



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 5th February 2025

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Present:

Ms J. E. Roland (Deputy Bailiff and Deputy Presiding Officer)

Law Officers

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

People's Deputies

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

Representatives of the Island of Alderney

Alderney Representatives E. Hill and E. A. J. Snowdon

The Clerk to the States of Deliberation

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

Absent at the Evocation

Deputy C. P. A. Blin (*relevé à 9h 49*); Deputy Y. Burford (*indisposée*);
Deputy A. D. S. Matthews (*relevé à 9h 49*); Deputy L. J. McKenna (*absent de l'île*);
Deputy H. J. R. Soulsby MBE (*relevé à 10h 22*), Deputy G. A. St Pier (*relevé à 11h 49*)

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Lt Gen Richard Cripwell
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

CONVOCATION

The States' Greffier: Billet d'État III and Billet d'État IV of 2025. To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held at the Royal Courthouse on Wednesday, 5th February 2025, at 9.30 a.m. to consider the items listed in these Billets d'État, which have been submitted for debate and Billet d'État IV is convened pursuant to Rule 2(4) of the Rules of Procedure.

Statements

General update – Statement by the President of the Policy & Resources Committee

The Deputy Bailiff: Good morning, everybody and since this is my first States, Happy New Year to you all. Could I invite the President of Policy & Resources Committee to give his general update Statement, please?

Deputy Trott: Thank you, madam.
It is always an immense privilege to speak within this Chamber, just as it is an immense privilege to hold the roles that we hold. Now, I would like to think I am known as an optimist within the Assembly. I never have, and I never will, talk our Island down. I have absolute confidence in what we can achieve and absolute belief that we live somewhere truly remarkable. We should never lose sight of this. But, as we all know, there will be some difficult decisions ahead particularly in respect of public finances.

The forecast General Revenue deficit for 2024 remains at approximately £20 million. With year-end processes currently underway, I have asked the Presiding Officer for permission to provide a specific statement on the final 2024 outturn at our Meeting of 5th March but I do not expect any significant movement on this headline figure.

Following this Assembly's decisions through the 2025 Budget not to support a temporary increase in Income Tax and therefore generate the surpluses needed to fund our planned capital

25 expenditure, the Committee, as promised, has undertaken a review of the Major Projects Portfolio, and has published a green paper for debate later this month.

As the Assembly will be aware, if we want to deliver the current portfolio as it stands – and we do because we consider all the projects essential – the current portfolio period will need to be extended by at least a year in order to resolve the significant funding gap that exists. This will, however, reduce the funding available to our successors at a time when we already know that we have a legacy of built-up investment need. At this stage, we anticipate that the next Assembly will need to consider how to prioritise what may be in excess of £1 billion worth of investment demand within a funding window of about £150 million.

We are taking the steps necessary to progress the practical implementation of a Goods and Services Tax and the other changes to the tax and contributions systems recently agreed by this Assembly. This will stabilise public finances and return to generating surpluses as our predecessors did – and that we have relied on – in order to fund the scale of capital investment needed. Infrastructure investment that will unlock economic growth. We must not lose sight of that.

We will also be reporting separately to the Assembly this term in respect of the Alderney Airport Runway Rehabilitation Project following the much-publicised cost increases for the project from £24 million to a frankly unaffordable £38 million. The policy letter will look at various options for how the work can continue to be delivered within the original budget. I am aware, as are all Members of the Policy & Resources Committee, of the understandable interest, and passion, from our Alderney colleagues on this matter and we look forward to updating them of our developing work at our earliest opportunity. We will need to find a solution that is fair to all.

To turn to wider activity over recent months, we have continued to focus on housing supply and affordability. I advised in my September 2024 update that we intended to bring forward proposals to the States regarding Leale's Yard. While it remains the case that the Committee is keen to see Leale's Yard developed, and indeed we have expended significant time and resource in pursuing that aim, this has now become more difficult.

It is likely that the proposed use of volumetric modular units – a form of off-site construction in which buildings are put together by connecting a series of fairly large pre-built sections, or 'modules' – cannot now happen. The issue was the effective withdrawal from the market of the proposed manufacturer. This has had an impact on the scheme's delivery timescales as alternative construction methods now need to be assessed.

Despite efforts, including from myself and Deputy Murray amongst others, in proactively engaging with the parties in order to reach a satisfactory outcome for all, we have not achieved that yet. So, while we have not given up in our ambition to see the Leale's Yard site developed, we also need to turn our attentions to other development sites that may now be able to deliver housing more quickly and potentially offer better value for money.

Another important workstream is the outcome of the on-going Island Development Plan review, which is focused on housing and employment land. Those revised IDP proposals have now been published by the DPA, and the Committee will continue to take a keen interest.

This Assembly has already agreed to fund the next tranche of work by the Guernsey Development Agency and the Local Planning Brief for the Harbour Action Areas should be considered before the end of this term. Let us hope we can fit everything in. Nevertheless the Committee is still frustrated that the rate of building has not improved – myself, in particular. However its proposals to build a temporary constructors' village were supported in the 2025 Budget debate and I am pleased to report we are accelerating its procurement.

It will be very important to the Island's housing that the next Assembly establishes a pipeline of funded projects in order that the construction sector can scale up and supplement capacity to meet a steady building programme.

We continue to enhance the digital and technical capabilities of the States of Guernsey, and as a result of funding approved through the 2025 Budget were able to implement a new operating model with effect from 1st January. We know how important IT services are and so we have invested heavily in recent years to improve our IT maturity, our IT resilience, and our vendor management.

As recognised in the recently published Scrutiny Management Committee Report, there were challenges in the early days of the current contract. Challenges which, under the leadership of the current Head of the Public Service, we have sought to address over recent years.

80 IT is a fast-moving science and we have to respond accordingly to areas of concern - for example the States of Guernsey has recently banned the use of DeepSeek, the Chinese Artificial Intelligence tool, corporately. This is just one example of the types of issues faced. We continue to monitor and review risks, and act speedily as required.

85 We are keen to announce soon the solution direction and implementation partner for MyGov; negotiations are currently ongoing. This will provide the foundation for more secure and a more improved digital services. Our digital transformation is shaping well under the Chief Digital and Information Officer and, together with the technology transformation, this will be a continuous journey of innovation to provide better services to the residents of the Bailiwick.

90 We have been working with colleagues across Committees to ensure that the incoming Assembly has a comprehensive understanding of the work underway across the three strategic portfolios under the Government Work Plan and across the Committees. This handover will help the new Assembly to understand the issues behind those workstreams underway but not concluded this term. We have been grateful for the Committees' comprehensive responses and will be making arrangements to publish this material soon.

95 In my September update Statement for the Assembly, I mentioned that there had been significant political changes in Westminster following their General Election in July. Work with the new UK government has started positively and we are developing new and existing relationships across the political spectrum through engagement, including: attending three UK Party Conferences in the autumn; various follow-up meetings; and hosting a three-day visit to the Bailiwick by Lord
100 Ponsonby, the Ministry of Justice Minister with responsibility for the UK government's relationship with the Crown Dependencies.

I was also pleased to meet the UK Prime Minister formally and officially in December 2024, together with the Chief Ministers of Jersey and the Isle of Man, to discuss the Crown Dependencies' economic value to the UK, which is material, trade relationships and energy. It was a positive
105 meeting and I hope it will set the tone for future engagement.

An earlier version of the Policy & Resources Committee recommended to the States in December 2021 that the Committees include in general update statements any significant developments for international agreements which have been extended to Guernsey.

110 In that context, I advise that the CPTPP – the Comprehensive and Progressive Trans-Pacific Partnership – free trade agreement came into effect for the UK and the Bailiwick on 15th December 2024. For us, the terms for trade in goods apply now, with certain fair competition chapters coming into effect after a two-year period. This means that Bailiwick businesses exporting goods to other CPTPP countries benefit from preferential tariffs and Guernsey will apply such tariffs on a reciprocal basis.

115 Guernsey has a clear pathway and mechanism, contained within the legal text, to be included in the sections of the agreement about trade in services and investment which will ensure further benefits to Guernsey businesses - and that is the subject of ongoing discussions with the UK. I would like to formally thank Deputy Le Tocq and his team across the Assembly for the effort that has gone into this.

120 Fundamental services review. It is a fact that the States spend less *per capita* on delivering public services than most other jurisdictions, despite our lack of economies of scale. But the Committee understands concerns regarding the growth in public sector services. We must have confidence that the right services are being delivered and that they represent value for money, and for this reason, through the Major Projects Portfolio Review green paper, we are advising of a Fundamental Services Review, which will be undertaken in close collaboration with Committees.
125

However, while it is right and appropriate for this Assembly to concern itself with what services are delivered and their overall efficiency and impact, I think we would all acknowledge that during the course of this term, there have been occasions where comments made inside, or outside, this

Assembly in relation to the public service and its performance have been ill-informed, inaccurate and fundamentally unhelpful and damaging to both morale and recruitment.

No organisation is perfect. In fact, no President of P&R is perfect. I bet you never thought I would say that! Well, there you are. Not this Assembly nor the public service, but we need to remember the attention that our comments attract and the impact that they can have on our community.

I continue to see each and every day, exceptional commitment and performance from across the public service. Just recently Deputy Prow and I were delighted to personally thank such a group of staff for their contribution to the recent Moneyval assessment; just one of the hundreds of initiatives under way throughout the States' public sector. I want to express those thanks again to everyone involved.

I am optimistic that when the Moneyval report is issued in the days ahead, that the officers' skill and expertise are rewarded with a positive report. And I have to say the political guidance they have received. It cannot be underestimated how significant this report is, how much effort has been put into it, nor how much the finance sector, and therefore the Island, will benefit from a positive outcome.

At this stage of acknowledging the valuable work done by the public sector, it would also be remiss of me not to mention Mark de Garis; the outgoing Head of the Public Service. He retires shortly after 40 years of exceptional public service to this community. In fact, his 40 years were up yesterday and we thanked him within the Committee. His contribution to the work of the States has been significant, and I hope the whole Assembly joins with me in wishing him well for the future. **(Several Members: Hear, hear.)** In a similar vein, we have been delighted to welcome his successor, Boley Smillie, who was appointed after a highly competitive recruitment process.

Madam, let me close by returning to my opening message. It is a privilege to sit in this Assembly, and to have the opportunity to make decisions that will influence our Island and Islands for potentially generations to come. Having recently had opportunity to participate in SACC's ongoing course for prospective candidates, I would encourage anyone who is passionate about our Island and its future to take the same leap of faith that I did some years ago. It has been the most wonderful, the most challenging and the most rewarding opportunity of my lifetime.

I remain deeply grateful for the opportunity to serve as Chief Minister, or the President of Policy & Resources, whichever you prefer, for a second time and I look forward to answering any questions that Assembly Members may have.

The Deputy Bailiff: Before I turn to questions, Deputies Matthews and Blin, do you wish to be relevéd?

Deputy Matthews: Yes, please.

Deputy Blin: Yes, please.

The Deputy Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you, madam. It is a fine day out there. The sun is out and I am sure the whole Assembly and the Island is anticipating a good mark from the Moneyval inspection. But could the President tell me what it would look like if this Island had achieved a fail? What would the cost be to our economy?

The Deputy Bailiff: Deputy Prow – sorry! – Deputy Trott.

Deputy Trott: Can I start by thanking my good friend, Deputy Vermeulen, for advance notice of this question. I have prepared some notes and I shall read directly from them. A survey of various analyses suggests significant negative impact, should we be grey listed. Dependent on the length

180 of the grey listing, and for this purpose, I am assuming it would be two to three years, and the structure of our finance sector, which I understand well, I believe that these numbers are accurate.

Overall, there would be a 5% to 10% decline in financial services over the period of the grey listing. That is material. There would be a significant negative impact on capital flows. We believe that there would be about 8% or thereabouts of GDP. Foreign, direct investment inflows decline by
185 an average of 3% and there are restrictions. Cross-border transactions are affected by approximately 15% and it leads to difficulty for jurisdictions to obtain credit; something that would be a factor, particularly during the next Assembly and beyond.

So the impact would be very material indeed. But he is right to anticipate with confidence a positive report and I know that in the days ahead Deputy Prow, in particular, will have much to say
190 on the subject.

Thank you.

The Deputy Bailiff: Deputy Prow.

195 **Deputy Prow:** Thank you, madam.

I thank the President for his typically positive and optimistic statement and I totally concur with his comments around the excellent public servants that this Island has. My question is really around the current pressures on the Revenue Service. Deputies received email representations, re contacting officers, to resolve these issues. These deal with tax returns, mainly online.

200 These queries appear, in some cases, to be passed off, officers unavailable, calls not returned, and matters unresolved and I stress this is not a criticism of the officers. They are clearly under great pressure. Could I ask the President if P&R could give any advice as to who and how they can cascade these matters?

Thank you, madam.

205 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: Madam. I would like to start by apologising on behalf of all Members of the Policy & Resources Committee, unreservedly, for some of the challenges that customers of the
210 Revenue Service have faced. Revenue Service officers have been focusing on completing the earliest tax returns first, whilst completing the most recent ones for the customer at the same time.

Now, new computer systems have been introduced to replace legacy systems that are over 30 years old. A risk and processing engine is in place and enables online returns to be triaged and assessed automatically. The paper tax return has been redesigned to mirror the online return to
215 enable automatic scanning and upload. Drop-in sessions have been held to support members of the public and resources have been increased, including those agreed in the 2025 Budget by this Assembly and the splitting of the director of the Revenue Service role.

We have seen data, we at the Policy & Resources Committee, which indicates that the situation is improving and it is improving rapidly. So, again, I hope on the community's behalf, Deputy Prow
220 will accept our apology, but things are getting better rapidly so we anticipate the legacy problem that the service has faced will soon disappear.

The Deputy Bailiff: Deputy Gabriel.

225 **Deputy Gabriel:** Thank you, madam, and Happy New Year to you, too.

I heard in Deputy Trott's update Statement some disappointing news about Leale's Yard and firstly that modular construction of the type already planned is not available due to lack of suppliers. More concerning to me, and I am hoping he can build on this, unable to come to an agreement with the developer's agent or even the developer, so I would ask what is next? What is the timeline
230 for getting our number one priority, housing, sorted for Guernsey?

Thank you.

The Bailiff: Deputy Trott.

235 **Deputy Trott:** It is an entirely justified question but it is enveloped in an element of commercial
confidentiality, so I shall answer as extensively as I think I am able. There have been some robust
discussions with the developer and within the last few hours, rather than the last few days, we have
received a positive update that gives us cause for hope that we may be able to arrive at or close to
a negotiated price, which will enable this project to proceed. It is hot off the press but I think it is
240 far more encouraging than I would have been able to have written or responded to, just a few days
earlier.

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you, madam.
245 Chief Minister, the response to Deputy Gabriel gave me some hope, but I would like to ask him
whether he agreed with me that the Guernsey Development Agency has produced an interesting
and a viable scheme at Griffiths Yard, that he remembers, at almost the same size, I believe as Leale's
Yard.
Maybe he cannot give us out too much information but I wondered whether part of this search
250 for other sites, which he sort of mentioned when he responded to Deputy Gabriel, would he
consider engaging with the GDA, looking at Griffiths Yard and working with the DPA to get that site
out of the ground?
Thank you.

255 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: Thank you, madam, and thank you to Deputy Inder for the question.
My understanding is that the Committee for Employment & Social Security, in particular, is all
over this. Am I allowed to give way in a statement? I am not allowed to give way. (**The Deputy**
260 **Bailiff:** It is E&I, by the way.) E&I. Did I say ESS? I beg your pardon, I meant E&I.
A lot of preparatory work is necessary for Griffiths' Yard in particular to become a housing site,
but I understand that that planning is in an advanced state and I am also aware that the relevant
Committee is thoroughly and absolutely engaged with the organisation to ensure progress.

265 **The Deputy Bailiff:** Deputy de Lisle.

Deputy de Lisle: Thank you, madam.
The Chief Minister mentioned the funding gap and also tax returns. I have had many complaints
about the Income Tax services. They are supposedly providing faster, quicker and easier to complete
270 online tax return services. But the service we are getting is deemed by Islanders not fit for purpose,
with people having difficulty tax filing, together with communicating with the tax office and the
threat of a penalty if returns are late. So can P&R please look into the complaints and take an active
role in resolving the Income Tax services problems as quickly as possible in order to relieve the
pressure that Deputies are getting, at least myself, from the public?
275 Thank you.

The Deputy Bailiff: Deputy Trott.

280 **Deputy Trott:** Madam, I refer to an answer I gave to an earlier question but I do agree and I will
repeat the apology. I do agree with Deputy de Lisle that the service standards that we have
experienced in this Department have been of higher quality earlier. But they are under an enormous
amount of pressure, particularly with international tax matters as part of their mandate. But the
comments that are made by Deputy de Lisle and others are well made and well received.

The Deputy Bailiff: Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you.

Could I ask, regarding Alderney Runway, which I think was stated, could you let us know if P&R have made a preferred option and what that option looks like at all, and when it will come for debate?

Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Again, an entirely justified question but the Alderney Representative will be aware that the tender negotiation process is a matter for the STSB. We have not, at this stage, received anything from the Committee that will enable us to bring a set of proposals to this Assembly. But he would have noted, as would other Members, in my opening remarks, that I regard it as a priority for this Assembly to deal with this term. We are doing our very best.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Would the President agree with me that £150 million in additional capital projects in the next four-year term was wholly inadequate? And, as a consequence, would he agree that this Assembly has no choice but to look at additional revenue-raising measures, in order to invest realistically in the infrastructure of Guernsey?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Yes, I unreservedly agree with those comments. I think £150 million is woefully inadequate. It is 15% of our overall demands. Now even in an extremely ambitious Assembly, that is a woefully inadequate sum.

The number of £150 million includes of course the successful imposition of a Goods and Services Tax. It is not certain that the next Assembly will agree with this Assembly's decision, which would make the situation, not arguably but absolutely, materially worse. But I agree with the thrust. Absolutely agree with the thrust of Deputy Roffey's question and that is it simply is not enough and that is something that I would hope that candidates at the next election will consider and consider carefully.

The Deputy Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, madam.

On 20th May 2019, the Allez family, through their legal representative, informed the States' Property Services that they were in agreement with the draft terms to formalise the boundary exchange between their property and the States of Guernsey at Fort Richmond and further advised that Mr George Allez was 'lined up to attend Court tomorrow'.

No representative of the States of Guernsey attended court on 21st May to conclude the agreement and, in response to Rule 14 questions dated 11th October 2024, relating to the sale of Fort Richmond, the Policy & Resources Committee stated in relation to the Allez family an agreement could not be achieved prior to the completion.

Given the agreement was drafted by the States of Guernsey and clearly agreeable with the Allez family, for what reason was the agreement not completed?

Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Madam, this is an example where advance notice of the question would have been helpful because I would have been able to get a full answer. Assuming, of course, that had been the advice, that I was to answer this question, which is a matter that is being addressed under Law and therefore I shall be very careful what I say. As a consequence of that, I shall say nothing.

The Deputy Bailiff: Deputy Helyar – Helyar!

Deputy Helyar: Sorry, madam, I did not hear you.

The President made some comments about being circumspect in connection with criticism of the public sector and I completely appreciate that. We have a large number of very hard-working members of the public sector. But, given the parlous state of our finances, would the President agree with me that requests for inflation-busting pay rises are completely out of kilter and also completely beyond the expectation of the public?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Yes, I would. The offer that the Policy & Resources Committee has made to civil servants is, in our view, appropriate, and it very nearly was accepted by the body. It was narrowly defeated. My recommendation to our hardworking civil servants is that they reconsider that offer and accept it speedily.

The Deputy Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, madam.

On the subject of budgeting, could Deputy Trott indicate whether there are any plans at all to keep a lid on the head count of the civil servants, which I think to the dismay of the population out there, continues to increase, with the obvious impact on our finances and a secondary impact, as we bring in more and more people, on housing. There is simply not enough housing stock to deal with it. Could he possibly explain if they have any plans to stop employing more and more people?

Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Madam, the Policy & Resources Committee is very vigilant, all five are very vigilant of this issue. But as I think I have told my friend Deputy Dyke in the past, the majority in the increasing head count within the public service has come via nurses and care workers. This is because we are an ageing community. It is as simple as that.

The constraint that has been exercised, both by this Committee and its predecessor during this term, with regards white collar workers, is material. But there are consequences of having an under-resourced, white collar public sector as well. But the majority of the head count rises to which he refers, and they are in the hundreds and they were approved by the previous Committee, relate to those working within the health and social care community.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, madam.

I thank Deputy Trott for his update and he talks of the construction village that was successfully passed by this Assembly and also subject to a successful amendment to use it for emergency housing as well. Can he give us any indication on the timescale of this construction village so we can start to utilise that for emergency housing sooner rather than later?

Thank you.

The Deputy Bailiff: Deputy Trott.

390 **Deputy Trott:** Yes, it is a very high priority. I mentioned in my opening remarks that we have
accelerated the procurement process to enable both aspects, particularly the aspects regarding the
construction village, as expeditiously as possible. In fact, I think I am right in saying that there may
be a media release on this subject in the days ahead, that will address specifically the speed at which
this is being undertaken. So it is being given the priority that Deputy Leadbeater would wish it to
395 be given.

The Deputy Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, madam.

400 I would like to thank the President of P&R for his speech. I completely agree with him that a
successful Moneyval inspection is critical for our Island's economy. The President quite rightly
recognised the contribution made by the States and those Committees involved. Forgive me if I
missed this, but could he confirm that industry also played an absolutely critical role in this initiative?
Thank you.

405

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Yes, I mean, unquestionably the industry demonstrated to the international
assessors that we are undoubtedly a centre of excellence when it comes to the implementation of
410 the processes necessary to successfully implement and monitor the rules and Laws around
anti-money laundering and the counter-financing of terrorism in particular. May I take this
opportunity to thank, both as the President of P&R and as the current Chairman of Guernsey
Finance, our collective gratitude to them for their efforts in this regard.

415 **The Deputy Bailiff:** Deputy Haskins.

Deputy Haskins: Thank you, madam, and I do thank Deputy Trott for his update. Now the
President has previously responded to myself and Deputy Helyar and other Members of this
Assembly, when asking about a compulsory health insurance scheme and a captive insurance
420 vehicle, he responded that initial work had shown marginal benefit but clearly things have changed,
and I quote, 'So I am able to give him assurance that we will do precisely as instructed and as soon
as the work is complete we will advise the Assembly accordingly.'

My question, madam, is given the political will and direction to see both of these items come to
fruition, does the President believe that he and his Committee have adhered to the assurance given
425 to this Assembly?

Thank you.

The Deputy Bailiff: Deputy Trott.

430 **Deputy Trott:** I am not absolutely certain where we are on the insurance side of the question,
but I believe that the captive insurance vehicle has been looked at extensively and the decision has
been made that it does not, repeat does not, represent value for money. Now, if that information
was incorrect, then I shall make sure that he is advised accordingly.

But I will need to find out precisely where we are on an insurance solution. I think it has, from
435 memory, an enormous number of challenges, but I do not think it has been absolutely decided that
the matter should not proceed.

The Deputy Bailiff: Alderney Representative Hill.

440 **Alderney Representative Hill:** Good morning, madam.

I welcome Deputy Trott's comments about the Alderney Runway. That is very encouraging to hear those words. However, he did use the words 'solution fair to all' and I wondered whether you could enlighten us on how you see that panning out?

445 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: Thank you,

It is clearly, Alderney Representative Hill, through you, madam, not acceptable to all that we spend £38 million on the project. But it is certainly acceptable to many that we try to stay within the existing cost envelope. I am often criticised for making comparisons *per capita* but I think that most international measures are regarded using that metric and there is no doubt that even spending £24 million on our friends in Alderney, on the rehabilitation of your runway, is a very significant *per capita* sum and that is where the reference fair to all comes from. There is a balance that needs to be struck. We are eager to find it, as I know are you.

455

The Deputy Bailiff: I will allow the questions to go on for a further 10 minutes.
Deputy Falla.

Deputy Falla: Thank you, madam.

460 As the President of Policy & Resources approaches the end of his term of office and indeed, he promises us, the end of his political career, (*Laughter*) what advice would he give to his successor?

The Deputy Bailiff: Deputy Trott.

465 **Deputy Trott:** That is a great question. Deputy Falla knows my wife and is aware of how determined she is in this regard! I think the message needs to be sent out loud and clear that this is no walk in the park, this job. This is a challenging and demanding and time-consuming role. It is made even harder in the next term by our lack of fiscal resources. It really is going to be an extremely challenging term for those of you who return to this Assembly, with regard to our public finances.

470 I suppose my primary message is that my successor needs to be prepared for that. I think there are many in this Assembly who are, in order to ensure that this matter is dealt with and is dealt with quickly and effectively.

The Deputy Bailiff: Deputy Oliver.

475

Deputy Oliver: Thank you, madam.

With the construction village speeding ahead, have you found where it is actually going to go?

The Deputy Bailiff: Deputy Trott.

480

Deputy Trott: Not to my knowledge and I think in many respects it will be specific site dependent. I think if my interpretation of what I have seen is correct, it will depend on which site comes out of the ground first. The key part of this process is the procurement of the village and, as you heard me say earlier, that is being fast-tracked as quickly as it is possible for the procurement team to do.

485

The Deputy Bailiff: Deputy Bury.

Deputy Bury: Thank you, madam.

490 Just going back to the revenue services and notwithstanding the reassurances that Deputy Trott has given to the Assembly and the public, which I am sure are welcome, on a more practical level,

have any conversations been had or considerations been given to waiving of late fines for people who have clearly experienced difficulty, because of the systems, submitting their tax returns on time?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: That is a most welcome and sensible question. We have sought reassurances from those who are in leadership roles in the Revenue Service, that each case will be treated on its merits. So, in answer to the question specifically, if the case is made that difficulties were experienced either online or in other areas then the Revenue Service will look on those comments favourably, rather than negatively. I really hope that people will not worry in this regard.

The Deputy Bailiff: Deputy Queripel.

Deputy Queripel: When I was in Wheadon House recently, I witnessed two members of the public verbally abusing a member of staff from the Revenue Service. The member of staff remained calm and said, in a civilised and dignified manner, 'I can only apologise to you sir, I can assure you we are doing our very best to deal with all the inquiries we receive.' Whereupon the member of the staff was then subjected to a further torrent of abuse from these two members of the public.

With that in mind, I believe I am right in saying that a lot of the problems currently happening within the Revenue Service are due to a chronic shortage of staff. Can Deputy Trott give me an assurance that recruitment of staff is being given priority? And would he agree with me that the current staff members are doing a wonderful job under extremely difficult circumstances?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: The last question is very easy to answer. Yes, I do. I can advise Deputy Queripel that the Revenue Service is at its full human resource complement. That is the first time for some time. My understanding is that they are fully staffed.

I can understand why some people feel very hot headed in those circumstances and it is a credit to our staff that they are able to handle those sorts of conditions calmly and maturely and I thank them for it.

He may be amused to hear that I mentioned over the dinner table at home, recently, I could not understand why so many people in our community had left it to the last minute to submit their tax return, only to be reminded by family members that I myself fell into that category!

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Thank you, madam. I am genuinely grateful to the President for what I thought was a very balanced statement. I arise really because of his answers to questions from Deputies Roffey and Falla.

He has pointed out there will be an £850 million shortfall next term in what is really needed for capital projects. He said that, in itself, depends on the implementation of GST, which is far from certain, which he has consistently voted against in the past.

Bearing in mind that position, what does he suggest, this really takes up the point from Deputy Falla, with his considerable experience, the next States should be doing to bridge that fiscal gap? In other words, what taxes should it bring in, what savings should it make?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Unlike some Members of the States, I have suggested alternative measures of revenue raising in the past. But I think the problem we have with GST, and I am not sure whether

the States' Treasurer would be pleased to hear me say it, is I do not think 5% is enough. I think 5% balances the books, assuming of course it is on everything in the short term. But I think to grow our reserves in the way in which this Assembly has decreed, a Goods and Services Tax needs to be higher than that.

There are some other potential revenue sources in the future but it is not in the immediate future, it is some way off. So the problems will be next term. This States has made its decision. It remains to be seen whether the next States will confirm that decision. Let us expect that they will.

I mentioned in my opening remarks that we had a £20 million or thereabouts revenue deficit for 2024 and it is unlikely to change. What I did not say in my opening remarks is that our structural deficit is calculated to be close to £60 million a year. So the problems are significant. The rates of tax that we are considering are, in my view, inadequate, and time will tell how the next Assembly deals with these matters.

The Deputy Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, madam, and I thank the President for his answer to my question. I was somewhat surprised to hear the uncertainty regarding the Health Insurance Scheme. May I ask, madam, is the President aware that his Committee has submitted a policy letter requesting that the Resolution regarding the compulsory Health Insurance Scheme, be rescinded?

Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: I am, now you remind me, but I was not a moment ago. The brief of the Policy & Resources Committee is extensive and I do not think it is reasonable for me to be expected, or any holder of this office, over every aspect of that brief. But I do recall that, now that I have been reminded and I thank him for doing so.

The Deputy Bailiff: The last two questions will be Deputy Kazantseva-Miller and then Deputy de Lisle. So Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, madam.

The Chief Minister mentioned that, given the delays with Leale's Yard, other sites should be prioritised and looked at. Planning policy has an important policy called S5, which allows for sites to come forward, which may not be currently ringfenced under the IDP. As an Assembly I think we have failed to take advantage of that policy. Would the Chief Minister support and encourage the use of that policy by the States' Strategic Property Unit and other developers to use that policy before the IDP changes come forward, which is not going to be until at least 2026.

Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: The answer is easy for me. The answer is yes, I would. I was a Member of the States back in 2000, when the States was not subject to Planning Law. I think modern human rights and various other initiatives changed that. But I would prefer us to be outside of the Planning Law. We act collectively on behalf of the community as a whole, not as an individual developer or a group of developers. So, for that reason alone, I am strongly of the view that that particular policy should be utilised more frequently.

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, madam.

I note the comments of the Chief Minister with regard to Leale's Yard. Was this, I ask the Chief Minister, not always a pie in the sky development, with the considered placing of £25 million to £30 million of taxpayers' money into a scheme that has, for 20-30 years now, not found sufficient support from the private sector market to justify development? Is it not a matter now, as perhaps he may have already indicated, to turn attention to other development opportunities?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: This scheme is something that we inherited from our predecessors and I think, from the Committee prior to that. I remain confident that a solution can be found. If we were to be investing that sort of money, £25 million to £30 million, remember we would be getting for that sum a very material number of houses. The issue is whether they would be affordable and that is where our focus remains. But clearly, our housing shortage is chronic. It has reached proportions where many sites need to be developed, including that of Leale's Yard.

The Deputy Bailiff: Thank you, Deputy Trott.
Deputy Soulsby, do you wish to be relevéed?

Deputy Soulsby: Yes please, madam.

Questions for Oral Answer

COMMITTEE FOR ECONOMIC DEVELOPMENT

Inter-Island travel – Joint tender

The Deputy Bailiff: We now turn onto the Rule 11 Questions. Deputy Taylor, your question you are posing to the President of the Committee *for* Economic Development.

Deputy Taylor: Thank you, madam. Before I pose my question, madam, could you just clarify whether Deputy Trott will be providing an answer to my question that I posed, pursuant to Rule 10(5)? He declined to answer.

The Deputy Bailiff: Deputy Trott, if you wish to clarify that, you may.

Deputy Trott: I thought I made it quite clear that I would be seeking legal advice as to whether it was appropriate for me to answer. I am not a lawyer, but whilst it is, I think, *sub judice*, it is certainly within the remits of an exchange of correspondence between legal parties. That was the appropriate thing to do and that is the way in which I will address this matter.

The Deputy Bailiff: Thank you, Deputy Trott.

Deputy Taylor: Sorry to press, madam –

The Deputy Bailiff: Deputy Taylor, that has finished now. We are now moving on. Questions in relation to the President has now finished. Can you now address your Rule 11 question, please.

Deputy Taylor: Right we are. Okay.

Madam, in response to questions in this Assembly on 22nd January 2025, Deputy Inder stated: 'We have got to get horse boxes, cars, cyclists and sportsmen and women inter-Island, and both Islands are absolutely keen to deliver on that.' Deputy Inder also confirmed that officers of the Committee for Economic Development have been directed to work with their counterparts in Jersey to establish a 'workable solution'. Given the importance of inter-island vehicle and pedestrian travel, will his committee be seeing to run another joint tender for inter-Island travel?

The Deputy Bailiff: Deputy Inder, your response, please.

Deputy Inder: The short answer is the Committee will not be running a joint tender for inter-Island travel. I thought I explained that in the response last time. However, under the new contract to provide Guernsey's freight services, which takes effect at the end of March, Brittany Ferries will operate one inter-Island rotation a week from Guernsey to Jersey, every Wednesday. DFDS will also provide a reciprocal Jersey to Guernsey rotation once a week, which is currently envisaged to be on a Sunday.

Active discussions on additional inter-Island ferry services are currently under way, involving officers from both the States of Guernsey and the States of Jersey and the ferry service providers. I will keep Members updated.

The Deputy Bailiff: Thank you.

Are there any supplementary questions in relation to that answer? Deputy Taylor.

Deputy Taylor: Yes, I have got two, madam.

Can Deputy Inder confirm whether the active discussions on additional inter-Island ferry services currently underway between the States of Guernsey and the States of Jersey involve any ferry service provider, for clarity that is excluding Brittany Ferries and DFDS, that is capable of delivering a service that would get 'horse boxes, cars, cyclists and sports men and women' inter-Island?

The Deputy Bailiff: Deputy Inder.

Deputy Inder: The short answer is no.

The Deputy Bailiff: Deputy Taylor, your second supplementary question.

Deputy Taylor: Do the Committee have any plans or are they approaching any service provider to try and seek inter-Island vehicle transport outside of what is provided on the two days a week currently?

The Deputy Bailiff: Deputy Inder.

Deputy Inder: The short answer, again, is no. But I will try and help Deputy Taylor, as I explained last time. The only way of getting vehicles onto Guernsey or Jersey is via the ramp. The ramp licensing, we will have a mutual agreement, as explained previously and as I will try and explain again. We are looking at the Wednesday for Brittany Ferries going into Jersey and potentially, as I explained, Sunday for DFDS coming back. In between, we will be concentrating on Manche-Iles Express, expanding that, and there is another option, which the Committee is going to revisit, on another ferry operator who may be able to provide other services.

The Deputy Bailiff: Deputy Gabriel, supplementary question.

Deputy Gabriel: Thank you, madam.

690 Would the President agree with me that there are other suppliers that offer a different solution to ro-ro, which is lo-lo, lift on, lift off, and currently operate between Poole, Alderney, Guernsey and Jersey and will his Committee investigate offering a licence to them to provide vehicle services on a lift-on, lift-off basis, between the Islands?

Thank you.

695 **The Deputy Bailiff:** Deputy Inder.

Deputy Inder: I suppose the short answer is there are other opportunities but in pursuant of the actual question itself, which Deputy Gabriel I think he even included Alderney as well in that, but the inter-Island in the context of Deputy Taylor's question was between Jersey and Guernsey, 700 which is in the context of the Ferry Agreement.

The Deputy Bailiff: Deputy Blin, supplementary question.

Deputy Blin: Thank you, madam.

705 Based on Deputy Inder just commented about potential other ferry services that exist, given the fact that there has been some funding to Manche-Isles from both Jersey and Guernsey, does that kind of imply that therefore with this additional service, there will be additional funding for another one as well?

710 **The Deputy Bailiff:** Deputy Inder.

Deputy Inder: The answer to my question implies no such thing.

The Deputy Bailiff: Deputy Gollop.

715

Deputy Gollop: I welcome the President's answer that we now have a weekend sailing as well but I have perhaps two supplementaries and the first would be the President identified sports people and certainly teams from Jersey and Guernsey would like to see weekend sailings, but so would the tourism sector, who gave us an excellent presentation. So my question is, will the 720 Committee try to work with their Jersey counterparts and the sailing operators, to provide a Friday and/or a Saturday sailing as soon as possible, in addition to the proposed Wednesday and Sunday slots?

The Deputy Bailiff: Deputy Inder.

725

Deputy Inder: I have been trying to work with Jersey for the past 18 months and I will continue to try to work with Jersey. DFDS has published schedules, so has Condor but, to answer his question directly, and to manage expectations, I doubt we are going to get extra services, which are ro-ro services, as Deputy Gollop requested of me.

730

The Deputy Bailiff: Deputy Gollop, your second supplementary question, please.

Deputy Gollop: I appreciate that lift-on, lift-off services are a different proposition and may be outside the contracts, but would it not be fair to say that during the 18 months that Deputy Inder 735 has identified, that both operators, presumably, included within their extensive plans enough capacity to provide regular sailings to and from Jersey, should the legal situation allow it? So would it not be possible, eventually, to have between the two operators a daily service because presumably they have enough sailing capacity to apply that between them?

740 **The Deputy Bailiff:** Deputy Inder.

Deputy Inder: We are currently in our position, entirely as a decision that Jersey made. Had we gone for a joint tender, we would not be having this conversation. There is literally no legal impediment for Jersey not to have appointed Brittany Ferries on tender one. We appointed, partially, they never finally came to what we viewed as a decision.

745 To again answer the question as much as I can – I do try and answer his questions, through you, madam, to Deputy Gollop – these things are all developing. I cannot go further than I can at the moment. I have explained in the Meeting that these are delicate negotiations. I will repeat again, we are looking at Wednesday getting agreement from Ports of Jersey, DFDS have given an indication for Sunday. There will be some infills from Manche-Iles Express and we are looking at
750 another operator, who may be able to provide some of those services.

The Deputy Bailiff: Thank you.

Are there any more supplementary questions in relation to this? No.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

Answering tabled questions – Committee mandates and responsibilities

755 **The Deputy Bailiff:** In that case, we will turn to the next Rule 11, which is again posed by Deputy Taylor, this time to the President of SACC.

Deputy Taylor: Thank you, madam.

760 Rule 10(5), Rule 11(2)(b) and Rule 14(1) require questions posed to a committee be on a matter, or relating to a matter, which falls within the mandate of the Committee being questioned. Where the matter being referred to related to a current Committee mandate, but the matter itself predates the Committee's responsibility – i.e. there has been a transfer of mandate between Committees – which Committee bears responsibility for answering the questions?

765 **The Deputy Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, madam.

770 Both Rule 13 and Rule 15 give the Presiding Officer discretion in particular circumstances to rule whether the question is in or out of order. Actually, historically, it has always been at the Presiding Officer's discretion which Committee bears the responsibility of answering questions, therefore ultimately it will be at the discretion of the Presiding Officer, depending on the context, to decide which Committee has responsibility to answer the question.

The Deputy Bailiff: Thank you.

775 Are there any supplementary questions? Deputy Roffey.

Deputy Roffey: Would the President of SACC agree with me that, very often, when powers have been transferred, the original Committee that that function may have sat under no longer exists? For instance, there could be a question about the States' Property Unit's actions when it was under Treasury & Resources, but there is no Treasury & Resources Committee and therefore the logic is
780 that the question should be asked of the Committee that currently has responsibility?

The Deputy Bailiff: Thank you. Deputy Meerveld.

785 **Deputy Meerveld:** I agree with that.

Thank you.

The Deputy Bailiff: Deputy Trott, your first supplementary question. Sorry, did I call you Trott? Deputy Taylor.

Deputy Trott: Give it time!

Deputy Taylor: Deputy Trott, OBE, madam!

Sir, whilst it is accepted that Rule 13 and Rule 15 give discretion to the Presiding Officer in SACC's words, 'particular circumstances', the particular circumstances I have raised are not covered by either of these Rules, nor any other Rule within the Blue Book. Whereas the Committee mandates are quite clearly set out.

So the question is, if the Presiding Officer directs an alternative Committee to answer a question and that Committee does not have the answer because, for example, all staff and files have been transferred, fully in accordance with the Rules, where exactly would the answer come from?

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, madam.

I think we are dealing with hypothetical situations here. He would have to look at the context of the actual situation as it arises but I think Deputy Roffey's point is particularly salient here in that the transfer of responsibilities, files, staff, etc, have been transferred to a new Committee, it seems logical to me that the Presiding Officer would decide that Committee would answer that question.

Thank you, madam.

The Deputy Bailiff: Thank you.

Deputy Taylor, your second supplementary question.

Deputy Taylor: Thank you, madam.

Deputy Meerveld has again referred to context and in the original reply it was stated that ultimately it would be at the discretion of the Presiding Officer, depending on the context, to decide which Committee has responsibility to answer the question. Given the discretion is context dependent, what are the potential different contexts, other than those where the mandate has clearly been changed, that SACC foresee could arise?

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: I must admit, SACC has not done role-playing to determine what possible scenarios could come to light but I think everybody in this Assembly can agree that the Presiding Officers do an excellent job of managing the questions and procedures of this Assembly and I believe the SACC Committee would join me in agreeing that we are confident that, whatever the context, the Presiding Officer will come up with an appropriate decision.

Thank you, madam.

The Deputy Bailiff: Thank you, Deputy Meerveld. If there are no supplementary questions, I will then ask Deputy Gollop to pose his Rule 11 question to the President of the Development & Planning Authority.

DEVELOPMENT & PLANNING AUTHORITY

**Open planning meetings –
Schedule and the role of local democracy in the planning process**

835 **Deputy Gollop:** I thank the Deputy Bailiff and I thank Deputy Oliver for her responses, and they were before time as well.

My first question is, it may have changed since I wrote this, but the current gov.gg website today, which was 28th January, indicates the current open planning meeting agenda is set for Monday 22nd July 2024 on Longue Hougue quarry, the previous past meeting being on the north side
840 quayside area on 18th June. Are any future open planning meetings scheduled and have the criteria of key public interest changed as the latest important Leale's Yard plans were internally approved?

The Deputy Bailiff: Deputy Oliver.

845 **Deputy Oliver** No open planning meetings are currently scheduled. The established criteria for the referral of planning applications to open planning meetings remain unchanged from those set out in the published scheme of delegation.

The Deputy Bailiff: Deputy Gollop, is this a supplementary question?

850 **Deputy Gollop:** The first was on the first point that, good though the website is, could it not be improved from a planning perspective, so that past meetings are not necessarily shown as current? Maybe that is a question beyond this Committee but I think we do need an improved website.

855 **The Deputy Bailiff:** Deputy Oliver, you can choose not to answer that question, because it does not go to the answer that you gave to the previous question.

Deputy Gollop, do you have any other supplementary questions?

860 **Deputy Gollop:** Yes. The answer says that the established criteria for referral of planning applications remain unchanged but, in that instance, why was perhaps the criteria of key public interest not recognised for the Leale's Yard area, because I would have argued it, albeit not from the P&R perspective, necessarily, that when a change was made from it to be all residential to partially residential and partially commercial, on an important site like that in a Town area, that it would have merited an open planning meeting?

865 **The Deputy Bailiff:** Deput Gollop. I am sorry, I am not doing very well today! Deputy Oliver.

Deputy Oliver: Thank you, madam, I think!

870 Leale's Yard came to us asking if we wanted to take it to open planning and by majority it was decided that it would not.

The Deputy Bailiff: Thank you.
Deputy Gabriel.

875 **Deputy Gabriel:** Thank you, madam.

I think I heard in the response that the criteria have not changed of key public interest. But surely public interest changes site by site, so is there any scope to amend the criteria on a dynamic basis, relating to the site, which could go to an open planning meeting?

Thank you.

880 **The Deputy Bailiff:** Deputy Oliver.

Deputy Oliver: Yes, it is looked at on a case-by-case basis, as every planning application is. So the answer is yes, it is.

885 **The Deputy Bailiff:** There are no further supplementary questions. Deputy Gollop, could you pose your second question to Deputy Oliver.

Deputy Gollop: Thank you, Madam Deputy Bailiff.

890 The new UK government who believe in growth want less local democracy in planning decisions and more strategic focus on housing and infrastructure. Will the DPA Committee be following, monitoring and benchmarking this debate and change of outlook?

The Deputy Bailiff: Deputy Oliver.

895 **Deputy Oliver:** Thank you, madam.

The DPA is aware of current discussions in the UK concerning planning matters and is watching with interest. The Authority agrees that the planning services need to be an enabler, balancing competing needs of the Island, including the provision of housing and infrastructure. We will review any ideas or suggestions that may benefit our local system.

900

The Deputy Bailiff: Your first supplementary question.

Deputy Gollop: I thank Deputy Oliver for the answer.

905 I think part of the plans in the UK have suggested that on certain larger sites for housing and infrastructure, there would be a presumption for development. Would the Development & Planning Authority look at that kind of provision in our situation, say balanced against nature conservation, or whatever?

The Deputy Bailiff: Deputy Oliver.

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Deputy Oliver: As I said, the plans at the moment are in draft and we are keeping a close eye on what is going on.

The Deputy Bailiff: Deputy Inder.

915

Deputy Inder: Thank you, madam.

It is a reference to the answer that the President of the DPA gave to Deputy Gollop to the first question. I think Deputy Victoria Oliver said she will be monitoring what is coming out of the UK. My question to her is that, given it is fairly obvious as good a job I believe the DPA have done over the past four or five years, why wait? Why can't the DPA show some leadership and make some difference to the plans before waiting for the UK?

920

The Deputy Bailiff: Deputy Oliver.

925 **Deputy Oliver:** I would say that we are currently doing the focused IDP Review, so we are not waiting for what is coming out of England but as with all things we are monitoring it. I would say that where there is permitted development, there is permitted development. So I think we are quite flexible in most things, anyway, to be completely frank with you.

930 **The Deputy Bailiff:** Deputy Gollop, your second supplementary question.

Deputy Gollop: Yes, we have already heard the view in earlier question time that perhaps the States has a role in not necessarily applying for planning permission. Would the Development

935 & Planning Authority consider that, on occasions, strategic sites should go to the Economic
Development Committee, the Policy & Resources Committee or indeed the whole Assembly for a
kind of ministerial consideration, rather than just be within the DPA? Because that would ensure the
whole Government balancing all options, which is similar, I think, to what has been happening in
the UK, where a minister recently demanded that a Kent authority submit their application to
Whitehall.

940 **The Deputy Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you, madam.

945 We do already, because every application is there for consultation and I would hope any
Committee that is involved in that, we go out to say, could you make comment on this, and every
single one of you in this Chamber can make comment on every single application, if they wish to. It
is not just the DPA making these strategic things, it is the Island that can have their say.

The Deputy Bailiff: Deputy Inder, your second supplementary question.

950 **Deputy Inder:** To expand on that, and I accept it might fall foul of the Rules, casting our minds
back to the Castel Hospital site, I remember Deputy Roffey wanted it for social housing, Deputy
Mahoney wanted to level the site and turn it into a development. In between, Heritage turned up,
managed to, I do not know what they call it, list the stairs, list a balcony, list an arch. Would Deputy
955 Oliver not agree with me it is the things like that, that happen, that end up killing developments?

The Deputy Bailiff: Deputy Oliver, it goes beyond the original answer. You can choose whether
to answer it or not. I will leave it to you. Right that is the end of the Rule 11 questions.

STATES' TRADING SUPERVISORY BOARD

Alderney Airport runway maintenance – Prevention of closures

960 **The Deputy Bailiff:** I have agreed that Alderney Representative Snowdon may pose a question
under Rule 12, to the President of the States' Trading Supervisory Board.
Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you very much.

965 On Saturday 1st April, Alderney runway was closed all day for critical maintenance. Please could
the STSB explain what preventative actions will be taken to prevent this from happening again?
Thank you.

The Deputy Bailiff: Deputy Roffey.

970 **Deputy Roffey:** Guernsey Ports continues to monitor closely the condition of the asphalt runway
at Alderney Airport and is carrying out a programme of preventative maintenance to minimise
potential disruption. A detailed inspection is carried out by pavement specialists every six months
to inform the priorities for the next phase of that maintenance.

975 Our pavement construction contractors then carry out work each spring and autumn over 10
consecutive nights, which now involves laying around 40 tonnes of aggregate on each occasion.
The annual cost of this programme in 2023 and 2024 was around £400,000. The next detailed
runway inspection is scheduled for this month, with the next phase of planned maintenance taking

place in April. Were it not for this preventative programme, we would not currently have an operational asphalt runway in Alderney.

Of course, given the age and condition of the current surface, we simply cannot exclude the possibility of reactive repairs being required at relatively short notice, such as unfortunately occurred last weekend. Every effort is being made to minimise any potential impact on flight schedules, but regrettably that possibility cannot be completely discounted. It is however worth noting that the previous occasion of an extended disruption occurred due to repair works back in October 2022.

Thank you.

The Deputy Bailiff: Supplementary question, Alderney Representative Snowden.

Alderney Representative Snowden: Yes, thank you very much. Thank you for answering the question. Just one follow-up, if that is okay. Could reports from the CAA and DCA regarding Alderney Runway be shared with the States of Alderney and be made public so we are fully aware of what those reports say?

Thank you.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I am reluctant to give a firm answer because I am not sure what status ... It is not from our point of view that there will be any particular confidentiality but I am not sure how we are supposed to treat information coming in.

I can say that, generally, the last time the CAA reviewed it, I do not think it is breaking any confidences to say that it was an encouraging report, including that the coefficient of friction on the runway is better than might be expected and maybe had improved somewhat from the last inspection. However, that should not be taken as read that the current runway there is sustainable in the long or even medium term.

The Deputy Bailiff: Alderney Representative Hill, your first supplementary question.

Alderney Representative Hill: Madam, whilst I thank Deputy Roffey for his answer and I note that the last extended disruption was in October 2022, there have been many smaller incidents of smaller fissures and potholes suddenly appearing without warning, which give us a slight element of concern for general safety. Would Deputy Roffey agree we are now in the territory once described by the Chairman of United Airlines, if you think safety is expensive, try an accident; and that an urgent long-term solution is now vital, and given the potential financial liability should there be a horrible incident or an accident, be now prudent action?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: There are several aspects there.

Firstly, on safety, I would say that routine inspections are carried out, I think, four times a day, to make sure that the runway actually is in a safe state. That was what gave rise to the fact that a previous patch from a number of years ago had been found to have sunk slightly, which is what caused the incident on the weekend concerned. Normally the concrete repairs would be cured, ready to be fitted, but because of the low ambient temperature it took longer than expected.

But the other part of his question was would I agree that a long-term solution is needed and needed quickly and I absolutely agree with him on that statement.

The Deputy Bailiff: Deputy Inder, first supplementary question.

Deputy Inder: Thank you, madam.

In response to the first question, I think Deputy Roffey said maintenance may end up disrupting flight schedules, which is a real possibility. Would he therefore agree with me, and it has come somewhat from the Taylor questions to me, that an expanded, inter-Island ferry service, which included Guernsey, Jersey and Alderney, may actually have some benefit over the short, medium and long-term?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I actually think, whether or not it is required because of disruption of flights, an enhanced and strengthened ferry service between Guernsey and Alderney would be a very good thing for many people. However, I would counsel that those who believe it is an absolute alternative to air connectivity, particularly in the winter, the idea of an all-weather service being reliable in that respect, I have considerable doubts over that.

The Deputy Bailiff: Deputy Inder, your second supplementary question.

Deputy Inder: Given the response to the question, this is probably more for him than his board, he may not be able to answer it, could he envisage a time where we have got an enhanced winter service to Alderney and a reduced PSO in the summer, where we are actually using ferries over airlines?

The Deputy Bailiff: Deputy Roffey, this is going beyond the answer, but –

Deputy Roffey: It also goes beyond my mandate. The PSO does not come under the STSB. It is entirely a matter for P&R.

The Deputy Bailiff: Deputy Gollop, your first supplementary question.

Deputy Gollop: Would the President of STSB agree with me that when and if we are in the fortunate position of being able to repair the runway for even small planes, let alone bigger planes, that such procurement might, unfortunately, lead to the runway being closed while it is being repaired, so we cannot rule out temporarily closing the Alderney Runway when repairs take place?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Absolutely correct, which is why it is crucial that that work takes place during the summer months, when a ferry service is far more likely to be reliable.

The Deputy Bailiff: Are there any further supplementary questions in relation to the Rule 12? No. Greffier, the next Item of Business.

Billet d'État III

ELECTIONS AND APPOINTMENTS

STATES' TRADING SUPERVISORY BOARD

1. Appointment of Non-Executive Director – Guernsey Electricity Limited – Mr Julian Critchlow appointed

Article 1.

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Appointment of a Non-Executive Director – Guernsey Electricity Limited' dated 19 December 2024, they are of the opinion:-

1. To approve the appointment of Mr Julian Critchlow as a non-executive director of Guernsey Electricity Limited with immediate effect.

1075 **The States' Greffier:** Billet d'État III, Article 1, the States' Trading Supervisory Board – Appointment of a Non-Executive Director, Guernsey Electricity Limited.

The Deputy Bailiff: Deputy Roffey.

1080 **Deputy Roffey:** I think we have been informed it will be Deputy Parkinson.

The States' Greffier: I do.

1085 **The Deputy Bailiff:** Oh, I was not informed.
Deputy Parkinson.

Deputy Parkinson: Thank you, madam.

1090 The background to this appointment is that Guernsey Electricity is recruiting an additional NED for a temporary period, the objective being that the new appointed NED will take over as Chairman of Guernsey Electricity when the current Chairman Peter Shaefer steps down at the Annual General Meeting. So the background to that is that GEL undertook a recruitment process, under a recruitment panel, on which I had the honour to serve. The role was advertised locally and on social media, attracting 21 applications, basically of very high quality.

1095 This process resulted in the proposed appointment of Mr Julian Critchlow, an outstanding candidate. I would draw the Assembly's attention to Mr Critchlow's CV, which is included in the policy letter and particularly the fact that Mr Critchlow is an advisory partner to Bain & Company, one of the world's leading consultancies, and formerly the Director General of the Energy Transformation & Clean Growth division at the UK government Department of Business, Energy and Industrial Strategy, responsible, amongst other things, for delivering net zero in the UK.

1100 I would also observe, because I think it is important, that for the last 30 years, Mr Critchlow has spent a week every summer camping on Herm and therefore has a great interest in and fondness for the Bailiwick. He is impeccably qualified to be a future Chairman of GEL and a current NED and I hope that we may be able to exploit his knowledge and experience for the benefit of the States of Guernsey more widely.

1105 I urge Members to support this.

The Deputy Bailiff: Thank you, Deputy Parkinson.

Does anybody wish to speak in general debate? No. Well, in that case, I hope everybody is signed in already. I am guessing that might not be the case, but we will open the voting now, please, States' Greffier.

1110

There was a recorded vote.

Carried – Pour 31, Contre 4, Ne vote pas 1, Did not vote 0, Absent 4

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

The Deputy Bailiff: In relation to the Proposition, there voted Pour, 31; Contre, 4; there was 1 abstention and there were 4 absentees. I therefore declare the outcome as passed.

Billet d'État IV

ELECTIONS AND APPOINTMENTS

TRANSPORT LICENSING AUTHORITY

1. Election of a Member of the Transport Licensing Authority – Deputy Dyke elected

Article 1.

The States are asked:

To elect a sitting Member of the States as a member of the Transport Licensing Authority to complete the unexpired term of office, that is to the 30th June 2025, of former Alderney Representative S. R. Roberts, who has ceased to be a sitting Member of the States and so deemed to have resigned from the Committee under the terms of Rule 37(6), in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

1115 **The States' Greffier:** Billet d'État IV, the Transport Licensing Authority – election of a Member of the Transport Licensing Authority.

The Deputy Bailiff: Deputy de Lisle.

1120 **Deputy de Lisle:** Thank you, madam.
The Authority nominates Deputy John Dyke to the vacancy.

The Deputy Bailiff: Who wishes to second that?

1125 **Deputy Blin:** I do, madam.

The Deputy Bailiff: Thank you, Deputy Blin.

Are there any more candidates from the floor? No. Well, we still have to have a vote. Can we circulate the envelope, please?

1130 *A ballot took place.*

The Deputy Bailiff: There were 36 eligible voters; 31 supported Deputy Dyke as the candidate; there were 2 spoiled papers and 3 blank papers. I therefore declare that Deputy Dyke is now a Member of the Transport Licensing Authority. *(Applause)*

LEGISLATION LAID BEFORE THE STATES

The Merchant Shipping (Oil Pollution) (Bunkers Convention) (Bailiwick of Guernsey) Ordinance, 2012 (Commencement) Order, 2024;
The Sex Offenders (Prescribed Jurisdictions) (Bailiwick of Guernsey) (Amendment) 2024;
The Motor Vehicles, Licensing, Tests and Traffic (Fees) (Guernsey) (No. 2) Regulations, 2024;
The Public Transport (Fees) (Guernsey) Regulations, 2024;
The Income Tax (Guernsey) (Budget) Ordinance, 2024;
The Motor Taxation (First Registration Duty of Motor Vehicles) (Guernsey) (Amendment) Ordinance, 2024;
The Sanctions (Director Disqualification) (Amendment) Ordinance, 2024;
The Capacity (Prescribed Persons) Regulations, 2024;
The Land Planning and Development (Exemptions) (Amendment) Regulations, 2024;
The Regulation of Fiduciaries (Bailiwick of Guernsey) (Amendment) Regulations, 2024;
The Income Tax (Investment Companies) (Commencement and Transitional Provisions) (Guernsey) Regulations, 2024;
The Income Tax (Approved International Agreements) (Implementation) OECD Pillar Two GloBe Model Rules) Regulations, 2024;
The Limited Partnerships (Fees) (Amendment) (No.2) Regulations, 2024;
The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) Regulations, 2024;
The Financial Services Commission (Fees and Administration Penalties) Regulations, 2024;
The Police Complaints (Conduct Proceedings and Investigations) (Guernsey) (Amendment) (No.2) Regulations, 2024;
The Health Services (Payment of Authorised Suppliers) (Amendment) Regulations, 2024;
The Misuse of Drugs (Modification) Order, 2024;
The Health Services (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2024;
The Employment and Discrimination Tribunal (Amendment) (Guernsey) Order, 2024;
The States' Housing (Statutory Tenancies) (Amendment) Regulations, 2024;
The Social Insurance (Benefits) (Amendment) Regulations, 2024;
The Fire Services (Fees and Charges) (Guernsey) Regulations, 2024;
The Companies (Protected Cell Companies) (Prescribed Classes) Regulations, 2024;
The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment) Regulations, 2024;
The Public Highways (Temporary Road Closures) (Fees and Penalties) (Amendment) Order 2024

1135 **The States' Greffier:** The following legislation is laid before the States:

1140 The Merchant Shipping (Oil Pollution) (Bunkers Convention) (Bailiwick of Guernsey) Ordinance, 2012 (Commencement) Order, 2024; The Sex Offenders (Prescribed Jurisdictions) (Bailiwick of Guernsey) (Amendment) 2024; The Motor Vehicles, Licensing, Tests and Traffic (Fees) (Guernsey) (No. 2) Regulations, 2024; The Public Transport (Fees) (Guernsey) Regulations, 2024; The Income Tax (Guernsey) (Budget) Ordinance, 2024; The Motor Taxation (First Registration Duty of Motor Vehicles) (Guernsey) (Amendment) Ordinance, 2024; The Sanctions (Director Disqualification) (Amendment) Ordinance, 2024; The Capacity (Prescribed Persons) Regulations, 2024; The Land Planning and Development (Exemptions) (Amendment) Regulations, 2024; The Regulation of Fiduciaries (Bailiwick of Guernsey) (Amendment) Regulations, 2024; The Income Tax (Investment Companies) (Commencement and Transitional Provisions) (Guernsey) Regulations, 2024; The Income Tax (Approved International Agreements) (Implementation) OECD Pillar Two GloBe Model Rules) Regulations, 2024; The Limited Partnerships (Fees) (Amendment) (No.2) Regulations, 2024; The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment)

1145

1150 Regulations, 2024; The Financial Services Commission (Fees and Administration Penalties) Regulations, 2024; The Police Complaints (Conduct Proceedings and Investigations) (Guernsey) (Amendment) (No.2) Regulations, 2024; The Health Services (Payment of Authorised Suppliers) (Amendment) Regulations, 2024; The Misuse of Drugs (Modification) Order, 2024; The Health Services (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2024; The Employment and Discrimination Tribunal (Amendment) (Guernsey) Order, 2024; The States' Housing (Statutory Tenancies) (Amendment) Regulations, 2024; The Social Insurance (Benefits) (Amendment) Regulations, 2024; The Fire Services (Fees and Charges) (Guernsey) Regulations, 2024; The Companies (Protected Cell Companies) (Prescribed Classes) Regulations, 2024; The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment) Regulations, 2024; The Public Highways (Temporary Road Closures) (Fees and Penalties) (Amendment) Order 2024.

1160 **The Deputy Bailiff:** Thank you very much, States' Greffier.

There is no suggestion of any annulment, therefore that legislation has been laid, as read out by the States Greffier.

ITEMS ADJOURNED FROM PREVIOUS MEETING

Billet d'État III

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

2. Review of the Rules of Procedure – Debate continued

1165 **The Deputy Bailiff:** Deputies Ferbrache and Gollop, I understand your two amendments are the same, which one of you is going to lay and which one of you is going to not lay?

Deputy Ferbrache: I think I am, madam, because it may have been that, on an occasion in the last States' Meeting I was not available, so Deputy Gollop kindly agreed to step into the breach and I am very grateful for that.

1170 So I seek to lay this amendment. I think I know what is going to happen, but I seek to lay it.

The Deputy Bailiff: States' Greffier, would you?

1175 **The States' Greffier:** Article 2, the States' Assembly & Constitution Committee – the Review of the Rules of Procedure – continuation of the debate.

[Amendment 9.](#)

To add the following Proposition:-

"8. In the Declaration of Interests Form set out in Schedule 2 to the Rules:-

(a) in PART 6:-

(i) for the heading, substitute:- "Real Property wherever situated"; and

(ii) in the heading to the second column, at the end add:- "or held by an entity (other than a company)";

(b) in PART 7 delete the words "in the Bailiwick",

(c) in the Explanatory Note relating to PART 6:-

(i) for the heading, substitute:- "Real Property wherever situated"; and

(ii) at the end of the first sentence, insert:- " or held by an entity (other than a company) in which you have a material interest";

(d) in the Explanatory Note relating to PART 7, delete the words "situated in the Bailiwick"; and

(e) in the Explanatory Note relating to PART 11, immediately after the first sentence, insert:

- "Interests or benefits to be listed should include pecuniary interests whether owned or controlled by you including, by way of example, the benefit of a planning permission or a contract or agreement for sale over or in respect of property declared under PART 6 or a contract or agreement to purchase property not declared under PART 6."

The Deputy Bailiff: Deputy Ferbrache, Amendment 9.

1180 **Deputy Ferbrache:** Thank you, madam.

I simply lay it in relation to where we are and, in connection with that, I do not propose referring in detail to the amendment in the sense that we are in a position in relation to where we are that we either have full disclosure or we have no disclosure.

1185 I can remember when I first entered the States, in 1994, I entered at the same time as the very able, the experienced Deputy Jeff Kitts. We were both brand new boys and on a Sunday morning phone-in programme, just before our first appearance in the States, we were both asked by the presenter, are you in favour of the declaration of interest proposals. Both of us, because we wanted to be good boys, we said yes of course we were in favour of it. A listener then phoned up and said, you actually have got to be compliant anyway, so it does not matter if you are compliant or not.
1190 Anyway, we evinced our intent to do so.

That was well before all this data protection legislation, which nobody really understands, but of which there are many bureaucrats who police and they police it with absolute diligence and often with no degree of common sense. We also of course have social media. What a wonderful creature that is in relation to where we are. Deputies are called everything from perverts to crooks, even to
1195 Freemasons. They are called all kinds of things in relation to that.

So if there had been a motion to get rid of declarations of interests and just rely on people's conflicts of interest, which we have got to disclose anyway, I may very well have favoured that. But we did not. So you cannot be half-pregnant. You either disclose everything or you disclose nothing. I think my own declarations of interest show that I apply that diligently. I think I have probably got
1200 the most extensive declarations of interest. I file it every July because what the Rules say, when you first become a States' Member you have got to do it within a very limited period of time. But after that, every July you have got to complete the declaration of interest. It may just be to say I have got nothing further to add because nothing has changed over the previous 12 months.

Not every Member does that. There was one Member that completed it diligently in October
1205 2020 when he became a Member. He then did not refer to anything until 13th December 2022, when he said same as before, no changes. He then did not complete anything again until 24th January of 2025, when he said no changes.

We are supposed to, every July, it might just be, please tick the box, because I do not earn any more or any less than I earned 12 months before, but I would have expected the President of SACC
1210 to know the Rules that applied to him, because I just referred to him.

I do not mind what we do in relation to this. Deputy Dyke has raged. I understand Deputy Meerveld has raged, to say this is terrible, it is a breach of privacy. In 2018, I think it was, when a similar motion that came from the States, I voted against it because I thought it was an invasion of privacy. It just shows, even in my advanced years, you can change your mind. You can be persuaded
1215 otherwise in relation to where we are.

Alderney, we have got two able Alderney Representatives here. They have got to disclose everything worldwide, in relation to everything, and they do. I have looked at both their declarations. It is very interesting into what they disclose in relation to that. Jersey has got far more extensive disclosure obligations than we have got and so has the Isle of Man. The Isle of Man even –

1220 I am not asking anyone to jump up to acknowledge who they might be – you have even got to disclose whether you are a Freemason or not. I do not have to say that because I am not one.

1225 In relation to that we have all those kinds of disclosures. Now we either disclose everything or we disclose nothing. If we are going to disclose nothing, fine. Let somebody bring a proposal, obviously not today, and that can be discussed. Or we disclose everything. Because I cannot see how there might not be circumstances where somebody has an interest in a property or properties or assets outside of the jurisdiction which may have a bearing upon how they might vote or be considered.

1230 Whether I own Crabby Jacks in Guernsey or a Crabby Jacks in London, I wish I did own one in London, what is the difference? It should be disclosed or not disclosed in relation to where we are. So it is as simple as that, madam. I am not going to delay any further, we have got far more, if I may respectfully say so, important matters to debate during the course of these next two and a half days.

The Deputy Bailiff: Deputy Le Tissier, do you formally second?

1235 **Deputy Le Tissier:** Yes, madam.

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, madam.

1240 The Committee is of the unanimous opinion that this proposition goes beyond the policy letter and wish to challenge it under Rule 24(6).
Thank you.

1245 **The Deputy Bailiff:** Yes, just to remind Members, 24(6), an amendment which goes further than the original Proposition shall not on that account be ruled out of order but a motion that the amendment be not debated and no vote taken, thereon, may be laid, and Deputy Meerveld has raised it at the appropriate time.

Therefore the motion is, that there be no debate nor vote on this amendment. We will start as an *aux voix*, so does who support the motion, say Pour; those against?

1250 *Members voted Contre.*

The Deputy Bailiff: You have lost your motion.

1255 **Deputy Inder:** Could we have a recorded vote, please?

The Deputy Bailiff: Yes, you may, Deputy Inder.

Can we just take a few moments, States' Greffier, for you to set up the vote? Yes, Deputy Meerveld.

1260 **Deputy Meerveld:** Can we also seek clarity for Members on a vote for the motion, regarding the way the vote was called?

1265 **The Deputy Bailiff:** I hope everybody listened when I read it out, Deputy Meerveld, but I will read it again. An amendment, which goes further than the original motion, shall not on that account be ruled out of order. But a motion, which is the one put forward by Deputy Meerveld, that the amendment be not debated and no vote be taken on, may be laid and it has been laid at the appropriate time.

1270 So the motion is to curtail the debate and not have a vote on it. States' Greffier, have you managed to prepare on the SEV? You will see, Members, it is before you on your screens. I will now ask the States' Greffier to open the voting. Deputy Meerveld, you have not voted.

There was a recorded vote.

Not carried – Pour 11, Contre 25, Ne vote pas 1, Did not vote 0, Absent 3

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

The Deputy Bailiff: In relation to the motion under 24(6), there voted Pour, 11; 25 against; there was 1 abstention and 3 absences. Therefore the motion has not been passed and therefore we will proceed to debating on this amendment. Who wishes to contribute towards the debate?

Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Deputy Ferbrache presents it as an inconsequential amendment that should just be nodded through. I was quite concerned about the extent of the implications of this amendment because, as the explanatory note correctly states, it is not just the candidates for Deputy will have to declare, but spouses, partners, infant children of Members.

This means there will be potentially identifiable information around the world to your children and your relative family that could be identifiable on public record and to me this goes to the core of the balance as a jurisdiction, that we are trying to maintain between disclosure and protection. Crucial data protection of very sensitive information. I think this goes against the balance that we are trying to also maintain as a financial services jurisdiction and find the right balance between privacy and disclosure.

It is already very hard being a Deputy because all of us, for example, are straight away classified as PEPs. Not just us but our cohabiting partners and that will be a classification that stays with you for five years after you have left public office and becoming a PEP ensures you and your partners are subject to increased due diligence and disclosure. I have been personally affected in terms of the provision of banking services and other services. This is potentially going to –

Deputy Le Tissier: Point of correction, madam.

The Deputy Bailiff: Yes, Deputy Le Tissier.

Deputy Le Tissier: I understand that only the Presidents and certain officials (*Interjection*) they are, I am sorry –

1300

The Deputy Bailiff: Deputy Le Tissier is making his point. He may not be right but he is entitled to make it! (*Laughter*)

1305

Deputy Le Tissier: I can speak for NatWest and I am not classified as a PEP because I am not a President. Thank you.

The Deputy Bailiff: Deputy Kazantseva-Miller.

1310

Deputy Kazantseva-Miller: I can honestly from my experience, I am not a President, and I have been classified as PEP and it has been confirmed to me. So we are all of us, whether you are the Transport Licensing Authority, or President of P&R, all unfortunately classified as PEPs. It is not only you are in the public eye and you have got to disclose effectively your interests in Guernsey, you have got to disclose your company interests for you in Guernsey, a certain amount.

1315

I think this provides a robust level of exposure. To me, the rationale for disclosure of interests in Guernsey is that you are trying to manage the conflict of interest and I think there is a higher chance of potential conflict of you having property or company interests than someone having a flat in Timbuktu, for example.

1320

I really am concerned about the implications. I do not think anyone has called for that. I do not really know where this is coming from. I do not think this has been identified as a problem at all and I really urge Members to strongly reject this amendment because, actually, it could seriously jeopardise privacy of family members of any potential Deputy and actually put legitimate people away from standing for public office. I really, strongly encourage the Assembly to reject this amendment.

1325

The Deputy Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, madam.

1330

I do not quite understand why Deputy Ferbrache has brought this amendment. He said he does not care whether he has some disclosure, no disclosure or full disclosure. Now he is suggesting, although he does not care if there is no disclosure, he wants a full disclosure of all interests in property worldwide and it goes on to include spouses, having partners, infant children, to declare their interests in real property, wherever situated.

1335

This is actually a massive imposition on potential new Deputies who might want to stand. What matters is the declaration of conflicts of interest. We have rules for declaring conflicts of interest in this Assembly and we have rules on declaring conflicts of interest in Committees. We have some disclosure requirements, which are fairly reasonable to my mind, that we comply with and update once a year. But this massive extension into private financial affairs and family affairs is, to my mind, a gross invasion of privacy.

1340

Conflicts of interest disclosure at the time serve a purpose. A general disclosure of properties worldwide to my mind does not serve any purpose at all. As a general rule, privacy in one's financial and private affairs is protected under the European Convention of Human Rights and this was emphasised recently in a European Court of Justice case – it is not exactly the same point but it is the same principle – where the ECJ's proposals in Luxembourg to publish beneficial ownership of Luxembourg companies were illegal. The ECJ is the ECHR but the principles it was talking about were the same and they apply here under the ECHR and just basic common decency, to have some privacy.

1345

My concern is that this proposal constitutes an unwarranted interference in privacy rights and serves no necessary purpose. This could have implications. In Guernsey we have precious little in the way of natural resources and manufacturing industry. Our neighbours are out to either close us

1350 down or steal our business. So we rely on our wits and our finance sector. It is therefore most important that this Assembly can embrace a broad range of Deputies and given the technical nature of our Island's business, the difficulties within it, we do need people to come in from the finance sector to join a mix of people.

I think this is absolutely right. If we want to put people off from standing then this is certainly a very good way to do it and highly inadvisable in the best interests of the finance sector and the economy of Guernsey. It is simply a very bad thing to do.

Deputy Ferbrache seems to have – unusually for him, I have to say, I have great respect for his principles – brought an amendment that is apparently very likely, he does not care whether we have no disclosure or a lot of disclosure, as opposed to what we have at the moment, which is a sort of middling range of exposure, which people I think can live with.

As I say, it is important that we bring in people of competence from the finance sector and this sort of thing will put them off. For someone with technical expertise, the salary is not an important thing. They are doing the work for the good of the country. They have to put up with all the PEP stuff that we all do. So the last thing we want to do is to deter good people from standing for election. That would be most unfortunate. So I do strongly suggest that we do respectfully vote against this amendment.

Thank you.

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam.

I am going to speak in favour of the amendment and I am pleased that it has been brought. I sympathise with SACC but I really feel that this was an issue that needed to be aired, have a conversation about, so hence my vote to allow the conversation to continue.

I think that transparency, openness and factual accuracy is really important. In a small community like Guernsey, the grapevine runs riot, full of inaccuracies and exaggerated myths and it is really unhelpful because it can race and gain unprecedented ground and give the community the completely wrong impression about people. So what better than to put people right by having a factual, up-to-date register of interests of the people who they have elected to be their politicians?

I do not think a declaration of interest for politicians is in the same league as that of beneficial ownership for trust and company structures. I think the latter, the trust and company structures, that is part of our bread and butter and should not be conflated with this. I think those corporate clients come to us with an expectation of privacy and that we should be striving to adhere to that, despite the efforts of various English governments to change that; I am not in support of that.

But I think us holding public office is a different category altogether, which is exemplified by our treatment from the financial services and to set the record straight for Deputy Le Tissier, I have never heard it was only the status of Presidents of a Committee to be a Politically Exposed Person. In my view, that has not been the case. Certainly last term, when I was not a President, I was still subject to the same PEP treatment as I am now and, in actual fact, further Members of my family –

I will give way to Deputy Le Tissier.

Deputy Le Tissier: Point of correction, madam.

The Deputy Bailiff: Point of correction, Deputy Le Tissier.

Deputy Le Tissier: Since I have been pooh-poohed that I was wrong, I refer Members to the money laundering handbook, which is available on the GFSC website, specifically Appendix E which I was going to and I will circulate and it specifically mentions –

The Deputy Bailiff: Deputy Le Tissier, if it is a point of correction, how has Deputy Dudley-Owen ... how do you need to correct her? You have your own speech in this debate.

Deputy Le Tissier: She was saying she was deemed to be a PEP by reason –

1405 **The Deputy Bailiff:** Deputy Le Tissier, if that was her experience, I find it difficult to understand how yours can then be a point of correction, because it was Deputy Dudley-Owen's experience. That is not to say you do not have a point to make and of course you do have the opportunity to make your point during debate if you choose to speak on it. So I am going to ask Deputy Dudley-Owen to carry on.

1410 **Deputy Le Tissier:** Thank you, madam.

Deputy Dudley-Owen: Thank you, madam, and yes, it is my experience and I think that it would be helpful at some point during the debate to get some clarification from H.M. Procureur – Sorry, I will give way to Deputy Meerveld.

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The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: I thank Deputy Dudley-Owen for giving way. It is my understanding that every Deputy, as soon as elected, becomes a Politically Exposed Person. It is in the definition. Certainly, when I was elected in 2016, I got a call from HSBC, who demanded myself and my wife turn up with our passports, go for a special interview and were informed at that time, before Guernsey changed its regulations, we were not only a PEP, we were a PEP for life.

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Now the regulations have changed, we are a PEP for five years after we cease to be a member of a political body. But definitely every Member of this Assembly is a Politically Exposed Person, by definition.

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Thank you.

The Deputy Bailiff: Deputy Dudley-Owen.

1430 **Deputy Dudley-Owen:** Thank you.

Thank you and thank you to Deputy Meerveld for that clarification. But it may be helpful to get some legal clarification as well. Just before I give way to Deputy Leadbeater, I think we all know that the handbook is open to interpretation and the interpretation of the banks is often different from the interpretation of fiduciaries, so it seems to be widely applied –

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I will give way to Deputy Leadbeater.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, madam.

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I will not take up too much time. This was pointed out to me recently, on the bottom of the email, whatever it is, handbook, from the GFSC, appendix two. It says a Politically Exposed Person means a person who has or has at any time a prominent public function or who has been elected or appointed to such a function in a country or a territory other than the Bailiwick. This is what it says. So there is some confusion about it and it is a grey area. This has come from the GFSC.

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The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam, and this is probably why it is best to get that clarification, I think, for all of us, because I think it does actually cause quite a lot of extra bureaucracy for us and our family members.

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However, I do not see this as too intrusive at all. It is quite sensible in terms of including spouses and cohabiting partners. The likelihood of it being infant children, unless in very exceptional circumstances, I think is rare. But in terms of spouse and cohabiting partners, we know that people

transfer their property interests to those that they live with sometimes and I think for the benefit of openness and transparency, we would all seek as principles to adhere for our electorate, I think that those declarations should be made.

However, I do caveat that with having that privacy, which I think is really important, as exemplified by Deputy Ferbrache himself, Deputy Oliver, other Members of the Assembly, who have had their personal property intruded upon and really unpleasant things taking place there with faeces left on doorsteps and things like that. That really is unacceptable.

Therefore I would caveat my support by saying whilst a declaration of interest should be made, I think that the jurisdiction alone is enough without giving the actual address of the property because I think that certainly infringes on people's personal privacy and certainly puts a degree of concern for me where we have had a number of parliamentarians worldwide and closer to home, over the Channel in the UK, who have actually lost their lives in pursuit of the public office that they have been privileged to hold –

But I will give way to Deputy Kazantseva-Miller.

The Deputy Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: I am very grateful. If she actually supports the principle that the address needs to be masked, that is not possible under either the existing declaration or what is implied with this amendment. The actual address, the full address details, with postcode, everything, will have to be identifiable, as it is identifiable now. So if she supporting that principle of privacy, she should be absolutely rejecting this amendment on those grounds.

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam.

No, it is the principle of transparency that I am absolutely wedded to here and I think it is really important and I think that people in Guernsey would want to see that. The opposite effect of that, of not being transparent, is it drives mistrust because people are asking why you are obscuring that information.

To my mind there has to be a proportionality about it, though. If people are giving the addresses of their houses and individuals can come and knock on your door, when we were parish Deputies that was a different matter, actually, but now that we are Island-wide Deputies and there is a greater level of mistrust in politicians worldwide and some really high level cases of personal attacks and murders, I think there has to be a proportionate approach to safeguarding our public office and our individual person but I do uphold the right of the public to have that information about us and our interests and that of our spouses, as well.

The Deputy Bailiff: Deputy Dudley-Owen, would you wish me to formally ask H.M. Procureur to consider whether or not States' Members who are not Presidents are in fact PEPs?

Deputy Dudley-Owen: Yes please, madam.

The Deputy Bailiff: Are you able to answer that now or do you want some time to consider that?

The Procureur: I am happy to get some time to consider further, madam. I can say completely, however, that the definition of Politically Exposed Person is not restricted to Presidents in the general understanding and they can be both foreign PEPs and domestic PEPs. It is not really a definition in the legislation as such, it is in the GFSC's handbook, and it is a matter for banks to interpret that. But, if I may, madam, I will follow that up and come back with total clarity.

The Deputy Bailiff: Thank you.
Deputy Gollop.

1510 **Deputy Gollop:** If I might add my very uninformed view on the PEPs, I was President of the DPA, Planning, for a while, and it was obvious then I was a PEP and I will remain a PEP for five years afterwards as I believe my predecessor at Environment was. Now I went to one of these money laundering who revised the booklet and the senior official from the GFSC indicated they were easing it so not all States' Members were necessarily PEPs in that context, it was perhaps more restricted to Presidents. But it could equally apply to a senior Member, of whom two have already spoken, 1515 who were say the Digital Lead. That might be an example of a role that was a PEP, even if not all Members are covered.

One thing that annoyed me about the Politically Exposed Persons was not only did it make life harder for a Member and their family potentially but it was not applied to officers and I would suggest the purpose of it was to scrutinise carefully the bank accounts of individuals to see that 1520 there were no unwarranted payments then that could apply more to officials because I suspect the GFSC did not fully understand our system of government. But that is just me being a little bit provocative.

Although, strictly speaking, I think all this is irrelevant, because it is actually not part of the amendment nor part of the thing. What is partially relevant is the SACC policy letter wherefrom this 1525 sprung and Deputy Meerveld implied this went too far, has actually gone further in amending Schedule 2 of the Rules of Procedure, because it says:

Throughout this form in addition to those matters which relate directly to you ...

– meaning me –

... you are also required to declare any interests of which you are aware, which relate to close family member or any relative living in the common household.

It could be a nephew or niece or grandmother, come to that:

Close family comprises spouse or domestic partner, grandparents, grandchildren, parents, siblings, children both dependent and non-dependent, children of a common law spouse, spouse or domestic partner with a child, corresponding in-laws and step-relatives, parents in law and brothers and sister-in-law.

1530 Now it is not entirely clear whether they mean all of those living in one house or in different houses or in a complex. But that did seem to be a bit of a broadbrush movement and I think it is quite onerous personally because it brings in lots of people who might not wish their lives to be exposed but, because one of the members of the household chooses to become a politician and is elected, they will get included.

1535 My point then, is where is the consistency? Because SACC are clearly ticking a box with certain interests relating to the Bailiwick but not others, it would appear. I have been interested in this topic for some time and certainly for the last three months quite a few of us have been interested in being a bit clearer on this because Deputy Kazantseva-Miller mentioned that we would not want to put off quality candidates or in any way undermine that but I would suggest already a lot of the issues 1540 related to declaration could put off some people who are extremely skilled in business, or other people who are here, Advocate Ferbrache.

My interest is more this. It has been suggested there has been some confusion because as I understand it, and I have got one in front of me from a Member, which is quite interesting in itself, a declaration of interest from a Member, who actually has quite a few shareholdings and 1545 directorships and they are not afraid to declare them. They are not afraid to declare one which is in a jurisdiction, almost a rival jurisdiction to Guernsey in offshore terms. They are prepared to list somewhere, say for the sake of argument, in the Caribbean. And I think that is already happening.

As I understand it, the current provisions already apply to, for example, part one employment, part two directorships, part three partnerships, part four offices held, part five self-employment and other consultancy, professional, trade, vocational or other work, part seven company shareholdings, part eight trusts, professional trusteeships.

Now all of these sections, as I understand it, are not restricted to just the Bailiwick. States' Members must declare all interests, regardless of where in the world. If not, they are potentially breaking the Rules of Procedure and could face a Code of Conduct. But I hope that that matter would be managed in a proportionate way.

The one exception, strangely enough, is real property, which is just restricted to the Bailiwick, which also means, as I understand it, Sark and Alderney. Now that is an anomaly and it shows that we have a lot of transparency but not full transparency in the Rules. What have we got to hide if we are doing that?

I will put it another way, now, perhaps. We have recently been pleased to welcome a new Member of the States of Alderney representing Alderney in Guernsey and we know all States of Alderney Members have their own Rules, which fellow officers and others would advise on. Maybe they get it right, maybe they do not.

But one of the areas, which is currently part of what they do, I know it sounds a slightly clumsy wording, but it is interesting: immovable property interests. The States of Alderney advise and require all States' Members to declare, 'I or my spouse or company in which I have a controlling interest on my own or on their behalf, have a material interest in the following real property situated in Alderney or other Islands within the Bailiwick' – just like Guernsey – 'or elsewhere in the world'. The whole world is included in that.

Now I did a bit of research in November/December and I saw the States of Jersey had that rule too and I noticed that some Members declared fields and things but it makes it clear that they should advise if they have properties, for example, in the UK. The United Kingdom declaration of interest for Members of Parliament, I believe, is the same. So we are perhaps an outlier here.

I do not think necessarily this means beach huts or things like that but it is –

Does Deputy Oliver?

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: But if you are saying it should not be related to beach huts, beach huts are still land so therefore you are sort of saying it is okay to give a property over, but a beach hut, no. Whereas a beach hut could actually, some of the beach huts in England, are probably worth more than some of the houses in England, so which is it, then, Deputy Dyke?

Deputy Gollop: Deputy Dyke!

I think as with all of these things, for example with shareholdings that set a 10% material interest, there is a level of scale there. But clearly if, as Deputy Oliver has implied, the beach hut is on a prime piece of land in the French Riviera or Thailand or somewhere, then it should be declared and indeed the whole point of this is, if in doubt, declare; discuss it maybe with the Law Officers and the States' Greffe.

I think from a Commonwealth Parliamentary Association point of view; we are out of step. I think other parliaments, other assemblies, have a stiffer declaration of interests and we do too, and yet it is inconsistent because, whilst it is including all sorts of strange – if I had a granddaughter's boyfriend – and that sort of thing in the mix, it is not including property in Bournemouth or Southampton, or northern France. There could be debates, should we have better links with Normandy or Brittany? The fact that a Member had extensive property interests, if they did, in Normandy or Brittany, would I think be relevant, so might even in trade contracts with Australia or New Zealand.

I just think what are we afraid of? I would like to see the Rules toughened up and agree with the thrust of the Le Tissier/Ferbrache amendment.

1600 **The Deputy Bailiff:** Thank you.
Deputy Matthews.

Deputy Matthews: Thank you, madam.

1605 I am going to support this amendment. I think Deputy Ferbrache is entirely right. There is an awful lot of general scepticism out in the electorate and transparency and disclosure is the most effective way to counter those types of suspicions, such as the types of comments that Deputy Ferbrache mentioned, as frequently expressed on social media. In days gone by before social media probably would have been expressed in the confines of a pub and are now more public for people to see.

1610 There were some concerns expressed that it would put people off from standing for election, industry bigwigs who might have an awful lot of property to disclose or interests to disclose. But to be honest, those individuals are actually already likely to be put off by the type of criticism and scepticism and suspicions that are expressed and the people do express –

I give way to Deputy Meerveld.

1615 **The Deputy Meerveld:** Deputy Meerveld.

Deputy Meerveld: I thank Deputy Matthews for giving way. I can tell him, as somebody, as the President of SACC, has been doing the training and information courses for candidates, I have been
1620 approached and been told by people that this is a step too far and they will not stand if this information is put out there because of the risks it exposes them to, which I will explain later.

The Deputy Bailiff: Deputy Matthews.

1625 **Deputy Matthews:** I thank Deputy Meerveld for his comments.

As I said, I suspect that an awful lot of people in those positions would already be put off by the type of criticism that can be expressed on social media and the regular media already. In actual fact, for a lot of people who are busy professionals, they are busy professionals and they have much better things to do, building their careers, than be messing around in local politics, and I think there
1630 are much better ways to take advantage of the great wealth of experience that we have in this Island than through elected Members, such as non-voting Members and by people's contributions to panels and consultation than requiring people to stand as Deputies, in order to take advantage of their experience.

So, for that reason, I think transparency and disclosure are to be applauded and I will be
1635 supporting the amendment. Thank you, madam.

The Deputy Bailiff: Deputy Helyar.

Deputy Helyar: Thank you, madam.

1640 I am quite surprised it has taken Members four years to start considering whether they are PEPs or not! I really am. We have had Moneyval in the meantime. The rule is, in the handbook, if you are a Member of P&R or a President you are a domestic PEP. End of story. That is the position. If you are not, then you are not.

There may be organisations that take a different view internally of that but that is the position
1645 in the handbook and in Law. I am not in favour of this amendment. I am in favour of disclosure but I am not in favour of this amendment. I think it is quite wrong that this sort of information, which creates a security risk for our families, our children and our wider dependents, be published.

I am one of those persons who has been visited at home without any warning by somebody I
1650 considered to be mentally ill and my children had to answer the door to somebody who was quite clearly unstable and gave no warning of the visit. I think it is quite wrong. Several people have been

injured or killed in the UK as a result of their public information being published in this way and I think it is quite wrong.

It will definitely put people off standing, as Deputy Meerveld has already said. It is intrusive and if we want a way for foreign agents to be able to lean on us in negotiations, Deputy Inder, and I am using this as a fake example, say Deputy Inder had a nice holiday home in Brittany and we had less favourable relations with Brittany at the moment, what a great way for some pressure to be put on negotiations and his windows to be broken.

Really, have we thought about this? This is putting ourselves, as an Island, at risk. We are creating a security risk. This is absolutely wrong. I have got no problem disclosing these things but they should be private. The important thing here, the thing which we are trying to manage, the mischief which we are trying to manage, is to make sure that people are not corrupt and that they declare their conflicts of interest when they are making decisions. God forbid we ever make a decision in the first place, which might be affected by it, but those conflicts should be declared.

If we are really interested in transparency, we should have a central register of declarations of conflicts of decisions made in Committee meetings. That is where the tyres hit the tarmac. That is where we should be declaring. This prurient disclosure of people's assets is just quite wrong. In the UK, for example, you are not required to disclose your beneficial in shares about 15%, which would completely negate most people's investments and their portfolios.

This goes far too far. I am in favour of disclosure but not in a public register. I think it is quite wrong, I think it puts the Island at risk, I think it puts individuals at risk and it will turn people off from standing in the election. For that reason I will not be supporting it.

The Deputy Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you, madam.

I have noticed we have got 15 amendments on changes to the Rules. We seem to have become infatuated with discussing rules and our Rules and there are some young Members of this Assembly that think the Rules are just the bees' knees. It is the be-all and end-all. Deputy Taylor cheering me on, there!

But look, let us just have a little look back when Deputy Ferbrache was coming in, in 1985, during the time between 1985 and 2000. The Assembly during that period of 15 years, sat 25 times. That was it. We have got 14 amendments here. We are absolutely infatuated. I do think the previous Deputy that spoke, Deputy Helyar, made a very good point. But when he was Treasury lead, he made sure our accounts were in IPSA form. As a result of that we all currently have to fill in related parties.

We are doing this. I am not going to support this amendment and I do believe in transparency and trust but I do think we are taking this too far and I believe it is not in the interests of the Island if you are going to put people off from standing because they might have huge families, all with houses, here, there everywhere, property. Why on earth has that got to be in the public domain? I think it is over-gilding the lily and I will not support it.

Thank you, madam.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, madam.

Really the main question that I want to ask is whether we should be declaring any interest before we vote on this particular amendment. I personally have no property anywhere else so I do not have any interests that occur but I could not quite get my head around whether everyone in this Chamber would be immediately impacted by this or it would wait until the next Assembly. I still cannot quite get my head round whether or not there is an interest to declare there. Perhaps H.M. Procureur could advise us on that.

I am instinctively supportive of this. However, I think the wording is a problem. I think Deputy Dudley-Owen made quite a good case for an amendment that was not this and I think the specific wording of this does actually conflict with some of the other worthy points that she made and I am interested to understand more about the kinds of security implications that have been raised by several Members.

The only other thing is in relation to a comment that Deputy Helyar made about conflicts of interest within a Committee meeting setting. That, of course, is completely different because anyone who has got a conflict of interest on a matter coming before a Committee on which they serve cannot take part in debate or vote on that particular item. The reason it is different in this Chamber is because the debate takes place in the public, effectively, so that is why Members are still able to vote.

Instinctively I am in support of this but I do think –
I give way to Deputy Taylor.

The Deputy Bailiff: Deputy Taylor.

Deputy Taylor: Madam, I am very grateful to Deputy de Sausmarez for giving way.

It was really just to highlight the slight difference in the Rules there. Because when it is in a Committee setting, the Rules do envisage a situation where a Member does not disclose the potential interest but the officer or someone else may and then they could bring it up so it could be addressed that way. But if there was no list of those interests somewhere, there would be nothing for that officer to actually look at. I just wanted to bring attention to that.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes, I think that is a fair point. I do not think it is possible, though, to have a proactive list of interests because people would not necessarily know what would be an interest, until it is raised –

I give way again.

The Deputy Bailiff: Deputy Taylor.

Deputy Taylor: Yes, I get that. You do not know if you have got an interest until you get the papers in a way. But it is really to highlight that the Rules do envisage a situation where a Member does not declare an interest. That situation can arise. That is what I was trying to draw attention to.

The Deputy Bailiff: Could I just remind Members what I have previously said, which is if you have not yet spoken you do not necessarily need to use a give-way, you can always just make a note of your point and then make it in debate. I am very aware that many of these amendments are about putting some discipline around the debate but it is possible to do that without definite rules.

Deputy de Sausmarez.

Deputy de Sausmarez: And on that note, I have nothing further to add. Thank you very much.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, madam.

I am going to support this amendment and I can guarantee that the vast majority of the public would want us to support this amendment as well. There is no place for anybody that does not want to be honest and open and transparent in Government. I am not saying that people not supporting this amendment are not open and honest and transparent but I think messaging is really important.

The optics of us debating this at this length and there has been quite a bit of discussion about it, I do not think are very good anyway.

1755 I think we should get behind it and support it. Some of the scenarios that have been talked about, Deputy Helyar and Deputy Oliver have had people coming to their house, that would happen anyway because our residential addresses in Guernsey, whether they are owned or otherwise, are in the public domain. I really think that we should cut short this debate and get behind this amendment and support it.

1760 Clearly there have been a few concerns but I really do think that we have to demonstrate to the public of Guernsey that we want politicians to be totally honest, totally open and totally transparent.

The Deputy Bailiff: Deputy St Pier, do you wish to be relevéd?

1765 **Deputy St Pier:** Yes please, madam.

The Deputy Bailiff: Thank you.
Deputy Oliver.

1770 **Deputy Oliver:** Thank you, madam.

I do not think I would have a problem if it was just me that was being under scrutiny here but according to the SACC thing you have got close family comprises of spouse or domestic partner, grandparents, grandchildren, siblings, children both dependent and non-dependent, children of common law spouse, spouse or domestic partner of child, correspondent in-laws, step relatives, parent in-law and brother and sister-in-law.

1775 Am I going to have to start telling people what my in-laws have got? Because I have no idea. If I went and said to my in-law, excuse me I just need to know what property you own, I know what he will tell me! He will tell me that is none of my business. We just need to be really careful –

I will give way to Deputy Meerveld.

1780

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, madam.

1785 I thank Deputy Oliver for giving way. Just to clarify, living in the same dwelling, so a family home or unit. If somebody is related to you and living under your own roof and again it is a declaration of Guernsey assets that might create a conflict, not international conflicts.

The Deputy Bailiff: Deputy Oliver.

1790 **Deputy Oliver:** Okay, thank you for that.

With my partner, we are pretty open. But I know some partners that are not open and they do not know what the other partner has. So there are going to be some really difficult questions. If you go to them and say and they just say, I am not doing that. What then happens? This brings us into such difficult territory and I am really worried if we suddenly have to go, if we are going to take what the tax form says, that is fine, so is it rented? Yes. Right, what is the tenant? That would be quite an obvious thing. Am I going to have to give the tenant's name with this?

1795 We need to be really careful with what information we put out there. I cannot personally, and I will say that I do have a property in the UK. I have got no qualms and I will say to anybody that asked me, that is correct. But I do not see what bearing that has on what we are doing in Guernsey. I just cannot see it. I will be voting against it.

1800

Thank you.

The Deputy Bailiff: Deputy Inder.

1805 **Deputy Inder:** Briefly, Members, I am really with Deputy Helyar on this. I believe there should be some more transparency but there are risks and these have been mentioned by Deputy Victoria Oliver, Deputy Kazantseva-Miller. I just want to disabuse people. I can assure anyone I do not have a *longère* in Brittany. I can assure Members of that before I get another amazing commentary from one of our opinion columnists!

1810 Secondly, the last time I got a threat was in 2017-18 and it was a gentleman, I think it was on the assisted dying debate, and I think he voiced to us he was going to come into our gardens and take photographs of us. My response by email was, you will only do it once!

I have just texted the wife, who as everyone knows comes from Ukraine, actually from the city of Odessa. I just told her the debate we have had today, which I probably should have mentioned it earlier. Her response was: are you mental? (*Laughter*)

1815 In short, it does not matter what happens here today, I have not sought permission from my wife. We do not own it. She owns her properties. She is in the middle of a war-torn country and I should be seeking permission from that person, it should be a greater discussion than we are having today. So in short, I will not be supporting this.

1820 **The Deputy Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, madam. I will be brief as well.

1825 I just support Deputy Helyar's comments. They are well argued and actually a good argument for why the concept of having public registers of beneficial ownership, one of those reasons as highlighted by the EU, which is why it has been paused, is the issue of safety for people and data protection. We need to be very aware of that.

1830 I, too, have had people in various states of excitement knock on my door at home and that is problem enough. What we have got to think about here is something of public interest or of interest to the public. Deputy Inder made a very good and real argument as to why we have got to be very careful. We might think we must do it because this is what everybody wants but it has other real world consequences.

1835 Just to respond to Deputy Leadbeater, who says disclosure, we need to disclose this to show that we are honest. But disclosure does not make you honest, your actions determine that and I think it is conflating two different things. I would be happy enough having people declare where they have interest in the property. I think they could say in a region or a country, that might be suitable, but I do have concerns about people's addresses being disclosed. If you are not there, there are security issues. We do not get any budget to support our security and, should this come in, it will create other real concerns.

1840 I have not now got any property that I would disclose under this amendment but certainly when this was debated last time, it must have been in the last States I did, I did not vote for it then because of the concerns that I have raised now and I will not vote for it now, either, when I have not got an interest.

1845 **The Deputy Bailiff:** Deputy Blin.

Deputy Blin: Thank you, madam.

1850 I am going to stay relatively short because I think most of the points have been covered by various speakers but I would like to refer to Deputy Leadbeater, who I am always hugely impressed by the delivery of his speeches but on this one there was this element saying if you do not support this, this is so important for the public, this is key.

1855 I actually disagree in part. The transparency is key. The governance is key. But to stand as a Member, what do you need? You do not have to have any academic qualifications; you just do not have to have a criminal record. We have in place various rules laid by SACC and we currently have things in place right now for this. So I have this feeling of unnecessarily intrusive, additional work.

The speech by Deputy Helyar, I think, was spot on. That applies to certain Members of the Assembly. Not to all. A lot have declared they have no other interests. I am in that category. I do not have those extensive ranges, etc, but I still believe in looking after the interests of those who wish to stand as elected Members, elected Deputies. They should be encouraged to do so.

1860 The range of it going, as Deputy Oliver pointed out, I appreciate it is within residence, but it is just going way too far. It is over-reaching on this. Are we going to be asked that we start declaring bank accounts held abroad, or inheritances? How far does this go?

Here is the point, which I think I have not heard someone else mention and I would like to raise here. Even if we were to succeed with this amendment, which I truly hope does not succeed, but even if we were to, won't there be practical enforcement challenges? How are we actually going to do this? I do not know what sort of mechanism from property holdings, unless the Members voluntarily say so. There is already something there, and also different jurisdictions will have their different rules so that will have other impacts, or there could be an administrative burden if we are going to have some sort of search and find part here.

1870 I just find that the reality is it is going to declare and voluntarily show and that pressure is going to be on them. In effect, the summary of this, this is overreaching. It is impractical, especially on how we are going to control this and it discourages participation in public office, which is what Deputy Dyke was saying that the impact of this is and the administrative burden.

1875 So given our existing safeguards, why do we need this? I would really encourage Members not to support this and please move on with the rest of the affairs of today.

Thank you.

The Deputy Bailiff: Alderney Representative Hill.

1880 **Alderney Representative Hill:** Madam, as it has been made clear that we have to sign, in Alderney, quite an extensive form, my point is that what you are trying to do here in Guernsey I think you are going to have lots of incidents in the future of vexatious claims against people because they have made a political decision that people do not agree with. It is too loose, the wording. Whilst you say it is in a dwelling, I agree with my fellow Deputy over there, I think it is really loose.

1885 I have got 34 members of potential people who would qualify on that list; (a) I do not see how you are going to practically apply it but (b), importantly, you are leaving people to potentially vexatious efforts to stop people getting a different political view by going on and questioning and also costing the organisation an awful lot of money to actually find out what people really do have.

1890 I think it is impractical, which I agree with the fellow Deputy over there, and I support Deputy Helyar's arguments about security and safety.

Thank you.

The Deputy Bailiff: Deputy Haskins.

1895 **Deputy Haskins:** Thank you, madam.

I do believe most points have been raised and as mentioned Deputy Helyar and Deputy Kazantseva-Miller, I do agree with their points. And Deputy Soulsby. Whilst I do agree with the total transparency, I would refer Members to the Rule 4 information on this. There has been no consultation and there are actually no financial implications. That one, I might challenge.

1900 The reason I say that is how is this information going to be verified, especially in different jurisdictions? That is one thing that I would say has at least resource implications.

I guess I am left with a whole load of questions, one of them being asked by Deputy Inder, which is what if your spouse or cohabiting partner, of maybe two years, just refuses? So there is the practical question for me.

1905 There is another question to me, which is trust structures. It is not just trust structures, in fact, it is obscure and convoluted layering of structures. You could even use convertible loan agreements. It says 9% here. You know, 91% could be owned by a non-infant member of your family. For which

there can be an informal agreement. What I am trying to get at is I believe that if someone had the nous, they would be able to structure their affairs in such a way that they would not have to declare.

1910 It would be obscure. Again, that is the impractical element.

Deputy Ferbrache is saying you either declare or you do not, but why 9%? Why not just zero or any interest whatsoever?

1915 Members, I am with what I think is the prevailing opinion that transparency is absolutely key but I do not think this amendment is the way to go. I do think it is a security risk. I do think it will affect candidates and I do not think that this has been thought out enough, it has just come as a late amendment.

I do hope that if Members want to see this that there is a direction to SACC to go and consider it, not to just implement it, like it is. I would ask you not to support this amendment.

Thank you.

1920

The Bailiff: Deputy St Pier.

1925 **Deputy St Pier:** Thank you, madam, and I apologise to the Assembly for missing the earlier part of this Meeting and I have both missed Deputy Ferbrache's opening and indeed Deputy Helyar's speech. By what I hear is Deputy Helyar made a very sensible speech. Not having heard it, but it sounds that way.

1930 I think Deputy Oliver's point is critical. Because actually if you look at the original Proposition, which is to amend the declaration of interest, it actually says requires to declare throughout this form, in addition to those matters which relate to you, you are also required to declare any interests of which you are aware, which relate to a close family member, or any relative living in the common household.

So, on that it is quite clear that it relates to all close relatives and I am certainly not in a position to do that in relation to the close relatives with whom I am no longer close! So that presents a very real challenge. Deputy Oliver's point is spot on.

1935 However, I rise primarily to re-read the speech, which I gave, let me find the exact date in *Hansard*, Friday, 26th October 2018. It might even have been as good as Deputy Helyar's, I do not know. He can tell me when he hears me speak. Madam, the Bailiff was in the chair that day and the Bailiff called me to speak. From line 2445 in *Hansard*.

I start by declaring an interest in Proposition 10. I do have property interests outside the Island which would fall to be declared under this Rule. I will start with that. I will be opposing Proposition 10. I think that Members do have a legitimate right to privacy in respect of their affairs and to breach those rights does require a very high burden of proof, which is very much as Deputy Green was speaking in respect of Proposition 1(d). I think the same standards or higher should apply to Proposition 1(x). This is a Rule which appears to be hunting for a problem to solve. Deputy Dorey said most of the Rules have been brought in in response to problems which have been identified; I am not aware of any problems which have been identified in respect of external property interests which require such a response.

Nothing has changed in the six-and-a-half years since.

This is an intrusion into people's private lives and there has to be a very good case for doing so, which is not made out by the Committee themselves.

1940 Because it was a Committee Proposition.

It is a very bland paragraph:

That was in the policy letter.

The Committee concluded that there may be occasions where a property situated outside the Bailiwick is a relevant interest which should be disclosed in relation to matters under consideration by the States, e.g. discussion on transport links etc. No evidence whatsoever. If somebody has a condo in Florida or a barn in Brazil, I cannot conceive of any possible policy implications for that in Guernsey. If by any remote chance there is one, we already have the Rule which

requires that interest to be declared in Committee or before this States before the matter is discussed or voted upon. Nothing further, in my view, is required. This speaks very much to Deputy Inder's needs and wants.

He had obviously given one of his archetypal speeches about the need for the States to determine, to focus on what is needed rather than what is wanted and I was obviously endorsing that then. He was right then and he is right now, as he says!

The public and other Members may want to know what interests people have, but they frankly do not need to know.

1945 That, I think, speaks to Deputy Blin's point that there are plenty of matters that Deputy Leadbeater thinks the public may be interested in but what the public is interested in and what is in the public interest are two entirely different things.

Members should regard this as being a slippery slope. Where do we stop? Why should we not require a Rule that discloses everyone's assets or their net worth, or their net debt, for example? It may be very important we know whether Members are indebted. Or how much jewellery they have. You can take this to absurd levels and I think we should be very careful in doing so.

1950 I then continued in relation to other Propositions. I was immediately followed, the Bailiff called Deputy Ferbrache. Line 2495. Now, before I read this, madam, I should of course remind Members that Deputy Ferbrache frequently reminds us that Members can both be wrong and they can also change their minds. Deputy Ferbrache:

I primarily rise so that I do not disappoint Deputy Roffey and also to show, just occasionally, he is right.

I have no idea what Deputy Roffey said on that occasion. I have not researched it.

I would just like to touch upon a point that Deputy St Pier said. I absolutely agree with him in relation to ... [Proposition 10] and I can say I used to own property outside of the Bailiwick of Guernsey, but I do not now, so I do not speak from any personal interest. There can only be so much intrusion into a person's private life and I do not really get these that are saints. I might be named after a saint but I certainly am not one.

(A Member: Hear, hear!)

He may have changed his mind on that, too, madam!

We do not live in the age of the puritans. Oliver Cromwell died and his son did not last very long thereafter. People should have a degree of privacy.

1955 So, there you go!

1960 Madam, this really is a Rule change, which is very much looking for a problem that does not exist. It is already covered by the Rules, which require that whatever assets people hold, wherever they hold them, if that creates an interest which is a conflict on any given matter, it will need to be declared in Committee or before this Assembly before a vote. There is nothing further that really needs to be added.

Whilst it may be of interest to the public it is not in the public interest and, yet again, as we had two weeks ago, we are just layering rule upon rule, regulation upon regulation. We spend our time telling the community how we need to de-regulate. Bonfire of the red tape. And here we are wrapping ourselves up in it.

1965 This is a terrible amendment. It should be rejected, along with the similar one that is about to follow.

Thank you, madam.

1970 **The Deputy Bailiff:** Thank you.
Deputy Trott.

Deputy Trott: I will speak briefly because I think our existing Rules are somewhat farcical. Let me start with PEPs. I was a PEP back in 2011 when I got married. I was Chief Minister. They called it that title at the time and that is what I was. My wife had had a successful career in financial services and she became a PEP and with it there were challenges. But she knew what she was letting herself in for.

I feel sorry for my adult son, who is forging a career in financial services away from these shores, hopefully not permanently. But he is a PEP and he has to go through significant challenges as a consequence. It was not his intention, he had nothing to do with his father becoming an elected Member, so I feel quite sorry for him, I have to say.

But I think our existing declarations are farcical. I do not have any property away from Guernsey. But I do not have any title to any property in Guernsey. It is in my wife's name and there are reasons for that. So this will not affect me.

But what does affect me is the declarations around company structures. I have some interests in some businesses, both here, the UK and in Jersey. In fact, one of my businesses is absolutely international. I have a small shareholding in that business but it is quite valuable. I have some larger shareholdings in businesses that I have to declare that are nowhere near as valuable. What possible difference does it make to the community? They cannot glean anything from this information. It is of no value. It is worthless. But slavishly, I am obliged to declare it and so I do.

It makes no difference and I do not personally think it makes any difference whether one owns any property away, outside of the Bailiwick. Let me give you an example where I think it does matter. Deputy Helyar, I understand has a property in Alderney. I think that should be repetitively declared when we are discussing matters pertaining to Alderney because he will benefit or otherwise as a result of that relationship.

It does not make any difference to anybody that I have some equity in a business that employs thousands and thousands of people around the world. I do not see why it makes any difference, frankly. It certainly does not make any difference to the financial services industry, who were very happy for me to be chairman of their promotional agency for a number of years.

So my question to Deputy Ferbrache is a simple one and I would like him to explain, if he is able, outside of the point well-made by Deputy Leadbeater, that our community rightly or wrongly, wrongly in my view, think that these declarations are in some way or other valuable to their assessment of the suitability and ongoing suitability of a candidate. I do not share those views but he may well have a persuasive argument that convinces me that this amendment is of value.

What I am saying is, not only do I currently regard this amendment as being of little value, I regard our existing Rules of Procedure, as to be equally valueless. So I talk really to his point, you are either a little bit pregnant and all-in or you do not bother with any of this rubbish at all and I am inclined to subscribe to the latter view more than I am the former.

The Deputy Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, madam.

I was not going to speak because, on the face of it, I did support this amendment and I wholeheartedly back what Deputy Leadbeater said. For me, it is about perception, It is not necessarily what we think goes on in here or what we know goes on in this place but what the public perceive and what they see and what they hear.

I would like Deputy Ferbrache, in his summing up, to try and explain how this is an enhancement of the Rules we already have in place. Rule 17(15), declaration of special interests in the Assembly, when we are discussing items; Rule 49(1), again special direct interest when we are in Committee. On the face of it those seem to be sufficient for declaring interests when we are discussing certain items.

I am ambivalent now for what I have heard and I would like him to persuade me otherwise of how the perception equates to the actual reality.

Thank you.

The Deputy Bailiff: Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you very much. Some really interesting speeches, I think, actually.

Just because the States of Alderney was touched on, albeit with our worldwide declaration of interest as well as Bailiwick interests, that really came about five or six years ago in the States of Alderney and the reason really being that quite a lot of outside consultancy or big companies were approaching the States of Alderney and in Victoria Street there was quite a lot of feeling about are those Members involved, are they not involved. So actually we went the whole hog and just opened up fully and said actually all your declaration of interests on this form, worldwide interests, put it on there and then it is open and transparent.

I think it actually gave, I might be wrong, but from the people I spoke to at the time, five or six years ago, it gave quite a lot of confidence that Members are being very open and transparent in Alderney with all of their interests. So I think it is interesting the debate we have had today, but I go back to, really, it is openness and transparency. I have got nothing to hide. I think I have put everything in my States one, I have definitely put everything on my States of Alderney one. I think I have even put it on the States of Guernsey one at the moment. But I think it is a step in the right direction to try and get public confidence.

I can understand the anxiety between some Members, saying actually you do not need to know about that property there, you do not need to know about whatever it might be. But actually, if you have got nothing to hide, what is the issue with writing it on? It is just an address. You put it on your form and put it on there. I do not see why we really need to be so concerned about it. So I would say that we should actually be supporting this amendment because openness and transparency is really important.

And, also, we need to try and get away from, not particularly speaking about particular issues, but if you think about bribery and corruption of polices and all that sort of stuff, I think this is a step in the right direction, where we are open transparency that hopefully none of those allegations will happen in Alderney or Guernsey. So I think we really should be supporting these sorts of steps and other steps so that we do not get accused ourselves. I think it actually protects us.

Thank you.

The Deputy Bailiff: Yes, Deputy Inder?

Deputy Inder: I am just interested, madam, and this is not a speech. Somewhere, before we get to the vote, can I request some legal advice?

The Deputy Bailiff: Yes, you can. Can I let you know what the two issues I am going to ask H.M. Procureur to give advice on? That is first back to the issue of PEPs and, second, as to before this vote has happened, whether or not under Rule 17, there should be declarations of interest, before this vote. Those are the two.

Deputy Inder: May I add a third?

The Deputy Bailiff: Yes, you may.

Deputy Inder: Madam, I am genuinely not clear and I think it was Deputy Victoria Oliver said that some things owned by spouses might be owned just by the spouse. I do not know if there is a data protection. If I knew that my spouse owned something, am I allowed to declare it on her behalf, without her permission? That is just basically the question.

The Deputy Bailiff: Before I ask H.M. Procureur to address those three matters, now, is there anybody else who wishes to speak on this amendment, before I then turn to her?

Deputy Taylor.

Deputy Taylor: Thank you, madam.

2080 Actually what I most want to raise is probably a question to H.M. Procureur as well. Coming to the debate I was supportive of this amendment. Listening to the debate, I am not entirely sure. I am supportive of the amendment but it is just a bit of confusion about some of the implications. There has been a lot of talk about risk and I fully accept the domestic risk. If people know where your property is they can come, as in the example that Deputy Helyar gave and Deputy Inder. I get that but that is not really impacted by this. We would still have our domestic properties would be known.

2085 The only, I think, legitimate point that has come forward, I think, was Deputy Inder with reference to his wife's property, potential property, in a country that is currently at war. I get that as a risk but it feels like that is an exception that could be dealt with in some way. Why would you apply a blanket, or not apply a blanket across every other Member? Because I would not be affected in that same way. I do not see why that would impact everyone else's declarations, although I accept it is
2090 a valid reason that you would want to withhold that information.

Then there is this point about it would turn people off from standing. This is where I do get a bit confused and it is when I look at the original Proposition 3, I am not sure if Deputy de Sausmarez is wanting me to give way? The proposed wording in Proposition 3 which is – I think it is a point that Deputy Oliver did pick up – referencing the form that explains how we fill out our declarations
2095 of interest, throughout this form, in addition to those matters which relate directly to you, you are also required to declare any interest of which you are aware, which relate to a close family member, or any relative living in the common household.

I think when I originally read that, I probably had an extra comma somewhere in there, maybe after any relative – comma – living in the common household. So I was doing it that all these people
2100 had to be within your household. So, for example, if you had a child who was 25 years old and lived away from home, they are still a child but they are not living in your common household and therefore you would not be needing to declare them if they lived in a different country or not.

That has been going around in my head and I cannot get it right. So, I want to support this. If it is a case, as one side is putting forward that you are going to have to declare your gran twice
2105 removed that she owns a log cabin in Idaho, I do not see the point in that, but if it is more focused, which is what I am hoping it is, I think that is important and I do not think that is information that we should be hiding. It is all very well –

Deputy Kazantseva-Miller: Point of correction.
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The Deputy Bailiff: Deputy Kazantseva-Miller, sorry I did not ask, were you giving way?

Deputy Kazantseva-Miller: Point of correction.

2115 **The Deputy Bailiff:** You want a correction?

Deputy Kazantseva-Miller: Just to the point that Deputy Taylor is trying to make, if you read the original policy letter –

2120 **The Deputy Bailiff:** Deputy Kazantseva-Miller, I am going to be quite strict about this, it is not a point of correction if Deputy Taylor has not put forward a position. He says he does not know what the answer is and I am understanding he is saying therefore he is going to seek the assistance of H.M. Procureur, so you putting a view now is not a point of correction.

2125 Thank you. Deputy Taylor.

Deputy Taylor: Thank you, madam. I am grateful because I am being corrected for something I did not know, which is a good point.

I suppose, on a point of principle, I think it is beneficial that members of the public know what assets are owned around the world and what comes to my mind is the lady doth protest too much. What is the big issue? If someone, the example where Deputy Inder might have a small property in France and a member of the French community might go and smash his windows to exert pressure on him, it is not going to happen. I should not admit to this but it is a game I quite often like to play, if I was, how would I do it? I think if you wanted to get leverage on a politician, and you are that way inclined, there are all kinds of ways that you would be able to gain access to different bits of information.

If you really want to do these things, people have demonstrated, as terrorist acts around the world, if you really want to do these things, you can do them. But for the benefit of the community, knowing exactly the financial status of Members, I think that is of benefit. I fully accept the points made by Deputy St Pier that there are other areas, such as debt, I think if you were to sign up as a member of the police force, you would have to declare if you have debt because it would be a point of exposure. I think that is a great point. How you go into that, I do not know, it would be quite complicated.

Just because there are other things that are good does not mean I think we should vote against it. I am ever so slightly on the fence. I think I will be supporting it. Hopefully I can get a bit of clarification on that point from that point from H.M. Comptroller.

The Deputy Bailiff: Just so I understand your point that you wish H.M. Procureur to give you assistance on, it is how wide is that definition? Is it only those who live within your household or is it beyond that?

Deputy Taylor: Yes, it is a wide net of people but they have to be living in your household or not.

Thank you.

The Deputy Bailiff: Thank you.
Deputy de Lisle.

Deputy de Lisle: Thank you, madam.

I fully support openness and transparency and I think it is extremely important at a time when there is friction in Europe to the extent that there is war in Europe, it is even more so that we are open and transparent with respect to our holdings. In my case, all my interests are in Guernsey. But I can see that there might be an issue with people that are holding a large interest in some other country and perhaps a larger interest than the interests that they have in Guernsey.

You just wonder at that point as to what allegiance they in reality have to the local situation. So I think that is important, that that comes across. As I say, in my case, I sold all my interests in Canada when I left years ago. The point being, I can see, perhaps some people – and I am not suggesting anybody in this particular place now – but in the future perhaps having a larger interest either in the UK or France, wherever, than they have here and that might actually have an impact on the way they vote in this place.

So thank you for that.

The Deputy Bailiff: Thank you.
Deputy Mahoney.

Deputy Mahoney: Thank you, madam.

Just very quick. Aside from Deputy Taylor's terrorism musings, which were quite interesting, that he thought of lots of different ways to lots of different things if situations arose – I am not sure what that was about – I think the best points, we should mark this on *Hansard* as well, probably, was Deputy St Pier is already raising his thumbs at me, it had better be about him now! He is quite right

2180 and I think somebody else said it earlier. There is a difference between a public interest and what might be of interest to the public. That is two very different things and I think we need to be mindful of that.

2185 As others have said, we already have Rules re conflict here. I have zero idea how you would police this, if it came in. If you are minded not to declare it as a conflict anyway, you are probably minded not to put it in your declaration in the first place, which would be entirely wrong but if you are not going to declare it on one side, why would you then put yourself in that boat?

2190 I am very interested in what H.M. Procureur says re the situation where a partner says, I do not give you permission to declare that on your interests. I say, I do not know what I have to do then. Do I then deliberately put myself in a conflict with not declaring it or do I take his/her wishes and do not declare it.

2195 So I am very interested with the potential conversations that, should this go through, many Members may have with various other family members, partners, spouses, whoever, that say, I do not give you permission to do this and then we have to say, sorry, my dear, I am going to otherwise I will be in breach of all sorts of rules. Very interested, I am sure other Members are, on what H.M. Procureur says about that one.

Thank you.

The Deputy Bailiff: Thank you.

2200 When we return after the lunch break, we will start, if it is convenient to you, Madam Procureur, with the answer to the four questions.

The Procureur: That is absolutely fine, thank you madam.

2205 **The Deputy Bailiff:** Thank you very much.
We will now adjourn for lunch.

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

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

2. Review of the Rules of Procedure – Debate continued

The Procureur: Thank you, madam.

2210 So, there were four questions that Members asked before the lunch recess. The first question related to the definition of a PEP. Deputy Helyar was absolutely correct to refer to the guidebook issued by the Guernsey Financial Services Commission, Appendix E refers, just for Members' reference and particularly whilst we have Alderney Representatives as well, senior politicians and other important officials of political parties are defined in the GFSC handbook at Appendix E as all Members of the Policy & Resources Committee and Presidents of the other Principal Committees.

2215 That may need to be reworded; likely will be reworded once the new Housing Committee comes on board because that is not specifically mentioned there. But for the benefit of Alderney Representatives, in addition in Alderney, those senior politicians would be the Chairman of the Policy & Finance Committee, Chairman of the General Services Committee and Chairman of the Building & Development Control Committee.

2220 However, madam, with the benefit of additional time, I can confirm that that definition does have a legal basis and that legal basis is the Criminal Justice (Proceeds of Crime) legislation, 1999,

in Schedule 3. The reason it may be useful for Members to have that definition in mind is because that definition in the statute refers to a Politically Exposed Person, which is what the full title of a PEP is, as being an actual person who has or has had at any time a prominent public function, including without limitation, senior politicians and other important officials.

2225 So, madam, hopefully Members can see that this is the bedrock under which the Guernsey Financial Services Commission have put their Appendix E and it is they who have interpreted that reference to prominent public function and senior politicians as being all Members of the Policy & Resources Committee and Presidents of the other Principal Committees.

2230 But, madam, if I may, and perhaps to answer some of the voices that I heard around the Assembly earlier, it is of course up to banks to interpret that definition as they see fit and, therefore, if banks have decided that a person exercising a prominent public function and a senior politician might include others, that is very much for them to decide under their Rules of Procedure, madam.

2235 In short, there is a legal basis and there is also Appendix E of the handbook, to which Deputy Helyar referred. Both of those are absolutely correct. But it is based on the assumption that a PEP has a prominent public function and may be a senior politician and it is for Members to argue that or not, as the case may be, with their banks as they so wish.

Hopefully that deals, madam, with question one.

The Deputy Bailiff: Thank you.

2240 **The Procureur:** In relation to question two, the declarations of interest, Members will be aware under the Rules of Procedure that it is for them in the course of debate to identify whether or not they have a special or direct interest in a matter that is being debated and it is on that basis, madam, that Members may, from time to time, stand up and confirm whether or not they feel they have a declaration of interest.

2245 That is something for Members' judgement. It is a little bit like the elephant in the room and if SACC has considered and there will be new changes to look at special and direct interest but at the moment it is very much for Members' judgement to identify what they think is a direct and special interest.

2250 In the context of Amendment 9, which seeks to add a definition, for want of another expression, an extra example of real property owned elsewhere, outside the Bailiwick, it is for Members to decide whether they fall into that category and therefore have an interest that they need to declare. Now, ordinarily, in the Rules of debate, madam, as you will be aware, Members would make such a declaration during the course of debate.

2255 If they have not, precisely because the question has been asked and I have been asked to advise later, but my advice to Members would be, if you think you fall in that category in the context of Amendment 3, that you have real property that is outside of the Bailiwick and that is a direct and special interest in the context of this debate and the voting thereon, it is up to Members and their own judgement as to whether they make that declaration of interest. My advice would be that they might wish to do so if they hold such property but it is for Members' judgement.

The Deputy Bailiff: Thank you.

2265 **The Procureur:** In relation to question three, madam, which was the question raised by Deputy Inder, regarding whether or not, in filling out the declaration of interest form as regards, for example a spouse, what would happen if the spouse did not wish that information to be put on the form, there is a number of potential hypothetical scenarios that might arise.

2270 But in essence, if we had a situation where a Member suspected that his spouse had property, the spouse refused to allow that to go onto the form, then obviously they would not have fulfilled the completion of that form in accordance with the Rules of Procedure. Therefore, the Greffier, the gatekeeper at that point, either would see that the Member has put down, 'I am not willing to disclose this,' or has left it blank, and the Greffier would need to decide what to do in accordance

with the Rules of Procedure. Obviously, this is hypothetical but one might reasonably see that that would be referred to the Commissioner and might be potentially a breach of the Rules of Procedure.

2275 In terms of the data protection legislation, which Deputy Inder raised, that very much depends on what the spouse is saying. If this spouse is saying, expressly, I refuse to have this data on the form, potentially putting in data about one's spouse that they do not agree to might hypothetically be a breach of the data protection legislation.

2280 However, I would suggest that Members speak to the Office of the Data Protection Commissioner in those circumstances and I strongly advise that they seek further advice on that. Because we are in a hypothetical situation, it might be that the spouse agrees certain aspects and not other aspects to go onto the form but it is a tension between the Rules of Procedure and what is required.

2285 One would hope that, when Members stand for election, spouses and close family Members understand that there are Rules relating to declarations of interest. I realise in a perfect world that may not exist but I suggest that Members strongly approach the Office of Data Protection if that scenario were to arise in the future.

The Deputy Bailiff: And in relation to the fourth question?

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The Procureur: It does, madam.

In relation to question four, Deputy Taylor asked a question in relation to the wording of Proposition 3 and how that might be affected by the amendment. Madam, just for ease of reference for Members, that wording in Proposition 3, in relation to the review of the Rules of Procedure, discusses declaring interests, which Members are aware, relate to a close family member, comma, 2295 or any other relative living in the common household.

If I have understood Deputy Taylor's concern correctly, he was wondering whether that close family member also had to be part of that household. Madam, in my reading, this is just a plain interpretation of the wording, close family member stands alone, that is why there is a comma after that, and the qualification of the common household relates to the relative. 2300

Therefore, what I am saying is any close family member, whether or not they live with you, or any relative in the common household. That is how I interpret the section.

The Deputy Bailiff: Thank you very much, Madam Procureur.

2305 Can I just remind everybody we are not reopening debate for those who have spoken before, Deputy Gollop, so can I ask why you are rising?

Deputy Gollop: A point of clarification, perhaps.

2310 Deputy Meerveld indicated that many of the other Rules that are already, under the current Code of Conduct, declarable, like shareholdings, only applied to activities within the Bailiwick. But the way in which Members have interpreted that in putting down shareholdings and company directors indicates otherwise and a confusion emerged in the last debate whether we were talking about the amended Rules, all these grandchildren, but the amendment is on existing Rules, not the amended Rules. So the point about the grandchildren is potentially irrelevant, am I understanding this right, 2315 the amendment we are debating?

My point of clarification is do the existing Rules apply just within the Bailiwick for things like shareholdings, company directorships or do they apply everywhere? Because I understood they applied universally and not just within the Bailiwick?

2320 **The Deputy Bailiff:** Madam Procureur, are you able to answer that now?

The Procureur: Madam, to be frank with you, the States' Greffier is probably best to answer that because they are the ones that deal with the forms on a regular basis. Off the top of my head, I would have to just double check the wording but my understanding is people have filled it in

2325 anywhere, on occasion, in other cases, they filled it in for the Bailiwick but that might simply be because they only have interests in the Bailiwick. But I might need further reflection on that, madam.

The Deputy Bailiff: Deputy Matthews.

2330 **Deputy Matthews:** Yes, I was also going to seek clarification because the question about declaring interests for close family members it seems to be not part of the amendment but part of the Committee's proposals, in Proposition 5, where we have got close family member – comma – and so presumably that tension mentioned, where your partner might not wish it to be declared, would apply if the debate were being held and you knew of a partner or household family member's
2335 interest and they did not want it disclosed, you would still be in that situation regardless of whether the amendment passes or not, but could be potentially breaching one Rule or the other.

The Deputy Bailiff: Madam Procureur, do you have anything to add to what you have said already?

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The Procureur: Yes, there is a slight tension between the Rules, if family members do not agree with the information being disclosed.

The Deputy Bailiff: Yes, Deputy Helyar?

2345

Deputy Helyar: Excuse me, madam, just another clarification. It is on declarations. My understanding was that declarations of special interest were only required on Propositions, in other words not on amendments and this is an amendment. I do not wish to necessarily defer from and I am quite happy to –

2350

The Deputy Bailiff: I suppose the question is, then, we are going to have them declare them when it becomes a Proposition, if it is passed, then. But I am just going to read it slowly and invite Madam Procureur also to read this –

Yes, Deputy Brouard, what do you want to say on the issue?

2355

Deputy Brouard: May I declare an interest? I have a property in the UK.

The Deputy Bailiff: Thank you very much, Deputy Brouard, that makes it very clear.

2360

Deputy Helyar does appear to be right, it does talk about the Proposition, so what it would mean is that you would speak, you would not necessarily need to declare it if you did not want to, but of course you are always open to declare if you think that is the basis upon which you wish to vote. But, however, if it became part of the Proposition, then you would need to declare it.

Yes, Deputy de Sausmarez.

2365

Deputy de Sausmarez: Madam, sorry. Further clarification on that point of clarification. Surely the amendment is a secondary Proposition and therefore a Proposition and therefore the declaration of interest is engaged?

The Deputy Bailiff: The difficulty is, Deputy de Sausmarez, the way the Rules are drafted is that
2370 there is a difference between a Proposition and a secondary Proposition and it is not defined as a Proposition or secondary Proposition, it is just defined as a Proposition. So I think there is a difference here. But if it becomes a Proposition because the amendment is passed, then of course you will need to declare it because it will be part of the Proposition. Right?

Deputy Taylor, please make sure this is really important!

2375

Deputy Taylor: If the amendment was approved against that Proposition so Amendment 3 was not then adopted by the States. If that makes sense.

The Deputy Bailiff: Yes, Madam Procureur.

The Procureur: If I have understood that correctly, if Proposition 3 is not carried then the note on Schedule 2 of the existing declaration will not be amended. So it would stay the same.

The Deputy Bailiff: Thank you very much.
Right, Deputy Le Tissier.

Deputy Le Tissier: Thank you, madam.

I feel obliged to speak because I seconded this amendment. But I take the opportunity to state I have got no interests in this whatsoever. I think we went down a bit of a rabbit hole with the PEPs. I do not really see what PEPs have got to do with this but anyway we have had that clarified and I was correct and Deputy Helyar was correct.

All I wanted to say was that in the interests of time we can vote this through now and you can throw it out later when we debate the policy letter. (**A Member:** Throw it out now!) Vote it through now, vote it out later, if you feel strongly.

Thank you.

The Deputy Bailiff: Thank you.

Does anybody else wish to speak on Amendment 9. In that case, I will ask Deputy Meerveld, as President of SACC to respond,

Deputy Meerveld: Thank you, madam.

I was going to speak at length on this but I am going to try and make it shorter. I thought everybody would appreciate that after lunch. I will start off with Deputy Mahoney and a comment he made, which I think is very telling. Is this in the public interest or in the interest of the public? Going back to Deputy St Pier, what is the problem we are trying to solve here? There seems to be an amendment searching for a problem.

The fact is we are required to make declarations where there is likely to be a potential conflict in Guernsey in our role as Deputies. As soon as we go beyond that, we are potentially providing ammunition for internet trolls to trawl over and potentially opening potential Deputies in the future to real risk to their person and their property.

People have not thought through the implication of declaring worldwide assets. I am going to give you a little bit of my own background by way of example –

Deputy Taylor: Point of correction.

The Deputy Bailiff: Deputy Taylor, what is your point of correction?

Deputy Taylor: Deputy Meerveld has said that people have not thought through the implications. I think that is a bit unfair. I certainly have and I think all Members have thought through the implications.

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: I do not take that as a point of correction. I am going to highlight some points that I do not think people have necessarily considered in response to various comments that have been made. Again, comments have been made about exposing people to risk when associated with foreign properties.

2430 So, to give examples, before I stood as a Deputy, when I returned to Guernsey I had three apartments in Hong Kong, one condo in Singapore, a house in Thailand and a large development property. As of 2018, when this was last discussed and thrown out, as it should be, I had divested of most of that and currently I do not have anything to declare, personally.

2435 But I might have a liability here. My wife is from Taiwan. Her parents both passed away in the last few years and they were large property owners and she takes a quite traditional view of the marital assets in whatever I own is ours and what she owns is hers! (*Laughter*) And I have never bothered enquiring of her what inheritance she received. Quite possibly she received some properties in Taiwan as part of that family settlement.

2440 Okay, so what is the issue here? Well we measure everywhere, and particularly those Members who have not lived abroad for extended periods and in other countries, we measure everywhere by our own standards. Not the reality in the rest of the world. I will give you some examples. In Thailand if yourself, your son, your grandchildren owned a property in Thailand and you publish on the internet your assets, then the first thing that is going to happen is local officials would tap on your door to shake you down. Technically, foreigners are not allowed to own property in Thailand but through legal ways there are ways to avoid – not evade – that law and consequently hundreds of thousands of properties are owned by foreigners.

2445 But you would have a tap at the door. We also referred to the Police in Thailand as the best police force that money could buy. Published in the Bangkok newspapers, the cost of becoming a chief inspector for a district of Bangkok was US\$1 million in bribes. Needless they have to recover that and that is public information.

2450 I know people in Thailand who had financial disputes who had been shot in their bed. The one I am thinking of at the moment got shot three times. He survived. His wife did not. If you are publishing worldwide assets, you are likely to have somebody shake you down or potentially being targeted in your home, or your relatives being targeted in your home when they arrive and you will have a wonderful list published of all your assets worldwide, so they will know exactly how much to extract from you in a bribe.

2455 A good friend of mine, Teddy Wang, founder of Chinachem in Hong Kong. Four days before he was kidnapped, he was in my apartment discussing investments. His wife paid a ransom of just short of £15 million to get him back. They killed him. The way they tracked him was a Hong Kong policeman in uniform, in a police car, stopped him about 20 minutes away from my apartment, as part of a fictitious traffic stop and a bunch of Taiwanese triads jumped him. Later on, they caught them and they found –

Deputy Gabriel: Point of order, madam.

2465 **The Deputy Bailiff:** Yes, Deputy Gabriel.

Deputy Gabriel: Rule 17(6). I am not entirely sure about the relevance.

2470 **The Deputy Bailiff:** I disagree, Deputy Gabriel, I think Deputy Meerveld is illustrating why he says real property out of the Bailiwick can cause issues of security, which are matters which have been raised by others, so I am letting it go.

Deputy Meerveld: Thank you, madam.

2475 People have to remember, Hong Kong and Thailand are considered some of the more stable and more legally based, places where a lot of people in Guernsey own property. But the fact is the risks there are real and they are far greater than many other places that people in Guernsey might own a property if they have lived and worked abroad, in sunnier climes where the rule of law and the general practices and the security environment, say for instance South Africa, are very different to Guernsey.

2480 So, by requiring a declaration, as I have said before to this Assembly in this debate, there are candidates who are planning to stand at the next election who have told me they will not stand because of the risks that this introduces. And those risks are very real and go beyond simply being trolled on the internet with a photograph of your house in Thailand. It creates real, physical and financial risks to them and their families.

2485 Members, what are we doing here? Deputy Ferbrache and several other Members have been all about transparency. That is great. If you want complete transparency, let us declare everything. In America, you have to file your tax returns publicly. Let us have a declaration of net worth and all your liabilities. Let us have a declaration of whether you live in social housing, receive Income Support or benefit, because after all that is direct money from the taxpayers' pocket. Let us have a publication of CV and what salary you are currently on and what your earning range is because that might influence people's decisions. Where does this stop?

2490 Unfortunately, I see this amendment and those who are supporting it more interested in virtue signalling before an election rather than real transparency that would benefit Guernsey. Also, it does not matter. If you do own a property in Botswana and for some reason it conflicts with your role in Guernsey, the rules are there. You have got to declare it. So what is the issue we are trying to solve. There is a limit to what information should be put in the public domain in this day and age.

2495 Deputy Trott, at one of our previous Meetings, made a comment about the briefing to new candidates, advising candidates not to meet people in their own houses and to meet them in other properties. When I joined in 2016, I had people in my kitchen or I went to their kitchen to talk about their issues. I do not do that anymore. The world is changing and unfortunately not for the better.

2500 So, Members, I would very strongly request that you do not support this amendment. Incidentally I would like to give thanks to Deputy Taylor and the Procureur for highlighting the issues with Proposition 3 in the policy letter. I do not think I will be voting for that.

Thank you, madam.

2505 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Madam, I commend Deputy Meerveld, as usual, for his brief speeches. But he said something that concerned me and I know he said it with good intent. He said we measure us everywhere by our own standards. Well what is important, we measure our standards. We look at our standards. The fact it might cost one million dollars, whatever it was, to become a chief inspector in Thailand, is wholly irrelevant. The fact that his friend Eddie got blackmailed and his wife had to pay nearly £15 million to release him is irrelevant. That happens all over the world. Nothing to do with what we have got.

2515 I would not equate the human faeces that Deputy Oliver had delivered to her home, or the duck's poo I had spread all over my car window – actually made me clean my car window! – as anything akin to that.

But this is a serious issue. We talk about families and I hope we are not going to be too long tonight and I hope we do not go late because I am going to dinner with my eldest grandchild and her husband and I am looking forward to it. So let us speed up a bit.

2520 In relation to that, Deputy Trott raised a good point. He fed off a point, I am sure of his own volition, that I made, that the current Rules are not satisfactory. I said that in opening. So you either get rid of those Rules or you try and improve them. If somebody had brought an amendment to this policy letter saying get rid of those Rules, rely on your conflict of interest proposals and the other points other people have made, I may well have supported it because you then rely on the integrity of the States' Member and if that States' Member breached his or her integrity, not only would there be public acrimony, no doubt there would be a sanction of the States. It would be a Code of Conduct issue and they would get dealt with appropriately.

2525 I always smile, sometimes, when Deputy St Pier quotes my speeches, because it does show two things. Firstly, that he listens to what I say and secondly that my speeches are generally better than his! What I said, because he was late, I do not know if the butler was late serving breakfast this

morning or he was touring one of his properties, but he got in after my speech and he also got in after Deputy Helyar's speech. He commended Deputy Helyar's speech, even though he did not hear it, because of what other people had said.

2535 I am sure if he had listened to my speech, had he managed to get here on time he would have commended that speech, because one of the things I said was that I had changed my view from 2018, as you are entitled to do. I very much echo the comments now that I make in relation to the issues that were raised then. To use a phrase that Deputy Meerveld used in a different context, the world has moved on.

2540 Deputy Gabriel made a good point saying, respectfully, why? I know that Deputy Gabriel is probably one of the most conscious – conscientious, I should say (*Laughter*) – he stays awake during the States' debates so that means he is conscious. He is one of the most conscientious Commonwealth parliamentarians. I remember when I was in St Helena, I saw Deputy Gabriel speak on the screen and it was wonderful to behold.

2545 Now, if we are being serious, the point is, two points to make in relation to that, why should we change the Rules – I am summarising what Deputy Gabriel said. There are a variety of reasons. Just two in relation to this. Firstly, we are out of kilter with our brother and sister jurisdictions, Jersey, the Isle of Man, Alderney, etc, and the UK. We are out of kilter with those and they would expect us as good Members of the Commonwealth, good Members of Parliament, to follow those.

2550 Secondly, it is the point that Deputy de Lisle made just before lunch, about there could be something in France or something else. If you have got 80% of your assets in France, for example, and 20% in Guernsey, it might influence how you are going to vote. That is not the purpose of this amendment but that is a reason for dealing with what we are dealing with.

2555 I thought he had copied my speech, or somebody other's speech, Deputy St Pier was always saying, we are bringing in all these regulations, people are against regulations. I have not got a clue what is going to be in the Moneyval report. I very much expect it to be optimistic and good. But I bet a dollar to a doughnut that one of the things it will say is that where we have been weak is we have not prosecuted enough people, we have not enforced our regulations as rigidly as we should.

2560 Certainly, when I was involved in the Moneyval process up to 23rd December, 2023, that was a concern. Maybe that concern has been swept away but I doubt it. So therefore people are looking for regulations to be properly enhanced.

2565 If we are saying in Guernsey that we really are concerned with what people own outside the Bailiwick of Guernsey, that does concern me. Because, as Deputy Leadbeater said, what have we got to hide? We have talked about the finance sector but I do not think any of us think that we should have special rules for the finance sector. I do not think anyone does at all. Again, I commend Deputy Trott, because he often says, I have got commercial interests in Jersey. He does not seem to hide it. He, strictly under the current Rules, would not have to disclose that, I believe. But he always does. He never makes a secret of it and he always tells me how much money he makes from it, but that is a separate issue in relation to where we are.

2570 I am very grateful for Deputy Trott, considering how wealthy he is. Being a humble Guernseyman who relies on his pension, I know that is a different matter. But we have also had the point made about, I will put it in this context, because you have to put matters in their context and Deputy Meerveld has now said he will not vote against part of his own policy letter and I commend him for that. But paragraph 5, on page 5 of the policy letter, is headed Rule 49, Declaration of Interest at Committee meetings and then the next sub paragraphs all deal with that.

2575 What it says at 5.11. and 5.12:

At present, Schedule 2 contains the heading "Applicability of the Declaration to interests of the Member's spouse, co-habiting partner and infant children". It is recommended that this be changed to: "Applicability of the Declaration to interests of the Member's wider family", and that the note itself should read: "Throughout this form, in addition to those matters which relate directly to you, you are also required to declare any interests of which you are aware which relate to a close family member, or any relative living in the common household."

It is a point the learned Procureur dealt with.

Close family comprises spouse or domestic partner; grandparents; grandchildren; parents; siblings; children both dependent and non-dependent; children of a common law spouse; spouse or domestic partner of a child; corresponding in-laws and step relatives; parents-in-law; and brothers- and sisters-in law.

That comes from the SACC Committee. That is how important they think it is in relation to those issues. So if it is important in relation to those issues, why isn't it important in relation to other issues? Security issues, I accept, can be. We had the two MPs that had been murdered. Neither were murdered in their home. One was murdered in his constituency offices; the other was murdered when she was out and about. Both tragic things and security is more of a concern, nowadays.

But going back to really, in a slightly different context to what Deputy Meerveld said, we are living in our own jurisdiction. We are in a jurisdiction which is still much safer than just about anywhere else that we can think of, including Jersey.

So things could be difficult. We could all find reasons not to do it. I do not pretend that this amendment is going to take us to the promised land or take us to Nirvana. But it is an improvement and I cannot speak because the people do not say, I have had lots of people say this, I have had lots of people say that. All I can say is that I echo what Deputy Leadbeater said in his commendably brief and succinct speech and I think the people of Guernsey expect us to be open and transparent.

Most people do not see it like knowing about somebody else's business. That is not the purpose of this. This is to show transparency and to show open and frank Government. I have seen some people, and again I fully accept what Deputy Meerveld has said too many in these candidate meetings have said they are not going to stand because of this. *Que sera*.

The Deputy Bailiff: Thank you.

States' Greffier, would you open the voting on Amendment 9, please.

There was a recorded vote.

Amendment 9.

Not carried – Pour 12, Contre 23, Ne vote pas 2, Did not vote 1, Absent 2

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

The Deputy Bailiff: There voted in relation to Amendment 9, Pour, 12; Contre, 23; there were 2 abstentions; 1 Member did not vote and there were 2 absences. I therefore declare the vote not carried.

Greffier.

Amendment 10.

To insert an additional Proposition as follows:

"To insert an additional paragraph at the end of Rule 21 as follows:

"(6) The vote on a motion of no confidence shall be by secret ballot."

And, to insert an additional paragraph at the end of Rule 22 as follows:

"(3) The vote on a motion of censure shall be by secret ballot".

The Deputy Greffier: Amendment 10.

The Deputy Bailiff: Deputy Queripel, Amendment 10.

Would you like the Greffier to read it out for you?

Deputy Queripel: It will be a change of voice, madam, so yes please.

The Deputy Bailiff: Greffier, would you kindly read out Amendment 10.

The Deputy Greffier read out Amendment 10.

The Deputy Bailiff: Thank you.

Deputy Queripel.

Deputy Queripel: Madam, as we all know, electing Members of the Assembly onto Committees and as Presidents of subcommittees is done via a secret ballot. Yet the voting them off of those Committees either via a motion of no confidence or censure, is not via a secret ballot but via an open for all to see.

Surely to be consistent, both votes should be taken the same way? So, in an attempt to unify and equalise the whole procedure and also to dispense with the fear and favour element of voting via an open vote, Deputy Blin and I are laying this amendment in front of our colleagues, in the hope that the vast majority of them see things the same way as we do, which is that we really do need to unify and equalise the whole voting procedure, as well as dispense with the fear and favour element of voting via an open vote.

So the Assembly will decide which way to vote. There are those who think the current procedure needs to change and there will be those amongst us who cannot see the problem and will be content to leave the situation as it is.

I ask those who have a problem to think seriously about the two issues I have highlighted. The fear and favour element, as well as the need to unify and equalise the voting procedure. If any of my colleagues do not think the fear and favour element is of any concern, I ask them to think back to how they felt when they were asked to vote on a motion of no confidence in this term. If they are still not concerned about the fear and favour element then I ask them to at least give serious thought to unifying and equalising the voting process.

It could of course go one way or the other but in this amendment, Deputy Blin and I are seeking to make the vote on removing the Committee a vote via secret ballot. Seeing as elections onto Committees are via secret ballot, thereby avoiding the fear and favour element, surely it follows that removing Committees also be via a secret ballot. Why have one and not the other?

After all, what is the rationale behind voting Members onto Committees via secret ballot and then having an open vote for all to see to remove them? Whatever that rationale is, surely it will not make a lot of sense. It follows that if Members are elected via a secret ballot, then they should also be removed via a secret ballot. I look forward to the debate madam and I will answer any questions accordingly.

The Deputy Bailiff: Thank you.

2645 Deputy Blin, do you formally second that amendment?

Deputy Blin: Yes, madam.

Deputy Ferbrache: Guillotine?

2650

The Deputy Bailiff: Deputy Ferbrache seeks a motion on Rule 26(1). Can you stand in your place if you wish to debate this amendment?

Do you still wish the motion to be put? Yes. Yes, Deputy St Pier.

2655 **Deputy St Pier:** Rule 24(6).

The Deputy Bailiff: Pardon?

Deputy St Pier: Rule 24(6), madam?

2660

The Deputy Bailiff: I am afraid you missed your chance, really, because we are already dealing with a 26(1) guillotine, so I do not think I can then second it with a 24(6) amendment. So, ladies and gentlemen, the motion is to curtail debate under Amendment 10. Those who support the motion to guillotine, please say *Pour*; those against?

2665

Some Members voted Pour; some Members voted Contre.

The Deputy Bailiff: I am going to ask the States' Greffier to put this to the SEV vote. It was too close to call. So, Members, you should have already and thank you very much, States' Greffier for preparing it so quickly, a motion to guillotine the debate on Amendment 10. States' Greffier, would you open the voting, please?

2670

There was a recorded vote.

Rule 26(1)

Not carried – Pour 17, Contre 18, Ne vote pas 2, Did not vote 1, Absent 2

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

The Deputy Bailiff: The motion to guillotine the debate, there voted *Pour*, 17; *Contre*, 18; there were 2 abstentions and 1 Member was absent.

Deputy Roffey.

2675 **Deputy Roffey:** At the centre of Deputy Queripel's argument is that there ought to be the same style of voting for elections as for votes of no confidence. That utterly puzzles me because they are two completely different and utterly different things. You are comparing chalk with cheese. Of course, elections have to be by secret ballot, despite the very short experiment this Assembly had with not doing it that way. That is universal around the world, elections happen by secret ballot.

2680 When the Island goes to the polls on 18th June – is it? – nobody is going to be forced to say how they voted. They can say if they want, but they will not be forced to. Because it is a secret ballot in elections. It is a central tenet of democracy that elections should be by secret ballot.

But stripping somebody of office is a totally different thing. In a Committee election, five people may put themselves forward to be President of the new Housing Committee and we judge one of them, we may think they are all good candidates, but we are deciding which one we think would be best. That is utterly different from telling somebody in office, and basically you are telling them one of two things, we have decided you are no longer up to the job or that you are able but your policies are so out of kilter with those of this Assembly as far as your area of responsibility that it is no longer tenable for you to exercise that portfolio.

2690 That is a really big thing to do to anybody. I really think we should not do that without having at least the spine to look them in the eyes and say we are doing that. I predict that if we go down the secret ballot route for that we will see so many more almost weaponised votes of no confidence, particularly if, heaven forefend, it is as factional or more factional than this one. I just do not understand it and I will not bother to make the same argument later when it is suggested, I think it is the other way around, there is another amendment that says we should elect people by, there is another one in here.

It is a bit like saying I do not know that the rules around requêtes should be the same as the rules around ... These are totally different. It is just not logical. It is just a *non sequitur* to say that the way of electing people should be the same as stripping them from office because the process and what you are doing is utterly different.

I have voted for some votes of no confidence over my time in this Assembly and I have voted against them and I have never minded the people involved knowing – in fact I have usually told them in advance what I am going to do; yes, I did to P&R last time around – because I did not think their position was untenable. It was not to do with their ability, it was to do with I think at the time, ironically what has happened since with GST plus, but at the time I thought they were too far out of kilter with their fiscal policy with the rest of the Assembly.

Honestly, let us scurry around the skirting boards getting people out of office. That is not the sort of politics I want and I cannot vote for this.

2710 **The Deputy Bailiff:** Deputy Gollop.

Deputy Gollop: I am going to vote for this. *[Inaudible]* ... technical, I believe Sark and certainly Alderney they actually do have votes in public for when somebody ... *[Inaudible]*. and then it keeps ... *[Inaudible]*.

2715 Some of us feel very strong, Deputy Roffey in particular, that some of us can be harassed and intimidated, especially by a States full of factions and ... *[Inaudible]*. That does influence us. Actually sometimes ... *[Inaudible]*.

We have an election; the lucky winners all choose who sits on a Committee for four-and-a-half years. That is not always satisfactory.

2720 Anyone is free, in the lead-up to a debate or a speech to say I do not want Deputy Gollop's DPA to continue or whatever.

And I think actually votes of no confidence for some Members would be free of existing allegiances, friendships, maybe with family friendships, whatever, where they can vote quietly and precisely without having their names put across would actually benefit ... *[Inaudible]*. Maybe we could see faster change and ... *[Inaudible]* and actually less debate.

2725

The Deputy Bailiff: Deputy Blin.

Deputy Blin: Thank you, madam.

2730 Basically I do support, clearly as seconder of the amendment of Deputy Queripel. For me, it is not only just a procedural side, but it is also to the integrity and fairness of our democratic process. So far, we used our SEV or electronic voting system, which is efficient but does not always give us the right conditions necessary for us to vote with impartiality and without fear of external pressures.

2735 I think Deputy Gollop just put that comment there because there is sometimes this feeling of pressure and that pressure sometimes comes from political affiliations. It could be within the discussions on any particular topics like we have on GST and the Guernsey Party and their external expectations, public scrutiny as well, so we could allow the Members to vote really freely and according to their conscience and best judgement and rather than under the weight of any other political considerations or repercussions.

2740 I agree and I am sure we all agree transparency is our cornerstone but, also, we should be protecting the individual integrity of our Members as well. This is very specific on the vote of no confidence and the censure motions because these sorts of decisions have a huge impact on the governance of our nation, of the Island. Again, it comes down to promoting an honest reflection of what we are trying to do.

2745 It does not have any financial burden on us. There will be mixed opinion. I listened to Deputy Gollop's speech and I kind of exactly agreed with the way he puts it there. We did, with Deputy Queripel, after some people said this will create a flurry of votes of no confidence or something because now it is all anonymous, etc. We do not work like that. We work like that when we are dissatisfied or unhappy about a certain aspect and I particularly refer to the speech of Deputy Roffey where he referred to being very open with the decision with P&R, explaining, I agree with that. That was done with transparency.

2750 But it also could allow the integrity of the person to make their choices without that pressure. As you know, there is an Amendment 15, which I will not speak about because this is on Amendment 10, but the idea of this was that if you cannot see that we could have this anonymity of the secret ballots then the other side of it is make everything across the board. Do it one side or the other, which would again just give it a spread across.

2755 Basically, the summary is, the reason I will support this is the protection of independence by introducing the secret ballots, it ensures the Members can be private on crucial matters, which is going to affect leadership. It protects Members from undue influence. I think this is really important. It reduces transparency.

2760 So I know that from the public perception they will say we do not want to have this secret ballot, we want to know what everyone says about everyone. But if you look at it from a perspective of each one of us as Members, we have to be able to work with our own integrity and work in the way we feel, without it having to be enhanced by others and putting pressure on the Members.

2765 Again, just look at what happened. I know there are different situations. Just earlier for the vote for Deputy Dyke for the TLA, we had to go through a process for the voting in one manner but we knew immediately it was very straight forward. We need to standardise things to make it easier for us to operate.

2770 So yes, I will be supporting this. Thank you.

The Deputy Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, madam.

2775 I really want to follow on from Deputy Blin there because there are some bits that really brought me to my feet, that we might face a bit of pressure from outside groups. Somewhat unavoidable, isn't it? It is part of the job. Most of the things we are discussing – whether it is tax increases, land zoning – there is going to be an element of lobbying, putting pressure on us to make a decision in one way or another, in a way that it affects people. I do not think you can escape that.

2780 In terms of accountability, I do not feel comfortable that a Member could stand in here and give a really glowing speech about how great a Member has done and then, in secret, vote to stab him in the back. I think that would be wholly unacceptable and to me: speech (positive), plus vote (negative) does not equal integrity.

That is the main reason I will not be supporting this. I fully accept the reasons why an election should be –

2785 Deputy Inder wants me to give way. I will.

The Deputy Bailiff: Yes, Deputy Inder.

2790 **Deputy Inder:** I do not disagree with what Deputy Taylor has said and I will not be supporting this amendment. But I just am intrigued. We talk about integrity and openness. Can he remind me, you might be able to help, actually, I remember, I think it was himself and one other put up Deputy Le Tissier for a post and there were almost certainly three votes available. I will assume Deputy Le Tissier voted for himself, but he got two votes! Would he confirm now whether he was one of the people that voted for Deputy Le Tissier, because I think he seconded that one.

2795 **The Deputy Bailiff:** Deputy Taylor.

2800 **Deputy Taylor:** Somewhat off-topic but I am happy to confirm that no I did not vote for Deputy Le Tissier in that election. I do not know who did. I seconded it because the last discussion we had within the Committee meeting was that Deputy Blin and Deputy Le Tissier had been put forward. I do not think there is any more to it than that. As it happens, I did not vote for Deputy Blin either! *(Laughter)* That is no offence to Deputy Blin. That is how it is.

I am surprised I am so open about it! I would like to say I think the purpose of elections being held in secret is good. Because you cannot promise people that you are going to support them, in the same way, and then back out of it.

2805 I am going to end with a metaphor, madam, which I think is quite good, maybe a little bit strong, But I was told by someone who said, I will not stab you in the back but if I am going to stab you I will look you in the eyes when I do it. I think that is something we should – metaphorically, of course – have in our minds when we do bring a motion of no confidence. It is a very emotive thing and I think you need to own that decision. So I hope Members will vote against this amendment.

Thank you.

The Deputy Bailiff: Deputy de Sausmarez.

2815 **Deputy de Sausmarez:** Thank you, madam.

2820 Deputy Taylor has made many of the points that I was going to. I would just add, further to that, that actually under the Rules we would still need to have seven signatories on a motion of no confidence, so seven people would have to be absolutely explicit about that. My main concern is I do think it opens the door to far more potential duplicity and weaponisation of that particular parliamentary mechanism, which is a perfectly valid parliamentary mechanism but it does obviously create, it is rightly a big deal and I think it should be done in a spirit of transparency and honesty and I agree with Deputy Taylor that people should have the courage of their convictions and they should be able to justify the way they vote.

2825 If we were to follow the logic put forward by the proposer and seconder of this amendment then actually perhaps all votes should be taken in secret. Why is it that votes on any other issue should be transparent? Because that is what the electorate expects and I think quite rightly so and I think this is absolutely no different. For that reason I will not vote in favour of this amendment and I would encourage other Members, also, to reject it.

2830 **The Deputy Bailiff:** Deputy Matthews.

Deputy Matthews: Thank you, madam. I also will not be voting for this amendment from Deputy Queripel.

2835 The logic that they should by symmetrical and elections to Committees is by secret ballot does not follow through for me. There is a question mark about whether elections to a Committee should be by secret ballot or not. I think there is probably just about a case for that. It means you can back somebody who is an outsider but then not be seen to have not supported the Committee Members who get elected.

2840 This idea of being able to just stab a Committee in the back, if you are going to bring a Committee down, it would just happen all of the time, any time there was any unpopular proposal you would get a motion of no confidence and Committee Members would not know who supported them and who did not.

2845 We are not voting here for ourselves. We are elected by the people of Guernsey and we are representing the people of Guernsey and they have a right to know what it is that we are doing and how we are voting and how we are representing the Island's interests. The idea of a whole series of secret ballots where a Deputy disappeared into a room and wrote people's names down and nobody knew who was voting for what does not strike me as good governance, if it can be avoided.

If you need to have a vote of no confidence, at least stab the Committee in front, rather than this secretive ballot to remove somebody or a Committee that is unpopular. I will not vote for it for that reason.

2850 Thank you.

The Deputy Bailiff: Thank you.

Does anybody else wish to speak on this amendment?

Deputy Meerveld.

2855

Deputy Meerveld: Thank you, madam.

2860 I understand the reasons for Deputies Queripel and Blin bringing this amendment, but I think Deputy Roffey hit the nail on the head by saying these are very different things undertaken in very different circumstances. Often, particularly at the beginning of a term, when we are electing Members and Presidents of Committees, usually not so much with the Presidents of Committees, but certainly with new Members who have just joined the States, we are giving them a chance, we think they have presented well or the President of the Committee has been elected, recommends a Member, and we collectively, by a majority, decide that we think that they would do a good job, put them on that Committee and give them a chance.

2865 But they really are, often, especially new candidates or new Members, unknown quantities. Equally when the new Members are voting for Presidents, they are voting for Presidents who, to some extent, are an unknown quantity, giving them an opportunity.

2870 When we turn around and we remove a Member from a Committee or do a motion of no confidence in a Committee, it is a very different thing. People need to stand up in this Assembly and justify why that needs to be done. They need to give speeches and explain the reason the confidence has been lost or the failings of that Committee that justify that removal.

2875 It becomes very topical and interesting to the community and the electorate. They also believe that they wish to know why their Committee structure has been changed so somebody is being removed from a position. Consequently, I and the SACC Committee supports the *status quo*; what we have got now.

2880 We elect people on an anonymous basis so at least when elections are happening at the beginning of a term, you are not creating any animosities – you did not vote for me, why did you vote for them – kind of situations. But when we are fundamentally and very publicly removing somebody from a position and taking away a position of authority as either an individual or a group, then I think we as an Assembly owe it to the electorate to be upfront, as Deputy de Sausmarez said, transparent and accountable in that decision and I also share the fears of this being weaponised. If there is anonymity attached to it there is much more likelihood of it being weaponised.

So I would encourage Members not to support this amendment, although, as I say, I understand the sentiment in which it was brought.

The Deputy Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, madam.

On the issue of having the courage to tell your friends they have failed in their duty, surely the same applies when it comes to voting them onto a Committee in the first place? Having the courage to tell them you do not think they are up for the job so you are not going to support their nomination.

Deputy Taylor focused on, I think he said speech (positive); vote (negative). Madam, no Member of this Assembly needs to speak. You do not have to speak. No one is saying you have got to speak. If this succeeds, it could result in just two speeches on a vote of no confidence, motion of no confidence. It could be the person leading it and then the person defending them, the Committee.

Deputy Blin and I are trying to truncate debate here and we are getting slaughtered. I do not get it. Talk about when it suits. You do not have to speak. No one is saying you have to speak so no one is going to know how you vote anyway. It is crazy. Even a Member, or as somebody has said, because seven signatories have to sign a motion of no confidence.

I have been around long enough to recall half a dozen times when even signatories on motions of no confidence have voted against them, come the time to vote. They are the same as a requête, same as an amendment. Just because you second an amendment or propose an amendment does not mean to say you have got to support it. That has happened quite a few times. It happened recently. I think it was Deputy St Pier, maybe Deputy St Pier and Deputy Soulsby – I stand to be corrected on that – they voted against their own amendment.

I am not making this up, madam. Members can shake their heads and sneer and snigger. They are not making this up. That sort of thing has happened several times over the years. When Members have signed the requêtes, they have signed motions of no confidence, they propose and seconded amendments, come the time to vote, they voted against it.

I think I need to repeat, because there are some Members of this Assembly who always focus on the lengths of certain Members' speeches. This could truncate debate. You do not need to speak. I love saying that. You do not need to speak –

Deputy Haskins: Point of order, madam.

The Deputy Bailiff: Are you giving way, Deputy Queripel?

Deputy Queripel: No, it is a point of order, madam. I would be interested to see what it is.

The Deputy Bailiff: Sorry, Deputy Haskins, what is your point of order.

Deputy Haskins: It is actually a Rule 17(4) one because Deputy Queripel, ironically, we are talking about truncating the debate, Deputy Queripel is not responding to a Member within this past debate. He is responding to a point that he made himself.

The Deputy Bailiff: I think that is probably a fair point, Deputy Queripel, I do not think anybody said to the contrary. But please do carry on with your response.

Deputy Queripel: Madam, it was Deputy Taylor who said speech (positive), vote (negative), which is why I am focusing on there is no need to speak. Just vote. No one will know how you voted, just vote.

On that point, I want to thank Deputy Gollop and Deputy Blin for their support because they focused on, Deputy Gollop said he was aware of bullying taking place in the past. So am I. I am

2935 aware of it. Deputy Blin said it was to protect Members from undue influence. That nails it. That really nails it. So I thank them both for making those points.

I think someone said the electorate vote for candidates in a secret ballot. If they did say that they are conflating two entirely different issues. We are talking here exclusively about the way this Assembly votes for candidates and the way we vote to remove them. I do not recall anyone saying
2940 apart from Deputy Blin saying undue influence on anyone being put under pressure and Deputy Gollop saying being bullied. I do not recall anyone else saying anything about that.

But several Deputies have told me over the years, because of the way they voted on a motion of no confidence, the person they thought was their friend no longer talks to them anymore. So they cannot be professional. They have got to bring personality politics into it again. So the fear and
2945 favour element that I mentioned in my opening speech is very much alive here. Deputy Blin and I are trying our best to dispense with it.

Of course, it is all about the fear and favour element up to this point. But there is the unifying and equalising, I do not understand. What is the rationale behind voting someone into a position via secret ballot and then voting them off in an open vote? I do not see the rationale behind that. I
2950 do not understand. No one has actually really explained that rationale.

Surely it is one or the other, to unify and equalise it has to be one or the other. Madam, I know I am not going to change anyone's mind. They have already made up their mind, but I am just responding in general to the themes that were focused on in the debate. I guess I might as well leave it there.

2955 In a nutshell, this amendment seeks to dispense with the fear and favour element of open voting. At the same time it is seeking to equalise and unify the voting process. In this instance. So I will sit down and await the vote.

The Deputy Bailiff: Thank you very much, Deputy Queripel.
2960 Greffier, would you open the voting on Amendment 10, please?

There was a recorded vote.

Amendment 10

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

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Blin, Chris	Aldwell, Sue	Dyke, John	Vermeulen,	Burford, Yvonne
Gollop, John	Brouard, Al	Oliver, Victoria	Simon	McKenna, Liam
Queripel, Lester	Bury, Tina			
	Cameron, Andy			
	De Lisle, David			
	De Sausmarez, Lindsay			
	Dudley-Owen, Andrea			
	Fairclough, Simon			
	Falla, Steve			
	Ferbrache, Peter			
	Gabriel, Adrian			
	Haskins, Sam			
	Helyar, Mark			
	Hill, Edward			
	Inder, Neil			
	Kazantseva-Miller, Sasha			
	Le Tissier, Chris			
	Le Tocq, Jonathan			
	Leadbeater, Marc			
	Mahoney, David			
	Matthews, Aidan			
	Meerveld, Carl			
	Moakes, Nick			
	Murray, Bob			

Parkinson, Charles
Prow, Robert
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon

2965 **The Deputy Bailiff:** In relation to Amendment 11, there voted, Pour, 3; Contre, 32; there were 2 abstentions and 1 absent from the Chamber at the time of vote. I therefore declare the amendment has not been passed.

Deputy Queripel: Madam?

2970 **The Deputy Bailiff:** Yes.

Deputy Queripel: Madam, you said Amendment 11. That was Amendment 10.

2975 **The Deputy Bailiff:** You are absolutely right. Thank you very much for correcting me, Deputy Queripel. That was Amendment 10. I was prematurely looking at the Amendment 11 document as I turned over, but yes, that was Amendment 10.

Greffier.

[Amendment 11.](#)

To insert the following additional propositions immediately after Proposition 7:-

"8. To agree that, with effect from 1st February 2025, Rule 29(3) of the Rules of Procedure of the States of Deliberation and their Committees shall be amended by inserting at the end of Rule 29(3) the following:

"Any material change arising in the interests or other matters recorded, or required to be recorded, in a Declaration of Interests shall be declared to, and notice of the change lodged with, the States Greffier within 30 days of the occurrence of the change.

9. To agree that, with effect from 1st February, 2025, the interests to be declared in Parts 1 to 11 of the Declaration of Interests set out in Schedule 2 to the Rules of Procedure of the States of Deliberation and their Committees shall include interests within or outside the Bailiwick of Guernsey, and to direct the States' Assembly & Constitution Committee to arrange for:- (a) (b) the wording of the Declaration to be amended accordingly, and the amended Declaration to be included in Schedule 2 in place of the current form of Declaration."

The Deputy Greffier: Amendment 11, proposed by Deputy Gollop.

2980 **The Deputy Bailiff:** Deputy Gollop, do you require the Greffier to read out Amendment 11?

Deputy Gollop: Yes, please.

2985 **The Deputy Bailiff:** Greffier:

The amendment was read out by the Deputy Greffier.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: I might have a wider perspective on some of the earlier debate but I think that should wait for general debate. I thank the Deputy States' Greffier for reading it out. The explanatory

2990 note at the bottom says, as it is written. One thing we all accept the public would like to see or perhaps most of the public is the States being more transparent.

This amendment seeks to add transparency to Deputies obligation to declare their interests in a more timely manner. Annual declarations when matters moved at a slower pace may have been acceptable in the past but those days are long gone. The need to submit Declaration of Interests within one month strikes a balance, to provide the public with the transparency it needs against making the task for Deputies too onerous.

2995 Now I have to say from the outset I probably have not always complied with all of these Rules myself and I have had to be hurried up or encouraged by people to complete things. I am just thinking of an interest that I have got to sign for Committees. But nevertheless, that is not an excuse and we have seen examples of perhaps quite a few of us who have not kept up.

I am informed that I believe at one point it was customary at least, if not in the regulations, for Members to update their declarable interests within 30 days but it seems to have dropped off the Rule Book in some way or another.

3000 Although we had only a third of us supporting more onerous requirements for property around the world, I think we got the general intimation, although I might return to that in general debate, that if you are running these requirements, they need to be done in an efficient and transparent manner. Certainly some Members, who have had great careers in the corporate or other sectors, do keep up and I think we all should be encouraged to do that.

3005 The point was well made in a previous debate that we are trying to comply. I notice the SACC Report, although I might have criticisms of that in other ways, pointed out that IPSAS and accountancy standards, are a benchmark for professional excellence and we should emulate that and I think timely declarations is part of that.

3010 We also mention the Commonwealth Parliamentary Association and similar places. I do not know about American Presidents, they declare of course their tax returns. Not sure it did President Trump any harm but there have been issues about that. I do not know about debts being declared. But all this seeks to do is what is in the existing Rules to be declared in an appropriate way, at 30 days.

3015 I mention the Commonwealth for a reason because other parliaments, Jersey and Alderney spring to mind, also have the 30-day rule and I was actually researching it again in the lunchtime. I had thought that the UK had a 30-day rule as a register of interests for Members of their esteemed Parliament. In fact, it is 28 days. So actually this amendment is a little bit more lenient in its revision, than the United Kingdom. And the United Kingdom demands that Members who have a relevant change of interest register it within 28 days.

3020 Just for amusement, I gather the Isle of Man demands that the candidates put down certain things like attending a presentation, receiving hospitality, going out to lunch with a telecommunications or other firm. Some of us would have rather long lists of that one if we went as far as that. I am not suggesting that. But I think we should maintain relevance and today's society, which is fast-moving, all about online, 24-hour news, focused regulation, I think instead of it just being a year, which means 364 days, even if you are doing it within the Rules, it should be more appropriate and I think 30 days is an appropriate benchmark.

3025 Thanking you.

The Deputy Bailiff: Thank you.

Deputy Le Tissier, do you formally second?

3030 **Deputy Le Tissier:** Yes, I do, madam.

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, madam.

3035 The Committee is unanimously of the view that this goes beyond the scope of the original policy letter and wish to invite Rule 24(6).

The Deputy Bailiff: Yes. As I indicated when you contacted me, Deputy Meerveld, I agreed and I make no comment in relation to whether or not other amendments also go beyond but this does strictly go beyond the Proposition letter. Therefore, the motion sought by SACC is Rule 24(6), as previously. So the motion is that the amendment be not debated and that there is no vote taken. That is the motion that SACC is seeking. Those who support the motion that the amendment not be debated and no vote taken, say Pour; those against?

Some Members voted Pour; some Members voted Contre.

The Deputy Bailiff: Yes, we can do a recorded vote. Greffier, would you set up? Members, you will see on your screens the Greffier has very efficiently put up the motion under Rule 24(6), that is the motion not to debate the amendment and not to vote on the amendment. Please would you open the voting now, Greffier?

There was a recorded vote.

Rule 24(6)

Carried – Pour 19, Contre 15, Ne vote pas 1, Did not vote 3, Absent 2

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

The Deputy Bailiff: In relation to this motion, there voted Pour, 19; Contre, 15; there was 1 abstention and 3 Members were not in the Chamber. Therefore we will not debate or vote on Amendment 11.

Deputy Gollop, do you confirm Deputy Ferbrache's indication that you are not going to lay Amendment 12 because it is a duplicate amendment?

Deputy Gollop: Yes, you will be very glad to hear that and we lose one of the amendments.

The Deputy Bailiff: Thank you.
We then turn to Amendment 13.

[Amendment 13.](#)

To insert the following proposition after Proposition 7:-
"8.

To amend Rule 26 of the Rules of Procedure by inserting the following paragraph after paragraph (1):-

3065 “(2)
Only those Members who have not already spoken in the debate may
vote on a request under paragraph (1).”.

3070 **The Deputy Bailiff:** Deputy Brouard, do you wish the Greffier to read out Amendment 13?
Greffier.

Deputy Brouard: Yes please, madam.

The amendment was read out by the Deputy Greffier.

3075 **The Deputy Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you very much, madam.

The story goes back a long time to my days on Commerce & Employment, with my colleague Deputy de Lisle, under the chairmanship then of Kevin Stewart and also, yes, we had Deputy Trott and we also had Deputy Soulsby at one stage. One other? Somebody else.

3080 This idea came forward about Sunday trading and the Committee by a majority was in favour of Sunday trading but myself and Deputy de Lisle had the much more sensible idea that we should not have Sunday trading. You have probably guessed which way it went! But we had spent quite a few hours and days putting a minority report together, which was wrapped up in the wrapper of the presentation to the States. So it was in the Billet and the policy letter, our minority report.

3085 The debate was going along quite nicely. It was opened by Deputy Stewart and, at some stage, waiting until I had heard enough evidence, I was going to stand up. Would you believe it, Deputy Kuttelwascher decided that he would guillotine it. So myself and Deputy de Lisle were not able to basically express why we had a minority report or anything about it. Very kindly, Deputy Kevin Stewart said I could sum up instead, so I could weave in. But that had no truck with the Bailiff
3090 whatsoever, because I had to sum up on the debate but I could not sum up on the debate for the bit that I had not said because I had not said it!

It was an absolute farce and after that I decided that, as we come here to a debating Chamber, really that is what we are here to do. There are people that I have found over the years, are particularly tedious and I quite the odd guillotine here and there because I say thank you very much,
3095 there is a god after all! But really, we are here to debate and if you do not like it, one, do not stand to be a Deputy because that does go with the territory. It is part of the theatre; it is part of seeing our policies explained to everybody through this Assembly.

If you do not really like it or your tea is ready, well go home. There is nothing to stop you here. There is no prefect, the court usher is not going to basically stop you from leaving, even Deputy
3100 Queripel! You can judge yourself what you do and some people will go to the library and do some work there, but we are a debating chamber and I do fear that we do sometimes miss the opportunity to hear some really good speeches, which are just literally curtailed. The only reasons people sometimes hold back, especially if they have got a very keen interest in it, is they are trying to gauge the debate, they are trying to see what other people have said, so that they can respond to it and
3105 then suddenly Deputy Inder comes in with a Rule 26(1).

The other important part is, if you are in a parliamentary system like they have in another country called the UK, or England, they have this system where they have parties. The parties would have already flagged up where the party is on a particular position but no-one has a *Scooby-Doo* as to how the 40 of us are going to vote or where we are positioned on a particular item and we may just
3110 occasionally want to make the public aware that we actually are in favour of something or not in favour of it. I do appreciate that the vote does give that final record by but it does not give you any of the colour, any of the contrast, as to why you have got to that position, why you have changed your mind, to get there.

Now, luckily, SACC has written my speech for me, which I thought was rather good, because the Committee here, this is what they say. The Committee is wholly opposed to this amendment. Wholly opposed, I mean we are really onto it here, as it sets an 'undesirable precedent' of barring Members from exercising their legitimate right to vote.

But it does not. They are not supporting our democratic right to speak. That is the whole point. The idea is that someone can come here, have their say, give Deputy Inder a nudge and say it is time for a Rule 26(1) and everybody who has spoken already, can quite happily vote to curtail your voice. But they have had their say. They are just making sure you do not get yours.

So this comment from the SACC Committee, there are no other matters on which Members would be barred from voting in the States. Even when Members have an interest, they may vote, albeit having declared an interest in the matter. That argument is just wholly insubstantial because you are denying me to put my stall out. You may not like to hear it, that is another story, then do not put me into politics in the first place. I am here and on certain instances there are times when one would like to express one's own opinion in this Assembly.

Where I think the issue is and I think it was partly addressed by Deputy Falla's amendment, is the discipline or how long people take to say what they want to say. I understand that because if you have got some points to make, try and make them fairly punchy and get them out there, rather than some long drawl.

I do, of course, shoot myself in the foot slightly with this amendment because the people who have not voted will now have the power, or the people who have not spoken will now have the power as to whether they carry on the debate. But the reason why people have not spoken is they are bored to death and they do not like the subject that is being discussed and they would like it stopped anyway.

But it does stop the people who have had their say denying me having my say. I think that is fundamental to how this parliament should be. Especially because we do not have parties. It is totally unfair that we stop people having a voice, even if it is a shortened voice or whatever it is. You need to be able to express your particular position because we do not have that party structure here and I look forward to the debate.

Thank you, sir.

The Deputy Bailiff: Deputy Mahoney, do you formally second this amendment?

Deputy Mahoney: I do, madam, and could I call a 27? *(Laughter)*

The Deputy Bailiff: Ah, it was a joke, sorry! *(Laughter)*
Deputy St Pier.

Deputy St Pier: Deputy Mahoney has prompted me to move Rule 24(6).

The Deputy Bailiff: Deputy St Pier has invoked, on behalf of I think the entirety of SACC, that this is another amendment that goes beyond the original Proposition. I think it does go beyond the original Proposition. As I said the last time, that is not to say the other amendments did not fall into that category but the motions were not necessarily sought.

In relation to this Proposition, which is Proposition 13, the motion is that the amendment not be debated and no vote is taken upon it. Those who support the motion to stop the debate and not to vote, please indicate Pour; those against?

Members voted Contre.

The Deputy Bailiff: I would think that was clear that the motion is not supported, so we will continue on with the debate.

3165 **Deputy Inder:** Madam, could I actually test how many people would want to debate this? I cannot remember what the Rule is.

The Deputy Bailiff: You want to do a Rule 26(1), stand by their seats?

3170 **Deputy Inder:** No – yes. It is not Rule 26(1) it is – (**A Member:** Rule 26(4)). No, what I was trying to do is test how many people actually want a debate on this one?

The Deputy Bailiff: So you want an SEV vote on the Rule 24(6).

3175 **Deputy Taylor:** Rule 24(4), madam.

The Deputy Bailiff: Rule 24(4) is supporting the motion, which is slightly different. That is not what Deputy Inder said. He wanted to know how many people wanted to debate it. So that is really the beginning of a Rule 26(1).

How many people –
3180 Yes, Deputy Taylor?

Deputy Taylor: Rule 24(4) is asking Members to stand in their place if they want to speak and if more than seven Members stand, it carries on, but if less than seven Members stand, no vote is taken and it is ended there and then? Is it not?

3185 **The Deputy Bailiff:** That is not what he is asking.

Can we have those who wish to debate on this matter indicate who wishes to debate? Please stand by your seat. Do you wish to continue on with the guillotine motion, Deputy Inder?

Thank you very much.
3190 Right, who wishes to speak first? Deputy Mahoney.

Deputy Mahoney: I will get this out of the way before someone does successfully Rule 26(1) it. I have been known to call a few of these myself so this is kind of poacher turned gamekeeper almost. I am a fan of these but I do appreciate the points made by Deputy Brouard and it was in fact in a conversation that he and I had in the library that led to this.

3195 Deputy Brouard noted the comments from SACC and the comments that noted this takes away someone's right to vote. But it is somewhat misleading as the Rule 26(1) is just a procedural motion. This is not actually a vote on any substantive Proposition that we are talking about here. This is removing the right of someone that has already spoken, as Deputy Brouard says, to then stop those that have not spoken from then speaking.

3200 The Rules already remove the rights of a Member in some respect by removing the right to call a Rule 26(1) if you have already spoken. Obviously, you cannot do that. All this really does is just add a level of fairness to that Rule 26(1). Is it fair that I can speak on a matter and then stop everybody else from speaking? I do not think so. As I say, I am a big fan of these so I am shooting myself in the foot a little bit here, but I do think it is wrong, overall, that 15-20 of us can speak and then stop another 15-20 people from having their say.

Obviously, I have seconded this so I am in favour of this, albeit, as I say, I might be shooting myself in the foot.

3210 **The Deputy Bailiff:** Deputy Matthews.

Deputy Matthews: Thank you, madam.

I have occasionally found myself the victim of a guillotine motion when I have had something that I wanted to say and ironically it is quite often when you have quite a short speech that you

3215 want to put in that is not really going to take up a lot of the Assembly's time, you just wanted to say something and it gets guillotined at the end.

I am going to vote for Deputy Brouard's amendment, partly because the Assembly, although we have not voted in the Proposition, the Assembly has already voted on Deputy Falla's amendment to limit the length of speeches on Propositions and amendments and quite often, I think, a Rule 26(1) is called, quite often by Deputy Inder, out of frustration with the length of time that a debate is going on and that is quite often due to these very long, rambling speeches that often take more than 15 minutes to deliver.

If that is in place then there is much less reason to have Rule 26(1)s and I agree with Deputy Brouard that it does seem rather unfair that people who have already spoken can then be able to curtail the right of others to speak. So, for that reason, I will support it.

Thank you.

The Deputy Bailiff: Deputy Roffey.

3230 **Deputy Roffey:** I thought Deputy Brouard made quite a compelling case but can I just clarify when he replies what exactly is meant by the word 'spoken' in (2), because does that mean they have had their official speech and have been ticked off the list as not being able to speak again, because they may have intervened seven times on give-ways and actually spoken for quite a length, altogether. But, as I read it, will probably still be able to vote to guillotine other people who have not spoken because they had not spoken in the sense that I think it is meant in here. I just want clarification what 'spoken' means.

The Deputy Bailiff: Deputy Gollop.

3240 **Deputy Gollop:** Yes, I wondered about the spoken point, as well, because it also might theoretically apply to points of order and points of clarification, all of which I am guilty of.

It has been frustrating, really, that SACC in their wisdom have sent Members the amendments they will not support because they go further than the Proposition. I remember in policy planning debates in the past, it was quite hard to define if anything went along because the Rules of Procedure is generic. Nevertheless SACC have effectively guillotined me this afternoon so I think in the spirit of that, I will definitely support this amendment because we need fairness.

The Deputy Bailiff: Deputy Oliver.

3250 **Deputy Oliver:** As fascinating as all these speeches have been, do we actually have the physical capability of the SEV, whatever it is, the voting system, that we can actually just say these people can do it or not or is this just a bit of nice hot air that we are all just talking for the sake of it?

The Deputy Bailiff: Deputy Taylor.

3255 **Deputy Taylor:** Thank you, madam.

I think, picking up on one of the points that Deputy Brouard made, there are those who do not want to debate and irrespective of what is put in front of them they do not want a debate and will support a Rule 26(1), irrespective. I do not think those people are going to change in this situation.

3260 If they have not spoken, they would retain their right to curtail debate.

I feel this proposal is very much, based on the arguments put forward by Deputy Brouard, it is six of one, half a dozen of the other. Because if I have spoken in debate and a Rule 26(1) is called, I would respect Deputy Brouard's right to speak later and I would probably vote against that. But under this, if this were adopted, I would lose that ability to support his right to speak. I do wonder if that might go against what he is seeking to achieve, based on his opening speech.

It is important to highlight that there are other factors to consider when requesting your vote on a guillotine motion. That is, of course, the importance of the topic, how long the debate has been going on and the time of the day and how much business there is. I think there is more to it. I do not think this is necessary, I think a Rule 24(4) would have been successful, based on how many Members, and it would have shut this down but I hope it will be a quick debate and Members will vote against this.

Thank you.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, madam.

I am going to be supporting this. I was unsure, actually, before I came in, which way I was landing. Deputy Brouard's opening convinced me that it does need support. It has already happened this morning, madam, where Members are asking other Members to give way and then they are encouraged by the Presiding Officer to await their turn because they all get a chance to speak in debate but sometimes that does not turn out to be the case because of the guillotine motion, because Members have had their say.

I have been guilty as well. Certainly, last term, I was quite gung-ho with the guillotine motion, I see Deputy de Sausmarez nodding away there, but I do not anymore and I am more mindful these days and I am more mindful that people deserve to have their say as well so it is very rare that I will actually support a guillotine motion and I think everybody should get behind this sensible change to that procedure.

Thank you.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, madam. I will be brief.

I have been tempted by this amendment, having been affected directly in the same way as Deputy Brouard, which he might recall, the PEH Field Requête, in which I think none of the requérants, apart from Deputy Falla, was able to speak in the actual general debate. I did look up and noticed that Deputy Brouard just could not, despite his being scarred from the past, could not prevent himself from actually voting against that guillotine! He did vote neutrally, though. I thank him for that.

I am tempted by this amendment. But on the flip side of that I do hear the concerns and I think it is right that, just because we speak, it should not stop us from being able to vote. I find that a rather strange thing to do. So I do not think I can find myself to support this amendment.

The Deputy Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Madam, I think this makes a lot of sense and I think the key points have been made but I did want to address something that Deputy Oliver said because I think it does present slight technical problems but we have already got the same situation right now because, technically, anyone of us can take our computer and sit in the library and vote, vote from the street, on our phone or in our homes. But the Rules say you have got to be in the Assembly so my understanding is that when the vote is taken, parliamentary officers and the Presiding Officer have to make sure that actually people who voted were in the Assembly. So there is a little bit of that happens any way.

Obviously, this has to be a bit more counting going on so I think that does need to be addressed but just to say it is already happening anyway because it is only Members who are present in the Assembly who can vote, even through electronic means. So, while it is a little area, I do not think it is unsurmountable and I think the principle of what this amendment is trying to propose is very sensible.

The Deputy Bailiff: Deputy Trott.

3320 **Deputy Trott:** Thank you, madam.

I rise for two points. The first is to make the observation that it may have taken more than four years but I have found myself agreeing with Deputy Mahoney, which has not called into question my judgement, admittedly! (*Laughter*) But I think the main reason why I am going to support this is I think there is a logical progression.

3325 We cannot move the guillotine motion if we have already spoken. It is only those who have yet to speak who have that privilege. So it seems to me that it naturally follows that we should not be allowed to curtail debate to frustrate others' ability to speak if we have already spoken. It should only be a privilege that is reserved for us that have not. I do not have any difficulties whatsoever in supporting this amendment.

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The Deputy Bailiff: Deputy Inder.

Deputy Inder: Following on from Deputy Trott, if you believe we actually debate here. I think often the case we call it debate; I would call it speeching. The ability for 38 people to get up and say something. Often times, Members of the Assembly, this does not look like a debate, this looks like a bunch of people that are effectively getting up and saying what they want in their individual party of one, because they have to have the ability to speak.

3335 I can give you an example. I remember, I think it was former Education Minister, I think it was Deputy Fallaize, who was up on his feet, I am going to say 2018, 2019, it was a debate on sports or something like that. Absolutely no one was going to vote against it. An hour-and-a-half he was on his feet. Two-and-a-half hours later, Deputy Lester Queripel was still reading off a list of football stars of Guernsey. That is not debate. That is simply not debate. An-hour-and-a-half. Maybe not one-hour-and-a-half, I am adding a bit of sauce on it, I have got to admit it, he was probably on his feet for about three quarters of an hour, but it was definitely an hour-and-a-half later, every single person, effectively repeated Deputy Fallaize's opening speech –

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Deputy Queripel: Point of correction, madam.

The Deputy Bailiff: Yes, Deputy Queripel.

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Deputy Queripel: Deputy Inder is misleading the Assembly. He said I took two hours to recite a list of Guernsey footballers. That was not the case at all. I took about five minutes to read out a list of any Guernsey person that has made it in the international stage of sport and the arts.

Thank you, madam.

3355

Deputy Inder: He is possibly right but I was adding a bit of sauce. The point remains, we had an hour opening speech, no one was going to vote against it and no one actually did. It was an hour-and-a-half later, I believe, and there were four or five in between, when we were still going on congratulating the opening speech.

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There is a sort of nonsense here that this is some great debating Chamber. I know what debate is. Debate is basically an argument one way and a counterpoint the other. Continually repeating what someone has said and getting up and agreeing in a different way, shape or form, is not debate and I see people are nodding in agreement – for everyone on the radio out there – this is not debate and this is the reason why we have got a substantial amount of business to get through, most of which we probably will not meet by the end of this term, the way it is looking at the moment, because every single one in this Assembly pretends they are debating when really they are actually speeching. That is what is happening in this Assembly and it has happened time and time again.

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So to that end, I am not going to apologise for getting up for a Rule 26(1). What this actually does, this amendment, it will kill Rule 26(1). There are no two ways about it. If you back this

3370 amendment, you may as well get rid of Rule 26(1) because the end result of this, if that is the intention, I see Deputy Brouard nodding his head in furious agreement, well I wish he had got up and told us that at the beginning, because that is what is going to happen. If this is supported, you may as well get rid of Rule 26(1) and I will not be supporting it.

3375 **The Deputy Bailiff:** Deputy Gabriel.

Deputy Gabriel: Thank you, madam.

I rise mainly for perhaps you or Madam Procureur to opine on the explanatory note about the restriction of voting to those Members who have not already spoken in the relevant debate. Would that be Members that have been called to speak or would that include Members who have stood and spoken under the give way Rule? If so, do the parliamentary team, the Greffier, etc, have the resources to actually determine who has spoken and who would be eligible to vote? I am sorry I have not raised that earlier, either informally, but it has come to me through debate – or speaking. Thank you.

3385 **The Deputy Greffier:** If it is of any assistance to the Chamber, I will give my view on this. I think it would have to wait until it was first used to decide for a proper interpretation of what spoken has meant but there is no question that this amendment, if it is through, but also the 15-minute amendment will have an additional pressure on the States' Assembly staff in terms of monitoring that. Because with the 15-minute rule, of course, one has to assume that every speech is going to last 15 minutes and then take into account any of the stop-starts, of the two minutes, give ways, points of correction, points of any questions to the Procureur, etc, so that is going to take monitoring.

3390 Then this additional process of having to work out who has spoken and who has not spoken, and I will not give an interpretation now of what spoken means, but it will require the Presiding Officer at the time to decide, that will put pressure on resources. But that is ultimately a decision for the Members of this Chamber to decide whether they wish that pressure to be placed on them. If they are required to do it, they will do it. That is what they do.

Deputy Haskins.

3400 **Deputy Haskins:** Thank you, madam.

I wonder whether you could give your opinion on having to have to alter a procedural motion, that would be *aux voix*, to being formally on the system? Because it might change people's opinions.

3405 **The Deputy Bailiff:** I am terribly sorry, Deputy Haskins, I could not quite hear what you were asking me to opine on.

Deputy Haskins: For a Rule 26(1), it is my understanding that can be a procedural motion and it can be taken *aux voix*? (**The Deputy Bailiff:** That is right.) In which case, it would be very difficult for the team to ascertain who has or has not spoken and whether they are able to speak and indicate *aux voix* whether they would vote for or against.

The Deputy Bailiff: I think you have identified something that would have to be thought about carefully, about how we would deal with it on an *aux voix*.

3415 **Deputy Haskins:** Thank you, madam, and that actually does lead onto the Rule 4(b), 'no consultation' has been made. So Members, given what we are hearing, we are going to ask the Presiding Officer to have to make a ruling on what spoken means, I would suggest this is not well thought out and not good governance.

3420 The only other point that I would mention is, as Deputy Brouard and Deputy Taylor have highlighted, I can foresee a tactical use of holding back speeches in order to cause a curtailing of

debate in an opportune time. I think that risk is there and for that reason I shall not be supporting this.

3425 **The Deputy Bailiff:** Deputy de Lisle.

Deputy de Lisle: Thank you, madam.

3430 The guillotine motion Rule 26(1) is widely used in this Assembly and since the Sunday trading debate that Deputy Brouard mentioned, I and others have been frustrated by not being able to make a point by the guillotine motion getting in the way of our comment. So I am obviously supportive of the motion in front of us and I must say that the Sunday trading debate has not really opened the Town to the extent that it was supposed to, according to Deputy Stewart, and it will require a lot more activity in Town and a lot more businesses, to see other than the multiples, the local firms opening up on Sunday.

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The Deputy Bailiff: Thank you. Does anybody else wish to speak on this amendment before I turn to Deputy Meerveld?

Deputy Meerveld.

3440 **Deputy Meerveld:** Thank you, madam.

3445 Right, there are three categories or topics to address here. One is the principle. One is the practical aspect. And the other one is the implications. Before I go into those, though, it is kind of ironic for me, because I am actually only talking against this amendment. Some people say I am quite infamous, for multiple reasons, and one of the ones is that I was told there has never been a guillotine motion you did not like, Carl! Typically, I might not propose that many of them but I typically vote for them, usually because I think what has been said, the debate is not going much further.

3450 But, as I will point out later, voting for this actually, contrary to Deputy Inder's belief, I believe will actually make the guillotine motion much more likely to succeed. First when we look at principles the Committee opposed it in principle because there is nowhere in the Rules where we restrict people's ability to vote as an Assembly, where we say, no you can vote on this, you cannot. This would be establishing that new principle.

3455 Then, the practical aspects. We have to ask the Presiding Officer and the Greffier, etc, to keep track of who has spoken and then restrict the vote to those people. There is likely to be programme changes that are required in SEV because when there is a call for a recorded vote, the Greffier is going to have to be able to de-select or select people who have spoken and you also have the issue of defining who has spoken.

3460 Deputy Haskins has very ably pointed out the problem; we cannot have an *aux voix* vote, unless we get all the people who have not voted yet to move to one side of the room and just you shout out. The practicalities are very difficult. Another reason why the Committee opposed it.

3465 The final one is implications. Ironically, when you think through the logic, if you restrict voting to only the people who have not spoken, I think the probability of a guillotine motion will go up dramatically. Because the majority of the people who have not spoken probably have no intention of speaking. They are probably bored or have made their minds up already. Therefore, they will quite happily curtail debate and remember it can be only proposed by somebody who has not spoken yet. So I have got a feeling it may happen more often.

3470 Now, I have voted for and probably more often than not supported guillotine motions, sometimes even on a policy letter I am laying on behalf of my own Committee. But I do side with the other Members who said about the fact this is a debating Assembly, regardless of the fact of whether people sometimes make more speeches or statements rather than debating.

But I am concerned about the changing nature of this and how it might impact. So myself and the Committee, for all those reasons, the principle, the practical and the implications, are against this. Bear in mind, of course, if this amendment is passed and then the Proposition is approved

tomorrow, it will come into immediate effect and nobody has had any time to change the SEV system or think about procedure or interpret who has spoken, whether that is in a give way for instance. Where does that apply?

So I would suggest that, whilst I sympathise with Deputy Brouard's intentions for bringing the amendment, I would suggest that it is something, if we are going to do it, it needs to be done in a much more considered way.

Thank you, madam.

The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, madam, and thank you very much for the debate and nobody calling Rule 26(1)!

I will start off with Deputy Meerveld because I think he highlights some of the main points. At the moment, when we speak on a particular Proposition, like we are now, you have one chance to speak. Now that is, I do not know if everybody knows this, but the Presiding Officer keeps a note of who has spoken. That note is showing here – evidence, one! – so we do already have that note, especially where debates are carried over from one period to the next. You start to forget where you have actually spoken or not. That is one of Deputy Meerveld's points, he has already covered.

With regard to the SEV, I think picking up on Deputy Kazantseva-Miller, there is going to have to be a little honesty on this. If you know you have spoken, there is probably a good chance that you know you have spoken because hopefully our memories go on slightly longer than a goldfish, you will have a reasonable chance when you come to the Rule 26(1), I think I have already spoken, then you do not speak or you do not vote. It is as simple as that.

One bit I do have sympathy for and this is one Deputy Taylor picked up on, is do I shoot myself in the foot with this. Would this make it more easy, will more Rule 26(1)s get through? I really do not know, and it goes back to a point I think Deputy Inder made, if I do not like the guillotine, get rid of the guillotine.

I would have probably been quite keen to do that but I do not think I would have the support for the States to remove the guillotine completely. This is a step in that direction.

I would like to thank Deputy Mahoney, we are both on opposite sides because he is probably more keen on guillotines than I am, but we have come together on this and I thank him for his support. Most of it goes down to that fundamental thing that people have spoken and then they deny someone else to speak. Sometimes; it does not happen often, but once a year you will have something that you really want to say and you really want to say that on the record for your electorate, and you just get caught and it is absolutely, really frustrating.

I thank Deputy Matthews for his support and Deputy Gollop. Deputy Roffey, what spoken means. I take it to be where you have spoken in your own right, in other words you are not interrupting somebody else or you are not making a point of order or anything like that, so it is what is now presently recorded by the Presiding Officer to count as a speech on a particular topic.

Deputy Leadbeater, I thank him for his support. Deputy Soulsby, yes, I appreciate you are tempted and I understand that dilemma. Deputy Trott, thank you for your support. Deputy Inder, Deputy Gabriel. Deputy Haskins. I think mentioned the *aux voix*. I think there has to be a bit of honesty. Deputy de Lisle, thank you for his support.

It is a step in the right direction. I think it is fairer than what we have got now but do you know what, no one will die, probably, if we get this one wrong. If we find that we work it through for the next six months or so and it is completely wrong, the next time SACC does the Rules, we can change it again or make it better or remove the guillotine completely if we are not going to have it. But I think it just gives a much better piece of fairness for those who would like to speak in a debate. After all that is what we are here for.

Thank you.

The Deputy Bailiff: Thank you, Deputy Brouard.

Greffier, would you open the voting on Amendment 13, please?

There was a recorded vote.

Amendment 13.

Not carried – Pour 16, Contre 17, Ne vote pas 3, Did not vote 2, Absent 2

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

3530 **The Deputy Bailiff:** There voted, in relation to Amendment 13, Pour, 16; Contre, 17; there were 3 abstentions; 2 Members were not in the Assembly at the time of the vote. I therefore declare that the amendment has not been passed.

Greffier.

[Amendment 14.](#)

To insert the following proposition after Proposition 7:-

*"8. To amend Rule 28(3)(b) of the Rules of Procedure by inserting the following words at the end:-
", speaking only on behalf the committee of which they are President or Vice President".*

3535 **The Deputy Greffier:** Amendment 14, proposed by Deputy Leadbeater, seconded by Deputy Oliver.

The Deputy Bailiff: Deputy Leadbeater, would you like the Greffier to read out the amendment?

3540 **Deputy Leadbeater:** Yes, please, madam.

The Deputy Greffier read out the amendment.

The Deputy Bailiff: Thank you.
Deputy Leadbeater.

3545 **Deputy Leadbeater:** Thank you, madam.

This amendment came about after the debate on the Housing Requête, at the last Meeting, when Deputy Taylor was replying to debate at the end, just before the lead requérant summed up, he was replying as Vice-President of the Development & Planning Authority but as Deputy Taylor pointed out during that debate, he had no obligation to reply on behalf of the Committee, he could
3550 reply on behalf of his personal opinions instead.

I just thought that was a bit odd and made a mockery of the kind of process anyway. I have just looked, actually, if you look at the blue book, whatever colour it is these days, when it says requêtes,

Rule 28(1), it says about seven Members, blah, blah; 28(2) it speaks about P&R and what they should do and (3) it says when a requête is laid before the States, the President of the Policy & Resources Committee and the President of each of the Committees referred to in the preceding paragraph, which is the affected Committees, shall be entitled to speak (a) immediately after a representative of the requérants has opened the debate and (b) immediately before a representative of the requérants replies to the debate.

It actually does not mention here that the Vice-President can speak, it only mentions about the President speaking. So there must be another Rule where if the President is not available to speak, the Vice-President will stand in. Anyway, it is not clear in the actual blue book.

It just seems a bit odd, because why should somebody who just happens to have the title of President or Vice-President of one of the Committees that may be affected have the privilege to be able to speak twice on this and offer their own opinions twice on this, not of the affected Committee? It does not seem right. It seems like that person is gaining an advantage over other Members.

If this is the case, that they do not have to reply on behalf of the affected Committee, why are they given this privilege at the start and at the end at all? It does not really stack up. I can understand if they are speaking on behalf of the Committee of a majority view of that Committee that they have the opportunity at the start and at the end, but if they are not speaking on behalf of the Committee, it is purely their own personal feelings that they are putting across, they should not be given this extra bite at the cherry. They should not be able to have this at the start and at the end because no other Member in this Assembly can do that and it is just because they happen to be a President or a Vice-President.

It seems to be an anomaly that it was just picked up during the course of that debate, madam, so this is why Deputy Oliver and I have brought this amendment.

The Deputy Bailiff: Deputy Oliver, do you formally second that?

Deputy Oliver: Yes, madam.
Thank you.

The Deputy Bailiff: Which Rule are you asking for? Rule 24(6). *(Interjection)* To be fair, I am going to let the motion be laid.

Deputy St Pier has asked for a Rule 24(6) motion, which I will repeat again, so everybody is clear. That is the motion that the amendment be not debated, nor a vote taken upon it. We will do that *aux voix*, so those who support the motion that the amendment not be debated and not be voted upon, please indicate now; those against?

Members voted Contre.

The Deputy Bailiff: I think the Contre won. Is anybody going to seek an SEV vote? No? Ah, Deputy Meerveld seeks an SEV vote. Greffier would you kindly press the relevant buttons? Members, it should now be on your screen. Greffier, would you open the voting on this motion?

There was a recorded vote.

Rule 24(6).

Not carried – Pour 10, Contre 22, Ne vote pas 0, Did not vote 6, Absent 2

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
De Sausmarez, Lindsay	Aldwell, Sue	None	Blin, Chris	Burford, Yvonne
Falla, Steve	Brouard, Al		Dudley-Owen, Andrea	McKenna, Liam
Haskins, Sam	Bury, Tina		Inder, Neil	
Le Tocq, Jonathan	Cameron, Andy		Matthews, Aidan	

Meerveld, Carl
Oliver, Victoria
Prow, Robert
Roffey, Peter
St Pier, Gavin
Taylor, Andrew

De Lisle, David
Dyke, John
Fairclough, Simon
Ferbrache, Peter
Gabriel, Adrian
Gollop, John
Helyar, Mark
Hill, Edward
Kazantseva-Miller, Sasha
Le Tissier, Chris
Leadbeater, Marc
Mahoney, David
Moakes, Nick
Murray, Bob
Queripel, Lester
Snowdon, Alexander
Soulsby, Heidi
Trott, Lyndon

Parkinson, Charles
Vermeulen, Simon

3595 **The Deputy Bailiff:** There voted Pour, 10; 22 against and 6 Members were absent. I therefore say the outcome is not to curtail debate on this matter, and I had already half-called Deputy Soulsby, so I will continue that now and say, Deputy Soulsby, would you like to speak in debate on this amendment? You do not have to!

3600 **Deputy Soulsby:** I thought I would but then I realised that it is based on a requête, I understand, rather than any other motion or policy letters coming to the States. I think any Member should have the right to be able to say what they think throughout the debate anyway. Members can stand up, with a give way or a point of correction. That Member might not wish to do that because they want to see the debate flow and then give their points later on. I am happy keeping things as they are.
3605 We do not need more and more rules.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, madam.
3610 Yes, I too think the proposal in this amendment has got some unintended consequences. First of all, there is the practicality. It makes perfect sense when opening on a requête for the President or whoever it is, speaking on behalf of the Committee, to be able to present the Committee's views because they are called because they are consultees, effectively, by P&R. So they will have had a chance to have considered it in Committee and to have come to a position, as the Committee, or
3615 by a majority or whatever.

So there is a settled position at the outset of debate. However, if we are to believe that debates mean anything at all, the same cannot be said in reply to the debate, because each Committee does not have an opportunity to get together and discuss what their view is, having heard the arguments put forward in debate.

3620 Now it may well be that their views are the same as at the start of the debate but I think if we go into this in the spirit of what debates are intended to do, we have to accept that some people may change their view and therefore there is no practical way, unless we call adjournments, for Committees to discuss issues, I do not think there is any practical way, whereby a President or a Vice-President or whoever can actually speak on behalf of a Committee at the end of debate, when
3625 replying to it. That is the first thing.

The second thing is that unless I have misunderstood the effect of this proposed Rule change, I think actually the President or Vice-President, whoever is speaking when called to reply, would actually then not be able to give their own opinion at all during that debate, so they would be denied a voice. Because if they were restricted to speaking only on behalf of the Committee – and
3630 again I have got no idea how they would practically do that – they would have no other opportunity,

as I understand it, to contribute to that debate whatsoever. So that is disenfranchising Members of this parliament.

For those reasons, although I do appreciate the frustration that this was borne out of, I do not think this is a practically workable amendment and I will not support it for those reasons.

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The Deputy Bailiff: Deputy Kazantseva-Miller.

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Deputy Kazantseva-Miller: Madam, I think there are interesting points being raised, in effect because the amendment is very much in relation to a specific Rule, which is 28(3)b, which is only in relation to the requêtes. It is not in relation to other Rules about speaking, etc. In my view, actually, in relation to the requête, it does make sense that in the summing up, if there is a summing up on behalf of the Committees, that whoever is speaking is summing up on behalf of the Committee.

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What is interesting is right now the Rule 28(3)b says the following: it is not compulsory but they are entitled to speak if they choose to. If they do not have an opinion, as Deputy de Sausmarez suggests that, in summing up it is quite hard for a Committee President to sum up on behalf of the Committee, they may choose not to speak on behalf of the Committee and then they may choose to use the other Rules that apply to stick on their own personal behalf during the debate.

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What they would not be doing effectively, then, taking that opportunity, that entitlement to speak, which is provided this Rule, they would not take this opportunity to speak on behalf of the Committee. So, actually, I think the amendment allows us for both. It clarifies that if the summing up on requêtes only is taking place, and the Committee Presidents choose to reply according to that Rule, that reply has to be on behalf of the Committee.

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If they do not choose to actually take this Rule, because they do not have to – that is my reading and I would like to seek verification from the Presiding Officer if that is the interpretation as well – then they absolutely still have all the right to speak in general debate from their personal point of view, so they do not forego what Deputy de Sausmarez says, their right to speak. So they will not be disenfranchised.

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So I think actually the amendment does tidy up what the intention of 28(3)b is, whilst still preserving the right of any Deputy to speak in general debate on their personal views. I just wanted to see whether my interpretation is correct and that amendment would enable that scenario to occur?

Thank you.

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The Deputy Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, madam.

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A clarification question here. Regularly, whenever a policy letter comes in, it is the Committee that is responsible for placing that policy letter, the President or the Vice-President, whichever is standing, but he will give the Committee view, explain to you what the policy letter is about, explain to you why you should or you should not be agreeing to it and one always generally assumes that that is the position of the Committee that that person is representing. That is my view. So I listen to see what is the Committee, the experts in this field, what are their thoughts on this. I may differ, but at least I understand their view.

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Now, if a Member of that Committee, including the President, let us say for example disagrees, that person then has an opportunity to do so when he or she makes his or her own individual speech during the debate.

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Come the end of the debate, when everybody has had a chance to say something, that Committee then stands up again, typically the same person, to explain to you, remind you what the position was, answer any questions that have been raised, and give you the Committee's view again. That is my understanding and I seem to be picking up different thoughts here. Some people are saying, no that is not right, because this reason or that reason.

What is the point of a Committee standing up and explaining what its policy letter is about and explaining to you why you should be voting for it and then for somebody to come along at the end and say, I do not care what the Committee says, this is my view and I disagree. That is not the Committee view. If you have got four Committee Members who say, 'This is the way we should be going,' and that one person who does not is the person that stands up and can completely ignore what the majority of that Committee agreed, it does not seem right to me.

Thank you.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, Madam Deputy President.

I know we have got to speed along on these amendments but the thing is, actually, I will support the amendment, because I think we have seen in the Housing Requête and other debates issues where there have been challenging times when Members or when a President or the acting President has given more personal views than the Committee views.

Deputy de Sausmarez mentioned very challenging arguments, powerful points, but I think her view that it is difficult for a President of a Committee sometimes to just be there, summing up the role of the Committee, can be mitigated. Some of us get emails and texts all the time, sometimes from Committees, but also you, madam, as Deputy Presiding Officer. I know we lost the amendment before, but we could have breaks more regularly or brief recesses and a recess would allow the Committees, theoretically, to meet and agree a position, because I think where the situation has proven a bit awkward is when Presidents or Vice-Presidents give a view that is not the Committee's.

I make two points about this. Over the years, life for the requérants have become a bit tougher. When there were 57 of us, before we were downsized twice to 40, seven Members of the States was a smaller bar because it was easier to get seven out of 57 than out of 40. Then we added in, a few years ago, this complicated Rule where every Committee touched by a requête would draw up a paper and have their point of view before anyone else. And then they get a second bit of the cherry in response.

It is a little bit heavy handed. The role of the President of the Committee in our system, which is not ministerial, is quite subtle. I remember a very learned, former Law Officer made the point, which I thought had some validity, that even we have statements and supplementary questions raised by Members, the President of the Committee is giving a response on behalf of the Committee, but he or she does not necessarily know if every Member of that Committee agrees with that point at the time.

So we have to live with where we are but I think clarifying at least the spokesman will focus exclusively, really, on Committee matters rather than on personal political views, will aid the clarity of the debate and to a degree transparency and perhaps even out the sides a little bit.

The Deputy Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, madam.

It is always Taylor, isn't it? *(Laughter)* Something from school. I seem to tease out these issues in the Rules, I am flattered, thank you.

So I am going to start just by building on some of the points that Deputy de Sausmarez very ably made. This point about when the Committee view might be formed. Because it is slightly more complex than she put forward. The Rules require that if the Committee is meeting that it needs a member of the established staff to be present, to take minutes. So actually when a Committee might form a view is a very important point to consider if the person replying to the debate, speaking at the end of the requête as per this amendment, would be speaking.

Then it does flag up another issue because the Committee may form its view, the President or Vice-President may be responding with that view, and they may give way to a Member who might ask a question that has not been ratified by the Committee. What do you do then? Do you just

decline to answer or do you say, hang on, we need a 10-minute recess, get the director up here again, we need an emergency Committee meeting?

Then there is this problem with a change of view. Deputy de Sausmarez did point out, it changes from the beginning of the debate once you have heard all the points and the response, the Committee will have a different view. I am going to give my experience on this. I have only done this once, madam, I spoke at the beginning of the requête and I spoke at the end of it. At the beginning of the requête, I think it was Deputy Moakes picked me up to ask if this was the view of the Committee. Clearly, I was not reading a word-for-word speech, but I had the letter of comment provided by the Committee, agreed by the Committee or those of us who were not seeking to introduce the requête. But even when I was reading those points, next thing Deputy Blin backed away and said he did not support that letter.

What can I do? At the point of reading those out that very much was the view of the Committee. I will be honest, I have put a £1,000 bet down at ... *[Inaudible]*, madam, because no one has raised anything on the Committee about the comments or anything I said, in that requête. That was not the Committee view; I disagreed with what you said there – no one has raised anything. In fact, a Committee Member who was also a requérant, actually listed to something I said, laid an amendment to their own requête, which was successful.

So there have not been any complaints about this thing. I am not trying to make this too personal but it has been directed at me. No complaints were made about the points I raised. Clearly, they were prefaced when I was making my own personal remarks and, as Deputy de Sausmarez has pointed out, that was the only opportunity I had to make a personal remark, unless I got leave of the Presiding Officer to speak a second time in the debate and that just seems overly complicated.

Now, Deputy Leadbeater referred to this as a bit of an anomaly. I can only respectfully suggest that he pays more attention to the Rules because there are lots of these anomalies. Certain things just do not flow through so I will highlight a few of those so Members can consider this when they want to decide whether this is an anomaly that needs fixing or it is just a simple procedure that actually works and has worked for quite some time.

So, if a Member, pursuant to Rule 10, gives a statement in this Assembly, it has to be agreed by the Committee beforehand. That is accepted. Members can ask questions afterwards. Do those questions have to be agreed, the responses have to be agreed by the Committee? No. The President or Vice-President, as it may be, responds to the best of their ability and their knowledge.

Original Proposition, so when laying a policy letter: clearly, the Committee has put forward its views into the policy letter and it is likely that those will be the main focus when opening debate, as original Propositions. It is not written into the Rules that when laying a policy letter the President can only say what has been agreed by the Committee.

Then you have got a reply to an amendment. This does flag up where the President does get an opportunity to speak above and beyond other Members. They get this right at the end. Even if there was a guillotine motion, they would have the ability to reply to an amendment and, again, there is no requirement there, even when it is something that is an amendment to their own policy letter, that their response has to be agreed by the Committee. So it is not quite the anomaly that Deputy Leadbeater has made out.

And then I think this might have been the point that Deputy Kazantseva-Miller was making but it is about the actual wording on this amendment, the wording that would enter the Rules is that President, Vice-President, speaking only on behalf of – it is missing of – the Committee of which they are President or Vice-President. In my view, madam, that is quite different to the explanatory note, whereby the explanatory note tells us that this reply is to be used solely to relay the views of the Committee of which they are President.

The only way I can, I suppose, describe that, is when I was a child, madam. My parents would speak on my behalf but they might not necessarily be putting forward my views. But they had the right to speak on my behalf and that is how the Rules are currently framed.

The Presidents have the right to respond to questions on behalf of the Committee. That does not mean they are solely responding on behalf of the Committee. I think it is quite nuanced. I respect

Deputy Leadbeater for bringing this up and raising it as a point of discussion but I think this should be voted out because I think it will overly complicate a very simple matter.

Thank you, madam.

3790 **The Deputy Bailiff:** Deputy St Pier.

Deputy St Pier: Thank you, madam.

3795 The Rule 28(3) currently reads: where a requête is laid before the States, the President of the Policy & Resources Committee and the President of each of the Committees referred to in the proceeding paragraphs shall be entitled to speak. There is no reference there to Vice-President or indeed any other Member of the Committee, (a) immediately after a representative of the requérants has opened the debate and (b) immediately before a representative of the requérants replies to the debate.

3800 So this amendment has appeared relatively late. It has not had any consultation and I would suggest that it is fundamentally flawed because it does not work. There is no attempt to amend the earlier part of Rule 28(3) to insert 'Vice-President' of each of the Committees, it does not amend the provision in relation to the opening of the debate on a requête. So weirdly the President, when responding after the requérant has opened, could speak as they wish on their own behalf or the Committee's behalf. It is not captured by this amendment.

3805 It is very odd we are just capturing the closing of the debate. I think the further point in relation to the flaw in this amendment, is of course if the Vice-President or the President are requérants themselves, then it is normally the practice of the Presiding Officer to allow somebody else from the Committee to speak rather than to allow the requérants to speak. And again that will become very confused if this Rule is inserted.

3810 I am afraid, however well-intentioned the Rule is, it simply does not work and for that reason it should be thrown out.

The Deputy Bailiff: Thank you.

Deputy Oliver.

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Deputy Oliver: Thank you.

3820 I was listening to Deputy Taylor very closely and I think he is quite flawed on some of the things he said. When he was saying during Question Time it is the President that gets to speak and will answer on behalf of the Committee. But Deputy Taylor has stood up many a time to ask myself questions and he is a Member of the Committee. So they always have that to say, actually, have you thought about that section. That kind of navigates that, really.

3825 One thing that is just really important is this Rule 17(2). I know many a time standing up, and sometimes my Committee can be a little challenging, where we do have majorities and then, during debate, I do hear some people sometimes change their mind, which is all what debate is. But I will note that in the back of my head and go, actually, we do not have a majority any more. And there have been a few times where I have said, I cannot speak on this matter because there has been a change of view on it.

3830 So I do not know why we cannot just stick to that and if you now there is no majority of it, then speak under Rule 17(2). You do not have to give the final say on it because the final say makes it as a Committee response and when it is not, it is giving a higher hierarchy to it than I think is actually necessary. So please use Rule 17(2) if you want to have a different view than what you think the Committee have.

The Deputy Bailiff: Deputy Roffey.

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Deputy Roffey: Just to declare an interest with two hats on. One as a Committee President and one as an Acting Presiding Officer. I will start with the Acting Presiding Officer, because who knows,

there might be more requêtes laid, there is still a few weeks before the end of the term and a few people have threatened requêtes and I might be sitting there. So my engage will maybe be engaged. At the end, it probably will not be, but out of sympathy for our Presiding Officer and Deputy Presiding Officer, they will have to determine whether that Committee President is in order or out of order. In other words, whether or not they are speaking purely on behalf of the Committee.

The idea that it is black and white is moonshine. It is nonsense. Deputy Taylor gave the example of statements. I could give the example of Rule 11 questions. They get signed off, the replies, by the Committee. So you know what the Committee wants to say in reply to the first question. Then the supplementaries fly in and the President, they have to answer that. Of course they try to think that they are answering roughly the way the Committee would believe, but they are actually expressing, largely, a personal view, and exactly the same will be true at the end of the debate.

In some ways, this is the wrong way around. If it had said in the opening sequence of speeches, the President can only give the view of their Committee, and not indulge in a personal speech, I would understand that. But at the end, there will be shades of grey. You will reply on behalf of yourself but also you hope on behalf of the Committee.

Until recently, I had Deputy Gollop on ESS and what he would say earlier in the Committee, he would almost never actually equate it to the stance that he would take when we came to vote at the end! So how on Earth can you, with all conscience, know that you are only speaking on behalf of your Committee.

It is important, I think, to hear as best as the President can, the Committee view at the end. But if they speak then, ever, during the debate – Deputy Kazantseva-Miller said they could forego that and they could just speak personally during the debate; yes, they can – but if they do that, they are then debarring themselves from –

Deputy Kazantseva-Miller: Point of correction and I think this is where I want to seek a clarification of Deputy Oliver pointing to Rule 17(2) because I think 17(2) provides opportunity for the President to speak twice during the debate and at the closing out, as long as the closing out, and I think this is what we are trying to firm, is the views of the Committee.

If you read Rule 17(2), 'A debate on any matter before a Meeting, requête, amendments or *sursis* shall be opened by a representative of the Committee,' blah, blah. The Member who replies on a debate may also have spoken during the course of the ordinary debate. So this is what I was referring to previously. I believe in those circumstances, there is absolutely, under Rule 17(2), the right for a Member to speak with his personal views but the summing up is what we are trying to affirm it has to be on behalf of the Committee with the amendments. I wanted to seek this clarification from the Presiding Officer –

The Deputy Bailiff: I have a view but it is important it is the Procureur who gives the advice to the Assembly. Deputy Roffey, do you want to carry on now because it is not really a point of correction but nevertheless it perhaps needs to be looked at.

Deputy Roffey: Okay, although what I would say is if that is the case, you are just encouraging somebody like me to speak three times then. I am going to open up, giving the Committee position. I am going to speak during debate –

I am sorry, I thought Deputy Kazantseva-Miller ... I give way.

Deputy Kazantseva-Miller: Rule 17(2) also makes it specific, if someone has opened the debate, like Deputy Roffey has referred, you cannot then sum up and also stick in the middle. So Rule 17(2) is very specific what is possible and speaking three times is not possible.

Deputy Roffey: Okay.

My point. So you have gone through it at the beginning. You have given the opening statement, where you believe your Committee stands. That is not the same as replying to a debate on behalf

of your Committee. So, under this amendment, you will never be able to put your personal view free of that restriction, or you could, but if you do that, you are denied the ability to actually give the Committee's position in response to the debate.

I think that is nonsense. If you want to scrap all the Rules about multiple speeches, fine. I think they were brought in for a reason and Deputy Moakes is wrong. He was referring to bits about policy letters. This Rule does not apply to policy letters. I quite agree with him that it would be nonsensical not to reflect your Committee's view in relation to a policy letter that you are bringing. We are talking about a Rule that relates to requêtes.

The Rule says that those Committees that are directly impacted by a requête, a spokesperson, usually the President, would have the right – I think the Rule just says President, but by custom if somebody else has to do it they can do it – should be able to give the Committee's view at the beginning and at the end.

But if you are going to do both of those, the only time you could also give your personal view is at the end as well, because if you speak in the middle of the debate, you cannot give the Committee view at the end. The experience that I have had is that the vast majority of Presidents or Vice-Presidents will split their speech at the end. They will say, I am going to reply on behalf of the Committee in a minute but it is important that Members know my personal view here and I think that works well.

What happened is a lot of people, particularly some Committee Members, got tetchy about an individual incident and I have to say, hard cases make bad laws and I think this is a reaction to a situation and I make no comment on whether Deputy Taylor's speech at the end of that was appropriate or inappropriate. All I am saying is, if you are responding to an individual situation and you are trying to change the Rules for everybody in all occasions, I think that is not good governance at all.

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you, madam.

I tend to disagree with Deputy Roffey. It will come as no surprise. I think he said it is common practice for Presidents where possible to give the Committee view and then they will in debate say, this is my personal view. But in my view, your personal view is irrelevant. The Committee view is the majority. That is the majority view and we have had this on my Committee before. In the main, we usually get unanimity but it does happen, we go 3-2, sometimes 4-1, but when we can maintain the majority, my job as President is to try and phrase or frame the majority view, which in this case is three people.

Effectively, the two alternative views are kind of irrelevant because they are under our system of government. Having three votes on a five man and woman Committee is the majority view. That is it and that is my role.

I have got some sympathy for requérants. I have been there. Won one, lost three, something like that. But there is an inequality of arms with the requérants. Not often, they are made up of the Committees. They come up from – and I do not like the word and I will not use the word I was going to use, the BBs, we are all equal here – they are not normally the Members that are often sitting on the Committees of which the requête necessarily would affect and there is entirely an inequality of arms there.

So I have some sympathy for that. Then of course coming in, and they are sitting on top of the hill like *The Guns of Navarone* what you get lined up against it is all the Presidents who have all of the arms. And that simply does happen. The obligation, of course, and I think that normally happens, is that officers are supposed to, whether you are on the Committee or not, are supposed to give you the same amount of attention as a requérant might get as they do on the Committee. In reality, we all know that the officers and the like are loaded towards looking after the Committee.

In short, to answer Deputy Taylor's question, and I did not really understand it to be perfectly honest with you and do not get up and ask me to give way because I probably will not, this is

ultimately about leadership and functionality of the Committee. It really is about that. We heard a number of reasons from Deputy Taylor why it cannot happen because this might happen, he might be wearing a blue cardigan, she might be wearing a red cardigan, I do not like it. This is not how Government should work. Even though we –

Deputy Taylor: Point of correction.

Deputy Inder: I am not giving way.

Deputy Taylor: Point of correction.

The Deputy Bailiff: Yes, Deputy Taylor.

Deputy Taylor: I made no reference to he or she or what colour clothing people might make, I simply explained which Rules set out the provisions of how a President or Vice-President would respond to certain occasions in the Chamber.

The Deputy Bailiff: Deputy Inder.

Deputy Inder: If that is all Deputy Taylor has got, I think I rest my case –

Deputy Taylor: Point of correction, madam.

The Deputy Bailiff: Yes, Deputy Taylor.

Deputy Taylor: No, that is not all I have got but Deputy Inder said he would not give way, so my hands are tied. Thank you.

The Deputy Bailiff: Deputy Taylor, that is not a point of correction. It is five past five and we are on Amendment 14. Deputy Inder, can you carry on.

Deputy Inder: I probably should Rule 26(1) myself. The point remains it depends on the type of character you are. I take and I think most of the Committees take their jobs seriously. They are often very difficult. I do not find this a game and it feels to me, that I saw from the housing debate last month, it felt a little bit like a game. It is getting one over again on the Committee. That is what it felt like to me; *felt* like to me, so please do not get up and correct me. That was my feeling.

I find there are elements of the DPA that find this a little bit of a game and it is not a game. The DPA is a *quasi*-judicial body and it affects people's lives. It really does affect people's lives. Big decisions are being made and it is not a game.

So, in short, as imperfect as it is and I kind of accept what Deputy St Pier was saying, but my view is quite simple, as somebody who has been around this game for a while, where possible I do not always agree with my Committee, but I will always try and reflect the views of the majority of the Committee where I can. For that end, I will be supporting this amendment, as imperfect as it is.

The Deputy Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, madam.

I note the points made by Deputy St Pier and the questions raised by Deputy Kazantseva-Miller and I think they are valid issues, but in principle I am in favour of voting for this amendment because we did find ourselves in a ridiculous position in that housing debate where Deputy Taylor was apparently representing the Committee and I cannot quite see how that can possibly be the case because the two requérants would be disallowed from voting at a Meeting because they are

deemed to have a special interest. I have never quite understood that Rule. But that is a separate Rule.

That leaves three of us who could vote. If the three of us, Deputy Taylor, me and Deputy Blin, had approved a position and then Deputy Taylor spoke on it, that would be fine. But we never had. The three of us have never done that so I just do not understand how Deputy Taylor was supposedly representing the Committee, which in the end had two requérants in favour of the Housing Committee –

I will give way.

The Deputy Bailiff: Who are you giving way to, Deputy Dyke? There are two people standing.

Deputy Dyke: Deputy Oliver, I think.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: If the DPA never came to a conclusion, how did they write a letter? It has got no relevance, actually. Forget it.

Deputy Dyke: Deputy Oliver makes a good question –

The Deputy Bailiff: I do not think you have got your microphone on, Deputy Dyke.

Deputy Dyke: That is a very excellent question, to which I do not have the answer. No, I am not giving way to you. That is an interesting question to which I do not have the answer because any letter on behalf of the –

Deputy Taylor: Point of correction, madam.

The Deputy Bailiff: What is your point of correction, Deputy Taylor.

Deputy Taylor: Deputy Dyke said it is an interesting question that he does not have the answer to but he does have the answer it to because the answer would lie in the minutes, whereby he agreed to the letter of comment, which I referred to in my speeches. So that was the Committee view.

The Deputy Bailiff: Deputy Dyke.

Deputy Dyke: I am sorry, I do not recall that at all. So I am not quite sure what else to say on that. The fact of the matter is, you had a Committee that two Members were requérants on this matter, two of them in the end voted in favour of what the requérants proposed, so Deputy Taylor was actually in a minority of one on this issue. That is a very curious position. I think the amendment proposed by Deputy Oliver is a sensible way of dealing with this, albeit it possibly not perfect, in the precise wording sense.

The Deputy Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, madam.

Just two points. In response to Deputy St Pier, actually the Rule 28(3) does allow, already, because it has done, that the Vice-President, even though it does not specifically mention, does allow a Vice-President to assume the role of the President, but still be pursuant to Rule 28(3).

4045 The only other point that I would make, Members, is that if a Member on that Committee does not agree with the stance that the President or Vice-President is making, he or she can request for a give way and make their position clear. But, Members, I will be supporting this amendment.

The Deputy Bailiff: Thank you.
Deputy Bury.

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Deputy Bury: Thank you, madam.

I think the debate shows that this is overly complicated. We cannot get our heads around which Rules are tying in on what you are allowed to do. I think it is overkill. It is a kneejerk reaction to an individual situation that occurred very recently. It is overkill. If it hamstring someone's opportunity to express their personal view, that is not okay in my opinion and we have not, as yet, had clarity on that. I hope we do get it.

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But it is not difficult. Gosh, common sense is not very common nowadays, is it? But, as Deputy Roffey said, I have heard it umpteen times from Presidents and Vice-Presidents: here is my personal view, I will speak on behalf of the Committee shortly. They make that delineation clear and Deputy Taylor did that in the instance that this was borne out of. He said that he was speaking and his personal views first. If people were not listening to that, that is not his fault.

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I will not be supporting this, although the clarity will be useful, hopefully, from H.M. Procureur.

The Deputy Bailiff: Thank you.

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I will now ask HM Procureur to give her opinion in relation to the question in relation to Rule 28(3), in total. I think a general question about that section, about on whose behalf people are speaking and how many times they can speak.

The Procureur: Madam, I take a rather simple view of the matter in the sense that Rule 28(3) makes it clear that the President and the Presidents of the Committees are entitled to speak and, in my view, it is implicit when they do so they are therefore speaking on behalf of the Committee. As Deputy Roffey has noted, in my experience, if Members are going to make a personal point, they make that delineation very clear indeed. The key for me is that when they speak under Rule 28(3) and they do so in the capacity of representing that Committee, that is made clear to the Assembly. But I take a simple view of that matter, madam.

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The Deputy Bailiff Thank you.
Deputy Meerveld, would you like to reply on behalf of SACC?

4080 **Deputy Meerveld:** Yes, madam.

In the spirit of this amendment, we might have to call for a recess, so I can consult with my Members of my Committee! Of course, it will have to be quite a long recess because our officer will have to, as Deputy Taylor pointed out, come over and be in the meeting to take minutes. Thank goodness it is not a requête, because if it had been a requête, then we would have had two sets of Committee meetings, as Deputy de Sausmarez is Vice-President and President of E&I and those two Committees would have had to meet separately to give their combined opinion.

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At the end of the day, this does not work. I agree with the sentiment and, in Deputy Leadbeater's defence, he spoke to me before this was laid so while there was not a formal round of consultation, he did go through the principles he was trying to approach. I understand it is a reaction to a rather unique situation but, in practice, it does not work. Again, it is in danger of what the officers in SACC are always advising us against, trying to produce Rules to control behaviour.

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At the end of the day, I think it is much more practical for all Members to take into consideration if they are ever responding to a debate or opening on a debate on behalf of the Committee that they clearly delineate, as H.M. Procureur suggested, between their own opinion and the opinions of their Committee.

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When they respond to the debate at the end, they cannot consult, it is not practical to consult with the Committee. They will be responding to debate with what they believe is a consensus view or the overall view of their Committee or possibly even their personal view. But as long as Members make sure that they clearly delineate when they are officially speaking on behalf of a Committee and when they are expressing their personal opinion, then the Rules as they stand serve us well and I would recommend Members do not support this amendment.

Thank you, madam.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Deputy de Sausmarez, she spoke about Members, if you were responding on behalf of the Committee at the end of the debate, the fact the Committee or the Authority has not had chance to get together and to have any dialogue. I do not see that is an issue because messages are Teams, options, some of you might have a WhatsApp group. You can definitely gauge other people's positions in this Assembly quite easily, especially direct with your own Committee.

She said about setting out the Committee's position at the start of the debate and then responding, you are responding by yourself. But there is nothing in the Rules that says that you have to set out the Committee's position at the start of the debate, either. This is the whole thing that the Rules are absent on the Members replying on behalf and expressing opinions of the Committee they are representing.

Deputy Taylor, he has also found, I think he might think this is personal to him and that it is his position on speaking on behalf of the DPA personally at the last time. It is certainly nothing personal, to Deputy Taylor, at all. This is an anomaly, which reared its head during that debate and as I looked at the Rule, I thought this is not fit, it does not really make sense. This is the whole idea I am bringing today, as I pointed out at the start.

He talked about Deputy Blin asking to give way because he had a different position. That is ... *[Inaudible]* to that debate.

Deputy Roffey talks of he was on ESS and he had Deputy Gollop, I am not sure his name would like his name of the Committee. But no one can account for the odd factor! *(Laughter)* It is what it is.

I thank Deputy Kazantseva-Miller for her input, it was very ... *[Inaudible]*. Deputy Oliver also made similar points. Deputy Bury, who spoke last, says Deputy Taylor spoke about his personal and his Committee at the end of that particular. This amendment does not stop anyone at the start of the debate from giving their personal views. There is a reason this is narrowed to the end of the debate because the end of the debate is the crunch bit when everyone is going to step up to make their decisions. So that is the position, when one is responding, to put across.

If the Committee's position has shifted in debate, I do not think I have ever seen a requête or a policy letter or anything like that where a Committees position has shifted during the debate. It will be laid out, as pointed out in the letter of comment. A letter of comment is effectively, what is happening at the end of the debate, you are reinforcing that letter of comment and the thoughts that have been behind that kind of majority view of the Committee, Deputy Inder's point, it is the majority view of the Committee.

I think the Rules are supposed to be catering for that. We are supposed to be hearing the majority view of the Committee, I see Deputy Haskins nodding his head, and I do not think it is really that complicated. We have contrived to make it sound a lot more complicated than it is.

Thank you, madam.

The Deputy Bailiff: Thank you.

Deputy Kazantseva-Miller: Madam?

The Deputy Bailiff: Yes, Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: We have not got the clarification on Rule 17(2), which I think is equally important in this debate. Because I think it specifically says a Member can speak twice, a Member such as a President of a Committee, because they are not classified as someone who is opening the debate, it is the requérant or the layer of the amendment or a *sursis*, who is making the opening speech and the Presidents of the Committees follow.

Effectively a Member, in Deputy Taylor's case, would have been able to make a speech in his own capacity, in my interpretation, according to Rule 17(2), as well as making, if he chose to, a Committee representation at the end. Could we please seek clarification on Rule 17(2).

The Deputy Bailiff: So if I understand the point you are making, you say that Deputy Taylor could have spoken three times in that debate, not two times? Or even twice, thank you Deputy Inder.

Deputy Kazantseva-Miller: The Rules specify that he could have spoken at least twice. I do not know if he could have spoken three times but it could be interpreted as he could have actually spoken three times, one on behalf of the Committee, plus his personal view, and the summing up of the Committee.

The Deputy Bailiff: I will ask the Procureur what she thinks on that. I know what I think.

The Procureur: Thank you, madam.

Under Rule 17(2), it is clear that whoever opens the debate, whether that is a representative of the Committee, or the Members from whom the matter originated, or some other rep of the Committee, can also reply. So they are entitled to reply. If they do reply, they might have also spoken earlier in debate. But if it is the same Member that opens and replies, they are not allowed to speak again. I think that is where the three times, potentially, comes in.

Of course, in practice, it might be possible, if one is strictly having somebody reply, to stop them saying, but my personal view is I do not agree with the Committee. Is that speaking three times? It is a matter of interpretation. Under Rule 17(2), it is very clear if you open and reply you cannot speak again. But you are entitled to reply if you open it, and if you reply on the debate, you could have spoken earlier in ordinary debate.

So it does depend, I think, on a little bit of pragmatism as well in terms of what actually happens during the debate.

The Deputy Bailiff: Certainly my view, Deputy Kazantseva-Miller is that that response is a matter of choice. You can do it during the course of the debate or you do it at the end, but you do not get to do it twice if you have already opened. So you can only speak twice, you cannot speak thrice.

I think you agree with me, don't you Madam Procureur?

The Procureur: I do, madam, yes.

The Deputy Bailiff: Right, the amendment, which is an amendment to 28(3)b, and Amendment 14, should be on your screens before you. Greffier, would you kindly open the vote?

There was a recorded vote.

Amendment 14.

Not carried – Pour 16, Contre 18, Ne vote pas 2, Did not vote 2, Absent 2

POUR
De Lisle, David
Dyke, John
Ferbrache, Peter

CONTRE
Aldwell, Sue
Bury, Tina
Cameron, Andy

NE VOTE PAS
Brouard, Al
Dudley-Owen, Andrea

DID NOT VOTE
Blin, Chris
Vermeulen, Simon

ABSENT
Burford, Yvonne
McKenna, Liam

Gollop, John	De Sausmarez, Lindsay
Haskins, Sam	Fairclough, Simon
Helyar, Mark	Falla, Steve
Inder, Neil	Gabriel, Adrian
Kazantseva-Miller, Sasha	Hill, Edward
Le Tissier, Chris	Le Tocq, Jonathan
Leadbeater, Marc	Matthews, Aidan
Mahoney, David	Meerveld, Carl
Moakes, Nick	Parkinson, Charles
Murray, Bob	Roffey, Peter
Oliver, Victoria	Snowdon, Alexander
Prow, Robert	Soulsby, Heidi
Queripel, Lester	St Pier, Gavin
	Taylor, Andrew
	Trott, Lyndon

The Deputy Bailiff: There voted in relation to Amendment 14, Pour, 16; Contre, 18; there were 2 abstentions and 2 Members were not in the Chamber at the time of the vote. I therefore declare that the amendment has not been passed.

Deputy Queripel, do you have somebody to second your Amendment 15 in the absence of Deputy Blin?

Deputy Queripel: Yes, madam, Deputy Gollop has agreed to second.

The Deputy Bailiff: Thank you.

Would you like the States' Greffier to read out Amendment 15?

[Amendment 15.](#)

To insert an additional Proposition as follows:

"In Rule 16(3) of the Rules of Procedure, to delete "In any election or appointment by the States, voting shall be carried out by secret ballot." and to delete Rule 26C(1)(a) redesignating the paragraphs that remain."

Deputy Queripel: No, madam. There is not a great deal I need to say.

Seeing as Deputy Blin and I did not get the support we needed on our previous attempt to unify and equalise voting, Deputy Gollop and I think there is value and merit in trying a different approach, as laid out in this amendment.

Just to briefly explain this different approach for the benefit of Islanders listening on the radio, who may not have heard a previous debate. Elections within the States are carried out via a secret ballot, yet the voting to remove Members from those positions is carried out via an open vote. So Deputy Gollop and I are laying this amendment in front of our colleagues in the hope the majority of them agree with us that the voting procedure does need to be unified and equalised by making the vote for elections an open vote, seeing as the vote to remove colleagues and Committees is already an open vote.

The question is, why have one and not the other? What is the rationale behind voting Members onto Committees via the secret ballot and then having an open vote for all to see to remove them? Whatever it is, that rationale surely will not make a lot of sense because it follows that, if Members can be removed via an open vote, then they should be elected via an open vote.

In anticipation of some of my colleagues saying they are two entirely different votes; therefore they require two different voting procedures, it does not make any sense either. That claim is fundamentally flawed on the grounds it is based on having the courage to tell colleagues they have not lived up to expectations and therefore they have to go, via a motion of no confidence or censure, whilst Members have been able to hide behind a secret ballot to either support their nominations or not.

Why not unify and equalise the voting procedure to make both votes open and transparent? I ask Members who do not want to do that, madam, to please stand and tell us why they do not want to unify and equalise the voting procedures.

Thank you, madam.

4230

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

Deputy Gollop: Thank you, madam.

4235

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Yes, madam.

The SACC Committee believes this goes beyond the original Propositions and I would like to challenge it under Rule 24(6).

4240

There was a recorded vote.

Rule 24(6)

Carried – Pour 23, Contre 8, Ne vote pas 1, Did not vote 6, Absent 2

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

The Deputy Bailiff: There voted in relation to the motion for Rule 24(6), Pour, 23; Contre, 8, there was 1 abstention. Therefore the motion has passed and we will not be debating or voting on that amendment.

4245

Yes, Deputy Oliver?

Deputy Oliver: Madam, we are still on December's Meeting here. We are so behind. Maybe we could just see how many people wanted to actually speak in general debate to get a gauge if we could just stay until we finish this policy letter?

4250

The Deputy Bailiff: Do you want me to just see who wants to speak in general debate? Will you please stand in your places if you wish to debate on general debate? That is quite a number, thank you very much, ladies and gentlemen.

4255 On that basis, the motion is to continue until we finish the debate on general debate and take the vote on the Propositions.

Deputy Meerveld: Madam, I have another appointment and the Vice-President is already –

4260 **The Deputy Bailiff:** Then you will be able to vote against the motion then, Deputy Meerveld, won't you? *(Laughter)* The motion is to stay until we finish the general debate on SACC's Propositions. Those who support the motion; those against?

Members voted Contre.

The Deputy Bailiff: It looks like we are finishing now. So we will adjourn until tomorrow morning.

4265 Thank you very much, everybody.

The Assembly adjourned at 5.30 p.m.