

I thought I would write a brief note in relation to the review that is being performed of the roles of the Crown officers.

In essence I fully support the present role of the Bailiff as regards his role as president of both the Royal Court and the States Assembly.

I know there are a number of detractors as to the combination of these roles, and in particular of his role as president of the States Assembly. However having sat in the States for 4 ½ years, and also having observed the States for quite some time prior to being elected, I still consider the system to work extremely well.

It seems to me that any change for example to the role of speaker, will invariably result in some politicisation of that role, and I tend to believe that the legal experience, training and thinking that comes with the position of Bailiff allows for clear and reasonable interpretations of the workings of the Assembly and for directions to members etc.

I note that a review was performed in Guernsey (Harwood report of 2000 ?) of the role of Bailiff (as well as various other matters), and my understanding has always been that there was not felt to be any conflict in the dual role held by the Bailiff of Guernsey.

When considering a response on this matter, I have unsuccessfully tried to find my copy of the Clothier report, because it also contained a copy of an article by the former Bailiff in the JEP during 2000 / 2001 which obviously gave his views on (amongst other matters) the role of the Bailiff and why it was in the present interests of the Island (as well as being in accordance with the traditions and practices of the Island) for that role to continue.

I will not attempt that level of eloquence, however I think it would be a significant blow for the Island to lose the role of Bailiff, or to significantly diminish either of his respective roles.

As regards the AG or SG – my main experience of their roles has been as recipient of legal advice either during a debate within the Assembly or as part of my work as an Assistant Minister. In my view that advice has always been dispassionate, I have not always liked the advice, but I have always taken note of it. It is certainly the case that during debates various members will place their own interpretation on particular issues, or on the wording of particular articles. Having an independent voice in the States, not affected by the politics of the Assembly, but able to give advice on matters is I think, extremely useful in the context of the States Assembly.

Law can be a matter of opinion, and interpretation, but I do find that States Members and indeed, civil servants can sometimes ignore the rules and regulations under which we operate. That is not through wilful misconduct, but can sometimes be due to a failure to properly understand the procedures we have in place. The AG and SG can act as an independent counter balance to this position and can assist in clarifying what the legal responsibilities of a department or a politician are in respect to the particular issue in question.

I have tried to keep my views as simple and as short as practical. In my views (and my experience) I consider the roles and responsibilities of the Crown Officers to be

performed in a professional and independent manner, and welcome their continued inclusion in the workings of our Island Government.

Should you have any queries on my comments please do not hesitate to contact me.

Kind regards

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