

2.6 Deputy R.G. Le Hérissier of St. Saviour of the Chairman of the Public Accounts Committee regarding enforceable accountability within the structure of government:

Given that a recent report from the Public Accounts Committee had cited the absence of enforceable accountability as a major weakness in the structure of Government, would he outline what reforms, if any, the Committee proposes?

Senator B.E. Shenton (Chairman of the Public Accounts Committee):

The P.A.C. (Public Accounts Committee) has made 16 recommendations dealing with the specifics of these problems since 2009. However, the Committee has no remit for the creation of policy or reforms and this could be considered another problem related to Ministerial Government. Strangely, there is no one position responsible for rectifying these problems either. Again, there is no line of accountability to which the States can point and require that these changes be made. That is because the States Assembly holds the responsibility themselves and have elected, by agreeing to the Clothier amendment of the former Senator Stuart Syvret, not to defer such power to an individual position. However, the P.A.C. has been involved with the P.76 Machinery of Government Review and will be giving input into this process to make sure that further accountability is added to the States system.

2.6.1 Deputy R.G. Le Hérissier:

Given that a similar experience occurred in Guernsey where the Welsh Audit Office reported in very similar terms about a system which again has very limited if no accountability, does the Chairman believe that simply by removing corporation sole and introducing collective responsibility we would have a much more effective system of accountability, or are we barking up the wrong tree?

Senator B.E. Shenton:

I think the P.A.C. believes that not necessarily the removal of the corporation sole but the collective responsibility and the ability of the Council of Ministers to overhaul an individual Minister would be a way forward; but I think we as politicians have to understand what we mean by “accountability.” I personally brought a proposition last year that dealt with political pay, which would have paid Ministers more than other Members, and this was wholly rejected. So we now have a system within this Assembly that if a Minister does lose his position, we turn round and say: “You have lost your position but we will carry on paying you the same amount money.” Is that really accountability? The penalty for doing badly as a Minister is that you get the same pay with much less workload. The penalty for accountability for the Chief Executive is you get a massive pay-off. Is this the sort of accountability we really want?

[10:15]

2.6.2 The Deputy of St. Mary:

Leaving aside that interesting notion that Ministers have it tougher than the Back-Benchers, **[Laughter]** “accountability” is a dangerous word and I want to ask the Chairman about his report because it seemed to me that he was suggesting in that report that the unelected Chief Executive of the States and the unelected Treasurer of the States should be given powers of coercion over Ministers and over departments. I just wanted him to comment on that, because that seemed to be where some of his recommendations were going.

Senator B.E. Shenton:

At the moment the chief executive of an individual department reports to the Minister. What the P.A.C. wanted to have was a clear structure where the States Assembly is responsible for policy and the chief executives of the individual departments, with an overall chief executive, is responsible for the implementation of that policy. For example, when we spoke to the recently-departed Chief Executive of the States of Jersey, he felt that his powers were very limited and, in fact, he had no control over the actions of the chief officers of the departments; therefore, he could not be held accountable for anything that went wrong in, say, Education or Health or anything else, because he did not have the power over that chief executive because that chief executive reported to the Minister.

2.6.3 Senator S.C. Ferguson:

The Comptroller and Auditor General's report on the Public Finance Law recommended changes to that law to improve accountability. Where does the Chairman see this fitting into the Machinery of Government?

Senator B.E. Shenton:

There is an overlap there. We have been speaking to the Treasury Department on the basis that they would be the best body to bring forward any changes to the Public Finances Law and there are some changes already being lodged. The Public Finances Law would have to be part of the Machinery of Government Review because accountability has to go all the way down the line and cover the financial side of management as well.

2.6.4 Deputy G.P. Southern:

Does the Chairman accept that the real lack of accountability results from the fact that no Minister and no Chief Minister has ever presented his or her programme to the public to vote on?

Senator B.E. Shenton:

The P.A.C. is very concerned that the way the Council of Ministers is set up is as a group of individuals and the Ministers themselves have overarching power. We saw that very much in the last debate where the Minister for Social Security said that he would have to decide what to do about the G.S.T. (Goods and Services Tax) rebates. It would be down to him. It would not be down to the Council of Ministers. It would not be down to the States Assembly. I think the P.A.C. used an example in one of their reports of: "What will the future of the Odeon be?" It was very much down to: "Whoever is the next Minister for Planning. If it is Senator Perchard, it will get knocked down. If it is Deputy Lewis it will stay." That is not proper Government. That is Government by individuals.

The Deputy Bailiff:

Is there a final supplementary, Deputy?

Deputy I.J. Gorst of St. Clement:

Sir, sorry; could I just correct a statement that the Chairman has just made?

The Deputy Bailiff:

No. It is not your turn, Deputy, if I may so say so.

Deputy I.J. Gorst:

Well, he has made an incorrect statement, Sir.

The Deputy Bailiff:

No doubt you be able to take that up at some point. Deputy Le Hérissier, is there a final supplementary?

2.6.5 Deputy R.G. Le Hérissier:

Could the Chairman outline whether he is optimistic that if these proposals are put into play they will, in fact, work as the P.A.C. intends them to?

Senator B.E. Shenton:

I think they would work and we would be in a better place than we are now but I think (and this is only my own personal opinion) because of structural weaknesses of Ministerial Government it would never be perfect.

The Deputy Bailiff:

Very well, we come on to question 8, which Senator Ferguson will ask of the Minister for Planning and Environment.