might be a little bit confusing because it has not been allocated a number, so it does not look like a Proposition in a way that we are used to seeing them. But the first Proposition that would be inserted, should this amendment carry is, 'To direct that the Committee considers the recommendations in the Scrutiny Management Committee's November 2023 Report, 'The Review of Island-Wide Voting', and to report back by June 2024 with any recommendations for the States' consideration'.

1705

Now, those recommendations are varied. There are eight of them in total, and they go from the issue that Deputy Oliver referred to, so improving links with the parishes, to some really practical stuff, such as relating to the manifesto booklet going out earlier and allocating more space to candidates and things like that. Some other things like sessions providing much more information on the role of the Deputy, expanding the signed declaration which I think is quite interestingly pertinent to what we were debating earlier. And interestingly, I think the last recommendation is around any future referendum that may be held to make any changes to make sure that there is a more equitable system of explaining options to voters.

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1715 So when Deputy Queripel asked, 'What are the problems we are trying to fix?' I think that the problems are very well articulated in what I think was an excellent Report from the Scrutiny Management Committee and I would like to commend them on it. I thought it was a very thorough,

1720 very practical Report, and I think it does contain a number of very worthwhile recommendations that I do think should be looked at. And that is the purpose of this amendment; to direct SACC to do exactly that. So that would be the first amendment.

1725 Now, if I can just, I know I often do this, but the effect of this amendment, should it carry, would be to insert two new Propositions. The first upon would look at those recommendations. The second one would deal with the issue of rolling Island-wide voting and I will come on to that in a minute. But to remind Members, if this amendment carries, we would then have two new Propositions. And when it is time to vote on those substantive Propositions, Members could choose to vote in support of one and vote against another, should they so wish. However, voting out this amendment means that neither is inserted. So that is the first thing I just wanted to clarify.

1730 Now, I do think Scrutiny's Report was very good, very worthwhile. I think the Scrutiny Management Committee, and it is a shame Deputy Burford is not in the Chamber today, but I think they have been very proactive and done a number of good things this term. But I do think that many people say about Scrutiny that they wish it could play a more proactive part. We do not want it to be too backward looking the whole time. And I think this is an excellent example of a bit of Scrutiny's work that is highly relevant to something going forward.

1735 So I would commend this amendment on the basis that it would ensure that we have an official direction to SACC that references those recommendations and that those will be taken into account. And, of course, that does need to be in a timely manner. And I think Deputy St Pier explained that this Report was published. The Scrutiny Management Report was published after the policy letter was lodged. So that is why it has not been referenced within the policy letter itself.

1740 Now when it comes to the second, what would be the second of the new Propositions to be added, should this amendment carry, that is to direct the Committee to consider the merits and viability of a system of rolling Island-wide voting. Now, it is not to implement it. It is not even to necessarily recommend it. It is to look at it as discussed in the Report. And as to, I do not accept the argument that this is somehow undemocratic because there has been a referendum. I cannot think that anyone would think that we are complacent enough to think that we got everything right. What is the purpose of doing a review, And actually, there have been two done on this election, if we thought that we got everything so perfect that there is no need to look at it ever again.

1745 Clearly, it is our responsibility to make sure that we are constantly trying to improve and refine, should improvements and refinements be necessary. And the Scrutiny Management Report Management Committee Report indicates that there may well be some areas that can be improved.

1750 When it comes to the choice that was offered in the referendum, and I was a Member of SACC and at some stage, Vice-President of the SACC, that organised that referendum. And I have always voted in support of the of the results of it. But the point is that, at that point, we did not know what Island-wide voting was going to look like, how it was going to work in reality. None of us had a particularly accurate crystal ball, and that is absolutely fine. We implemented it. It worked.

1755 But the reality is sometimes different to what people imagine when they are voting in a referendum. And I think the Brexit Referendum in the UK is a really good example of that, because there was a vote in favour of Brexit and that is absolutely great. And but after that, there were some voices saying, well, this is not the Brexit that I thought we were going to get or whatever. And perhaps that is a bad analogy, because I do not think that the referendum that was held in Guernsey on our electoral system was necessarily as divisive. But I do think that what the Report makes very clear is that there has been a bit of a gap between the expectation of what Island-wide voting was going to deliver and the reality of how it actually worked.

1760 And so, for example, I think when people were voting in the referendum, they were not necessarily thinking about some of the problems that were highlighted in the Scrutiny Management Committee's Report, such as the main problem that people indicated in their submissions to Scrutiny, whether there were too many candidates, too many manifestos to go through to get a really accurate idea of the people that they could vote for and the loss of the parish connection, etc.

1770 **Deputy Prow:** Point of order.

The Bailiff: Point of order, Deputy Prow.

1775 **Deputy Prow:** If I am understanding what Deputy de Sausmarez is saying, is she not also talking about the consequences that will be invoked around the amendment?

Thank you, sir.

1780 **The Bailiff:** I think we might be straying in that direction, Deputy de Sausmarez. So can we come back to just what you have already been saying about the fact that these are two new Propositions to be inserted –

Deputy de Sausmarez: Yes.

The Bailiff: And the work that would need to be done?

1785 **Deputy de Sausmarez:** Absolutely. So really, I was just, I think Deputy Prow is probably quite right. And the reason I was straying off piste was because I was trying to address one of the off piste comments that Deputy Inder had made, so I do apologise.

1790 But really, the whole point is not to thrash out the whys and wherefores or the merits or otherwise. In this debate, this is clearly not the appropriate time. This is just to say, look, some issues have been highlighted, some recommendations made. That is the first bit of the amendment. The second bit of the amendment does talk about whether there are potential tweaks, not a wholesale change, but whether there are potential tweaks to the system. And really, this amendment is asking the Assembly to direct the Committee, the SAC Committee, States' Assembly & Constitution Committee to consider the merits and viability of the kinds of things discussed in that Report and bring something back. So it is absolutely not asking us to hash out the merits and viability on the floor of the Chamber today. It is just saying that these issues have been flagged. This discussion has been well, certainly the ball has been got rolling. And it would be sensible to consider the contents of that Report and come back to report to the States on it.

1800 Now, I have been a Member of SACC. I am very sympathetic to resource constraints. But I have to say, historically, SACC has always been what other Members might consider to be under-resourced. In fact, I think just a couple of political terms ago, it only had 0.75 of an officer. And actually, it has been a highly productive Committee. It has churned out, certainly historically, churned out some very significant bits of work on very low resources. So I am not unsympathetic, but I am an optimist.

1805 But anyway, I certainly would recommend that this amendment is supported, if only to make sure that the recommendations in the Scrutiny Report which relate to really quite practical things relating to the next election to make it even better than the one that we have already had, are formally considered by SACC.

1810 So I will support this amendment and I hope others will as well.
Thank you.

The Bailiff: Deputy Prow.

1815 **Deputy Prow:** Thank you, sir.

I rise very briefly, sir, to really continue on from the theme that Deputy Queripel has put in his analysis of the amendment and the two directions that were being asked to make. I am conscious of your ruling, sir. So I just want to refer to two things.

1820 In the Rule 4(1) information, it says, 'There are no additional funding costs associated with the amendment, as the work can be undertaken within existing budgetary resources'. Now, sir, well you could take a view that it would not be appropriate at this stage to be talking about what the Rule

1825 4(1) implications are if this direction is followed. But, sir, Deputy St Pier, in his opening, has referred
to a letter that I wrote to him, sir, on behalf of the Committee *for* Home Affairs. Because, sir, the
resource implications go beyond those of SACC. And I believe that it would be very important in
1830 considering whether we vote on this amendment as to just flagging up that there are considerable
resource implications, not only the ones that Deputy Queripel very eloquently outlined from his
experience as Vice-President of SACC, but also the pressures on staffing and cost to this to the
States of Guernsey with regard to the directions that appear in the amendment. And they are
considerable and they are not just for SACC, they are for the Committee *for* Home Affairs and,
indeed, for P&R, because of the very considerable resource that is put into to elections.

So, sir, in trying to walk the tightrope that you have set in this debate, I am simply questioning
the implications of, that there are no additional funding costs, even in discharging the amendment
as it is set out.

1835 But it is not just about funding, it is about, as Deputy Queripel has said, the allocation of
resources. We have just been through a Government Work Plan process and we have to be very
careful about giving directions, this Assembly, through an amendment, giving directions for extra
work for Committees to consider. And I think that that is the very valid point that Deputy Queripel
was making. And I endorse his comments.

Thank you, sir.

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The Bailiff: Deputy Matthews, are you going to be very quick?

Deputy Matthews: I will be reasonably quick, sir.

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The Bailiff: Well, are you going to be very quick?

Deputy Matthews: I can be less than five minutes.

The Bailiff: Well, we will adjourn until 2.30 p.m., then, Members. *(Laughter)*

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*The Assembly adjourned at 12.30 p.m.
and resumed its sitting at 2.30 p.m.*

**General Election 2025 –
Debate continued –
Propositions carried as amended**

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

1855 I am going to stick strictly to whether or not these two Propositions should be inserted in the
panoply of Propositions in the policy letter. But of course, it is a difficult dividing line, because you
would not vote to insert Propositions if you thought they had *prima facie* no merit. Why would you
put it in just to vote against it later on? So I am going to refer to their merits to a degree. And I have
to say, it is slightly confusing, the fact that there are two different Propositions that I have got to
1860 judge against that criterion. And if it was just the second one, I would vote against this amendment,
because I personally do not really see any case for bringing in rolling elections at this time. For a
start, I think people have a right to a general election, by which means, I mean all of their Members
up for election at one time. People have said rolling elections ensure continuity. I do not believe we
should ensure continuity. I think some continuity is a good thing. But if a community gets

1865 completely cheesed off with their parliament, they should have the right to inflict wholesale change at a time. And if you have rolling elections, they probably will not have that.

1870 Secondly, I keep hearing rolling elections being put forward as a way of overcoming problems with Island-wide voting and, primarily, too many candidates and therefore not enough in-depth analysis. Well, frankly, splitting the Assembly in half and half being elected every two years will not cure that. You will still, maybe, have 70 or 80 candidates. It will not halve the number of candidates. And I am told that maybe splitting it in three and doing it every two years would. But for me, six, I am not sure that that would, actually. But six years, I think, is just far too long a political term, is my view. That is subjective.

1875 And I am a bit with Deputy Oliver. I think, despite what Deputy Inder says, that we have just had a referendum. And he is right. And I actually believe that is another reason we should probably leave well alone for two electoral cycles, at least, when you have had a referendum. Although, a referendum does not mean that in 30 years' time we cannot change anything.

1880 But I think Deputy Oliver is right. I think there is a backlash, again, from people who did vote in favour of Island-wide voting, are now seeing some of the problems. But I am not sure that this is the way they want to overcome it. I think there is more of a desire to go for some sort of constituency-based system. And therefore, I think you are trying to cure an issue in the wrong way. So I would not be voting to insert the second of Deputy St Pier's two Propositions. But, of course, I have to. It is all or nothing.

1885 And so, I will vote for this amendment, I think, giving clear signal that I will then vote against whatever number the second of his Propositions turns out to be in the Propositions. Even on one, there are elements of what the ... Yes, it was a good bit of work by the Scrutiny Management Committee, but there were some bits in there that I thought were completely wrongheaded. The idea that you give people fewer votes than a number of candidates that are being asked to elect, I think it is absolutely wrong in principle. But having said that, there were some Propositions in there which, I think, if implemented, could really enhance the system chosen by referendum. Not changing it, fundamentally, in any way. Still having the 40, sorry, 38 elected on a day by Island-wide electing. But just some of the nuanced proposals for actually improving that approach, I think, are very worthwhile considering. And Scrutiny Management Committee have considered them, but that is parked off to the side of the parliamentary process, I think should be brought into the parliamentary process and discussed.

1890 So I will vote for this amendment, but purely so that I can support the first of these Propositions. And even in supporting the first of these Propositions, I will not be saying that I am supporting everything in the in the Scrutiny Management Committee's Report, but just that it is worth looking at, because there are some bits that are definitely worth doing.

1900 **The Bailiff:** Deputy Matthews.

Deputy Matthews: Thank you, sir.

1905 At first glance, it looks like an amendment that I would be very keen to support. I have always thought, and I thought before we changed our voting system that one of the best systems to have would be a system very similar to the US Senate election, where you have a third elected of the Chamber elected on six-year terms, a third at a time, which seems like a good way of ensuring some continuity.

1910 But I do take, and I think Deputy Inder had exactly the right point. I think made a very good, very powerful point, although, maybe a little bit too long-winded in the way that it was expressed sometimes. But a completely correct point, that the system that we have now is the system that people voted on. So the system that I had as a preference, that was what I thought. I continued to think is the best system to have. But, what we have got, the Island-wide election, as it was run, was the one that won the election, won the referendum. And that is the one that we should be. And I think I agree entirely with the idea that we cannot. There has been a lot of negative feedback about the issues and there was too many people and it was too difficult to vote for. Did anybody know

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who they were really voting for? There was just a big stack of manifestos. And how would anybody sort through all of that? Well, of course, the first one is going to be an odd election, because it is the first one.

1920 It is bound to produce a very odd and different result to the parish elections. But we should be allowing it to run for at least at least two terms to see what the issues are. And our first election was a very old election, anyway. It was held in the middle of COVID. And we had all those issues with lockdowns and all sorts of other things that made it a very strange election compared to how it would normally have been run. So the idea of making any dramatic changes before the next election, to me, seems both undemocratic, and secondly, not the right thing to do on the basis that
1925 we just have not given it a fair chance. So on that basis, I do agree with Deputy Inder's view, at least, as far as the next election is concerned and at that point. You always keep open the option to make changes or to propose changes, at least. But, I think, certainly as far as the next election is concerned, it does not make sense to me to make any changes.

1930 And so that really brings me to my question about this amendment and the timings. Because it seems very quick to ask us or SACC to report back by June, which is just around the corner. And I wanted to know, really, was the intention that June 2024, was that put as the date in order to enable changes to be brought in time for the next election? Because if it was, that seems an incredibly difficult timescale to try and ask SACC to look at all of this, produce a report, have us then scrutinise and digest the Report and decide it and then implement it all in time for the Election in 2025. I could
1935 understand why if it was for June 2024, it would give us a chance to look at something prior to the next Assembly and that part would make sense. But it just seems very tight to try and do things now before the next Election. Even if you were to disregard Deputy Inder's point about the lack of democracy, the practicalities of doing it within that transgressing very difficult and especially with the resource constraints that Deputy Queripel has talked about.

1940 And I often think that this comes up a lot in Committee meetings and it certainly comes up sometimes in Assembly meetings. We are quite a large Assembly gathered here. There are 40 voting Members. We have the rest of the officers here. We are quite a large Assembly. And you often feel like we ought to be the top of the pyramid, directing what is happening in the rest of the States of Guernsey.

1945 And from what I can see, what we are talking about with this amendment, is directing what I think is 0.7, I think, is it slightly more than 0.75 of an officer that SACC has got at their disposal for six months? So we are talking really, this amendment is, and that is assuming they do not do anything else. So this amendment is really talking about directing the work of one person for six months. That is what we are talking about here. So it is an inverted pyramid. You know, there are
1950 many more of us around here and yourself, sir, of course, and the rest of the officers, than there will be doing the work that this amendment calls for.

So what I would really like to ask, I guess it would be the President of SACC, would be, exactly what, how many, in terms of people, what have we got to work on this? Because, in six months' time, it seems to me that if we are spending all this time directing what an individual or two
1955 individuals are going to do for the next six months, that is an awful lot of difference between us and the people who were actually doing the work at the end of the day. And I think we ought to know what it is that we are dealing with. It is very easy to write down on a piece of paper, I will go away and do this and do this and do this. Who is actually going to do it? And that is what I would like to know about. I am inclined to vote for it, but I do not imagine that. Yes. (*Laughter*) Because, I do
1960 agree with the sentiment, but to be able to achieve all of this is ridiculous. You know, and I certainly, anything that were able to be brought back, I would like to see some of the top part, the first Proposition from the Scrutiny Review. I would like to see them, perhaps, represented so that we could discuss them.

1965 And, whatever short report could be brought out in regards to making changes, but with a view to making it for the next election, hence, not for this election. I cannot see that that is possible. So yes, I would probably vote for the amendment, but then I would consider my vote for the second

Proposition that is inserted as uncertain. But yes, if I could have answers to those questions, that would that would be great.

Thank you, sir.

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The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

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I think Deputy Matthews has just done a jumble. But I want to say so. We obviously have two Propositions in front of us. I think it was, probably, unfortunate that the amendment was structured that way, because we have to approve the amendments as one and then have the choice to vote separately.

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So in relation to the first Proposition, it would seem a no-brainer, why would you not support that Proposition? But the question is, why do we need to direct someone? Why do we need an official States direction for a Committee to do something that they can do anyway? I would have assumed that the Committee, the SACC, would have considered that Scrutiny Report or has already considered or will be considering that Report anyway as part of their business as usual. That is my assumption. And Deputy Meerveld is nodding very ferociously.

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So with this in mind, I think the first Proposition is almost a non-event in that case. Whether the amendment is approved or not and that Proposition is approved or not, in my view, it does not really matter, because I think it should be done anyway by the Committee.

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In relation to the second one, there has been a lot of talk about resources. It feels like a major piece of work. And I think it is not, I think, fair to compare this, us, or a rolling election to the US Senate, because our election, when we elect all the Deputies, we become the Government. Our elections are completely linked to our Machinery of Government. And without a corresponding review of the Machinery of Government and how the electorate changes to an electorate process, could then affect the Machinery of Government.

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I believe we cannot just look at an option such as rolling elections without really then looking at how this affects the Machinery of Government. Because the implications of electing 30% new Members every two years, or 50% every two years on a four-year cycle, means that we will, right now, based on our existing Machinery of Government, will have 30% of Government change or 50% change. So that has extremely major implications for our system of government which I do not think there is any scope, even if the amendment is successful, the Proposition is successful, to be considered as part of this change as well. And to me, the Machinery of Government changes are more important, they have been on the agenda (**A Member:** Hear, hear.) and that is the piece of work we should be prioritising first.

2000

So I would really like that the limited resources we do have and that SACC has been engaged in this workstream to be focused on the Machinery of Government first, because I think that is the piece that probably needs more addressing. And then next political term, we can look at the wider Electoral Reform and how that potentially fits into any Machinery of Government changes if they happen at all.

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Thank you.

Deputy Taylor: Rule 26(1), sir.

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The Bailiff: Oh, can I invite those Members who wish to speak in debate on Amendment 2 to stand in their places.

Is it still your wish, Deputy Taylor?

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Deputy Taylor: Certainly is, yes, sir.

Thank you.

The Bailiff: The motion, therefore, Members of the States, is that subject to hearing from the President and the proposer of the amendment, that further debate be curtailed on this amendment.

2020

Members voted Contre.

The Bailiff: I will declare that lost.
Deputy Vermeulen.

2025

Deputy Vermeulen: Thank you, sir.

I do not think that I believe that, as it was in the beginning, so and shall it always be forever and ever. Amen, when it comes to elections. So, I do not think there is anything particularly wrong with having a look at it, although, it is quite soon after we have had that referendum and the public have told us what they want.

2030

Now, the message I am getting from my supporters and people I talked to in the community is that they want value for money. And indeed, we are on a mission to make savings and efficiencies within our States at the moment. I am working with some of the other Deputies in here on that.

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So this tells us there is no cost implications. On point four there are no additional costs associated with the amendment. Well, if it was put in place, there would be substantial costs. And I think we recognise that. At the moment, it is pretty much a temporary thing, but this would be, pretty much, a full-time job for a Department. So is that necessary at the moment? What is the problem we are trying to fix? I am not sure that that is money well spent.

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Then I looked at the practicalities of it and wondered what our or the Committees that I sit on, Economic Development and Home. I wondered what our Committees, how they would actually function with half of the Committee leaving for re-election, not talking for three months. And, so we certainly would not be quorate, would we now.

So when I looked at the practicalities of it all –

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The Bailiff: Deputy Vermeulen, you are starting to stray into the consequences of what might be in a report, rather than anything else. So –

Deputy Vermeulen: True. That was the smile. That was the wry smile.

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The Bailiff: So, to be consistent, can I simply remind you that you should be talking to the amendments (**Deputy Vermeulen:** Yes.) and inserting the Propositions, rather than what might be coming down the road if the second of those Propositions were carried.

Deputy Vermeulen: Well, thank you, sir.

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Thank you for pointing that out. And I do not think I am going to support this at all. So that is pretty much where we are. I think Members have got an idea why I feel like that. And on this occasion, I am not going to be able to support you on this amendment.

Thank you, sir.

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The Bailiff: Deputy Gollop.

Deputy Gollop: Thanks.

Sorry. I disappeared rather suddenly earlier, but I was late for the late Michael Garrett's Memorial Service. And I thank you, sir, for the tribute, yesterday.

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I do not often praise Deputy Inder. Or maybe I do, but I think that he deserves praise for having a strong view on this subject, but also for his Chairmanship of SACC during the run up to the Island-wide election, because the Island-wide election had an incredibly high turnout of 80% and a and the largest number of candidates ever. And in that respect, it has been a success.

2070 Now, we recently had a letter from a parish Douzaine that was a little bit less praiseworthy of the States, but they were challenging our behaviours and our outcomes and our politics. And you cannot say the system is not working just because the wrong people, in some people's opinion, got elected. And it thoroughly endorsed everybody who said, we need, really, a second cycle of the election. We need another full election and we need to give this time.

2075 And I also support the argument, really, that the referendum, and I put forward a different alternative. I still think mine of 28 Members from districts and 10 Island-wide was better because it had got round some of the problems. But I will not go into that. But, Deputy –

Deputy Taylor: Point of order, sir.

2080 **Deputy Gollop:** Deputy –

Deputy Taylor: Rule 17(6).

The Bailiff: Point of order, Deputy Taylor.

2085 **Deputy Taylor:** Rule 17(6).

Deputy Gollop: That is why I will not go into that. But the point is, I –

2090 **The Bailiff:** Just a minute. (**Deputy Gollop:** I agree with Deputy –) I will uphold that point of order and simply remind you that it is not a fascinating, though it might be, history lesson. This is about, should this piece of work be added as a potential new Proposition. Nothing more, nothing less.

Deputy Gollop.

2095 **Deputy Gollop:** Well, we can add it to the agenda, but if it comes back in June, whichever way it supports. Let's say it says, 'great idea'. I think it should go out to a referendum. I think the same argument could be made about some of the Machinery of Government changes, when and if we get to that, but that is a different argument.

2100 But I entirely endorse Deputy Kazantseva-Miller's point, that we are putting the cart before the horse. Because what we should be discussing, first of all, is the Machinery of Government and the functions and the numbers of Members we think we need before we start arguing their terms. And how ... Because that would have a material effect on how we proceed.

2105 And I agree, too, with Deputy Matthews, that resources are important. And I think the most relevant thing one can say about this amendment, rather than discussing the consequences, if a report came back supporting it, is how are we going to cope on the States' Assembly Committee at the moment? We have, effectively, one of our senior officers, able officers, moved on. Another officer has not been able to be there. We need resources (**A Member:** Hear, hear.) and if we are being given amendments to do, and there may be others, then those resources need to be given us (**A Member:** Hear, hear.) from the centre, from the ... And that is essential. And Deputy Vermeulen is quite right. There is a cost to that and there would be a cost to the consequences, the outcomes, but we will not go there.

2110 We have discussed in detail both on SACC and also Policy & Resources, actually, some of the outcomes. Now, you, sir, rightly ruled, I think, that we cannot go into those outcomes today, but there would be costs to the consequences as well. So my advice is to not support the amendment at this time. Although I have got sympathies towards it in the longer term, and to let it be.

2115 And as for the other part of the amendment which people have commented on less. It is surely within the mandate and the powers of the Scrutiny Management Committee to come back with a policy letter to the States as soon as possible, with their own take and recommendations based on

2120 the Scrutiny Review. And then, maybe, we can have a debate on that part of it which I would support by the summer, in any case.

The Bailiff: Deputy Soulsby.

2125 **Deputy Soulsby:** I do support the idea of rolling Island-wide voting. I do think it could deal with some of the issues that we have had with the whole Assembly being elected on one day and the issues it has for the public. And I think the Scrutiny Management Committee Report was really helpful in that regard, to see what those problems were and how rolling Island-wide voting could be of benefit, which is fine and I do think that, but I am just really concerned about the timing here for both the Committees to report back by June 2024. It is that that really impacts me, because we
2130 know that it is not best practice to be changing anything within a year of an election. If so, if we are saying, well, we do not want to change it within a year of election for the next election, then what is the rush? Or are we saying, well, we will ignore that. It is fine. We will be able to cope and the public will be able to cope and candidates will be able to cope. So I think that is the issue, if we are saying, that is not best practice so we should not do it, then what is the need to come back so
2135 quickly?

And I hear what Deputy Gollop said about not having resources, give us more resources. But at the same time, we agreed where we put our resources yesterday. The Government Work Plan set out everything that we said that we would do or we hope to do. And I think there were comments about saying, 'Well, it is going to be a challenge to even be able to do that'. So I do question –

2140 Although, I absolutely support the sentiments of it, I think if it had been reworded to say, just put it on SACCs agenda, I think that would have been different. But that is not what it says. And I am concerned that it is going to cause work that will detract from the work that is needed to deal with the election next year.

2145 I know there is a long lead up time. Within the Mission Report, there were other things that needed to be considered. So I do think we need to focus on that over the coming months. And so, reluctantly, I cannot support this amendment, but I do understand the sentiments of it.

The Bailiff: Deputy Le Tissier.

2150 **Deputy Le Tissier:** Thank you, sir.

Now when I saw this amendment, I thought, well, is this a Trojan horse brought by Deputy St Pier that is against Island-wide voting? I do not know if that is the case, but that thought occurred to me. But then I went on to think, well, we have only had one election under the Island-wide mandate and is it too soon to start trying to change things for 2025? I am of the opinion maybe it is. And
2155 unfortunately, the States do have form in this, because if you cast your mind back to when the Conseillers were directly elected, they only lasted one term. Some people, I do not know who, I was not in the States at the time, but some people did not like that. They did not like the result and it was thrown out. Now, is that the case here, where some people do not like Island-wide elections and we are trying to get it changed for next time?

2160 Now, I am not against a review. And, if rolling elections is the best solution, fine. But I think it is too soon to try and get this in by next year. It is far too soon. There is the resources issue which I will not go over and repeat what other people have said. But something that springs to mind, and I think it may be still in use, the saying, 'Marry in haste, repent at leisure', because I think that is what we might do. If we get this through, it is going to be so rushed that there could be unforeseen
2165 consequences. And we need time to look at this. And I think it is in the SACC mandate anyway to do this. And so I do not think I can support this amendment.

Thank you.

The Bailiff: Deputy Haskins.

2170

Deputy Haskins: Thank you, sir.

Most points have been mentioned already, so I will be very brief.

2175 Sir, we have heard from Deputy Queripel, an ex-Member of SACC, that they do not have the resources to do this. And at the very least, some items in their priority list will have to go, will be deprioritised.

2180 Sir, I would suggest that the Code of Conduct for non-States' voting Members and some changes to the Rules should take priority. For example, the Rule 4(1) which I have already been to a SACC Committee meeting to request. Sir, we have heard that the Rule 4(1)(d) information in this amendment is not correct. It could be debateable. But, at the very least, something is going to be deprioritised in order to fit it in.

2185 And whilst we are on this topic, I would also highlight that ironically, sir, the policy letter from SACC itself has no Rule 4(1)(a) information which could probably have allowed me to raise a point of order before this, but it is already in front of us, so I will not. But I would have expected SACC to have got that bit right.

2185 In summary, sir, there are no resources. We do not know which workstreams will need to be deprioritised. The time frame is too ambitious for this next term. And finally, there is very little justification. Well, in fact, sir, there is no explanatory note whatsoever.

I will not be supporting this amendment, either element of it. And I hope other Members feel the same. (**A Member:** Hear, hear.)

2190 Thank you.

The Bailiff: Well, now I will invite the President of the Committee, Deputy Meerveld, to speak to Amendment 2, please.

2195 **Deputy Meerveld:** Thank you, sir.

2200 I would like to start off by echoing the chorus of people who complimented Scrutiny on their Review of the Island-wide voting. I participated in that Review and whilst it came out with negative findings about Island-wide voting, for which I was one of the two poster boys for promoting Option A, Island-wide voting, as it was eventually approved. I see the value in that process, of going through and reviewing something as fundamental as the Island-wide voting in its unique nature and coming up with suggestions.

2205 I have, standing here, previously made commitments that we would be reviewing all of the suggestions from that Scrutiny Report and taking them into account. And in fact, SACC already has been, in looking at how we induct new Members, what training we do, etc., How we promote to the public, how we run the election, etc. A lot of those are the recommendations from the Scrutiny Review were not relating directly to mechanism of Government, as much as the way that we engage with the public. And we are, certainly, happy to come back and carry on responding to that and come back. I will come back to that later on.

2210 As far as this amendment is concerned, it was drafted prior to Deputy St Pier being unanimously voted in as the Vice-President and the first meeting he attended. But he did consult with me prior. And I must say that I have been looking, myself, at the value and potential benefits of a rolling electoral system. Although, I would not favour Option D, as it was in the referendum. But there are potential benefits. But as Deputy Kazantseva-Miller pointed out, the Machinery of Government has to go hand in hand with this. It cannot be done in isolation.

2215 As Deputy Gollop pointed out, I think some of the public are conflating the electoral mechanism for electing Deputies and the function of this Assembly and how well it is perceived to deliver for them. And again, you cannot conflate the two things. At the end of the day, we had an election, as Deputy Gollop pointed out, with more candidates than before, with a bigger turnout than before, more votes lodged than before and it successfully elected the Members of this Assembly. It does not necessarily follow. The public got what they voted for. And I think there are bigger issues in Machinery of Government than there are and how we function as an Assembly which is partly SACC's responsibility, partly P&R's and something we hope we will be working together to conclude

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shortly, is recommendations on that. And that has to be taken into account as well as the process of how we bring new Members into this Assembly.

2225 Resources. Deputy Queripel picked up on it. Deputy Matthews has asked about it, as have a number of other Members. The reality is that the SAC Committee is supported by one full-time officer. Due to illness, we did not have that officer for the better part of a year, last year. And whilst we were allocated a resource from the centre to help us, the States of Guernsey does not have any floating resources to handle emergencies that do not have portfolios of other business to handle.
2230 The reality is, we were given support from the centre by another officer who stepped in, but they could not do it as a full-time job. Therefore, as Deputy Queripel pointed out, one of his great passions, the rolling review of the Rules, done in sections, had to be deferred. And we are still hoping to address that later on this term, at least in part. But never as thoroughly as we originally intended. Because a lot of our portfolio of works, our work stream, had to be delayed or deferred, because a
2235 temporary resource physically could not dedicate the time that was needed to do it on a full-time basis. Equally, this, what was being proposed in this amendment, is a significant amount of work. Not so much Proposition 1, as the second Proposition, the one to look at rolling elections.

I also take on board the comments quite a few people have made. We changed to something that was described by one academic as, 'The strangest election in the world'. We implemented
2240 something unique. The naysayers before that, the ones who were critical when we had the referendum, were saying that we were going to have some Deputies elected on a handful of votes, 500 votes, and you will get in as a Deputy with some people in the tens of thousands. That did not happen. A lot of the things, the negative aspects, did not happen. But there were legitimate criticisms of how it did function and the difficulties that some of the electorate faced in addressing
2245 it. SACC is already looking at solutions for that. But I hear the voices of a lot of people who said we have only done this once.

We have an exceptionally large number of Deputies or candidates stand which caused, I think, a bit of an overload for some people looking at that directory and vetting those votes. There is no guarantee we are going to have. And, in fact, I do not expect to have the same volume of candidates
2250 at the next election, especially if SACC does its job of making people aware of what the role is in advance. Because I think there were people coming in who did not really understand what they were standing for. (**A Member:** Hear, hear.) So I think we do need to try the election on the old, I say old, the previously used basis, one more time before you can really review it and say we have evidence that justifies change.

2255 But on a purely practical perspective, our one officer is signed off long-term sick right now. We are needing to draw on the centre to simply fulfil the mandate we have now and to organise an election. The fact is, SACC's work, a year, a year and a half before an election, its workload goes up significantly, because that is obviously one of the Committee's major responsibilities.

2260 So I think practically, we are not going to be able to, if this amendment is approved, we will not be able to deliver on it. We simply will not have the resources to do it by June. And remember, to be able to meet the Venice Accord recommendation of not changing an electoral system within one year of –

I will give way to Deputy Prow.

2265 **Deputy Prow:** I thank the President of SACC very much for giving way.

I did not want to interrupt his flow. But would he also agree with me, this is not just about the resources at SACC, but it is also the resources of Home Affairs (**A Member:** Hear, hear.) in relation to the electoral roll and, indeed, to pit P&R, who do provide considerable resource to elections?

Thank you.

2270 **Deputy Meerveld:** I thank Deputy Prow for his interjection. I do agree there is much broader implications of this. For instance, some people have raised the issue of whether or not a referendum will be required to make another significant change to our electoral process. So, as I said, we do not, I think, have the resources.

2275 We would actually be looking to bring the legislative changes for the next election by the June
debate to be had when they implement them before the next election. If we brought this policy
letter, suggesting dramatic changes in June, there would be no chance of doing it for the next
election. But that is not to say that, as I have already said, I very much appreciate the Scrutiny Report
and SACC has made commitments both in Committee and, I think, in this Assembly, that we will be
2280 going back to Scrutiny and responding on all the points they have raised, and it has already been
taken into consideration in our thoughts. And I am quite happy, personally, to commit. And I am
sure the Vice-President will agree. We are very happy to put a commitment to respond to Scrutiny,
and share with Members our response, to the complete Scrutiny Report. We will try and do it by
June, but we will certainly do it before the end of this term.

2285 I also agree that the idea of rolling elections should be looked at. And again, I would be happy
to go and propose to the SAC Committee, along with the Vice-President, I am sure, that we do that
as well, before the end of this term, as something to hand over to the next SAC Committee for
consideration for the election in 2029, when they will be in a position to review what has happened
in 2025. So we have a second election, done on the standard Island-wide basis, with some address
2290 adjustments, as recommended by Scrutiny, to improve the process.

What I would ask Members to do is to not vote for this amendment. But I absolutely welcome it
being laid. I thank both Deputy St Pier and, originally, Deputy Ferbrache and now Deputy Falla, in
bringing it forwards. I share their desire, both to take the Scrutiny Report on board and make sure
that the recommendations are considered for improvements. I also take on board their interest in
2295 the way that rolling elections, I would not favour Option E, the two years, but possibly a three-year
rolling election could work, how it could possibly improve our functions of Government. But it needs
to be reviewed alongside the Machinery of Government to make it really effective.

So I think, simply, if we had been having this conversation at the beginning of the term, I would
be supporting this amendment. But we practically cannot do it right now at this stage with the
2300 resource constraints we have got. So I would ask Members not to create a commitment that we
ultimately will fail to deliver on. But I do absolutely welcome the suggestion and think it is something
we should be exploring as an Assembly and as a SAC Committee going forwards.

Thank you, sir.

2305 **The Bailiff:** I will invite the proposer of this amendment, Deputy St Pier, to reply to the debate
on it.

Deputy St Pier: Thank you, sir, and thank you to Members for participating in the debate.

2310 Sir, Deputy Inder is a man who will find a shadow in bright sunlight. (*Laughter*) And he and, I
think, Deputy Le Tissier, have managed to find a few Trojan horses wandering around as well. There
is a certain irony that I am painted as the enemy of Island-wide voting, because it actually served
me rather well (*Laughter*) from what I remember. Certainly, rather better than the parish system.

2315 So now I wanted to really break down this amendment into its two component Propositions.
And clearly much of the debate is focused on the second, namely, looking at a rolling Island-wide
system. But I think this point was made very well by Deputy de Sausmarez, pointing out the need
to look at the eight recommendations. Now, I do appreciate that not all Members may necessarily
have had the opportunity to look at the 111 pages of the Scrutiny Management Committee, and I
think it is worth just running through the eight recommendations which appear on page 61 of that
Report.

2320 So very briefly, recommendations:

Recommendation 1

To consider, in consultation with the parish douzaines and other interested parties, all possible methods of improving
links between elected representatives and parish douzaines ...

Recommendation 2. ...

And this was the one that Deputy Roffey does not particularly like. I do not particularly like it either myself –

... To consider a reduction in the number of votes available to each voter in time for the 2025 election, taking into account the evidence obtained by the Review Panel.

Recommendation 3

To produce and distribute the manifesto booklet earlier to enable voters more time to review it, specifically before postal voting opens.

Recommendation 4

To consider increasing the space available to candidates in the manifesto booklet, possibly by giving options of two, three or four sides for candidates to choose from, as well as more freedom in layout whilst retaining a cohesive format that facilitates voter comparison.

Recommendation 5

To significantly improve the promotion and accessibility of candidate videos, including consideration of a shorter and a longer version for each candidate.

Recommendation 6

To introduce a robust series of information sessions for potential candidates ...

2325 And that recommendation goes on.

Recommendation 7

To investigate whether an expanded signed declaration by candidates should be required ...

And that, I guess, refers back to the previous discussion around previous convictions and so on –

... and if so, what it should encompass.

Recommendation 8

To note that any further consideration (post-2025) of a further referendum on the electoral system should include a more equitable system of explaining the options to voters.

2330 Sir, the very reason that this is proposed as a Proposition and, therefore, a Resolution, is precisely linked to the constraint on resources. Because if it is not the will of this Assembly that these are recommendations that are worth looking at, then there is no reason why they should become a priority for SACC, who already has its work programme exactly as Deputy Queripel described. It will, therefore, by its nature, be deprioritised. The Civil Service will understand that this is not a priority for the States to look at these recommendations and make any attempt to implement them before June 2025, before the next election.

2335 So in drafting this amendment, I drafted it originally with this Proposition in. And circulating it to various people, getting some feedback, the next iteration took it out to focus simply on the rolling Island-wide system. And again, after dialogue with the President of SACC, I took the view that it was better that it went back in, precisely to give direction from this Assembly, that it is a priority that is looked at. And the resources are, therefore, directed to do that work over the next
2340 couple of months, in time that any legislative changes associated with it can appear before the Assembly in time to take account of the Venice Commission's guidance on good practice.

So I think the question of resources. Deputy Haskins feels that Rule 4 is a priority. He is a very committed student of the Rules, sir. And he is, of course, entitled to have that view. I personally believe that there is nothing more important than the effectiveness of our electoral system. And I
2345 would rather delay the review of Rule 4 and deal with ensuring that the 2025 Election and the Rules around it, deliver as an effective outcome as possible. And I believe that is more important.

And the question before the Assembly is whether Proposition 1 in Proposition 1 that would be inserted by this amendment whether the Assembly believes that as well. Deputy Queripel. And I will come back to the question of the second part of the amendment in a moment.

2350 It is worth also, the point about, Deputy Soulsby made the point that, only yesterday, the Government Work Plan helped set the priorities. Of course, SACC's priorities are not dealt with in the Government Work Plan. And that was something that I specifically checked, both before this amendment and during the GWP debate. So it is for this Assembly to help SACC prioritise its workflow.

2355 I think Deputy Roffey made it very clear, that he intends to vote for the amendment, but then
vote down the second Proposition. And, indeed, that may be what Deputy Matthews wishes to do
as well. And I would certainly encourage those who do believe the Scrutiny Management
Committee's recommendations are worthy of further work, do precisely that. That they support the
2360 amendment, fully intending to then vote down the second Proposition. At least it will help ensure
that the recommendations are given due consideration.

As to the question of resources, yes, we know they are constrained. Certainly, I am very happy
to help roll up my sleeves. I have got time on my hands to help deliver the outcome of this between
now and June, if that is of help to the Committee. That is another pair of hands on deck.

2365 As to the second part of the amendment which deals with the question of Island-wide voting. I
think the first point to emphasise, of course, is it is not, the Scrutiny Management Committee did
not actually recommend a different system. And changing to a rolling system would not be a change
of the system. It is a modification of that Island-wide system. It is still an Island-wide vote.

2370 And to address the question from Deputy Queripel, that I was going to touch earlier, 'What is
the problem?' Well, as is set out in the Report, the problem articulated by the Management
Committee from the evidence they received, is people like the idea of Island-wide voting, but they
are struggling with the number of candidates. And the question is, is can we assist that with a rolling
system? And as I said in opening debate, I am not sure whether a rolling system can deliver that
outcome, which is precisely the challenge.

2375 **Deputy Inder:** Point of order.

The Bailiff: Point of order, Deputy Inder.

Deputy Inder: I think Deputy St Pier is misleading the Assembly.

2380 **The Bailiff:** Point of correction.

Deputy Inder: Sorry, I beg your pardon. Well, okay. Point of correction. Well, I think, I believe
that he is misleading the Assembly.

2385 He said, just recently, that he does not think his version of a rolling election is a fundamental
change. It is entirely a fundamental change. And I will remind people and I will read it again, what
the actual referendum said. 'One Island-wide electoral district, each voter would have 38 votes at
each election. Each Deputy would serve for four years. An election would be held every four years
for all Deputies at once.' His version of a rolling election is entirely close to Option E. It is entirely
2390 different. Do not be fooled. This is a fundamental change.

The Bailiff: Deputy St Pier.

Deputy St Pier: I am not sure whether that was a point of correction or not, sir. But –

2395 **The Bailiff:** I am not saying ... *(Laughter)* I am not going to rule one way or the other. Deputy
Inder had his opportunity to say what he said. You are saying what you are saying. And you are on
your feet at the moment.

2400 **Deputy St Pier:** Okay, sir. Well, I will, in my view, that was not a point of correction.

Nonetheless, Deputy Inder has made a big point about, it was adopted by referendum. Well, of
course, yes, it was adopted by a referendum. But we must remember that in the first round, none
of the options received a majority support. And the whole Island-wide system received 37.5%. And
had the referendum been set up in another way, then it would not have been adopted at all.

2405 So there is a very valid question to be asked. Well, if you are going to change it, does that need to go back to another referendum? I agree entirely. That is a valid question. That is part of the work that would need to be undertaken.

2410 So I think, sir, we really have aired all the issues about whether the States are likely to want to undertake a review at this stage, understanding that time is tight, with the challenge about whether it should be done earlier in this term. Well, of course, the Scrutiny Management Committee's Report was only published in November. So I think it would have been a little bit difficult to bring any motion before that, knowing that work has been undertaken before today. It really is, quite literally, the very first opportunity to do so.

2415 However, having listened to the debate, I would still urge Members to support the amendment with a view to supporting the first Proposition, even if they are not likely to support the second. It is important that the work that those recommendations are prioritised and the Assembly does give its political heft to doing so, not only for the Committee, but also for the service that will need to support that work being undertaken.

2420 **The Bailiff:** Well, Members of the States, it is a vote on Amendment 2, proposed by Deputy St Pier, seconded now by Deputy Falla, which, if successful, will insert two new Propositions. And we will work out what numbers they will have in due course. I will ask the Greffier to open the voting on this amendment, please.

2425 *There was a recorded vote.*

Carried – Pour 14, Contre 21, Ne vote pas 2, Did not vote 0, Absent 3

Pour	Contre	Ne vote pas	Did not vote	Absent
Bury, Tina	Aldwell, Sue	Roberts, Steve	None	Brouard, Al
De Lisle, David	Blin, Chris	Snowdon, Alexander		Burford, Yvonne
De Sausmarez, Lindsay	Cameron, Andy			Ferbrache, Peter
Dyke, John	Dudley-Owen, Andrea			
Fairclough, Simon	Haskins, Sam			
Falla, Steve	Helyar, Mark			
Gabriel, Adrian	Inder, Neil			
Gollop, John	Le Tissier, Chris			
Kazantseva-Miller, Sasha	Le Tocq, Jonathan			
Matthews, Aidan	Leadbeater, Marc			
Parkinson, Charles	Mahoney, David			
Roffey, Peter	McKenna, Liam			
St Pier, Gavin	Meerveld, Carl			
Trott, Lyndon	Moakes, Nick			
	Murray, Bob			
	Oliver, Victoria			
	Prow, Robert			
	Queripel, Lester			
	Soulsby, Heidi			
	Taylor, Andrew			
	Vermeulen, Simon			

2430 **The Bailiff:** So in respect of Amendment 2, proposed by Deputy St Pier, seconded by Deputy Falla, there voted in favour 14 Members; 21 Members voted against; 2 Members abstained; 3 Members did not participate. And, therefore, I will declare that amendment lost.

2435 Now, Members of the States, you should have, on your desks, two further amendments, numbered three and four, to this set of Propositions. And unless Deputy Bury indicates differently, I am minded to run both of them in debate together because they are so similar. But I will invite Deputy Roffey to lay his amendment first, then Deputy Bury to lay her amendment. And I will probably end up concluded in that same order, three and four.

Do Members not have a copy of Amendment 3?

A Member: No.

2440

Deputy Haskins: Sir, can I seek some clarification? Do we not need to suspend the Rules to see these two amendments?

2445

The Bailiff: No, because the Rule 4(1) information, whether you agree with it or not. But the Rule 4(1) information says that there are no financial implications, so it does not engage Rule 24, paragraph 2.

It has been accepted as an amendment and, therefore, in each case. So there is no need for a motion pursuant to Article 7, paragraph 1 of the Reform Law.

2450

As everyone now got a copy of Amendment 3? And Amendment 4? In that case, I will invite Deputy Roffey to move Amendment 3 first, please.

[Amendment 3](#)

To insert a new Proposition 5A as follows:

"5A. To direct the States Assembly & Constitution Committee to consider whether any candidate for election (general or by-election) should be required to declare any criminal conviction imposed by a court anywhere in the world, including consideration of whether a time limit should apply, and to bring a report to the States as soon as practicable."

Deputy Roffey: Thank you, sir.

2455

I do not think it needs a long introduction, because in some ways this amendment relates to a debate that we have already had this morning. And I apologise for bringing a late amendment, which is not normally my *modus operandi*. My intention in this debate was simply to say that I intended to vote against Proposition 5, whether or not amended by Deputy Prow amendment, and to ask SACC to look at the idea of finding a route to make sure that the public of Guernsey were fully informed about any criminal convictions that candidates may have so that they could take that into account in deciding how to vote.

2460

However, Deputy Meerveld has said that it would be helpful, he thinks it would be helpful, for his Committee to have a firm direction. And listening to the arguments about resources, I can understand why, because I would not want to give serious consideration to something that would stand little chance if it came back to this Assembly. Well, nothing in this amendment is a guarantee that if they bring something back along these lines, the States will support it. It is an indication that it is something that they would be willing to consider.

2465

Deputy Prow said this morning about forthcoming amendments that he did not think we should be making decisions on the fly. There are no decisions being asked for here. It is asking SACC to look at a system whereby every candidate will have to declare their criminal convictions. It is as simple as that. Wherever in the world. At the moment, it just seems nonsensical. You could have been convicted of embezzlement in Australia, or child abuse in Ireland or burglary in California, and none of that would have to be declared. I do say in it that they should give consideration to a time limit. And I think that that is right.

2470

I think Deputy Queripel talked about rehabilitation and I think that is a valid point. And just off the top of my head, I can think of two very long serving Members of the States that had senior presidencies and were, on repeated occasions, one of which who had been convicted of actual bodily harm in his youth and another of dishonesty and theft. So I think you do need to have a period of time after which you give people a break. But by and large, within a reasonable period of time, I think the voting public of Guernsey simply should know whether or not the people, their candidates they are being asked to vote for, have a criminal record. And that is what this would do now.

2480

Deputy Dudley-Owen said, well, they could lie, they could not declare something. But that, to some extent, is true now. They may have served eight months in Northampton or something for something and they cannot – If we are not aware of it. The point is, I think a false declaration ... I am

2485 trying to decide the detail in advance, but a false declaration would, I think, disbar somebody from office. And therefore, if it was later found out that they had put in a false declaration, that would be the safeguard that was there. But of course, if people lie completely and nobody ever finds out, it does not matter what system you have, frankly, that does not work.

2490 But to me, this is really quite black and white. Do we think we should have a system that allows Guernsey voting public to know the criminal record of the candidates that are standing for election? I think we should. I think we should. And I am inviting SACC, not committing us to anything in particular, but saying that that is worthy of looking at and they should look at it as soon as practicable. And that wording was there deliberately, because I know they have limited resources. So it says as soon as practicable.

2495 Thank you, sir.

The Bailiff: Deputy Meerveld, do you formerly second Amendment 3?

Deputy Meerveld: Yes, sir.

2500

The Bailiff: Thank you very much.

I am now going ... I thought I had made myself clear. *(Laughter)* I am going to run Amendments 3 and 4 together. And, therefore, I am going to invite the proposer of Amendment 4, Deputy Bury, to open on Amendment 4, please.

2505

[Amendment 4](#)

1. To insert a new proposition after proposition 5 as follows:-

"6. To direct SACC to consult with relevant stakeholders, including with the public, Bailiwick Law Enforcement and with Guernsey Vetting Bureau with a view to determining whether persons wishing to stand for Election as a People's Deputy should, and can, be required to undergo a Standard or Enhanced DBS check and if so, whether the results of any such check should be included in the written declaration made by candidates when declaring their eligibility to stand for the office of People's Deputy, and to report back to the States in such time that would allow any changes to be implemented for the General Election in 2025."

Deputy Bury: Thank you, sir.

2510 Similarly to Deputy Roffey, I do not think I need to take up too much of the Assembly's time. I decided to lay the amendment in light of the previous debate, where DBS checks got a lot of attention. To reassure Members, this has not been drawn up on the fly. It is part of my previously drafted amendment which I have been in consultation with His Majesty's Procureur about since about 13th January 2024, I think. So there has been quite some back and forth and refinement and legal advice on it.

2515 I think there are a few points just to cover off, though. There are different types of DBS checks. So there is a basic check which I have *not* included in this amendment, because I do not think it would be worth the paper it was written on for the type of roles that we are performing to be honest. Then you have the standard and the enhanced checks. So on the Guernsey Vetting Bureau page, it does give some information about the types of offences and historic convictions that would be included in the different types of checks. And also the sorts of roles that each might apply to.

2520 And that is where I ran into, in devising my amendment, some difficulty. I did not have the ability to liaise with the DBS service, etc. And all of that would have been treading on SACC's mandate. So that is why the Proposition is worded to direct SACC to do the work. But I thought it was important to point out those different types of checks.

2525 I agreed with Deputy Roffey's speech just now and in the previous debate about information for the electorate. And again, this is what this Proposition is aiming to do, that we provide that information so they can make their own choices. But we *have* to make sure they have the right information in order to do that.

2530 I think, to Deputy Mahoney's point in the previous debate, there are so many volunteer roles and employment roles that require DBS checks. It is really quite standard. And in a role such as this, where public interest in the nature and the background of the individual is naturally and justifiably heightened, I do not think that the basic check would suffice and that is why I have not included it. I do not actually think it would be worth SACC doing the work to get to the conclusion that we should have basic checks.

2535 In the debate, and since, flying around over email, there has been a lot of, 'Well, it is quite complicated because of this', and, 'I am not sure who could ask for that', and, 'Who would pay for it?', and, 'Who is going to judge it?', etc. That is the work. That is why the Proposition is worded in the way it is. We are not going to figure out all of that here. I could not figure it out myself. So that is the work that needs to be done. And it is worded in such a way as to whether this can be done. Because the DBS does seem to have its own Rules around which roles are eligible for which checks. And Politician, I could not find it anywhere. So I do think there would really need to be some quite serious consultation with DBS. Now there are roles that touch about Law and so it really depends where they might judge where we sit.

2540 I am grateful that SACC have indicated that it is something they are happy to look at and take on board. And to that end, I do not think there is any harm in having it in a formal direction if it is going to be done anyway. I have not given an exact date to give SACC the flexibility to work with their resources and their timelines, but have said that it seems like the will of this Assembly is that this, if this is to be implemented, it needs to be in time for the Election 2025. So I have been specific about that in the wording of my amendment.

2550 There are a few other points made on email. And I think Deputy St Pier made it and perhaps Deputy Leadbeater, that this will not be watertight. It is not going to solve absolutely everything. And I think the amendment proposed by Deputy Meerveld and Deputy Roffey, they actually work quite well together, potentially, because they cover things that the other one does not. So no, it is not going to solve everything. Are we going to be able to say no one is going to slip through the net at all? Probably not. But surely having the checks is better than not having the checks.

2555 So I will leave it there, I think, sir, and welcome the debate and respond accordingly.
Thank you.

The Bailiff: Thank you very much.

And Deputy Oliver, do you formally second Amendment 4?

2560

Deputy Oliver: Yes, sir.

The Bailiff: Thank you very much. Now we can have general debate.

Deputy Meerveld.

2565

Deputy Meerveld: Can I respond to the debate even earlier than the last time, please, sir? Just to head off debate, because I am hoping we can get this resolved fairly quickly.

2570 I have not had a chance to consult with my Committee, obviously, but I support both these amendments. It is obviously a concern of the Assembly. Let us go away, look at it and bring it back. Both of the amendments will give us a direction and a clear steer, and I would encourage Members to support it, hopefully, with very little debate.

Thank you, sir.

The Bailiff: Deputy Kazantseva-Miller.

2575

Deputy Kazantseva-Miller: Thank you, sir.

I just want to speak very briefly to Deputy Roffey's amendment. And, specifically, the wording around that, 'whether the candidates should be required to declare any criminal convictions imposed by a court anywhere in the world'. I think we just need a bit of caution here because we

2580 cannot speak to the justice systems that exist around the world. And there are and there will be
justice systems that we will all, probably, fundamentally disagree with the way they are run and how
they use their legal frameworks and courts to advance certain objectives that us, as a democratic
society, would not wish to do. So I really think we need to be careful when SACC is looking into that
specific point. I think there are a lot of people nodding to that.

2585 So just very quick, I will still support this amendment, but I am a little bit concerned about how
it is drafted because I think it is way too broad in scope.

Thank you.

The Bailiff: Deputy Mahoney.

2590

Deputy Mahoney: Thank you, sir.

Very quick, as everyone, hopefully, will be. Deputy Roffey's amendment, the main tripping point
there, of course, is that dishonest people are probably not going to declare themselves as dishonest.
If I asked the 40-odd, 50-odd people in the room to stick their hand up if they are dishonest, I am
not sure I am going to see very many hands. So I am not sure that one works on its most basic level.

2595

Deputy Bury's amendment, absolutely fully support that. I think it should have been in many,
many years ago. Let's hope it gets through now. I am a backbencher with nothing to do at the
moment. So if any work needs doing by anyone on the DBS side, then I am more than happy to
take that on.

2600

Thank you, sir.

Deputy Haskins: Sir, can I ask for a Rule 26(1), please? I am not sure how you are going to do it
when there are two amendments. But I would like to do it on both.

Thanks.

2605

The Bailiff: Well, let me see. Who wants to speak on these two amendments?

Deputy Haskins, is it still your wish that I put a motion under Rule 26(1)?

Deputy Haskins: Yes, please, sir.

2610

The Bailiff: Well, Members of the States, the motion is that general debate on these two
amendments now be curtailed and that we simply will move to the wind up stage in respect of each
of them in turn. I will take Amendment 3 before Amendment 4.

2615

Members voted Pour.

The Bailiff: I will declare that carried.

So I am going to invite –

2620

Deputy Queripel: Recorded vote, sir, please.

The Bailiff: Yes.

Deputy Trott: What was that? (*Interjections*)

2625

The Bailiff: It was a request for a recorded vote.

So this is a motion that, pursuant to Rule 26(1), debate be curtailed on both amendments.

And I will invite the Greffier to open the voting, please.

2630

There was a recorded vote.

Rule 26(1)

Carried – Pour 22, Contre 7, Ne vote pas 5, Did not vote 3, Absent 3

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Bury, Tina	De Sausmarez, Lindsay	Leadbeater, Marc	Brouard, Al
Blin, Chris	Fairclough, Simon	Kazantseva-Miller, Sasha	Roberts, Steve	Burford, Yvonne
Cameron, Andy	Gabriel, Adrian	Oliver, Victoria	Snowdon, Alexander	Ferbrache, Peter
De Lisle, David	Gollop, John	Roffey, Peter		
Dudley-Owen, Andrea	Le Tissier, Chris	St Pier, Gavin		
Dyke, John	Matthews, Aidan			
Falla, Steve	Queripel, Lester			
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Le Tocq, Jonathan				
Mahoney, David				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Soulsby, Heidi				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

2635

The Bailiff: So the voting on the motion, proposed by Deputy Haskins, pursuant of Rule 26(1), was there voted in favour 22 Members; 7 Members voted against; 5 Members abstained; there are 6 Members not participating in that vote. And that is why it was declared carried.

2640

So I will turn to Deputy Roffey if he wishes to reply in respect of Amendment 3, because Deputy Meerveld has already indicated his support for both amendments on behalf of the Committee.
Deputy Roffey.

Deputy Roffey: Thank you, sir.

2645

The first thing I would say is I agree completely with Deputy Bury that there is nothing. There is no competition between these two amendments. They are both looking at ways, both of which may be needed, or one or other which may be needed which I think SACC would look at. And I would point out, they are already, I think it has been drawn to my attention, that there was already some provision inside our law saying that unspent convictions should be declared. I actually would like to see whether that goes far enough. I would actually prefer people to declare that they do not. If they do not, I think it ought to be codified. It ought to be what everybody should know, given a time span, so that you can have rehabilitation. What the recent criminal convictions, if any, or if there is none, a declaration that there is none. And that may or, and even those people who prefer to go down the Deputy Bury route. What I would say is that there may be, I am not saying there is, there may be some practical difficulties with using those checks.

2650

2655

For instance, as a President of the Committee, I have seen ones that have said, 'No criminal convictions, but we do have some concerns about this person. You should ask them about this'. And I am not quite sure how that gets used in this context. So I am not against looking at that, because that is rather than a self-declaration, it is an independent investigation. But that it is – There are those difficulties and there is the geographical limitation that comes with it.

2660

So I think that both of these should be passed and ask SACC to take a look at this whole area. It is quite clear the majority of this Assembly have concerns about this. We are not going to be tying anything down today. We are just saying to SACC, this is a general area we want looked at. And by passing both of these amendments, we will be getting them to do just that.

2665 **The Bailiff:** Well, Members of the States, we are going to go to the vote on Amendment 3 which is proposed by Deputy Roffey and seconded by Deputy Meerveld.

And I will invite the Greffier to open the voting on Amendment 3, please.

There was a recorded vote.

2670

Amendment 3

Carried – Pour 27, Contre 6, Ne vote pas 2, Did not vote 2, Absent 3

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Haskins, Sam	Leadbeater, Marc	Roberts, Steve	Brouard, Al
Blin, Chris	Helyar, Mark	St Pier, Gavin	Snowdon, Alexander	Burford, Yvonne
Bury, Tina	Le Tocq, Jonathan			Ferbrache, Peter
Cameron, Andy	Mahoney, David			
De Lisle, David	Murray, Bob			
De Sausmarez, Lindsay	Parkinson, Charles			
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Oliver, Victoria				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

2675 **The Bailiff:** So in respect of Amendment 3, proposed by Deputy Roffey, seconded by Deputy Meerveld, there voted in favour 27 Members; 6 Members voted against; 2 Members abstained; 5 did not participate in the vote. But I will declare it duly carried.

And I will invite Deputy Bury to reply to the short debate in respect of Amendment 4.

Deputy Bury.

2680

Deputy Bury: Thank you, sir.

There is not much to reply to, but at risk of being a bit *Oscar-y*, just a quick thank you to SACC for being so open to receiving, I think, the message from the Assembly. And also, I did forget to say thank you to His Majesty's Procureur for all the help with my amendment, because it was quite a lot of back and forth.

2685

So yes, I would ask for Members' support for the amendment, sir.

Thank you very much.

2690 **The Bailiff:** Well, Members of the States, we now come to the vote on Amendment 4, proposed by Deputy Bury, seconded by Deputy Oliver.

And I will invite the Greffier to open the voting in respect of Amendment 4, please.

There was a recorded vote.

2695

Amendment 4

Carried – Pour 32, Contre 1, Ne vote pas 2, Did not vote 2, Absent 3

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Le Tissier, Chris	Leadbeater, Marc	Roberts, Steve	Brouard, Al
Blin, Chris		St Pier, Gavin	Snowdon, Alexander	Burford, Yvonne
Bury, Tina				Ferbrache, Peter
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tocq, Jonathan				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

2700 **The Bailiff:** So in respect of Amendment 4, proposed by Deputy Bury, seconded by Deputy Oliver, there voted in favour 32 Members; 1 Member voted against; 2 Members abstained; the same 5 Members did not participate in the vote.

And, therefore, I will declare that amendment duly carried. We can stick with the numbering. So we have got a 5(a), and a 6 that have been added to the five Propositions, the fifth of which was substituted by Amendment 1. And we get to the general debate.

2705 Deputy Gollop.

Deputy Gollop: I want to speak before somebody 26(1)s us or whatever it is. Yeah. Because it seems we are in a busy, quick mood today. And I think that I will come back to the amendments as they are now new Propositions in a tick.

2710 But this General Election 2025 policy letter is more significant than it seems. We focused on certain aspects of it from the law point of view and the rolling elections. But it includes many other things. I support all of it. Yes, I was in a minority, maybe, on the margin required to trigger a recount, because I do think 50 votes is comparatively small. Some people in the UK claim recounts when there are several hundred, and our constituencies, effectively, are about the size of the smaller ones

2715 in terms of the thousands of votes. But that is the way we got, because we have trust in the electronic machines. When they were counted manually, at great expense by the public servants and the legal people, we found that the accuracy was amazing.

So I think, too, that a significant point, as Deputy Meerveld pointed out, is the campaigning period will be earlier. So all candidates and all parties and or groupings should be aware of that.

2720 And we are being, nobody has commented on this, but in the past it was a matter of great

controversy about electoral expenses. That people were perhaps discreet, they were reluctant. There was speculation that some candidates many years ago overspent themselves. There was one conviction for an unsuccessful candidate on a relatively minor issue. But it was mentioned in the Harbord Commission, I remember. It was one of their points that never came of an electoral commission that was to look at this.

2725

But finally, Deputy Meerveld's SACC has grasped the nettle here, and will require, should the Reform Law, well, we are voting to amend:

To add provisions requiring all candidates and parties to agree to the publishing of their electoral expenditure returns by the States. And imposing on the duty on the States, as returning officer, to publish all returns.

2730

Now, that could make interesting reading, because historically some candidates have been in the trade and others not. Some were able to produce in-house or not. Some perhaps had help from families or associates and others did not. And some people negotiate better deals than others. And some of us would be given a tender price and then would go up, mysteriously, a week later. So it was not easy. But we are moving forward on that, and I hope Members support all of those points.

2735

On the amended Propositions we have just passed, you can see I voted for them, because I am aware that there has been significant comment in the States today and we must listen and apply the views.

2740

Deputy Bury, I am sure, has a point that the basic disclosure is not particularly onerous. But in a way, it will be better than what we currently got, because we have not even got that in the system. But her other argument that she tried to find, where politicians fit or could be applied to parochial candidates as well. Probably should. Or fit into this network of people in the finance sector and judges and people who work with vulnerable people and so on. I think the reason politicians are not there, but we would need SACC to look at this more carefully, is politicians, generally, have not been covered in this legislation, because there are certain difficulties.

2745

Now, Deputy Mahoney quickly answered one of my challenges which was the time it would take. He said that his rugby coaches invariably got a positive response back in two or three weeks. Now, I have heard in the past, certain charities and Civil Service Departments say, 'Oh, we would be really slow in recruiting this person because we have had to have all these checks. It has taken ages to come back'. Well, maybe there is more than one side to that. That has to be borne in mind. And I do agree with Deputy Roffey that what may come out of it will be difficult.

2750

Deputy Roffey alluded to, maybe, politicians long past who had misdemeanours in their youth, shall we say. That is an issue, because if we want to encourage diverse candidates, we have got to be clear what an enhanced check would reveal and who would veto it or publish it. Because there – Well, I think there are more than two, actually. But how do you process a political candidate with the kind of issues Deputy Roffey referred to? And I think that is a matter for SACC to look at carefully, too.

2755

Now, I have recently inherited or, well not inherited, but got a bigger workload on Policy & Resources. And like other people, I am anxious to get on with the Machinery of Government. And I realised, given the extraordinary interest in the last few weeks, in the desire for Committee for candidates to come from the floor to stand for seats like yesterday. And the interest in SACC and the voluntary people are saying, 'We want to get this done. We want SACC to do more work and we will help that'. The time has come for me, sadly, to retire from SACC and put in my resignation to you, sir, and allow somebody to take on the role, because I think that might be easier, given the complexity. But I will want to assist SACC, wherever possible, in election inductions and other work streams.

2765

Thank you.

2770

The Bailiff: Well, as I do not see any other Member rising to speak in general debate ... Oh, Deputy Queripel.

Deputy Queripel: Sir, I rise merely because I did ask some questions of Deputy Prow when I made my speech on his amendment earlier. And I think he must have forgotten to answer them when he responded. So I would like to ask them again now, because it is extremely relevant to this debate.

2775 Bearing in mind Proposition 5 asks us to exclude people, the question I asked regarding that was, 'Where does inclusion end and where does exclusion begin? Who decides that and what criteria do they use to come to that conclusion?'

And I did ask the question about rehabilitation. 'Are any offenders currently refused access to rehabilitation?' 'If they are, what criteria is employed to come to that conclusion?' So, hopefully, Deputy Prow would –

2780 I am quite willing to give way if he wants to speak. I will give way, sir.

Deputy Prow: I thank Deputy Queripel for giving way. And I apologise for not referring specifically to his question, but I think, in my answer, what I said is, some of those questions would be better directed at the SAC Committee.

2785 On the question of rehabilitation of offenders, the Rehabilitation of Offenders Law 2002 is on the Statute. And I think that is a matter I would suggest that SACC do take notice of that legislation and certainly do consider how it may impact in discharging the Resolutions, should they now be passed.

2790 On the question of rehabilitation, I agree with him, that this is a very important aspect, particularly the Committee *for* Home Affairs, but I think that applies generally to anybody who has offended and gets convicted of offences. And all I would say is, I would praise our probation service and, indeed, the prison staff and the offender management programmes which are considerable.

2795 And I perhaps would take this opportunity to endorse the work that they do and give them praise for doing it. I think we have an outstanding probation service on this Island. And we have an outstanding prison service which puts education absolutely at the forefront of what they do.

So I hope that does answer Deputy Queripel's question. And I would, again, really ask SACC, and I am sure they have, to have listened to the very long debate that we had and take all of these points. And, certainly, rehabilitation of offenders and the work that is done there, is a point to be recognised.

2800 Thank you, sir.

Deputy Queripel: Sir, I thank Deputy Prow for that. That is very helpful. I am very grateful for that.

2805 That is all I have got to say, sir. Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

2810 I will be brief. I intend to be less than five minutes. I thank SACC for bringing this letter. And I think that it clarifies a lot of points. Obviously, there has been a lot of discussion about the idea of disclosure and DBS checks and things like that. I think they are worth looking at. But I just wanted to echo what people had said, including Deputy Prow, about things like rehabilitation. Because it covers a couple of different things, as well as for the individual, for people who had committed historic crimes and have since had them spent. It also does, to some extent, cover just the changes in attitudes to what things are considered as crimes.

2815 So I was looking at Alan Turing in 1954 who was committed of a crime of gross indecency which has since received a Royal Pardon, posthumously. But that was basically a conviction for homosexuality which, of course, we would not have now. And so those sorts of crimes as well as the geographic thing. A lot of countries prosecute people for crimes that we would not consider crimes here. Also in the past, there have been things that we have moved on from that you would not really want to be dragging up if you had no time limits or no rehabilitation.

2825 But also just briefly, to say that, even if you do have all these disclosure things, you can have all
sorts of issues that – Having a clean record does not mean that somebody is ... you still have to
trust in the power of the free press to investigate people and what they are like and people to use
their judgement and discretion. And the case that I was thinking about was the US Congressman,
Jorge Santos, who I do not think did have any convictions when he was elected, but was
2830 subsequently found to have lied about his Wall Street career, his college degrees, having Jewish
ancestry and also had a range of fabrications, scamming Amish dog breeders in Pennsylvania and
claiming his mother had died in 9/11. And it eventually ended up with him being charged with 23
felonies, including wire fraud, money laundering, theft of public funds. You know, having a clean
record does not – People still do need to use their discretion and assess people as candidates. It is
not a simple case of the tick in the box means that everything will be all okay.

So notwithstanding those, I will be supporting the policy.

2835 Thank you, sir.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

2840 I will be brief, but I just like to, when summing up, if Deputy Meerveld could answer a couple of
questions. Well, perhaps, the first one is around Proposition 2, campaigning. We have extended it
to six weeks before rather than the four days as we have had previously. But exactly what is
campaigning and I know it starts at six weeks, as I said, but is it defined or is it just, in general,
advertising or posters? Or is it flag-waving in the street or whatever? Shouting from the rooftops?

2845 The other point I did not get to make in Amendment 4, because we were cut short by the 26(1):
the DBS, Disclosure and Barring Service, standard or enhanced check, to my mind, yes, they are a
very good tool and I am glad that we have all voted for them, or a majority have, and that they are
now going to be looked at. But to me, it is not necessarily proof of a good character. The DBS check
is only as good as the day it is presented. A Member can go on, or a prospective candidate can go
2850 on, and commit any sort of misdemeanour after that which is not then captured. But that said, if
you are going to be applying –

Perhaps I will give way to Deputy Oliver.

Deputy Oliver: Thank you.

2855 Talking about our character, I think that is more for the electorate to decide. It is the bit before,
the criminality and everything, that is the bit you want to check, not what their character is like,
because that is for the electorate.

Deputy Gabriel: Thank you. I agree, and I was moving on to that.

2860 So the DBS is, as you say, a check of criminality. It does not prove good character, but it is a
good barometer of whether someone is of good character or not. Because they are not necessarily
likely to apply for a DBS check if they know they have got a chequered history or chequered past
which is going to bring something up like that.

2865 So that is all I have got to say on the matter. But I thank SACC for bringing it and I will be
supporting it.

Thank you.

The Bailiff: Deputy Haskins.

2870 **Deputy Haskins:** Thank you, sir.

I would like to ask the President, in summing up, if he could indicate to us verbally what the Rule
4(1)(a) information is. I appreciate that, in the policy letter, I think what has happened is that letters
(b), (c) and (d) have been included, but not (a). So I would like that to be verbalised.

Thank you.

2875 **The Bailiff:** Deputy de Lisle, what has happened to your jacket? (*Laughter*) It sounds like a pantomime moment, but if you slip it on, I will call you to speak.

Deputy de Lisle. Yes, Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

2880 I had asked Deputy Prow a question with regard to the Jersey legislation. And it was a point in a 5.9, where, in fact, the Jersey legislation deviates from ours in that imprisonment for a period of not less than three months rather than six months. So my question was: what reasons were given in the deliberations of the Department in not tightening the legislation further to three months?

2885 **Deputy Prow:** I thank Deputy de Lisle for giving way.

In the very helpful advice we had from His Majesty's Procureur, the comparisons between the Crown Dependencies and the UK was all set out. But the amendment which is now the Resolution that we are going to vote on, simply maintains the *status quo*. That is to say that Article 8(e) will remain in place.

2890 So the arrangements that have held us in good stead for many elections remain in place and that is fixed at six months. But the point that I would make from Deputy de Lisle's observation is that ours is a more liberal regime than our sister Island. And in the now Resolution, what we are asking the States to decide is that we retain Article 8(e) which is the six month threshold.

Thank you, sir.

2895

The Bailiff: I do not see any other Member rising to speak in general debate on these Propositions. So I will turn to the President, Deputy Meerveld, to reply to the debate, please.

Deputy Meerveld: Thank you, sir.

2900 Remarkably short, the general debate. I am very happy.

Just going to Deputy Gabriel's question about campaigning, it is about expenses. So standing on a street corner with a placard on your chest saying, 'Please elect me in a month or two's time', as long as you – You would have to put the cost of that placard onto your expenses if it is within the six weeks. You have to declare it.

2905 What we are trying to avoid with this change is potential abuse of individuals or groups spending beyond their limits in close proximity to an election, but before they are actually declared as a candidate. If your intention is to stand, then they have to know that any money they spent in advance, that is directly related to the election campaign and promoting themselves as a candidate or as a group, a party, then that would have to be included in their expenses when they made their declaration, and it would have to be within the limits.

2910 Deputy Prow, absolutely, pick up on the points that you raised about the DBS checks, etc. And I commend the policy letter. I am, as I say, happy with the amendments that have gone through and look forward to coming back to the Assembly with greater clarity and detail and recommendations regarding how we can tighten up the declarations to ensure that the public have all the relevant information to base their decisions upon.

2915

Thank you, sir.

The Bailiff: Well, Members of the States, I have had an indication that Proposition 5 should be taken discreetly. That is the one that has been substituted by Amendment 1.

2920 I was going to take Propositions 5A, and 6 together. But Madam Procureur, one of the things that Deputy Meerveld raised in opening is that under the terms of the Reform Law, and I think it is Article 3, paragraph 4, there is the need for two thirds of the Members present to be able to support a matter for it to be deemed to be carried. Otherwise, it falls into that proviso, meaning that there could be something happening over the next seven days if seven Members wanted it to be deferred so that those Propositions would not be carried if there were not two thirds of the Members present and voting. And I will come to Deputy Ferbrache in a moment.

2925

Am I right in thinking that it is Proposition 1 but not Proposition 2, because that is an agreement that is prospective rather than amending the law? Proposition 3, Proposition 4 and Proposition 5 that would be covered by that requirement in Article 3, paragraph 4?

2930

The Procureur: Sir, I would agree with that analysis. Yes.

The Bailiff: So on that basis, Members of the States, does anyone want to vote differently on any of Propositions 1, 2, 3 and 4? Because if not, then I will take Propositions 1, 2, 3 and 4 together, even though the supermajority is not needed for Proposition 2 to carry. I do not see anyone making that request.

2935

Now, Deputy Ferbrache, is it your wish to be relevé?

Deputy Ferbrache: Yes, I apologise for being late. Could I be relevé?

2940

The Bailiff: Of course you can. Just in the nick of time to vote on the debates that you have not heard! (*Laughter*)

So what I am going to do, Members of the States, is I am going to take Propositions 1 to 4, inclusive, as a composite vote. We will see how many people vote for it and whether Article 3 paragraph 4 is engaged.

2945

And I will invite the Greffier to open the voting on Propositions 1 to 4, inclusive.

There was a recorded vote.

2950

Propositions 1-4

Carried – Pour 35, Contre 0, Ne vote pas 0, Did not vote 3, Absent 2

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Dudley-Owen, Andrea	Brouard, Al
Blin, Chris			Roberts, Steve	Burford, Yvonne
Bury, Tina			Snowdon, Alexander	
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
St Pier, Gavin				

Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

2955 **The Bailiff:** So in relation to Propositions 1 to 4, there voted in favour 35 Members; no Member voted against; no Member abstained; 5 Members did not participate in the vote. And, therefore, I would declare all four Propositions carried, but, more particularly, Propositions 1, 3 and 4 have met the required supermajority by virtue of Article 3 paragraph 4 of the Reform Law.

2960 We will have a discreet vote next on Proposition 5 on its own, please, Greffier. This is the one that was substituted by the successful Amendment 1. And I will invite the Greffier to open the voting, please.

There was a recorded vote.

Proposition 5

2965 *Carried – Pour 29, Contre 5, Ne vote pas 1, Did not vote 3, Absent 2*

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Cameron, Andy	De Sausmarez, Lindsay	Dudley-Owen, Andrea	Brouard, Al
Blin, Chris	Leadbeater, Marc		Roberts, Steve	Burford, Yvonne
Bury, Tina	Parkinson, Charles		Snowdon, Alexander	
De Lisle, David	Roffey, Peter			
Dyke, John	Trott, Lyndon			
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Prow, Robert				
Queripel, Lester				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Vermeulen, Simon				

2970 **The Bailiff:** And there voted on Proposition 5, in favour, 29 Members; 5 Members voted against; 1 Member abstained; 5 Members did not participate in the vote. And, therefore, I would declare Proposition 5 duly carried. And according to my basic arithmetic, I think it has got a two thirds majority of the number that were voting. So it does not have to come back in any shape or form. And I am going to take Propositions 5A and 6 which were inserted by the successful Amendments 3 and 4 together. Unless anyone wants discrete votes on either of them.

2975 No. In that case, I will invite the Greffier to open the voting on Propositions 5A and 6, please.

There was a recorded vote.

Propositions 5A and 6

Carried – Pour 34, Contre 0, Ne vote pas 1, Did not vote 3, Absent 2

2980

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	Leadbeater, Marc	Dudley-Owen, Andrea	Brouard, Al
Blin, Chris			Roberts, Steve	Burford, Yvonne
Bury, Tina			Snowdon, Alexander	
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

The Bailiff: And in respect of Propositions 5A and 6, there voted in favour 34 Members; no Member voted against; 1 Member abstained; 5 Members did not participate in the vote. And, therefore, I would declare both of those Propositions duly carried which means that all seven Propositions, as the Propositions were amended, have been carried.

2985

And we will move to the next item of business, please, Greffier.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

**3. Code of Conduct for Members of the States of Deliberation –
Appeals Process –
Propositions carried**

Article 3.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Code of Conduct for Members of the States of Deliberation – appeals process" dated 25th October 2023, they are of the opinion:-

1. To approve the draft Ordinance entitled 'The Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2023', as set out in Appendix 2 to the Policy Letter, and to direct that the same shall have effect as an Ordinance of the States.

2. To amend the "Code of Conduct for Members of the States of Deliberation" as detailed in section 7 of this policy letter 'Amendments to the Code of Conduct for Members of the States of Deliberation', and Appendix 4.

3. To direct the Policy & Resources Committee as part of the 'Reshaping Government' workstream to give consideration as to which political body would be appropriate to oversee the conduct of States' Members.

4. To direct the States' Assembly & Constitution Committee to review the following sections of the "Code of Conduct for Members of the States of Deliberation" and return with a policy letter by the end of this political term with the results of that review:

- PART III Absolute Privilege for States Proceedings*
- PART IV Investigation of Allegations of Abuse of Privilege*

The States' Greffier: Article 3, States' Assembly & Constitution Committee – Code of Conduct for Members of the States of Deliberation – appeals process.

2990

The Bailiff: And I will invite the President of the Committee, Deputy Meerveld, to open debate, please.

Deputy Meerveld: Thank you, sir.

2995

On 24th May last year, the States considered a policy letter, seeking their approval of the appointment of Dr McCulloch as Commissioner for Standards and to agree changes to the Code of Conduct for Members of the States of Deliberation to review the new arrangements. The Committee had recommended the appeals process, that existed in Jersey and in most other jurisdictions, would be replicated in Guernsey, where the appeals will be heard by the SAC Committee. However, during the course of the May debate, it became apparent that Members were uncomfortable with the loss of a formal Right of Appeal and uncomfortable with the Committee adopting the role of a Standards Committee.

3000

An amendment was lodged and approved by the Assembly, which directed the Committee to consult with the Commissioner and to revert to the States on or before October 2023, where the policy letter setting out our recommendations for the inclusion in the Code of Conduct of an appeals process against decisions of the Commissioner. The Committee apologised to the States for missing the deadline set, but hopes that Members appreciate the thoroughness that it applied to coming up with an appropriate solution.

3005

Section 4(a) of the policy letter, consideration of potential appeals options sets out the proposals for an appeals mechanism. Section 4(b) sets out the proposals for the hearings of appeals. In this section, the Committee explains why it included the most appropriate approach for the hearing of appeals is for a second or Deputy Commissioner for Standards to be appointed. In order to enable this appointment, Proposition 1 recommends that the States approve the draft ordinance entitled,

3010

3015 The Reform Guernsey Law 1948 Amendment Ordinance 2023, as set out in the Appendix 2, and to direct that the same shall have effects as an Ordinance of the States.

The Committee is grateful for the contributions of the Commissioner for Standards, with her submissions being published as an appendix to the Policy Letter. Appendix 1, Appeal Mechanism. Options for Guernsey. Appendix 5, Suggested Amendments to the Guernsey Code of Conduct Commissioner for Standards.

3020 Proposition 2 recommends amendments to the text of the Code of Conduct for Members of the States of Deliberation, taking into account various suggestions made by the Commissioner for Standards. The Committee considered whether a specific Committee should be created to mirror that of the Privileges and Procedures Committee, who have an enforcement role in the conduct of States' Members, whereas the Committee simply has a role of advising the States and developing
3025 and implementing policies in relation to conduct. The Committee believes it is premature in advance of the ongoing Reshaping Government Workstream to propose a separate Committee is set up. It would encourage the Policy & Resources Committee's Reshaping Government subcommittee to consider whether, in advance of the General Election in 2025, the Committee should have its mandate broadened to align with the PPCs in Jersey, or a separate dedicated Standards Committee
3030 should be created.

Proposition 3 directed Policy & Resources Committee to give consideration of who would be the appropriate political body to oversee the conduct of States' Members. Proposition 4 directs the Committee to Review Absolute Privilege and submit the policy letter on the matter to States by the end of the political term. Further to the September 2023 States' Meeting, the Committee believe
3035 that it is an opportune time to review absolute privilege. The terms of reference for whether the Review was agreed by the Committee at its November meeting and work will commence in January to form a subcommittee to progress the Review. The Committee will be seeking expressions of interest from all Members to join the subcommittee.

Given the narrow grounds of appeal that the Committee is proposing in the ordinance and on the basis of only two appeals have been submitted since the appeals mechanism was introduced in
3040 August 2020, the cost of hearing appeals is estimated to be a small annual sum of £3,000. The Committee is in the process of finalising a draft policy letter and Propositions entitled, The Code of Conduct for Members of the States of Deliberation: Extant Appeal, to deal with the one extant appeal lodged against a decision in the States' Members Conduct Panel. It aims to submit it to the States' Greffier for publication in February.
3045

In closing, I am grateful to Deputy St Pier in advance of him being elected to the Committee. Now, having already been elected, for raising an issue that is contained in Appendix 1, page 7, final bullet point, where the Commissioner recommends that:

There should be clarity on whether the appellate body must publish the Commissioner's Investigative Report, irrespective of whether it agrees or disagrees with the Commission's conclusions and recommendations.

Given it is commonplace in the Northern Ireland Assembly, the House of Commons and the
3050 House of Lords for the publication of the Commissioner for Standards Investigation Report, irrespective of whether it agrees or disagrees with the Commissioner's conclusions and recommendations, the Committee has agreed a policy that the Commissioner's Report is appended to the Commissioner for Standards Appeal Report, published on the Committee's website.

I look forward to debate and answering any questions that are posed to the Committee.

3055 Thank you, sir.

The Bailiff: Well, if nobody wishes to speak in debate on this matter.
Deputy St Pier.

3060 **Deputy St Pier:** Thank you, sir.

I would like to congratulate and thank the President, Committee and officers for this policy letter. It is a model of simple language and clarity. And it walks the reader through the proposals and their

rationale. I do not seek and cannot take any credit for any of it, as, of course, as the President says, the policy letter predates my election to the Committee. And I would also like to thank the President for acknowledging, in his opening speech, the matter that I did raise with the Committee again before my election and his confirmation that the Committee have clarified and adopted a policy that the Commissioner's Reports will be appended to Appeal Reports.

I wish to draw Members' attention to only one other point. In paragraphs 7.4 to 7.8, the Committee have prepared a section entitled, 'Oversight of Conduct in the State of Deliberation'. It is noted at paragraph 7.4 that Rule 8 already prescribes that the conduct in Meetings of the States of Deliberation is, and of course, always has been, a matter for the Presiding Officer. And a further note at paragraph 7.7 that:

... complainants should be aware of Rule 8 and that conduct in the Meetings of the States of Deliberation is a matter for the Presiding Officer and direct their complaints about States' Members conduct to the Presiding Officer.

And they go on to note at paragraph 7.8 that the:

... Committee has concluded that there is some scope for misinterpretation and therefore proposes that additional sections are inserted ...

And they are, indeed, set out in that paragraph.

Sir, I draw attention to this clarification, not least because I have an interest in it, which I ought to declare. It is a matter, of course, of public record and well-reported in the media and public domain, that in 2022, I was the subject of three complaints under the Code of Conduct from Doctor Bowen, the Medical Specialist Group and the British Medical Association. It has been my contention that these complaints were misdirected to the Code of Conduct Panel as then existed, because the conduct was in this Assembly and, therefore, outside the scope of the code. So I am pleased, therefore, that the Committee have acknowledged the scope for misunderstanding and addressed it accordingly.

This is, in any event, merely a restatement of what is now in the Reform Law which provides:

The Commissioner shall not investigate a complaint which is from a person who is not a Member of the States, regarding words spoken by or actions of an elected Member during a meeting of the States.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: I am sorry if it was a bit of a shock, but I intimated that the time has come for me, I think, to move on from SACC, if only because you can get jaded if you are on a Committee for a while. And I am a bit of a political anorak and I live and breathe and think these things and do not necessarily see it with the fresh eyes that other Members do.

I will give an example. When we sat on the Committee and the Report went to the States last spring, I thought we had covered the bases, frankly, in effectively having no appeals process. But the appeals process was effectively to the Committee, because that, in reality, mirrored what goes on in Jersey as a parliamentary process and was normative. But we found in Guernsey, there was pushback to that. And now we have refined the Code of Conduct in many ways and have a Deputy Commissioner.

I still know of people who are very interested in politics who would argue, probably passionately, that we would be better still with a panel rather than a Deputy Commissioner. But we have decided to go in a separate way. But perhaps we are trying to have the penny and the bun, because, of course, one of the Propositions calls for Policy & Resources, as part of the Machinery of Government. Hence, a bit of a conflict of interest there, to look at whether we need a new Standards Committee. Now, that opens a whole new can of worms about whether we have politicians on that, senior Assembly Members, longer serving Members and more of a cross-section, maybe senior

3110 members from the community. Somebody suggested Jurat. And all of them have pros and cons. And I think we have done enough work now on this, but we will just have to see how it comes.

And Deputy St Pier, in a very focused speech, identified, certainly, an issue I grappled with on the Privileges panel and as a Member of the Assembly, that there was a little bit of unclarity about what was said in this Chamber, whether it was part of a potential for a Code of Conduct.

3115 Now, I think this clarifies the position. Although, I think it is still within the ambit of the Presiding Officer to refer a matter to the Commissioner for Standards. But that, for example, was one area that lacked depth. How we would cope if an acting Presiding Officer was in the chair. Well, the Rules would be the same, but perhaps the implementation of them would be more challenging for somebody like myself. But nevertheless, those are the Rules.

3120 The other point that comes out of this is, I think, we on SACC, we have been five guys, 50-something-ish. And we possibly need to have more diversity. But then that might apply to panels as well. And I think we have had a conversation going on, in the last few months, that behavioural standards and conduct could be improved and that, perhaps, will be the next stage of this process, to improve the way we relate to each other, not just in the Chamber, which is usually pretty good, but in Committees and elsewhere.

3125 But I very much support this workstream and know that the Committee have worked really hard on this and the officers, too.

The Bailiff: Deputy Oliver.

3130 **Deputy Oliver:** Thank you, sir.

It is not quite covered in the policy letter, but it is to do with the Code of Conduct and the appeals process. And I do know that we have had somebody that has not given their correct name to ask for a Code of Conduct to happen. And they will apply for the appeal process as well. I was just wondering if there is anything that SACC is doing apart from this to actually look into that
3135 further and to see if there will be any help or this policy letter could actually help with that?

The Bailiff: Deputy Queripel.

3140 **Deputy Queripel:** Sir, I merely rise to say that, obviously, I was involved in this. I was Vice-President at the time. And Deputy Meerveld has already apologised for taking longer than we should have done, SACC should have done, to getting this back in front of the States. But it was a really complex piece of work. And it took a lot of Committee and staff involvement to get to what we thought was right.

3145 Deputy Gollop has also praised the staff in his speech. It was certainly a learning curve for me and it was very interesting being involved in this whole piece of work. But I cannot emphasise enough that the staff made monumental efforts in helping us with this. Sir, I do want to put on record my gratitude for this staff and, of course, Dr McCullough. I cannot believe the amount of emails that were sent backwards and forwards on this whole issue. We were getting emails long into the night and even on the weekend to resolve this. So it was a complex piece of work, a real
3150 learning curve.

But in closing, it was a privilege to be involved in this work. It is probably the most complex piece of work, or one of the most complex pieces of work, I have ever been involved in as a States' Member.

Thank you, sir.

3155

The Bailiff: Deputy Haskins.

Deputy Haskins: Sir, just a very minor typo, but it relates to Rule 4, again, sir. Perhaps I raise it only because I was disappointed that the President chose not to answer my previous question on

3160 Rule 4. But either way, sir, I will just take this opportunity to highlight that the second Rule 4.1(a) should actually be Rule 4(1)(d).

Thanks.

3165 **The Bailiff:** Well, as there is no other Member rising to speak in debate on this matter and these 4 Propositions, I will turn back to the President, Deputy Meerveld, to reply to the short debate, please.

Deputy Meerveld: Thank you, sir.

3170 I am very glad that I do not have to inflict my voice on the Assembly too much more today. Yes, a general, I think, agreement with that.

Just to respond to a Deputy Oliver. There is already, in the Rules, a requirement for people to give their correct name. So yes. It is something that the Commissioner for Standards has picked up on and it will be taken into consideration if any complaints are done. I would have to look up where it is in the Rules and get back to you specifically on that.

3175 Other than that, I thank Deputy Gollop for his service. And SACC will issue a formal invitation for expressions of interest. Although, I have already received one. And I commend the policy letter to the States. And I am hoping, fingers crossed, we can get business finished today if we get past this.

Thank you, sir.

3180 **The Bailiff:** Members of the States, there are 4 Propositions. Is there any request that any of them be voted on separately? In that case, I will put all 4 Propositions to you at the same time. And ask that the Greffier opens the voting.

Deputy Kazantseva-Miller: Sir, could we take Proposition 4 separately, please?

3185 **The Bailiff:** Proposition 4. Alright, well we will take Proposition 4 separately. Any other requests? In that case, we will move to Propositions 1 to 3, inclusive. Will you now, please, open the voting on Propositions 1 to 3 for me, Greffier?

3190 *There was a recorded vote.*

Propositions 1-3

Carried – Pour 36, Contre 0, Ne vote pas 0, Did not vote 2, Absent 2

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Roberts, Steve	Brouard, Al
Blin, Chris			Snowdon, Alexander	Burford, Yvonne
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				

Mahoney, David
 Matthews, Aidan
 McKenna, Liam
 Meerveld, Carl
 Moakes, Nick
 Murray, Bob
 Oliver, Victoria
 Parkinson, Charles
 Prow, Robert
 Queripel, Lester
 Roffey, Peter
 Soulsby, Heidi
 St Pier, Gavin
 Taylor, Andrew
 Trott, Lyndon
 Vermeulen, Simon

3195

The Bailiff: And there voted in respect of Propositions 1 to 3; in favour 36 Members; 0 Members voted against; 0 Members abstained; 4 Members did not participate in the vote. And, therefore, I will declare Propositions 1 to 3 duly carried.

3200

Deputy Trott: Sir, did you say 36 Members in favour, because there are at least three absentees?

3205

The Bailiff: I did, but, unfortunately, Greffier has already removed the voting record for me. There were 36 Members in favour, no Member voted against, no Member abstained and 4 Members did not participate. So no, that is fine. Do not worry, Greffier. I was right. You are not admitting, Deputy Trott, that you were wrong. *(Laughter)*

Deputy Soulsby: There is the first time for everything.

3210

Deputy Trott: On the grounds that it does not happen very often, sir. Yes.

The Bailiff: Alright.

Now we will take a separate vote on Proposition 4. And will you open the voting on Proposition 4, please, Greffier.

3215

There was a recorded vote.

Proposition 4

Carried – Pour 31, Contre 5, Ne vote pas 0, Did not vote 2, Absent 2

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Inder, Neil	None	Roberts, Steve	Brouard, Al
Blin, Chris	Kazantseva-Miller, Sasha		Snowdon, Alexander	Burford, Yvonne
Bury, Tina	Parkinson, Charles			
Cameron, Andy	Roffey, Peter			
De Lisle, David	Taylor, Andrew			
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Le Tissier, Chris				
Le Tocq, Jonathan				

Leadbeater, Marc
Mahoney, David
Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Moakes, Nick
Murray, Bob
Oliver, Victoria
Prow, Robert
Queripel, Lester
Soulsby, Heidi
St Pier, Gavin
Trott, Lyndon
Vermeulen, Simon

3220 **The Bailiff:** So in respect of Proposition 4, there voted in favour 31 Members; 5 Members voted against; no Member abstained; 4 Members did not participate in the vote. And, therefore, I will declare Proposition 4 also duly carried.

COMMITTEE FOR HOME AFFAIRS

4. Guernsey Police Complaints Commission 2021 and 2022 – Annual Report – Proposition carried

Article 4.

To take note of the Report.

3225 **The States' Greffier:** Article 4, Committee *for* Home Affairs, Guernsey Police Complaints Commission 2021 and 2022 – Annual Report.

3230 **The Bailiff:** Now, Members of the States, this arises because of the successful motion to debate the Appendix Report proposed at the last Meeting, but the second stage was not reached. In accordance with Rule 20, paragraph 5, the Proposition is to take note of the Report. And I will invite the President, Deputy Prow, to open the debate.

Deputy Prow: Thank you, sir.

3235 In opening this debate, please, may I thank Deputy St Pier for bringing this motion for debate which highlights the very important work of the Police Complaints Commission. I also sincerely thank him for engaging with me, at some length, around the Report. It also gives me an opportunity to thank the Commission and their Chairman for the important work they do and for the very constructive way they engage with the Committee.

3240 As the President of the Committee *for* Home Affairs, I cannot speak for the Police Complaints Commission, which is an independent body, nor would it be appropriate for me to comment on the substance of the Report. However, I can advise the Assembly that the Committee meets with the Commission to discuss its Annual Report and, as said, as a positive and open relationship with the Commission. I am conscious that in debating this Report, the Commission is not afforded the right to reply. However, should any Member wish to meet with the Commission to discuss any aspect of the Report, I would be very happy to facilitate this.

3245 The only comment that I will make, is that in its Report, the Commission, quite rightly, highlights the lack of progress with the legislative changes to the Police Complaints Law. The Committee shares the Commission's frustration that this Review, which has long been on the Committee's and, indeed, the former Committee's to do list. However, I can assure both the Commission and the

3250 Assembly that, in the last month, the Committee has now agreed a plan to progress work on these proposals.

Thank you, sir.

The Bailiff: Deputy Leadbeater.

3255 **Deputy Leadbeater:** Thank you, sir.

The Reports of the Police Complaints Commission should be read in conjunction with those in favour of enforcement, where the Complaints statistics are found. Looking at the most recent Enforcement Reports, in particular, statistics operates media properties. The number of complaints about the police force received is disproportionately higher than that of any other business across
3260 the UK. And sadly, in recent years, that number has been continuing to grow. Attention was initially drawn to this by a social media post from a member of the public, highlighting the number of complaints our force receives compared to others. I found what I was reading quite alarming, so I thought I would look into the data myself and try and establish if what I was reading was in any way accurate.

3265 Firstly, I will read out the social media posts that I saw that drew my attention:

A big congratulations to the Guernsey Police. You are consistently the highest-ranking police force in England and Wales, the Channel Islands, Scotland and Northern Ireland. For the *n*th year running, you have once again come out on top as the police force with the most complaints per officer by a country mile (all data is taken from the publicly available police accounts and independent ombudsman. For example, the published findings of the Independent Office for Police Conduct lists all complaints per geographical police force in England and Wales.)

Twenty twenty-one saw 137 police complaints lodged with a staff of 131 police officers. A ratio of 1.05 complaints per officer. Compared to England and Wales police Force's data from 2019/2020, this statistic is roughly four times higher than the national average of 0.243 and over twice that of the worst police force, Lincolnshire, with 0.493. Jersey's figure was 0.53 and the Isle of Man was 0.24.

3270 After I read that, sir, I looked back at our Law Enforcement Annual Reports and cross-referenced our complaint stats with those published by the Independent Office for Police Conduct. And it does not paint a very good picture, unfortunately.

In 2019, there were, including the Head of Law Enforcement, 143 police officers and there were 71 complaints. Sir, about one complaint for every two officers. Not too dissimilar to that of Lincolnshire, the worst of the UK police forces. But, sir, then it starts to get even worse. In 2020, there were 145 police officers and 133 complaints. In 2021, there were 131 police officers and 137
3275 complaints. This was the alarming stat that the social media post drew my attention to, an average of 1.05 complaints for each police officer.

But then, sir, in 2022, we had a complement of 140 police officers and they received a total of 162 complaints between them. The ratio of complaints per officer has grown even further, to a staggering 1.16 complaints per officer, when the national average, in comparison, is a mere 0.243.

3280 Sir, let's return to the Police Complaints Commission Report that we are debating today and the Chairman's foreword:

In submitting this report, I acknowledge that it has been some two years since the last report, and this report covers the period 2021 and 2022. The Commission had limited interactions in 2021 due to the ongoing situation in relation to the Covid 19 Pandemic. A few complaints were overseen by the Commission and some appeals. The Commission has seen an increase in cases referred to it as a result of an adjustment in how the police assess the complaints received and we hope this has the effect of increasing public confidence in the system that is in place.

3285 Now, looking at the numbers, 162 complaints and only 13 referred to the PCC. I have no idea if that is comparable to other jurisdictions or not. I have no idea, but I just thought I would bring that out. Anyway, back to the foreword. It continues:

Progress has not been made ...

As Deputy Prow pointed out in the opening:

Progress has not been made on securing the legislative changes which the Commission has been anticipating. All stakeholders of this complaints process have acknowledged and agree that changes are necessary to make it fit for purpose and to re-assure members of the community that complaints about the conduct of police officers are dealt with fairly, confidentially and efficiently.

3290 Sir, one of the first things we are told by the Chairman of the PCC in his Report is that the process is not fit for purpose and no progress has been made to address that. I have no idea why our police force is the most complained about in the British Isles, but I am keen to understand that. I am sure others are, too. We hear so much about the optics for the international community of what we do in Guernsey and how we do it. Our reputation is precious to us, to ensure that we are seen as a safe and stable jurisdiction to live and do business in.

3295 Having a good Education system is important. Having a strong reputation for adherence to international standards is important. Having a first-class Health & Social Care system is absolutely a necessity for any jurisdiction to survive and thrive. And also, just as important, is having a fair and effective police force and judicial system. The fact that, annually, our Police Force now receives 3300 between four and five times more complaints than the national average. And heading towards three times that of the next worst-performing police force in the UK, Lincolnshire, it is clearly a concern for our international reputation. And also, of more concern to the members of our Island community.

3305 So I will have three questions for Deputy Prow. I think the last one has been answered. But my three questions were, does he find these statistics of concern? Does he believe, just as the Chairman of the PCC does, that the current police complaints process is not fit for purpose? And can he tell us where his Committee is in relation to updating the PCC Legislation?

The Bailiff: Deputy St Pier.

3310 **Deputy St Pier:** Thank you, sir.

I must emphasise that debating the Guernsey Police Complaints Commission Annual Report is not indicative of any lack of confidence in the Commissioners, the Chief of Police or the Police service. Indeed, the Commission can play an important role in reassuring the public that complaints about the Police are properly investigated. And I would like to echo the President's opening words and, indeed, in thanking him for his engagement on this, both at the time of the motion for debate and more recently.

3315 However, I must say, that the Commission's Report is disappointing in a number of respects. Firstly, the Law is quite clear. Section 15.4 of the Complaints Guernsey Law 2008, states that, 'Annual Reports should be prepared as soon as practicable'. And it should be noted, as Deputy Leadbeater has said, that this Report is, in fact, in respect of two years; 2021 and 2022. And I do not think it can be said that delivering a report to the States in respect of 2021, in the final quarter of 2023, as happened in this case, is, indeed, a proper discharge of that section. Particularly when, in any event, the content is so light. All we have is a cover page followed by a half-page foreword from the Chairman, a page summarising the role of the Commission, leaving only three-quarters of a page actually reporting on 2021 and 2022.

3320 Secondly, and Deputy Leadbeater has touched on this, the limitations of the Law are also clearly frustrating the Commissioners. Section 8.4 of the Law provides that:

The Commissioner's role is limited to stating whether or not they are satisfied with the process. The Commission are not permitted to say whether they disagree or agree with the conclusion of an investigation.

3330 And the Report actually refers to this on page 3. So it is an entirely passive role that investigations are directed and controlled by the investigators who are police officers themselves, not by the

Commissioners who only have limited powers under section 10.3 to proffer disciplinary charges themselves in very limited circumstances.

3335 If an investigation concludes, for example, as they have, that management action is taken, the Commission have no visibility of what that action is. For all they know, it might be a very serious and career-limiting action for the officer concerned. Or it might merely be a slap on the wrist. They can, therefore, have no view on whether or not it is appropriate, given the conduct.

3340 So the public, I think, are reasonably entitled to expect, but cannot receive more transparent statements from the Commission on how decisions are made. Instead, they just receive a bland and rather empty conclusion that the Commission are either satisfied or not satisfied with the process.

Now, the Commissioners, themselves, are clearly frustrated at the pace of delivering the reforms that everyone seems to agree are needed. The Chairman says on page 2 of the Report:

Progress has not been made on securing the legislative changes which the Commission has been anticipating. All stakeholders of this complaints process have acknowledged and agreed that changes are necessary to make it fit for purpose and to re-assure members of the community that complaints about the conduct of police officers are dealt with fairly, confidentially and efficiently.

3345

And on page 5 of the Report, the Commissioners say:

We continue to believe that there is scope for enhancing the Commission's responsibility to better support the original objectives of the police complaints process; that is to ensure public confidence in the complaints process and the Force in general.

3350 Aside from the Commissioners' own concerns, it is also worth noting that since the 2008 Law, the Guernsey Border Agency has been brought within Bailiwick Law Enforcement. Some border agencies staff, may in certain situations, act with police powers, but when doing so are not subject, as I understand it, to oversight by the Commission. But instead, will be subject to Civil Service regulations. Now that distinction will be little understood by the public engaging with those individuals. And there needs to be some alignment in the oversight of the complaints process that now reflects the current organisational change and structure of Bailiwick Law Enforcement since 2008.

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The politicians on the Committee *for* Home Affairs ought also to be taken out, in my view, taken out of their role, as the appropriate authority, when overseeing complaints against the most senior officers. It simply no longer appropriate.

3360 Now, resources are, once again, cited as a reason for the slow pace of progress in reform. Accepting that as a limitation, does put at risk public confidence in the Police service and is a failure on our part, collectively, to ensure proper accountability.

So, I think, I certainly welcome Deputy Leadbeater's careful analysis of complaints. And I have got nothing to add to that, having not done the work he has undertaken. But I welcome that.

3365 I think this debate is an opportunity to shine a light on the accountability of this important area. As I said at the outset, there is not criticism of the parties involved, but I think we do need to acknowledge, as the Report does itself, that the slow pace of reform which is deemed necessary and is agreed necessary by all, including the Committee, is frankly unacceptable. And we need to find a way to crack on with that in order to address the weaknesses which have been identified since the law has been in place since 2008.

3370

Thank you, sir.

The Bailiff: Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

3375 Just briefly. Just picking up. I have not done the analysis that, clearly, Deputy Leadbeater has done. But I have a question for Deputy Prow which I am sure he will be able to clarify. Presumably, when you start comparing numbers, especially down to that *n*th degree, you must always have to be wary when you are dealing in small numbers, as we are with the Guernsey Police Force.

3380 So could he confirm, and it must surely be the case, that in any jurisdiction with a small number
of police officers, each complaint can have a disproportionate effect on the overall complaints ratio.
I will give way to Deputy Leadbeater.

3385 **Deputy Leadbeater:** Sir, I thank Deputy Mahoney for giving way. And I fully appreciate the point
he is making. And I think that might have some bearing on the figures. And I am not being critical
of the Guernsey and Bailiwick of Law Enforcement here at all. I am just trying to understand. But if
we look at the complaints for other Island jurisdictions. Apologies. I have just closed my speech. We
have got Jersey is 0.53 and the Isle of Man is 0.24. Considerably lower than us. So I think there needs
to be some answers there.

3390 Thank you.

Deputy Mahoney: Understood. I thank Deputy Leadbeater for his interjection.

My point, though, as I was just wrapping up, anyway. Is it the case in Guernsey, obviously, no
names, no patrol, that a couple of, all it would take is for a couple of vexatious complainants to pop
up and constantly criticise every police officer they come across to suddenly bump that number up
3395 heavily. Now, that does not matter if it is Lincolnshire or Herefordshire or whatever. But when you
start getting to a small Island force ... So is it the case that Guernsey may be suffering from a few
vexatious complainants? In which case, that would heavily skew the numbers.

Thank you, sir.

3400 **The Bailiff:** Well, as no other Member is rising, I will turn back to the President to reply to that
debate, please.

3405 **Deputy Prow:** Thank you, sir. And I thank all three Deputies for their contribution to the debate.
I will deal with them in in order. It would, perhaps, have been useful if I had had the same level of
conversation and discussion with Deputy Leadbeater as I have with Deputy St Pier, particularly as
Deputy Leadbeater sat on the previous last term's Home Affairs. In fact, was Vice-President of Home
Affairs. And where, certainly, at the latter end of the term, I did not sit on the Committee. But I do
recall that the question of reviewing this legislation, I believe, and Deputy Leadbeater might correct
me, actually goes back to 2014.

3410 So I do take the point. I entirely take the point that a review of the Police Complaints legislation
is overdue. (**A Member:** Hear, hear.) And that is recognised by the current Committee. This has not
been addressed. It is interesting, sir, that we have just completed a Government Work Plan
prioritisation. And this term, the efforts of the Committee have been directed towards the Moneyval
evaluation of 82 pieces of legislation were alluded to.

3415 We took on the terms of reference for the Committee back in 2016. Took on a Justice Mandate.
We have progressed in our priorities, sexual violence, domestic abuse. And it has been very difficult,
very difficult, indeed, to undertake the work that we very much want to do. Having said that, this
Committee, this term, has asked and has set out a plan where we can start to progress and take
3420 forward the work which is outstanding from last year and previous terms. I say this with absolutely
no criticism whatsoever of previous Home Affairs Committees, because their mandate and the
prioritisation of this sort of work is very important.

I would comment that, I am not going to delve into the detail of the statistics that Deputy
Leadbeater has produced. I will just make two comments. One, this is why we have an Independent
Commission and the complaints are reviewed not by the Committee *for* Home Affairs, but by that
3425 Commission. And they do report on it. And I will add some words to that one when I come to the
comments made by Deputy St Pier.

3430 But I think it is dangerous and misleading in the extreme to compare the complaints and the
statistics around complaints of other police forces, because the systems are entirely different. In
fact, Deputy Leadbeater might recall that there was, back in 2014, there was a Gap Analysis Report
which highlighted the differences between the UK regime, which has progressed even since that

time and our regime. And I think the fundamental point is that should be drawn out of what Deputy Leadbeater saying, is that it needs to be reviewed and that Review is overdue. And I completely accept that that point. I think whatever social media makes of this, I think it is very dangerous to be making comparisons. And the Law Enforcement Report is also independently produced. And the way that the Police record data is based on different criteria in any case.

3435

Moving on to the points made by Deputy St Pier. I thank him and I thank Deputy Leadbeater also for not applying this in a critical way towards either the Police Complaints Commission or our police force. We have an excellent Police Force and we do not suffer the same sorts of levels of complaints against our police officers as some of the appalling, absolutely appalling incidents that have been reported in the United Kingdom and have highlighted, in fact, very serious criminal offences being conducted by police officers.

3440

We have an excellent Police Force. That does not mean to say that the question of public confidence in the Police is not vitally important. And I go back to as business as usual work of the Committee. We are determined to do what we can to progress that Report. So sir, I thank both Deputies Leadbeater and St Pier for confirming that they are not applying criticism of the work of the Commission.

3445

Insofar as some of the more specific points that were made. I entirely agree with the comments made by Deputy St Pier, that in this Review, we really need to be thinking about completely removing the role of politicians and the role of the Committee sitting as an appropriate authority. I do not think that is a satisfactory way forward. I think the whole process of that sort of oversight should move away from politicians. Except, of course, as with things like GFSC and data protection, that there needs to be a conduit into this Assembly to consider these matters where they need to do. But I do not believe that they should have any sort of role in deciding or the oversight of complaints. And I think that would be better done by the Commission. And this is precisely one of the criteria for the Review.

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Going on to the points that were made. I completely agree with the points made by Deputy Mahoney. I think, in a small community, certainly, the number of complaints can be seen as a disproportionate effect. In fact, sir, the figures that we have, and have been referred to, do not necessarily indicate the total number of people complaining and do include multiple complaints made by the same individual. And the Committee, when it does sit as an appropriate authority, I know that we deal with multiple complaints, *multiple complaints* from single individuals. And that, of course, completely skews the figures, particularly if you are comparing them with another jurisdiction, even the other Crown Dependencies. And that is, certainly, in the limited role of the appropriate authority, when the Committee sits as an appropriate authority, bears out completely the point that Deputy Mahoney helpfully made.

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As far as vexatious complaints, I do not want to comment in this Assembly about vexatious complaints. But just simply to say that it is, obviously, a very real possibility where people who have been dealt with by the Police do feel very aggrieved. And there is, certainly, an avenue for people to make vexatious complaints. But this is precisely why we have a Police Complaints Commission to oversee it. Just to emphasise the point, it is not the Committee *for* Home Affairs that does this scrutiny. It is done completely independently.

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I take the points, and there are some points made by Deputy St Pier which, obviously, I can feed back into the Police Complaints Commission, as it might be helpful, including the one that he has made around the submission of reports. And I agree with him. In fact, in this term, with the statutory entities under the supervision of Home Affairs, and I do not include the independent ones. I am talking about Police, Fire and Rescue and so on and so forth. We have worked very hard and certainly on financial crime. We have worked very hard with those services to get timely annual reports. And I think that is a point that Deputy St Pier makes, is that the value of reports really should be in the first or second quarter. But I do note, *I do note*, that the Complaints Commission have given the explanation and have been completely transparent around the fact that they are reporting over a longer period.

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3485 So, sir, in conclusion, remarks I can make, I thank the contributors to this debate. Where it is useful, those comments can be passed back. I have given an assurance that the Review that has been outstanding for a long time, which does need resource and will also need resource from the Law Officers of the Crown who are extremely *extremely* busy. And a point that was made by Deputy Murray in the Government Work Plan around the amount of work that they have to do.

But, certainly, a plan is being put in place and that the Review, with the resources we have got and with the time available will be progressed under business as usual with the Committee for Home Affairs.

3490 Thank you, sir.

The Bailiff: Well, Members of the States, there is a single Proposition, whether you are minded to take note of the Report. And I will invite the Greffier to open the voting, please.

3495 *There was a recorded vote.*

Carried – Pour 35, Contre 0, Ne vote pas 0, Did not vote 3, Absent 2

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Inder, Neil	Brouard, Al
Blin, Chris			Roberts, Steve	Burford, Yvonne
Bury, Tina			Snowdon, Alexander	
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

3500 **The Bailiff:** In respect of that Proposition, there voted in favour 35 Members; no Member voted against; no Member abstained; 5 Members did not participate in the vote. And therefore, I would declare the Proposition duly carried.

And that means that we have finished the business that was deferred from the last Meeting.

LEGISLATION TO BE LAID BEFORE THE STATES

The Public Transport Fees Guernsey Regulations 2023;
The Parochial Election School Committee St Pierre du Bois Regulations 2023;
The Parochial Elections Cemetery Committees and Andrew's Regulations 2023;
The Parochial Elections Miscellaneous Regulations 2023;
The Parochial Elections School Committee and Procurar Saint Peter Port Regulations 2023;
The Parochial Elections School Committee C atel Regulations 2023;
The Customs and Excise, Safety and Security Bailiwick of Guernsey
Amendment Regulations 2023;
The Criminal Justice Proceeds Of Crime, Bailiwick of Guernsey
Amendment 4 Ordinance 2023;
Commencement Amendment Regulations 2023;
The Beneficial Ownership of Legal Persons Nominee Relationships
Amendment Regulations 2023;
The State Housing Statutory Tenancies Amendment Regulations 2023

3505 **The Bailiff:** And I will invite the Greffier to deal with the legislation that is being laid before this meeting, please.

The States' Greffier: Yes. The following legislation is laid before the States: The Public Transport Fees Guernsey Regulations 2023; The Parochial Election School Committee St Pierre du Bois Regulations 2023; The Parochial Elections Cemetery Committees and Andrew's Regulations 2023; The Parochial Elections Miscellaneous Regulations 2023; The Parochial Elections School Committee and Procurar Saint Peter Port Regulations 2023; The Parochial Elections School Committee C atel Regulations 2023; The Customs and Excise, Safety and Security Bailiwick of Guernsey Amendment Regulations 2023; The Criminal Justice Proceeds Of Crime, Bailiwick of Guernsey Amendment 4 Ordinance 2023; Commencement Amendment Regulations 2023; The Beneficial Ownership of Legal Persons Nominee Relationships Amendment Regulations 2023; The State Housing Statutory Tenancies Amendment Regulations 2023.

3520 **The Bailiff:** Well, Members of the States, we simply note that all of those measures have been laid at this meeting. There have been no motions to annul received, but the opportunity arises again next time.

Next item of business, please Greffier.

POLICY & RESOURCES COMMITTEE

11. The Income Tax Guernsey Approval of Agreement with Montserrat Ordinance 2023 – Approved

Article 11.

To approve the draft Ordinance entitled "The Income Tax (Guernsey) (Approval of Agreement with Montserrat) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.

3525 **The States' Greffier:** Article 11, the Policy & Resources Committee – The Income Tax Guernsey Approval of Agreement with Montserrat Ordinance 2023.

The Bailiff: And is there anything you wish to say in opening, Deputy Trott?

Deputy Trott: No, sir. I so move.

3530 **The Bailiff:** I do not see any Member rising to speak on this draft ordinance. And, therefore, I will invite the Greffier to open the voting, please.

There was a recorded vote.

3535 *Carried – Pour 35, Contre 0, Ne vote pas 0, Did not vote 3, Absent 2*

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Inder, Neil	Brouard, Al
Blin, Chris			Roberts, Steve	Burford, Yvonne
Bury, Tina			Snowdon, Alexander	
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

The Bailiff: In respect of this Proposition, there voted in favour 35 Members; no Member voted against; no Member abstained; 5 Members did not participate in the vote. And, therefore, I will declare the Proposition duly carried. So the draft ordinance has been made.

3540

POLICY & RESOURCES COMMITTEE

**12. The Terrorism and Crime Bailiwick of Guernsey
Amendment Ordinance 2023 – Approved**

Article 12.

To approve the draft Ordinance entitled "The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Article 12, Policy & Resources Committee – The Terrorism and Crime Bailiwick of Guernsey Amendment Ordinance 2023.

3545 **The Bailiff:** And, similarly, President of the Committee, Deputy Trott, is there anything you wish to say?

Deputy Trott: No, sir.

3550 **The Bailiff:** Thank you.

Nobody wishes to rise to deal with this draft Ordinance. In that case, I will invite the Greffier to open the voting on the draft Terrorism and Crime Bailiwick of Guernsey Amendment Ordinance 2024. Can we open the voting, please, Greffier.

3555 *There was a recorded vote.*

Carried – Pour 35, Contre 0, Ne vote pas 0, Did not vote 3, Absent 2

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Inder, Neil	Brouard, Al
Blin, Chris			Roberts, Steve	Burford, Yvonne
Bury, Tina			Snowdon, Alexander	
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				

St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

3560 **The Bailiff:** And the voting on the Proposition as to whether you are minded to approve the draft ordinance entitled, The Terrorism and Crime Bailiwick of Guernsey Amendment Ordinance 2024, was that there voted in favour 35 Members; no Member voted against; no Member abstained; same 5 Members are not participating in this vote. And, therefore, I would declare the Proposition duly carried.

COMMITTEE FOR HOME AFFAIRS

13. Fixed Penalty Notices Increases of Fines – Debate commenced

Article 13.

1. To approve a £25 increase in the fixed penalty fines for Band A, B and C issued by police officers and special constables by virtue of the Offences (Fixed Penalties) (Guernsey) Law, 2009. 2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

3565 **The States' Greffier:** Article 13, the Committee for Home Affairs – Fixed Penalty Notices Increases of Fines.

The Bailiff: And I invite the President of the Committee, Deputy Prow, to open the debate.

3570 **Deputy Prow:** Thank you, sir.

This short policy letter proposes an increase of £25 for fixed penalty notices. This is to ensure that fines remain both fair and proportionate, as well as providing an appropriate financial deterrent. Fixed penalty notices allow for specific lower-level offences, including some traffic offences, to be settled outside of the formal criminal justice system, saving both time for the Police and the Courts and preventing a potential recorded conviction, something we have discussed at great length this afternoon.

3575 In 2012, fixed penalty notices were graded into tiers with a level of fine reflecting the severity of the offence. Category A being lower-level offences, including failure to set a parking disc and Category C being the most serious offences, including failure to wear a seatbelt or using a mobile phone while driving.

3580 Importantly, for this policy letter, we note that the fines have remained unchanged for over a decade, during which time, inflation has risen dramatically. (**A Member:** Hear, hear.) And so, therefore, it is necessary, in order to maintain and reinforce the deterrent effect, to increase these levels. The proposed amendments will provide updated level of fines across the existing three-tiered fine system. Each tier will be increased by £25. This will see fines for Band A offences which are the most common, rising to £65, Band B to £95 and Band C to £125.

3585 The current £10 fee reduction for payments completed within a seven-day period will be maintained. In order for the deterrents to be effective, fines must remain proportionate. Should the level of fines become insignificant, it is arguable that would risk undesirable behaviours becoming more frequent and, in turn, risk jeopardising the order and safety of our community. (**A Member:** Hear, hear.) The penalty should be sufficient enough to act as a preventive tool in relation to the reoffending.

3590 I ask all Members of the Assembly to support this policy letter.
Thank you, sir.

3595 **The Bailiff:** Deputy Falla.

Deputy Falla: Thank you, sir. I will be quick.

I have to say, my eye was drawn to the dog fouling fixed penalty notice. Probably one of the least pleasant ones which attracts the highest Band and will now be £125. I have not given advance notice of this question, but I am intrigued as to how this is policed and, indeed, whether any of these are ever issued. That is all.

Thank you.

The Bailiff: Deputy Roffey.

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Deputy Roffey: Thank you, sir.

I have just got one question for the President of Home Affairs. If he wants to look at his own Table in 4.1. At the moment, which shows the old rates and the new rates of like. And I am assuming that most people pay early in order to get their £10 off. I would, so I am assuming that most people do. So at the moment, a Band A offence will attract a £30 fine, effectively, and a Band C offence, a £90 fine. So I am assuming that Home Affairs believed that Band C offences are three times as bad as a Band A offence. In future, with the £10 discount, Band A would do £55, Band C would be £115, so roughly double the amount. So my question, really, for Home Affairs is, do they believe that Band A offences are worse than they used to be, or do they believe that Band C offences are not as bad as they used to be?

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The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

I thank Home Affairs for bringing this. But my first wandering is that, could this be done, perhaps, in a less regimented way and by statutory instrument, perhaps, for the increases, certainly? I am surprised to see it before us which is a relatively, in the scheme of things, a relatively lower level debate. Perhaps with an annual or biannual, once every two years, the biannual increase. And also the Banding, seems to me, somewhat out of kilter.

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Deputy Prow mentioned in his speech that it is to take into account of our safety of our community. And also, we see in section 3.2 that these are lower-level offences. And I would counter, that driving on a pavement is not a Band A offence. Because yes, of course, it is relatively easy to do for people with the vehicles. But the Road Safety implications of driving on a pavement, to me, are not a Band A category. They are, perhaps, even not a Band C category and should, perhaps, be attracting a court appearance. Albeit that we are not looking to increase court time or even officer time. But for me, driving on a pavement is a significant offence and it affects, sir, the safety of our community. Albeit the road infrastructure has not changed in years and perhaps the roads are designed for horses and cart tracks way back in that that infrastructure has not changed. But, certainly, our vehicles have changed and the offence of driving on a pavement or crossing a pavement is, for me, should not be a Band A. And perhaps in his summing up, perhaps, Deputy Prow, on behalf of his Committee, could address that and for any measures, if he is looking to make any changes to that.

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Thank you, sir.

3640 **The Bailiff:** Deputy Queripel.

Deputy Queripel: Sir, thank you.

I have already asked the questions I am about to ask of Deputy Prow prior to the debate. So I know the answers. Na na na na nah. *(Laughter)* But I presume no one else does apart from his Committee which is why I am asking them during debate, because I want to get the answers out into the public domain.

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And before I ask my questions, I want to make it perfectly clear, I am not trying to discredit or demean the Committee in any way, shape or form. I have the utmost respect for them. They do a wonderful job and I am going to support these Propositions.

3650 However, I was disappointed when I read this policy letter first time round, because I did not think these increases went far enough as Deputy Gabriel has just alluded to. For example, there is a lot of talk out in our community and amongst Members of this Assembly about the need to clamp down on owners of vehicles that are excessively noisy. So to me, this would have been the perfect opportunity to clamp down on them. By increasing the fine a lot more than £25. I would have liked
3655 to have seen a fine of £500. My reasoning behind that is that is what I call a deterrent. And if owners who have excessively noisy vehicles know they risk a fine of £500, then I am sure the majority of them would ensure their vehicles are sorted out and they are within legal noise pollution requirements. And in fact, I would not think twice about doubling that to £1,000, because that is a deterrent. That is the kind of deterrent I think should be in place.

3660 I give way to Deputy de Sausmarez, first, sir.

Deputy de Sausmarez: I thank Deputy Queripel for giving way and I am just hoping I might be able to, hopefully, provide him some assurance and possibly cut down on other questions that might be arising around this.

3665 This issue is as per the issue that has just been raised by Deputy Gabriel as well. Already part of the scope of work that Home Affairs and E&I are progressing. And with specific reference to Deputy Queripel, the problem is not so much the level of the fine, it is the mechanism of prosecution. So it is a much bigger issue than just adjusting the fine which would obviously have very significant ramifications for the other offences.

3670 The reason that I was not tempted to bring any amendments to this was because I knew that these issues which are complex, and I think if we start unpicking them all now, we would be here for many more weeks. They are actually already in scope. They are part of that bigger bit of work and they will be addressed in full, but just not through this.

3675 So I think for me, personally, this is an interim measure on the on the issues that Deputy Queripel rightly raises and, indeed, Deputy Gabriel. But they are part of a bigger picture that is being addressed in a different way.

Deputy Queripel: I thank Deputy de Sausmarez for that, sir.
I will give way to the Deputy Blin if he wants me to give away.

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Deputy Blin: I thank Deputy Queripel for that.

It was just interesting timing, Deputy de Sausmarez standing to actually explain. But I know, on my own side, every single statement by E&I or by Home Affairs, always asked the same question of where are we? And this time travel has gone on for a very long time. And then this comes along with the changes. And these changes are interesting. I am maybe not so draconian or extreme on
3685 the quantity of the fines, but if we did put the fine of the noisy, excessive etc. in there, at least there will be a chance, within reason. For example, when there were electric scooters removed from the roads, there was a news media from the Police and all the services and it just gets it out there that it is wrong to do it. So there will be a chance to actually engage with those people, to understand
3690 that, finally, if you know there is a fine for this, just a little warning, etc. It is not a huge issue going on there. And I appreciate that both Committees are doing a very strategic long-term event. And here sits an opportunity with that. And that was really –

I thank you for letting me interject with that addition.

3695 **Deputy Queripel:** I think I will give way to Deputy Gollop, sir, by the look of it.

Deputy Gollop: Oh well, I thought your speech over, but I take the points that Deputy Queripel has raised and Deputy de Sausmarez. But the problems we have are that we need more thinking on

3700 all of this. From a living streets perspective, Deputy Blin is correct. We need to re-orientate what we want out of this and have a rational idea on why we are giving £10 discounts at all. If we want to incentivise earlier payment, it surely should be £20 or £30. If we want the money, and I would argue we need the money more than we need to incentivise early payments, we should get rid of the early discounts.

3705 And I think Deputy Gabriel was absolutely right that some offences, like driving on the pavement, are not good and they should be regarded as more serious. So, although, I take heart from Deputy Queripel and Deputy de Sausmarez, this is really just a holding operation. Bring back a more substantial body of work, not just about this which really should be a Ministerial/Presidential direction, but on the underlying environmental philosophy behind this.

3710 **Deputy Leadbeater:** Rule 26(1), please, sir. *(Interjection)*
I apologise, sir, I did not realise Deputy Queripel was still speaking. *(Laughter)*

Deputy Queripel: You must be desperate.

3715 **Deputy Queripel:** Sir, I usually do give way to all my colleagues, but I am conscious of the time. And I am already aware of what everyone is saying. And that is mostly what Deputy Prow is going to say in response. So if people will allow me just to finish the speech, we might get out of here before 6 o'clock. But if they want to carry on asking me to give way, I will give way. I think Deputy Taylor wants me to give way, sir.

3720 **Deputy Taylor:** Sir, I thank Deputy Queripel for giving way.

Just to try and nip a lot of these discussions in the bud, that there are other offences. These are just, I cannot think of the name of them. Fixed penalties. If you drive on the pavement in a dangerous manner, there are other offences that you can be taken up on and they will have a much more significant fine that would be attached to them. And, hopefully, that will just nip in the bud any other comments on that manner.

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Deputy Queripel: But, it will not nip it in the bud as far as I am concerned, sir, because I have written a speech and I am going to make it. *(Laughter)* It has taken me hours to write it. It has taken me hours to research it. But Deputy Prow spent a long time on the phone talking to me, so I am going to make it, as is my right. Now if anyone else wants to ask me to give way, I will give way, but we will be here a lot longer.

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So as I was saying. I would not hesitate in doubling what I first thought should be £500 to £1,000, because that is, in my view, a deterrent. And that would, I think, get noisy vehicles off the road. And they are not just a nuisance, they are a health hazard. Like millions of people, I suffer from tinnitus. My tinnitus is quite mild. It is just a soft whistling in the ears.

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Oh, I give way to Deputy de Sausmarez, sir.

Deputy de Sausmarez: I really do apologise to Deputy Queripel. And I am so sympathetic to the tinnitus issue and others. But I think this is not relevant to this policy letter, because the problem with noisy vehicles, and others that people might want to raise, is not related to the level of the fines. It is related to how you can prove that the offence took place which is why it is part of this bigger bit of work. So I am very sympathetic to Deputy Queripel. I know that he has put a lot of effort in. I know that it is a very genuine concern which is shared by many others, including me and including Deputy Prow and including our Committees. But this is a much, *much* more complex problem than the level of fines. But I can assure Members that this is, including the level of fine, where appropriate, is part of the scope of that broader bit of work. And, therefore, I do not think it is relevant to this debate to dissect that particular issue in detail, because it is being dealt with. But that the level of the fine is not the issue.

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Deputy Queripel: I thank Deputy de Sausmarez once more for that, sir. I will dispense with one page of my speech. So that did have a result there.

3755 But I was making the point that noisy vehicles are a health hazard. To me, it is all relative to the fine, but I take on board what Deputy de Sausmarez said which is what Deputy Prow is going say in response, largely, because I know what he is going to say. I have wanted to really *really* thrash this out to get everything out into the public domain. I will finished that bit, sir, by saying, we have to be mindful of people with hidden disabilities. Tinnitus is a hidden disability. I have got a mild form. I know people with very severe tinnitus.

3760 We also have to be mindful, of course, of babies and toddlers in pushchairs and prams. Their hearing could be damaged for life. Actually, I am going to have to dispense with another page of my speech, I think. But I do want to just say, there was a woman pushing a toddler in a pushchair up the road the other day when I was walking down from Lukis House car park and a noisy vehicle was coming up, I put my hands over my ears. The child started screaming uncontrollably, the mother put her hands over the child's ears. That is the sort of thing I am talking about here. We need to clamp down on this big time. It cannot be allowed to carry on.

3765 So, sir, even though I have not been allowed to finish two pages of my speech, that is one of the reasons why I was disappointed when I read this policy letter. Now, I suspect the next reason I am going to get asked to give way, because I am going to be told I am on the wrong track, and I am quite willing to give way if anyone wants me to give way.

3770 But there are several areas, I think, where the fines should be increased. But another area I felt was where the fines should be increased a lot more than £25, is when someone is caught holding a mobile phone while driving. Now, this is what prompted me, because the other day, I was in a line of traffic when a woman in a car reversed out of the Envoy House car park, holding a mobile phone in one hand, trying to control her car with the other hand and she caused absolute chaos. And she just drove off, totally oblivious. Could not care less about the chaos she just caused behind her. Now that is the email I sent to my colleagues on Home Affairs. And that is the email that prompted a conversation with Deputy Prow on the phone. If she knew the fine was £1,000 or even more, let's get really draconian here, despite what Deputy Blin says, these deterrents need to be deterrents. Real deterrents. Now, would she have made such a foolish manoeuvre if she knew she was risking a £1,000 fine?

3780 Okay, now, I will probably get away with this without anyone asking me to give way, I think. My colleagues may be asking themselves why I have not laid an amendment. And that is the reason why I emailed Home Affairs in the first place, to ask whether or not they felt I should do. And I am grateful, again, to Deputy Prow for making the time to talk so long to me on the phone. Because what he said made perfect sense which is why I did not pursue an amendment.

3785 So I will move towards a close, sir, by asking the three questions that I have asked Deputy Prow on the phone. The first question being, why are the increases Home Affairs are proposing just a mere £25, because I do not think that is a deterrent? The second question was, what criteria did Home Affairs employ to enable them to come to the conclusion that the increase should be £25? And the third question, does he agree with me, that in order to be an effective deterrent, fines need to be increased by a lot more than £25 in the future?

Thank you, sir.

3795 **The Bailiff:** Well, Members of the States, we will adjourn until 9.30 a.m. in the morning.

The Assembly adjourned at 5.38 p.m.