

### **6.3 The Chairman of the Economic Affairs Scrutiny Panel regarding the use of question time by Scrutiny**

#### **Deputy G.P. Southern (Chairman of the Economic Affairs Scrutiny Panel):**

Members will recall that last week I chose as the Chairman of the Economic Affairs Scrutiny Panel to explore potential funding issues contained in the proposed Economic Development Business Plan in question time. In his response the Economic Development Minister objected to my use of question time for this purpose, referring to the process as points scoring. I remind Members that the Scrutiny process is one of examination of evidence in public thereby holding the Executive to account for the consequences of its policies and actions. I view question time in all its formats, written or oral and without notice, as part of the Scrutiny process. In many cases issues can usefully be explored in question time as a preliminary to fuller investigation as part of the more formal Scrutiny process. Also, given the limited resources available to Scrutiny with the consequent limitation on the number of reviews that can be undertaken at any one time, question time also enables the exploration of a variety of issues which otherwise might not receive appropriate attention from Scrutiny. As Chairman of the Economic Affairs Scrutiny Panel, I shall continue to use question time to hold Ministers to account in this way and I would encourage all Scrutiny chairmen to continue to do likewise. I call on all Ministers to accept and to co-operate with this use of question time for Scrutiny purposes as we continue to develop the relationship between our 2 branches of government.

#### **6.3.1 Senator P.F.C. Ozouf:**

I have been referred to in the statement and I wish to make a point of clarification and also to raise a point of order, if I may. Firstly, the Chairman of the Panel said that I said he was point scoring and I just wish to clarify to the Assembly that I used that statement in the context of his remarks casting aspersions on my department and myself in not supporting agriculture and tourism on a draft Business Plan. Secondly, may I raise a point of order? This statement appears to me to uncomfortably muddle and indeed straddle the rights of a chairman to hold a Minister to account and the rights of an individual to answer questions. Nothing should undermine the rights of a Member to answer questions as an individual. This appears to be straddling both of those areas. It appears to straddle the right of a Member and the rights of a Scrutiny Panel chairman. I have to say I am concerned about this. I was concerned about the use of question time. I do not know whether or not you can make any helpful rulings on this matter and if you do agree with me that this is an area of confusion or muddle, could I ask if you would meet with the Chairman of the Privileges and Procedures Committee so that we may get some clarity on this issue? I, as a Minister, am not clear when I can be an individual Member and when a chairman of a Scrutiny Panel can be an individual Member versus a chairman of a Panel. He is not asking a question as chairman of a Panel. He is doing it as an individual name and I am confused.

#### **The Deputy Bailiff:**

Ultimately, of course, it is a matter for Members and Privileges and Procedures if they wish to explore this matter at all. For my own part as the Chair, it seems to me quite proper for any Member to ask questions of a Minister. You have sought to draw a comparison with the position of Ministers but the Chair has held that the purpose of question time is to question Ministers by those who are not Ministers. Ministers have plenty of opportunity to question their colleagues in the Council of Ministers. Therefore, we give preference to Members who are not Ministers when asking questions of Ministers. The chairman of a Scrutiny Panel is not in the same position at all as a Minister. The chairman of a Scrutiny Panel is a Member who is not a member of the Executive. Therefore, it seems to me on the face of it there is nothing wrong with a Member who happens to be chairman of a Scrutiny Panel asking whatever questions of a Minister he likes.

#### **Senator P.F.C. Ozouf:**

May I just follow that up? You said the words “happens to be a Member” but we have Deputy Southern who is asking questions as the chairman of a Scrutiny Panel. That is what he is asking me questions for and his statement today is using, effectively, his right as a Back-Bencher. His statement is making a statement as a chairman of a Scrutiny Panel using his position as an individual Member. You say that Ministers have rights to question other Ministers but we have established Scrutiny procedures; there are arrangements where a Scrutiny Panel chairman can ask Ministers and hold them to account. Is oral question time the appropriate place for Scrutiny Panel chairmen to further fortify their powers that they already have? We have powers but so do Panel chairmen.

**The Deputy Bailiff:**

As I say, this is a matter ultimately for Members on the advice of P.P.C., but certainly unless or until there are any changes when I am in the Chair I see nothing wrong with, as I say, a person who happens to be a chairman of a Scrutiny Panel asking questions. Technically, he asks questions as an individual Member. He does not ask questions as the chairman of a Scrutiny Panel. He may, of course, ask questions about matters which have come up in a Scrutiny Panel. I see nothing in Standing Orders which would render such questioning inappropriate or improper.

**6.3.2 Senator M.E. Vibert:**

I wonder if I can ask the Chairman of the Panel if he accepts that if the questions he asked were more constructive and less adversarial and points scoring he is likely to get a better response?

**Deputy G.P. Southern:**

Absolutely.

**6.3.3 Deputy A. Breckon:**

I wonder if I may ask a question that may cross over what Senator Ozouf said and what has been said in his statement. I wonder if the Chairman would agree that it is the role of all Members of this House when appropriate to ask questions of post holders to get the information in the public domain.

**Deputy G.P. Southern:**

Yes, I would absolutely agree with that. It is about a public process; question time is a public process and is part, therefore, of the Scrutiny process.

**6.3.4 Deputy G.W.J. de Faye:**

I do consider it is unfortunate to perhaps unwittingly mislead the House and where the Chairman of the Economic Scrutiny Panel refers to the limited resources available to Scrutiny, would he care to advise the House of the under-spend of his Panel over the last budget year? Would he also care to reflect on the fact that the under-spend of the Scrutiny Panels in whole funded an entire fifth Scrutiny Panel with money over? Specifically, would he tell us to what extent his Panel under spent given the alleged limitation of resources?

**Deputy G.P. Southern:**

Part of the mechanism by which we managed to achieve an under-spend, would that some Ministers could do similar, is the appropriate use of question time.

**6.3.5 Senator P.F.C. Ozouf:**

Would the Chairman confirm whether or not he discussed this statement because clearly he is encouraging other chairmen to act in a similar way as himself? Would he confirm whether or not he did discuss it with any of his other fellow chairmen and, if he did not, would he undertake

to do so, so that there can be a common approach of Scrutiny Panel chairmen in holding Ministers to account?

**Deputy G.P. Southern:**

I have on many occasions discussed this issue with my fellow chairmen and will continue to review the position.

**Senator P.F.C. Ozouf:**

May I press the Chairman? Is he saying that his other Scrutiny Panel chairmen agree or disagree with this approach? Is he basically paddling his own canoe in terms of process or do they agree with him and does he agree that there should be a common approach so that there is clarity between Ministers and the Scrutiny Panels?

**Deputy G.P. Southern:**

In answer to the question, I believe there is a common approach.

**6.3.6 Deputy G.W.J. de Faye:**

I have given the Chairman a little time to think and I would like to press for an answer. Would he care to tell the House how much his Panel under spent last year?

**Deputy G.P. Southern:**

I do not have the figures in my hands but I will endeavour to get them to him by the end of the day.

**6.3.7 Senator P.F.C. Ozouf:**

May I further question the Chairman on the issue of a common approach? I am not aware of any other chairman of a Panel asking questions in the way that he has done to me last week. Could he undertake to go back to the Chairmen's Panel and get an agreement between the chairmen and to perhaps document what the common approach is because I do not think it is right to say there is a common approach?

**Deputy G.P. Southern:**

I believe there is a common approach and I will endeavour to get that on paper for him if that will keep him happy.