

# **Machinery of Government Review Panel**

## **Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law**

### **The Chief Minister**

Thursday, 1st March 2018

**Panel:**

Deputy S.M. Brée of St. Clement (Chairman)

Connétable C.H. Taylor of St. John (Vice-Chairman)

Deputy D. Johnson of St. Mary

**Witnesses:**

The Chief Minister

Chief Executive

Chief Officer, Community and Constitutional Affairs

Head of Decision Support, Treasury

[12:01]

**Deputy S.M. Brée of St. Clement (Chairman):**

Welcome, Chief Minister, gentlemen. This is a public hearing by the Machinery of Government Review Panel, which was established by the Chairmen's Committee and the public hearing relates to P.1/2018 Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law. I just draw your attention to the notice in front of you. Obviously, this is governed by the normal rules of a Scrutiny public hearing. For the benefit of the tape, before we commence, we will go around introducing ourselves. I would just like to ask everybody to ensure that their phones are at least switched to silent. Obviously, members of the public and media, if you could please ensure that you remain quiet at all times and that any devices are switched off. So for the benefit of the tape, my name is Deputy Simon Brée, I am chairman of the Machinery of Government Review Panel.

**Connétable C.H. Taylor of St. John (Vice-Chairman):**

Constable Chris Taylor, vice-chairman of the review panel.

**Deputy D. Johnson of St. Mary:**

Deputy David Johnson, Deputy of St. Mary, a member of the panel.

**The Chief Minister:**

Ian Gorst, Chief Minister.

**Chief Officer, Community and Constitutional Affairs:**

Tom Walker, Chief Officer.

**Chief Executive:**

Charlie Parker, Chief Executive.

**Head of Decision Support, Treasury:**

Kevin Hemmings, Head of Decision Support in the Treasury.

**Deputy S.M. Brée:**

Thank you very much indeed. We have quite a number of obviously, as you can imagine, questions to go through. If I could ask anybody responding to try and keep your answers short and succinct. I know that is asking a lot sometimes but please do try.

**The Chief Minister:**

For me. These guys will be fine.

**Deputy S.M. Brée:**

Chief Minister, during the debate on the principle of these amendments you laid out quite extensively the rationale for bringing in these changes. Is there anything more you wish to add to that statement, which will assist the panel in our work? I would ask you to be brief.

**The Chief Minister:**

No, I think if we reference back to what I said then, they are the reasons to create a proper accountability structure so that we all know who is accountable for running the service to remove the silo working and, of course, there are the added bits at the end about collective responsibility of ministerial reshuffles. So it's the principle that I am trying to achieve and I think I am grateful for the Assembly for accepting that principle. The difficulty is in the detail, which we are grateful that you are looking at in your review.

**Deputy S.M. Brée:**

Chief Minister, during the debate in the States Assembly last week, you alluded to possible amendments to the draft law as lodged that you might be bringing. Can you confirm what these are and when they will be lodged?

**The Chief Minister:**

That is right, you are a member of the panel. The chairman of Corporate Services Scrutiny Panel, right at the end, once that debate was completed, raised that issue. I confirmed that we were looking at that. I think the panel have now received a copy of the law drafting instructions and they arise from members who wanted things more in black and white around how the principal accountable officer is accountable not only to the Assembly but the Council of Ministers. There is a clarifying amendment to ensure that people are absolutely clear about that; in black and white. Then the roles of Ministers receiving or giving up budgets, making sure that that is in black and white as well.

**Deputy S.M. Brée:**

Okay, thank you.

**The Connétable of St. John:**

Chief Executive, what level of input have you had into the changes being proposed in P.1/2018?

**Chief Executive:**

In terms of the proposed amendments?

**The Connétable of St. John:**

The amendments, yes.

**Chief Executive:**

There have been some conversations for clarity about the intent, which I think has arisen from previous conversations we have had and the issues raised by both yourselves and other members of the Assembly. So in the context of that, there has been a wide-ranging discussion to ensure that everybody is clear about the intent, and I have been privy to those discussions.

**The Connétable of St. John:**

How fundamental are the introductions of principal accountable officers and accountable officers for you to be able to carry out your role?

**Chief Executive:**

I have made it clear that I think at the moment the way in which the overarching financial accountability framework operates is that, in short, it means that the Chief Executive has oversight of the public services but does not have accountability and therefore there are opportunities for people to make decisions independently of the intent and the ambition and the expectation of Ministers, States Assembly Members, and ultimately the public. So, as a consequence of that, having been undertaking a due diligence of a number of areas it is clear that there are issues of accounting and decision making in reference to funds and money which could be discharged better, more effectively and in a way that avoids duplication. I think as a consequence of that, if you are looking for me to be able to make the changes, which I think I have been appointed to do and to bring a single oversight to the work of the public services, this will give much more clarity about the levels of accountability and where States Assembly and other Ministers can go if they have questions and concerns and want to get things done. At the moment there is the potential for that to become an elongated and almost dislocated process, which I do not think is in the interests of the way in which public money should be spent. So for me it is pretty essential to be able to deliver some of the modernisation and improvements to the accountability of public funds, the use of that money to meet the objectives of the Council of Ministers and the Assembly, and ultimately to hold us, as officers, to account, as to how that happens.

**The Connétable of St. John:**

Chief Minister, we note that recently in the press that Mr. Parker has taken over responsibility for Children's Services, does this now mean that you are politically responsible for the Children's Services?

**The Chief Minister:**

No, it does not. The Minister for Health and Social Services remains politically responsible for Children's Services however you will be aware that I am the Minister that is co-ordinating the response to the inquiry. But day to day, political responsibility remains with Senator Green but the operational accountability now rests with the new C.E.O. (chief executive officer). That was arising from the work that the C.E.O. had undertaken and the work that the Children's Commissioner has started to undertake in visits of reported issues and what she had seen. So that it can give absolutely clarity of focus on improving that service.

**The Deputy of St. Mary:**

Can I just extend on that? I appreciate why you are responsible for that particular item and also that the Minister for Health and Social Services is in station for that as the Minister concerned, but the very nature of your role will require you to consult with other Ministers. Does that cause a problem? Is a policy group being formed on that or how does it work?

**Chief Executive:**

In terms of the Children's Services?

**The Deputy of St. Mary:**

Yes.

**Chief Executive:**

So there is already an improvement board, which is chaired by the Chief Minister around the work that has emanated from the inquiries report. That includes representatives which are cross-department, and Ministers where appropriate, so Senator Green is part of that, for example. I do not think we need to change that oversight from a political and operational sense but where I think there is need is for more focus about the speed of the activity necessary to deliver the improvement plan. Secondly, I think at the moment there is a tendency, going back to the first question, for people to see this as being an issue which is particular to one department, when in fact it is a cross-cutting issue facing the public service as a whole. Realistically that means, as Chief Executive, I can give that oversight and pull the input of relevant departments into the debate to help where necessary. So if it is about accommodation or if it is about technology or if it is about recruitment, each of these issues get dealt with, dare I say, in places which are not necessarily seeing matters overall. That has, I think, extended the time taken to do things. It has also not necessarily been everybody's priority. So knowing, as we do, that this is an area that we have to make distinct improvements because we have an external inspection coming up later on in the summer, I felt and so, interestingly, did the Children's Commissioner, that we were behind where we needed to be. Longer term, whether it is appropriate for me to be having oversight from an operational point of view is probably not going to be necessary if some of these changes come in, because you can have oversight and you can be much more directive, if necessary, around expenditure and prioritisation of that accordingly. I think going forward I would hope that the opportunity to improve co-ordination, get better cross-working and prioritisation of these sorts of issues will come about through the proposed changes.

**The Deputy of St. Mary:**

You see this co-operation and co-ordination being ... yourself in the fulcrum of this rather than overriding Minister for ...

**Chief Executive:**

No, from an operational point of view I am talking about. I think in terms of the ministerial oversight there are structures and politically operationally led oversight groups which currently exist, which I think are fine. So I do not see a problem about reporting in to a cross-section of Ministers around that. I think it is more about the public service response. The interesting thing about it, just to

digress, is the nature of this is linked very much to our responsibility as corporate parents. So as a public body we should all put children's interests at the top of our agenda. Unfortunately I do not think that is necessarily happening.

**The Connétable of St. John:**

Just for the record, an awful lot seems to have happened very quickly. Could you confirm the date your contract started with the States?

**Chief Executive:**

So the formal start point for my contract was 8th January but it was agreed before I arrived in conjunction with my former employer, that I would spend a number of days here in an agreed period because of the extensive nature of my notice period. There was no cost to the States for that, where a previous employer did that, because prior to that, when I went to that employer, a similar agreement occurred with my former employer again.

[12:15]

Prior to going to that, a similar situation occurred with that employer. So for the last 10 or 12 years those sorts of arrangements have happened. I was here for some weeks before I started officially for 2 days, moving to 3, from around about November.

**Deputy S.M. Brée:**

So this period whereby your previous employer and your current employer were effectively sharing your time, is that now finished?

**Chief Executive:**

Yes.

**The Chief Minister:**

His official start date was the 8th fully.

**Deputy S.M. Brée:**

No, it was just to clarify that point.

**The Chief Minister:**

We, of course, did pay for his flights.

**The Deputy of St. Mary:**

Looking at the precise wording of the amendments, Article 38(1) and 38A make reference to the principal accountable officer and accountable officers being answerable to the States. Can you clarify precisely what that means, how answerable?

**Chief Officer, Community and Constitutional Affairs:**

Answerable means fully answerable. So that means that can be called in front of hearings like this, can be called in front of the Public Accounts Committee, be fully required to explain themselves: fully answerable.

**The Deputy of St. Mary:**

I was not questioning that but just the term. There is also a reference in the amendments to “States Assembly” on some occasions rather than the “States”. The accounting officers normally are answerable to the States through P.A.C. (Public Accounts Committee). I mean are you talking about a wider definition, are you?

**Chief Officer, Community and Constitutional Affairs:**

No, just the same. States and States Assembly mean the same thing given the way the law is drafted. We will use States Assembly when we are writing the covering report in order to be clear to members of the public and others that is what we mean, especially now when the actual law of Jersey is written, they just say “States” because that is the States Assembly.

**The Deputy of St. Mary:**

I think the reference to both States and States Assembly is a ... I am just trying to clarify.

**Deputy S.M. Brée:**

Just one question: what is the difference between answerable and accountable? Because it is used in various places “answerable” and “accountable”. What is the difference?

**Chief Officer, Community and Constitutional Affairs:**

If I was an accountable officer, so I could be called in front of the Assembly, in front of the P.A.C., and would need to answer for my actions, answer for the decisions I have made, but the Public Accounts Committee would not be doing my end-of-year appraisal. That would be the chief executive. So I am held to account by the chief executive on performance and the execution of those duties. But I am fully answerable to the Assembly.

**Deputy S.M. Brée:**

Just, again, we note the words being used in a number of places. Just to seek clarity. Moving on but staying on the same sort of theme, Article 38 of the draft law allows the chief executive, as the

principal accountable officer, to appoint accountable officers for independent bodies and States funds. Again, just seeking clarity here, can you confirm that the definition of independent body could apply to any individual, any entity or any organisation that receives money of any kind from the States? Again, we are just trying to clarify what the term means.

**Chief Officer, Community and Constitutional Affairs:**

The definition is unchanged from that which already exists in the Jersey Law.

**Head of Decision Support, Treasury:**

It is in the Comptroller and Auditor General Law and Public Finances Law. I am not so sure about individual because the term is independently audited, States body or States-aided independent body.

**Deputy S.M. Brée:**

I believe that it does refer to individual or body corporate. So it can be one or the other, but it was just trying to seek clarity as to what that meant. Which independent bodies will be captured under the draft law as presently lodged?

**Head of Decision Support, Treasury:**

As is currently lodged, clearly by your definition a large number of bodies could be captured. I think the discussion that needs to be had, and we may consider publishing a list, is the bodies where there is a clear intention to make that appointment, and those two lists are very, very different, as we discussed. We are looking for ways to give that clarity prior to the debate in terms of the intention, in a way that can give assurance to perhaps those individuals who were at the lower financial receiving end of those on the list, that there is no intention to appoint an accountable officer.

**Deputy S.M. Brée:**

You will be looking to lodge an amendment to clarify the situation on that question, is that correct?

**Chief Executive:**

I think in the light of the conversations that have taken place and the debate, that would be helpful for the purposes of ensuring that the threshold is at the right level. Because I think if you are referring back to what was raised in the States Assembly debate, which is the £1 example, that would not be of use of anybody's time or effort, and that is not the intent here. But if you are talking about organisations in the £20 million, there is perhaps a different scale of where you would want to focus your energies.

**Deputy S.M. Brée:**

Again, for clarity's sake, will you confirm that the draft law, as lodged, i.e. there have been no amendments lodged as yet, would capture ... we will use the £1 scenario? In the law, as it stands. That may not be the intent but as written it could.

**The Chief Minister:**

It depends what you mean by "intent". So as written it could and it narrows the responsibilities or the ability of the Comptroller and Auditor General. Again, she could do an audit on a company that receives £1, so we mirrored that for a reason. Intent then could mean the lawyers intended to allow that to happen or intent could be how it would be intended to operate in practice. So it is then the question of in light of the debate in the Assembly should we lodge an amendment, and we are considering that, to give satisfaction to those who are worried about the intent - not intended how it is to be operated - but the intent that would allow for the £1 to be ...

**Deputy S.M. Brée:**

But I mean obviously this is or will become, if accepted, statue law, which is very much the letter of the law because intent is a nebulous thing. But anyhow, you are seeking to clarify that, that is the point we are trying to get to.

**Chief Officer, Community and Constitutional Affairs:**

Yes, but to be clear, the intention of the law is to mirror the scope of the C. and A.G. (Comptroller and Auditor General), so in a way that you would not expect the Comptroller and Auditor General necessarily to wish to proactively audit an organisation in receipt of £1 you would wish her to have the ability to audit any organisation in receipt of public funds, and that is what the Assembly has already decided previous in law that it wishes the Comptroller and Auditor General to do. So here we have matched up the principal accountable officer's responsibilities so there is no possibility of a disconnect between the scope of the Comptroller and Auditor General's work and the scope of the principal accountable officer's. However you would expect the Comptroller and Auditor General to make sensible professional decisions about proportionality and risk, and that is what she does. You would expect the principal accountable officer to make those some judgments. So in order to be helpful to the Assembly, and you are quite right, Chairman, the current thinking is that we would put a beyond doubt amendment into the law that would require the principal accountable officer to specify those bodies that currently he or she considers to be in scope, and then again to assist the Assembly in the covering report to those amendments, we would seek to list the actual bodies currently in mind, noting that of course those bodies will subsequently, quite rightly, need to be consulted on the financial direction that would apply because of course the nature of the accountable officer's responsibilities in one of those bodies is very different to the nature of those responsibilities within Government.

**Deputy S.M. Brée:**

Going back to the, if you like, larger amounts or how this would work. Would those independent bodies include wholly-owned companies such as Andium Homes, Ports of Jersey, States of Jersey Development Company and Jersey Telecom; that is the intention that it would include those?

**Chief Officer, Community and Constitutional Affairs:**

Yes.

**The Deputy of St. Mary:**

On the same thing, does not the appointment of a principal accountable officer possibly conflict with the Company Law and the independence of directors of third entities, and how is that going to be met?

**Chief Officer, Community and Constitutional Affairs:**

That is why it is important that there is a separate financial direction for when you are appointing accountable officers in those sorts of bodies. This is a well-trodden path elsewhere in the British Isles. If I give you a simple example. For me, as a senior civil servant within the government, my functions, as an accountable officer, would include, for example, having to follow other procurement guidelines. I would have to comply with all of the rules around public opinion, I would have to use the public law and system. But if you are an accountable officer within an arm's length government structure you would have your own procurement regime so you would not impose upon that body, looking at the procurement regime, you would let them procure in a way that is best suited to their commercial needs. So hence this need to specify the different sort of accountable officer responsibilities. But the National Audit Office and others have articulated how the public sector accountable officer responsibilities, rest alongside corporate commercial responsibilities in an arm's length entity. So again this is a well-trodden path on how those 2 things rest comfortably with each other.

**The Deputy of St. Mary:**

First to arm's length bodies: here in Jersey we have certain entities such as Digital Jersey, Visit Jersey, Jersey Sport, which we have established as independent, and they are under some sort of trust structure. Does your reply cover that situation too?

**Chief Officer, Community and Constitutional Affairs:**

It does. A number of these bodies have their own arm's length government structures. Some of those are very commercial. They are a commercial board, the sort that you recognise. Others have committees, so something like the Overseas Aid Commission has its own committee chaired by a States Member. So that is not a commercial board but in the same way that you need to respect

the ability of a commercial board to make decisions then you need to respect the ability of the Jersey Overseas Aid Commission commissioners to be able to make strategic decisions that are right for overseas aid.

**The Deputy of St. Mary:**

So in effect you see no problem with individual companies with an accountable officer being in place? You do not see an accountable officer trespassing on the territory of the independent board in any way?

**Chief Officer, Community and Constitutional Affairs:**

No, again it is a well-trodden path. So you can find well-documented models for how the things work in harmony with each other, and indeed there are plenty of people right now across the British Isles who are in this position and who are doing an accountable officer role as part of essentially a board structure in an arm's length company.

**Deputy S.M. Brée:**

Can I just pick up on a point? You raised the question of the Overseas Aid Commission. Can you confirm that the Overseas Aid Commission would be included under these regulations and that you would appoint an accountable officer to oversee the Overseas Aid Commission? Is that correct?

**Chief Officer, Community and Constitutional Affairs:**

Yes.

**Deputy S.M. Brée:**

That is purely for clarity to understand.

**Chief Executive:**

I think the key point here will be about the financial direction that will be put in place and the guidance for that will be important so that you are clear about what the principle and the requirements are in the relationship between the accountable officer and the principal accountable officer. I think that is something that we are preparing and have started to draft. It is not about duplication. It is about ensuring the appropriate balance of accountability for taxpayers' money and the freedom of the A.L.O. (arm's length organisation) to operate.

**Deputy S.M. Brée:**

We do have further questions on that specific area, so it was something we have got to factor.

**The Connétable of St. John:**

Going on, on that theme: we have a number of States-funded or States majority shareholding businesses, such as the J.E.C. (Jersey Electricity Company) and Jersey Water. As they are listed companies, how does that sit?

[12:30]

**Head of Decision Support, Treasury**

I think we acknowledge there are greater difficulties in appointing an accountable officer in the companies that are not wholly owned by the States, and for that reason they will not appear on the list of those we think are most likely to be appointed initially. I do not think those difficulties are insurmountable but, for the moment, they would not be at the head of the list. It would be more difficult.

**The Connétable of St. John:**

Such organisations that are supposed to be completely independent for Jersey - Jersey Financial Services Commission and Jersey Finance - how would they stand up to these?

**Head of Decision Support, Treasury:**

They would certainly fall within the definition and it is something we would look at on a case-by-case basis. I think the initial list will reflect the Overseas Aid Commission as an area where we need to establish some clear accountable officer and responsibility, but then the wholly-owned companies, as an area where the ... what is currently included in the finance around shareholder responsibility, I know it has been a frustration for some States Members and Scrutiny around the focus of accountability in those areas. They are likely to be the organisations that are first on the list. I think we would then look at anything else, particularly the organisations which receive larger grants and look at those on a case-by-case basis to see whether there would be any benefit in the rounds who are appointing in those bodies. If so, whether a financial direction could be put together that specified the exact relationship between the P.A.O. (principal accountable officer) and that accountable officer that would be able to be workable, within the definition.

**The Connétable of St. John:**

We are talking probably a list of 10 to 12 organisations. How many of these organisations have you had consultations with?

**Chief Officer, Community and Constitutional Affairs:**

We have not as yet because when the law was written we thought this would be a later stage. So, the law leans upon the financial direction. The financial direction is what you would use to consult with these bodies, to talk about whether they agree that the usual approach across the British Isles

would work well here as well and are comfortable with that. Because the panel take an interest in this area and have asked direct questions, we try to give you direct and honest answers. So, we have not got to the stage of doing formal consultations with bodies yet, because obviously that would flow from the law.

**The Connétable of St. John:**

So, a good idea to introduce the law and then consult or consult beforehand?

**Chief Officer, Community and Constitutional Affairs:**

Yes, because the principle around the protection of significant amounts of public funds and significant public assets is correct. We have plenty of recommendations already in this area and indeed other Scrutiny Panels have highlighted successive problems in this area. I think the evidence on which the policy is brought forward is pretty sound.

**The Chief Minister:**

I think the point the Comptroller and Auditor General raised is no doubt that work you were doing about reoccurring issues, this is one of them. Is it sufficient to just have a shareholder function that needs strengthening? Surely this working together with a financial direction at work is going to enhance that, rather than just having that shareholder function at the end, which has, let us be honest, historically been solely focused on dividend. Dividend is not necessarily a good indication for value for money.

**Chief Executive:**

I think just on that, as an observation coming in, that feels to me to be something that needs to be reviewed, but you obviously do that in conjunction with people.

**Deputy S.M. Brée:**

If I may just go back to a comment you made, that under the draft Articles as lodged the Jersey Financial Services Commission would be captured under the definition. How does that square with the fact that the regulator should be independent?

**Head of Decision Support, Treasury:**

Sorry, I may have to correct myself here. I am not sure that J.F.S.C. (Jersey Financial Services Commission) is on the list.

**Deputy S.M. Brée:**

The point I am trying to make is: the law as lodged and the definition contained within it, at the moment, because we have seen no amendments changing it, would capture the Jersey Financial Services Commission. Is that correct?

**Chief Officer, Community and Constitutional Affairs:**

Again scope is matched to the Comptroller and Auditor General. So, if the Assembly has already decided that the Jersey Financial Services Commission is within the scope of the Comptroller and Auditor General then that scope would be matched.

**Deputy S.M. Brée:**

Okay. Do you feel it is wise to provide, if you like, the powers to the principle accountable officer to appoint an accountable officer to what should be an independent regulator?

**Chief Officer, Community and Constitutional Affairs:**

The alternative is to leave a gap and, say, if the Assembly has decided that something is in scope for the Comptroller and Auditor General and the Comptroller and Auditor General within the scope the Assembly has decided for her decides to audit a body and finds significant difficulties. What we are seeking to avoid is that then there is no ability of the principle accountable officer to act on it.

**The Chief Minister:**

It is a difficult area, I absolutely accept that, but let us take the competition regulator, who has just had a high-profile case. We have to find a mechanism there of ensuring that there was funding for this particular case without political involvement. So, we literally have to try and find a work around to get to seek law officers to consider whether it was an appropriate thing to do to provide the money and where that money was going to come from. So, there has to be a better way than that, albeit difficult. You might say that the competition regulator is easier to deal with than it is the financial regulator. You would be right to say that, because one complies with a myriad of international standard approach and the other ...

**Deputy S.M. Brée:**

They are 2 very different entities.

**The Chief Minister:**

Yes, but both regulators.

**Deputy S.M. Brée:**

All right. We shall move on.

**The Deputy of St. Mary:**

I think you have already mentioned that there has not, as yet, been consultation with the entities involved here. But, should the change come into effect, will it impact on the current contractual arrangements with those entities? We have some experience of one particular body, Jersey Sport, which was the subject of a Scrutiny exercise and we like to think we built into that sufficient safeguards to cover what might be perceived as being defects in the current system. Will such arrangements be reviewed? Will some of the arrangements already in existence designed to ensure that there is accountability possibly be overturned or reviewed?

**Chief Officer, Community and Constitutional Affairs:**

I do not believe it is the intent to overturn any existing government arrangements.

**Head of Decision Support, Treasury:**

No, this is purely about identifying accountability. There is another piece of work that is in hand on organisations in general, that Constable Taylor will be aware of, the piece of work that flows from a report from the Comptroller and Auditor General which will look at in more detail the relationship between States and those particular bodies, such as Jersey Sport. I think it will probably help one ... precisely when what is meant by appointing an accountable officer in one of these bodies is fleshed out. The principles are around regularity. They are around propriety. They are around value for money. They are around assurances in those areas. Also, that it is equal to P.A.C. or Scrutiny to call those people and to answer questions. So, if previous recommendations of Scrutiny have been accepted and implemented that improve those areas there is absolutely no reason why those would seek to be replaced, in my view.

**The Deputy of St. Mary:**

As a matter of course, would those arrangements on such bodies as Jersey Sport looked at, albeit briefly, to see whether they are sufficient or whether accountable officers should be appointed?

**Chief Executive:**

My sense in these situations is you should always review at appropriate times whether the governance and financial oversight arrangements are fit for purpose. If you have just done a review and they have strengthened the arrangements, as I think has been said, then one would have thought that they are probably timely. But, not every arm's length body has been subject to such scrutiny. There are quite a few that I suspect were set up at a given point in time and nobody has gone back and reviewed and refreshed those terms of reference. It is horses for courses. If you have just done a scrutiny and that has improved and enhanced the transparency arrangements then my sense is that is probably not where we would want to be focusing our efforts.

**The Deputy of St. Mary:**

I appreciate that. There will be other entities maybe in a similar vein which you would probably look at if they have not been looked at recently.

**Chief Executive:**

Yes. I think this is worth stressing, that is not to say that Scrutiny might not be doing it and it might not be the best vehicle to do it. In conjunction with Scrutiny, if you can do things in a collaborative way, there is going to be a lot more benefit to get a more rounded approach. This should not just be about purely the accounting officer role if there are governance failures or if there are other issues about the relevance and direction and operation. There is often a need, in terms of probity, to take a more holistic view of things. Scrutiny plays a big role in that.

**The Deputy of St. Mary:**

We will not seek ourselves as an alternative ...

**Chief Executive:**

No, I think that is the key bit.

**The Chief Minister:**

It is important, Scrutiny is part of the accountability structure of the States Assembly. So, accounting officers that have been delegated in these bodies, you can hold them accountable as well. Which in a way, in the past, we have found difficult to do and that is not right.

**The Deputy of St. Mary:**

Okay, thank you for that. Can we move on? In Article 38A and elsewhere there are references to accountable officers having the following functions: exercising the functions, et cetera. Are you able to elaborate precisely what those functions are? The law itself is relatively broad, shall I say.

**Head of Decision Support, Treasury:**

In terms of appointments within the States or the external bodies?

**The Deputy of St. Mary:**

What the accountable officer will do. The functions are not particularly well described.

**Head of Decision Support, Treasury:**

In summary, the arrangement would not change very much from what they currently are. So, if you look at the functions of the P.A.O. one would expect most of those to be replicated in terms of what an individual accountable officer within a States department, for want of a better term, would do.

When you are looking at the bodies we have just been talking about in the recent questions, it would clearly not reflect all of those, because of needing to recognise the nature of that organisation. So, it would be a slimmed down version of that. They would talk about assurances around perhaps regularity, around propriety, around value for money and around specific areas of concern, rather than the full remit of what the principle accountable officer will be responsible for in law and would seek the accountable officers that he or she appoints to ...

**The Deputy of St. Mary:**

The law will provide that the chief officer is able to determine those functions. So, you are saying it does not have a ...

**Head of Decision Support, Treasury:**

A financial direction will reflect the nature of those in the same way ...

**The Deputy of St. Mary:**

... or guided by those financial directions rather than just wake up one morning and decide ...

**Head of Decision Support, Treasury:**

Also, there would be individual letters of appointment in the same way that there are at the moment that will make very clear what the terms of those appoints would be. One would expect them though to reflect the functions of the P.A.O. in Article 38, in terms responsibilities.

**Deputy S.M. Brée:**

Just going back a step where you were saying that the functions would be governed and determined by financial directions. Are you saying that financial directions need to be rewritten to take account of the new roles and you have not yet done that?

**Head of Decision Support, Treasury:**

In this case they are drafted.

**Deputy S.M. Brée:**

But not lodged?

**Head of Decision Support, Treasury:**

They cannot be used, because this arrangement is not in place at the moment, so we could not have a financial direction ...

[12:45]

**Deputy S.M. Brée:**

Okay. So, if, for example, on 20th March the States approves this, when will you then be lodging the changes to financial directions?

**The Chief Minister:**

That is when you go out and start this circle of consultation.

**Deputy S.M. Brée:**

Oh, right. So, it is after the States have agreed that this will happen, you then go and talk to the individual bodies about: "The States have agreed this will happen. We have now got to work out with you in practice how it will work." As opposed to: "This is the concept we have. What do you think about it?" You are doing the consultation after the States have approved the principle and authorised the powers that will be vested in the principle. It is just to understand the process, I am not criticising.

**Chief Officer, Community and Constitutional Affairs:**

There are 2 different processes that we are talking about here. We started off talking earlier about the arm's length bodies where the nature of an accountable officer's responsibilities would be slightly different. In terms of core work, the functions are essentially the contents of your dear accounting officer letter. At the moment, I am an A.O. (accountable officer), a letter currently from the Treasurer that says: "You are the accountable officer for A, B and C and you have to do X, Y, and Z." So, I have to follow financial directions. I have to follow public procurement rules. I have to ensure regularity propriety. This is standard public sector, civil service accountability requirements on A.O.s. I would be happy to send you my current letter.

**Deputy S.M. Brée:**

These are fundamental changes to the way in which the States monitors, if you like, the expenditure of independent bodies, the accounts and such. What has prompted this major change in the treatment of States funded bodies?

**The Chief Minister:**

I am not sure it is quite as fundamental as some said in the Assembly the other day. It is a change. It is a significant change ...

**Deputy S.M. Brée:**

All right, significant rather than fundamental.

**The Chief Minister:**

There are a number of reasons, but let us just pull back again. It mirrors the approach that the Comptroller and Auditor General has to what the Comptroller and Auditor General can audit. So, we have had a situation where the Comptroller and Auditor General could audit value for money and how expenses were incurred, but then who are we holding to account? Are we just holding to account the shareholder function, which is not looking at value for money or not? This allows us to create the accountability structure where it is the right approach to do, where it is proportionate to do for that money. Now, a number of your panel members have rightly criticised Ministers and the organisation for just focusing on that shareholder function and not being able to give any comfort to the States about value for money. Maybe this is a little bit too political, the Comptroller and Auditor General has written a report about accountability, about value for money and about how we are failing to provide that comfortable. So, on the one hand you could say it was radical, but I think it is significant. There is a good review trail about why we should be trying to do it.

**Deputy S.M. Brée:**

Okay. Now, obviously we have spoken a fair bit this morning about: will this entity be covered, will that entity be covered? There still seems to be remaining slight confusion on that issue. Chief Minister, would you be willing to bring an amendment which would list all of the bodies of various types that will come under these amendments as a schedule to the draft law as lodged? So that there is clarity of exactly what entities we are talking about.

**The Chief Minister:**

In the spirit of being honest, I would prefer not to, because then you have to go through the process of amending it, if you have missed one or if you want to add another one to it. I understand the clarity that you are trying to drive at, and that Members in the Assembly said, that we are considering trying to bring an amendment to deliver now. If we could do that with a schedule that then could be changed by order that might be a way that we could deliver that. My initial reaction was I would not want to do that, but we certainly will go away and consider and our officials can speak to your officials about what that might look like and if we could work it so it could be easily amended.

**Deputy S.M. Brée:**

But, you can understand that States Members are seeking clarity on this issue, as opposed to merely a vague definition.

**The Chief Minister:**

Yes, I understand that. Absolutely.

**Deputy S.M. Brée:**

Good. Thank you. Moving on, if we may, to other areas of the amendments with regards to the creation of a new single legal entity, the current legal status of Ministers is that they are effectively each a separate legal entity. So, for example, the Minister for Health and Social Services is the single legal entity representing the Health Department. The Minister for Infrastructure is then legally responsible for the property side of things. They have totally separate legal responsibilities and identities. Now, the draft law as lodged proposes, effectively, to create a new single legal entity to be called the Jersey Ministers, where all legal ownership and title lies within the body called the Jersey Ministers. What are the benefits in doing this?

**The Chief Minister:**

It is about removing the silos. We had a really interesting debate in the Assembly about was it really necessary. I can understand why people are asking whether it is necessary and saying: "Well, surely if you give the new accountable officer to the chief executive, is it really necessary or can we not do it?" I see them as working in perfect harmony. You have the accountability structure for the service and in the political side you remove the silo as well, because otherwise you potentially would end up with a single accountability structure in the service, but you would still have Ministers saying: "No, I am going to go off, because the law allows me in my personality of corporation sole, to do my own thing rather than working together." You asked me right at the start, Chairman, about the paper that had gone for amendment. One of the things I should have mentioned then, and I forgot to, is an amendment to rename Jersey Ministers as Jersey Government.

**Deputy S.M. Brée:**

Jersey Government or Government of Jersey?

**The Chief Minister:**

Government of Jersey.

**Deputy S.M. Brée:**

Yes, that phrase that has been creeping in over the past few years, which has no legal basis. But, anyhow ...

**The Chief Minister:**

My point is this: Members have asked for that. We will put the amendment in and it will be for the States to decide which of those terms they like.

**Deputy S.M. Brée:**

Under the draft law as lodged, any Minister or any Assistant Minister could execute any legal document in relation to any States department as part of the Jersey Minister or the Government of Jersey, which you seem to prefer.

**The Chief Minister:**

No, I did not say that. I said the States will decide which they prefer.

**Deputy S.M. Brée:**

Okay. Is this what is intended: that any Minister or Assistant Minister can legally execute any document on behalf of the collective legal entity known as the Jersey Ministers? Is that what was intended by this law? Yes or no would be good at this point.

**Chief Officer, Community and Constitutional Affairs:**

The word "intended" again comes into play. When you move from multiple legal entities and multiple silos to a single entity then it is certainly the case that you just have one entity and you are signing on behalf of that one entity. That has been the case in the United Kingdom for over 100 years. There has been a convention that while legally possible it does not happen. The Secretary of State for Transport does not sign a document on behalf of the Secretary of State for Health. But, if you have a legal entity then you have one entity that you are all signing on behalf of. So, the U.K. (United Kingdom) has had about 100 years of a single legal entity and I cannot remember an incident every happening where one Minister signs for another Minister. Scotland ...

**Deputy S.M. Brée:**

The question though we are asking is that the draft law as lodged provides for any Minister or any as Minister to sign on behalf of the Jersey Ministers. Correct?

**Chief Officer, Community and Constitutional Affairs:**

Absolutely. When you move to a single legal entitlement, everyone is signing on behalf of that one entity.

**Deputy S.M. Brée:**

Okay. So, what check and balance is going to be in place surrounding this situation?

**Chief Officer, Community and Constitutional Affairs:**

The reason that it does not happen is because the person signing on behalf of the single legal entity always has to have ministerial responsibility for that area.

**Deputy S.M. Brée:**

The draft law as lodged does not state that. It does not say that. It says, quite clearly, that any Minister or any Assistant Minister can sign and execute any document. There is no check and balance in this draft law.

**Chief Officer, Community and Constitutional Affairs:**

The reason it will not happen in Jersey is for the same reason that it has never happened in the U.K. and it has never happened in Scotland. The process through which a Minister signs a Ministerial Decision or an order remains largely unchanged. So, if you were to take the simplest form of a Ministerial Decision that needs to be created, it needs to be clear who is signing that, it needs to be clear what it is about ...

**Deputy S.M. Brée:**

We fully accept that. The point we are trying to ask and to clarify is that in the draft law as lodged under part 4, your amendment No. 9, Article 26(A)(vi) says: "A document shall be validly executed by the Jersey Ministers [this new legal entity] if it is executed by any Minister or Assistant Minister." Full stop. There is no check and balance that we can see, legally, that would prevent any Assistant Minister signing any document. Now, while I understand what you are saying is that the process by which you get to the point in which to sign a document should prevent it, there is no check and balance in the law. Do you feel that that is a possible omission, that there is nothing legally preventing?

**Chief Officer, Community and Constitutional Affairs:**

No.

**Deputy S.M. Brée:**

You do not?

**The Chief Minister:**

No, because it is about a single legal entity. If you think that the individual corporation cells create that check then you have to have more than one legal entity. The point here is that you are removing the silo, creating one legal entitlement and so the check and balance that you are rightly concerned about is on the process side. So, first of all the Minister has to have that responsibility delegated to them. Then you have a very process driven ... to get the Ministerial Decision. So, you have at least one, if not 2, officials that would deal with it. You have the Greffe's oversight of it as well. Then you come to an order or a statute you have, on top of that, got law draftsmen's oversight and you have officers' oversight. You have quite a bureaucracy, in the positive way, which is the check and balance that you are looking for. It is about creating the single legal entity. If you tried to change the law then you would create a secondary or tertiary legal entity.

**Chief Officer, Community and Constitutional Affairs:**

To pick up your point, Chair, I have looked at the processes elsewhere in the British Isles, where they have a single entity, as to how orders and such things are signed. I am confident that our processes are even more robust than their processes that prevent such a thing happening.

[13:00]

**Deputy S.M. Brée:**

You know my dislike of comparisons. Anyhow, we will move on. Now, very quickly, just again to seek clarity, collective responsibility. The amendments to Articles 18 and 25 of the States of Jersey Law, these are amendments that were contained with the draft that was lodged, seeks to remove collective responsibility. Now, Chief Minister, you were originally in favour of collective responsibility to Ministers. Why have you now changed your mind?

**The Chief Minister:**

I think I have answered that question before. You will recall, and some of these changes in here, some I have tried to bring to the Assembly back in 2014, prior to the end of the previous Government. Of those, the only one of the few that I was successful in was collective responsibility. If I look back now, I think it has not achieved what it could have achieved in the way that Ministers have worked together. In actual fact, rather than it enhancing the efficiency of Government, many people feel that it has been a barrier to openness. I am not sure that it has, but it has certainly created a scenario where some have said: "I have only voted for it because I was bound by collective responsibility" rather than standing up and saying: "I did not agree with it." I think that in our system this is where you have the juxtaposition of independence and then people working around the Council of Ministers' table. In our system, being independent of mind and making your case and making it publicly is one of the benefits. So, what one would expect is and what you had with the old committee system was you had your debate in the committee and if you disagreed you either stood down or you were not in the Assembly or you stood behind the collective decision, and it has not worked in that way. Many people say to me they only voted because of this and they only voted because of that, and it is just confusing people. It is just, to a large extent, either Members or the public are fixated on it as being a problem, and I think, well, let us get rid of it then.

**Deputy S.M. Brée:**

So this is a significant U-turn on your part?

**The Chief Minister:**

If you want to call it that. It is the benefit of experience.

**Deputy S.M. Brée:**

Thank you.

**The Deputy of St. Mary:**

Coming on to the ministerial reshuffles area; currently the power to appoint a Member to a particular ministerial role sits solely with the Assembly. The draft law proposes that the power to move individuals between ministries, extinguish and create ministries and change Ministers' responsibilities and functions is given to the Chief Minister of the day. This will obviously reduce the authority of the Assembly. Is that what is intended?

**The Chief Minister:**

No, it is to give authority over these matters to the Chief Minister in a way that I think members of the public and even some members of the Assembly think the Chief Minister already has.

**The Deputy of St. Mary:**

Do you think that these changes will enable the Chief Minister of the day, shall I say, to carry out your role or his role more effectively?

**The Chief Minister:**

I personally think it will. One of our problems is that it is easy for people to try and translate what happens elsewhere, back to your point about comparisons, Chairman. It is easy to try and translate what happens elsewhere and say: "Why did the Chief Minister not just do a reshuffle? We do not like that person. We think they have made a bit of a mess. Why do you not just reshuffle them or move them? A year down the line we think we will be better off if they were doing this job rather than doing another job." No Chief Minister is going to do that under the current system because you get halfway through that process under the current system, you would have to have 2 resignations, or 3 resignations if you wanted a reshuffle, and then you would be in the hands of the Assembly. So you would not set down the course of action over which you had no control.

**The Connétable of St. John:**

So, effectively, you do not need collective responsibility because you can more or less sack anybody anyway?

**The Chief Minister:**

No. No, you still ... you of all people, Constable, have no fear of bringing a vote of no confidence, and now we have had one in my time. I think we had at least one in the previous Chief Minister's time. You are always very mindful of the mood of the Assembly and how even in a reshuffle you

have to be careful to try and capture the mood of the Assembly, otherwise the whole shooting match is over.

**The Deputy of St. Mary:**

I hear what you say about what you perceive as the benefits, but this does give rise to a potential situation where the States Assembly have appointed a particular Member to a particular ministry on one day and then the following day the Chief Minister of the day could effectively overturn that decision by moving an individual from one ministry to another. I am sure you will say that is not the intention, but do you not see the concern of Members that that is a possibility?

**The Chief Minister:**

It comes back to your point again about intent. It is in black and white in the law. Any Chief Minister that did that would, I think, potentially face that vote of no confidence straight away because your first ... you would then be saying one of the first acts of the incoming Chief Minister would be to overturn a decision of the Assembly the next day and they just would not do that because their own job would potentially then be at risk. Having said that, and I have not discussed this with officials, but perhaps to satisfy that concern there might be an amendment along a time limit which would have to expire before a Chief Minister could carry out this particular act for these functions. It is one of those things I thought about at the weekend but never quite communicated.

**The Deputy of St. Mary:**

Yes, well ...

**The Chief Minister:**

Because I can see that theoretical issue which I think, Chairman, you raised in the Assembly prior to today, and I think we could have a time period in which the Chief Minister could not do that, which might satisfy Members.

**The Deputy of St. Mary:**

I am sure the panel will be pleased to hear further on that one. The final question on this area is in the States Assembly last week you alluded to the fact that ... or accepted that some Members may not agree with all the proposals in the draft law. Outside of the briefings to the various committees and panels that you have already spoken of, what other consultation has taken place with States Members as a whole?

**The Chief Minister:**

Nothing collectively. I have, of course, spoken to quite a number of States Members - more since the vote of no confidence, Constable, you will be pleased to know - to get a feel for where they are

and what they think about these accountability structure changes. We have pencilled in now a formal presentation to States Members for next week as well.

**The Deputy of St. Mary:**

On reflection, do you think it would have been helpful if we had been able to have that presentation before the last debate?

**The Chief Minister:**

I am not sure. Members I think accept the need for the principle of the changes.

**The Deputy of St. Mary:**

Or some of them maybe, yes. Some more than others, I suspect.

**The Chief Minister:**

The majority of them. It is just the individual Articles or parts and how they fit together that Members raised their concerns about.

**Chief Executive:**

Without labouring the point, there has been quite a lot of pre-discussions with a range of committees, panels, et cetera. So, cumulatively, if you add that up, it is a sizeable proportion of Assembly Members, but there is, obviously, in that situation some people who may want more time. Hence why the suggestion is for another presentation to Assembly Members en masse if they so desire to take up that opportunity.

**Deputy S.M. Brée:**

If I may just clarify a point, my understanding - and please correct me if I am wrong - is that initial briefings were given to the Privileges and Procedures Committee, the Corporate Services Scrutiny Panel, and the Chairmen's Committee.

**Chief Executive:**

And P.A.C.

**Deputy S.M. Brée:**

And P.A.C. Now ...

**Chief Officer, Community and Constitutional Affairs:**

Also the same information was shared with the Care of Children in Jersey Panel and with the Comité.

**Deputy S.M. Brée:**

Right. Well, looking at the number of Members who tend to sit on numerous panels ...

**Chief Executive:**

There is some duplication.

**Deputy S.M. Brée:**

... there is an awful lot of duplication there.

**Chief Executive:**

I get that point.

**Deputy S.M. Brée:**

Also, I would just like to make the point that the initial thoughts surrounding the lodging of this were not in any formulated or formatted form. It was: "This is what we are thinking of. What do you think?" We never saw the actual proposed draft legislation. So, while it is good to talk, I feel that the point possibly the panel is trying to make is we would have liked to have seen greater consultation with States Members on the draft legislation prior to lodging. I think possibly, going back to what you were saying earlier on that communication is very important, perhaps that is something that, Chief Minister, you might bear in mind for future points. Just going back to a point, Chief Minister, that you made, we were talking about the ability to transfer a person from one ministry to another and you said that no Chief Minister would do that because they would obviously face a vote of no confidence from the Assembly if they did it immediately.

**The Chief Minister:**

The potential for that would be there, yes.

**Deputy S.M. Brée:**

Potentially. So then that raises the question: why do you feel it is important to have that provision within the draft law itself?

**The Chief Minister:**

Well, let us just remember that this particular change came from a subpanel of P.P.C. (Privilege and Procedures Committee) in the last session, who made these proposals for improvement and change. I brought them before the Assembly, as I said, back in 2014. We at that point drafted the law, that particular law, Tom, in such a way that it was connected with ... remind me what was the other issue that we connected it with?

**Chief Officer, Community and Constitutional Affairs:**

Oh, yes, ministerial reshuffles were connected with the appointment provisions.

**The Chief Minister:**

Yes, that is right, with the appointment provisions. If you go back and look at Hansard during that debate, many Members said they liked the reshuffle option but they could not vote for it because it was connected with the appointments process. Therefore, we lost that or I lost that particular vote. I cannot tell you what the vote will be when we come back to it because there were differing views across the Assembly, but I think it makes some improvements and I would like to ask Members to consider it again.

**Deputy S.M. Brée:**

Well, with the proposed changes in relation to the moving of ministerial responsibilities - we are not talking about people here, we are talking about functions and responsibilities - does this not have an impact on the structure of the scrutiny process as laid out in Standing Orders and the ability of each individual Scrutiny Panel to carry out its role?

**Chief Officer, Community and Constitutional Affairs:**

I believe that P.P.C. have made that point in their comments in that P.P.C. have said that if the provisions in the law are adopted then they would wish to go away and look at the Standing Order provisions that relate to this to see whether they wish to propose any changes to the Assembly in order to ensure that the 2 things work well in harmony together.

**Deputy S.M. Brée:**

That is certainly something that P.P.C. do highlight, that in order for the Scrutiny process to continue there needed to have been changes to Standing Orders to reflect the ability to change functions between Ministers or areas of responsibility between Ministers.

[13:15]

Why were these changes to Standing Orders not lodged at the same time as P.1/2018? Because you do seek to amend some Standing Orders but you have not sought to seek those Standing Orders that would enable Scrutiny to carry out its role.

**The Chief Minister:**

It is a case of where angels fear to tread, Chairman. The Executive by convention has never sought to bring forward changes to Scrutiny and has always felt, I think appropriately, that Scrutiny is master of its own destiny and must consider itself how it wishes to reform or respond. I am very conscious

- and I have had a number of conversations with Deputy Vallois - of what she said during the States debate. I am also conscious of some of the proposals for change that she has tried to drive with regards to Scrutiny and the previous Chairmen's Committee, I think it was, that did not find favour. I personally think her suggestions are worthy of much greater consideration around topic-based scrutiny and a standing management committee, but I have been very cautious and careful about thinking it was my job to do that. It may be that the next Chief Minister thinks that they do want to work in an Executive and scrutiny way and think about some of those changes.

**Deputy S.M. Brée:**

Well, let me ask the question: were you aware that changes contained within the amendment to Article 29A, powers relating to changes in ministerial office, would have an impact on the current scrutiny process? Were you aware of that impact and, if so, why did you not seek to communicate that sooner to P.P.C.?

**Chief Officer, Community and Constitutional Affairs:**

I think we were conscious that there was work already under way within P.P.C. to look at the Scrutiny function and, indeed, you will have seen the paper to the Council of Ministers that originally proposed the policy back in November. That explicitly references the work that P.P.C. had already got under way at that time to look at how the Scrutiny function, management reform and changes may be proposed. So we certainly advised Ministers that P.P.C. were doing that work and, indeed, it was one of the reasons that we recommended to the Council the day after the Council of Ministers they should share that paper and write immediately to P.P.C., among others, in order to flag that up. That is very much P.P.C.'s territory at the moment and, indeed, that is even reflected in the comments where they have said: "If this aspect of the draft law is adopted, the committee will wish to look at this matter, working in conjunction with the Chairmen's Committee." Obviously, if the review panel thinks that in future it might be appropriate for the Executive to do work in this area, then we would be very interested in those recommendations.

**Deputy S.M. Brée:**

I think the view would be not that the Executive were to do work but obviously these amendments as lodged by the Chief Minister do have an impact on the Standing Orders, so a collaborative approach between the Executive, P.P.C. and Chairmen's Committee would seem the way forward prior to lodging a draft that will have an impact, if you see.

**Chief Officer, Community and Constitutional Affairs:**

Obviously, with 2 different ... with the Executive and non-Executive sides having their respective responsibilities, obviously we have ensured that the States Greffier and others are fully sighted all

the way through as we have evolved these proposals so that the Greffier in the work that he does to assist P.P.C. can ensure that they are fully sighted as well.

**Deputy S.M. Brée:**

Okay. All right, thank you. Do you want to move on?

**The Deputy of St. Mary:**

Yes, a slightly different topic as to budget transfers. The proposed amendment to Article 18 of the Public Finance Law would require the Minister for Treasury and Resources to consult only the Chief Minister and the P.A.O. before any budget amounts are transferred. Can you, first of all, explain the rationale behind this particular amendment?

**Head of Decision Support, Treasury:**

It is around speed of transfer. So, at the moment transfers from one department to another that do not flow from the transfer of functions or are not purely for technical and very dull accounting matters require 3 Ministerial Decisions. At the moment, they are prepared by 3 separate finance teams in practice to get the numbers right, and it can take some time for the first 2 decisions to be prepared, only following which can the Minister for Treasury and Resources formally make that transfer. So, this is around the ability to make those transfers more speedily and with less bureaucracy and administration than there is at the moment.

**The Deputy of St. Mary:**

But still in co-operation with the departments concerned, I presume?

**Head of Decision Support, Treasury:**

Absolutely, and I think we may be proposing a change in that department but, of course, we would discuss that because the accountable officers for those particular areas ... and there would be some movement in terms of that so it is not something that could be simply imposed without discussion with the departments concerned.

**The Deputy of St. Mary:**

For clarification, it applies to all departmental budgets, does it?

**Head of Decision Support, Treasury:**

The non-ministerial ones, it does apply to all of those, yes.

**The Deputy of St. Mary:**

Okay. Again, small matters really, but the amendment allows for a notice period of 2 weeks. What form will that notice period take and to whom?

**Head of Decision Support, Treasury:**

The expectation at the moment is it will take the same form as Ministerial Decisions taken under Standing Order 168, so were there any property decisions taken by the Minister for Infrastructure, so there will be a covering page with brief details presented to the Assembly, but then the Ministerial Decision will have been made and will be publicly available and will be held for that period. So the presentation, the short report to States Members, will provide the link to the full details in the ministerial decision.

**The Deputy of St. Mary:**

Thank you. That is it, I think.

**Deputy S.M. Brée:**

Okay. Obviously, Chief Minister, the debate continues on 20th March. Do you intend ... because really this set of amendments is very definitely various parts relate to various areas. So, Chief Minister, do you intend that each part of the amendments is treated as a separate debate and a separate vote?

**The Chief Minister:**

Chairman, you know that choreographing votes is an art form in order to ...

**Deputy S.M. Brée:**

Of which you have much experience.

**The Chief Minister:**

... try and get the decision that one wants in the Assembly, so I do not want to give too much away, dependent on how the mood of the Assembly is on any given day. But, of course, with the amendment - and I do not know yet, Chairman, whether you will be bringing forward amendments - I can see there is a natural sitting together of some of the parts and not with others, and I will take advice from the Greffe as well on any running order, but as with most pieces of legislation I expect to be taking things separately and having a number of debates around them. Chairman, I think I am right in saying when it comes to legislation, Members can ask for separate votes as well on separate parts.

**Deputy S.M. Brée:**

I think we were looking to you, Chief Minister, to possibly answer the question. While, yes, Standing Orders allows for any Member to request separate votes, will you support the votes on each part being taken separately, i.e. you would not seek to persuade Members that it should be voted on as a whole?

**The Chief Minister:**

I think Standing Orders ... with the amendments it will not be voted on as a whole because when you amend an Article you have to take that Article separately. So, it will not be voted on as a whole, so that is definitely off the table. There might be a little bit of debate about which bits still would sit together, notwithstanding the amendment meaning that there will be an element, probably a large element, of separation.

**Deputy S.M. Brée:**

Okay. All right. Gentlemen, anything else you wish to ask?

**The Deputy of St. Mary:**

No, thank you.

**Deputy S.M. Brée:**

No. I would like to say thank you very much indeed, Chief Minister, Chief Executive and gentlemen, for attending. It has been very useful. We have clarified a number of points and obviously should we have any further questions I am sure, no doubt, you will be able to assist us. I will draw the public hearing to a close now. Thank you very much indeed.

[13:25]