



V
2010

BILLET D'ÉTAT

WEDNESDAY, 24th FEBRUARY, 2010

MOTION OF NO CONFIDENCE
IN THE CHAIRMAN AND MEMBERS OF
THE PUBLIC ACCOUNTS COMMITTEE

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **24th FEBRUARY, 2009**, immediately after the meetings of the States of Election and the States of Deliberation already convened for that day, to consider the item contained in this Billet d'État which has been submitted for debate.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
16 February 2010

MOTION OF NO CONFIDENCE IN THE CHAIRMAN AND MEMBERS OF THE PUBLIC ACCOUNTS COMMITTEE

TO THE POLICY COUNCIL:

PURSUANT to Rule 18 of the Rules of Procedure of the States of Deliberation (“the Rules of Procedure”), we the undersigned being Members of the States of Deliberation **REQUEST** the Chief Minister to lay this motion of no confidence in the Chairman and Members of the Public Accounts Committee before the States of Deliberation as soon as is reasonably practicable.

Grounds

1. One of the core principles of good governance is the matter of accountability. Indeed the Report of the Auditor General of Wales on “Review of Good Governance – The States of Guernsey” dated 4 September 2009 is itself at pains to stress the importance of accountability within any government. All Members of the States of Deliberation are required to be accountable for their decisions and actions to the States and the public and must submit themselves to whatever scrutiny is appropriate to their office.
2. By unanimously supporting the making of the statement delivered by the Chairman of the Public Accounts Committee at the Meeting of the States of Deliberation on 27 January 2010, we are of the opinion that the entire Committee has wilfully refused to submit to appropriate scrutiny by the States. By declining to participate in the debate on Billet d’État No. III of 2010 on the Requête signed by Deputy Fallaize and thirteen other Members of the States (“the Debate”), the Committee has failed in its responsibility to give satisfactory account for its actions pertaining to decisions taken in respect of the said Auditor General’s Report.
3. In particular, by refusing to participate in the Debate, the Committee failed to give satisfactory account in respect of the public funds in their charge, both in relation to amounts expended so far on this project and any further sums yet to be spent. We are of the opinion that this is inconsistent with paragraph (e) of the Committee’s mandate. Further, by the Chairman and the Committee members who are also Members of the States maintaining their silence during the Debate they denied other Members present the opportunity to seek answers to other questions raised in the Debate related to the Auditor General’s Report and the work related thereto. In our opinion, that course of action ran contrary to the level of openness and transparency expected of a States body.
4. Our concerns about the propriety of the Committee’s actions in relation to the Debate were compounded by the Chairman of the Public Accounts Committee, shortly after the conclusion of the Debate on 28 January 2010, giving answers to representatives of the media to a number of the questions relating to the future

intentions of the Committee including matters raised by States Members during debate. We believe that, by acting in this manner, the Chairman has shown contempt for the States of Deliberation.

5. We are of the opinion that the Committee's misjudgement of this issue about the need to be, and be seen to be, accountable to the States and therefore the public is such that the members of the Committee, including the Chairman, should be required by the States of Deliberation as a result of their having no confidence in the Committee, to resign their memberships of the Committee.

Motion

THESE PREMISES CONSIDERED we recommend that the States of Deliberation should approve the following motion of no confidence and so propose:

That pursuant to Rule 18 of the Rules of Procedure, the States of Deliberation have no confidence in the Chairman and Members of the Public Accounts Committee.

SIGNED at Guernsey, this 5th day of February 2010.

G Guille
I F Rihoy
M M Lowe
J M Le Sauvage
C A Steere
M W Collins
A R Le Lievre
M H Dorey

The States are asked to decide:-

Whether, after consideration of the Motion of No Confidence in the Chairman and Members of the Public Accounts Committee dated 5th February, 2010, signed by Deputy G Guille and seven other Members of the States, they are of the opinion:-

1. That pursuant to Rule 18 of the Rules of Procedure, the States of Deliberation have no confidence in the Chairman and Members of the Public Accounts Committee.
2. To elect
 - (1) a sitting Member of the States as Chairman of the Public Accounts Committee to complete the unexpired portion of the term of office of Deputy L R Gallienne;
 - (2) four sitting Members of the States as members of the Public Accounts Committee to complete the unexpired portions of the terms of office of Deputies B J E Paint, M G G Garrett, T J Stephens and M J Storey;
 - (3) four members of that Committee who shall not be sitting Members of the States to complete the unexpired portions of the terms of office of Mr M E Best, Mr C H Bradshaw, Advocate M A J Helyar and Mr J E Thomas,

to serve until May 2012 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

(NB Paragraph (5) of Rule 18 of the Rules of Procedure of the States of Deliberation provides:

- (5) *Where a motion of no confidence in respect of a Department or Committee is approved by the States –*
 - (a) *all the members of that Department or Committee including the Minister or Chairman thereof shall thereupon be deemed to have tendered their resignations from such membership and those resignations shall be deemed to have been accepted by the States;*
 - (b) *the motion shall be deemed to include such propositions to the States as may be appropriate for the election at that meeting of new members of the Department or Committee and a Minister or Chairman thereof to complete the respective unexpired portions of the terms of office of the previous members and Minister or Chairman.)*