

**4.5 Deputy R. Labey of St. Helier of the Chief Minister regarding the consultation paper, ‘Judicial Independence and the Establishment of a Judicial and Legal services Commission’: [1(483)]**

Given that the consultation paper *Judicial Independence and the Establishment of a Judicial and Legal Services Commission* preceded publication of the findings of Independent Jersey Care Inquiry, and that the consultation period was subsequently extended, will the Chief Minister explain how any proposals arising from this consultation will be adequately informed by, and responsive to, the spirit of the conclusions reached by the Care Inquiry?

**Senator I.J. Gorst (The Chief Minister):**

The department is currently considering responses and will publish a formal response to the consultation. Work will then begin on the required law drafting so the recommended changes can be brought before the Assembly and scrutinised appropriately. I, of course, do not wish to pre-empt the final proposals but it is clear that as part of my commitment to implement the recommendations of the Jersey Care Inquiry all relevant proposals brought forward should take account of the conclusions of the Inquiry.

**4.5.1 Deputy R. Labey:**

I thank the Chief Minister for that. I am sure the consultation was well intentioned by all parties concerned. It just feels as a consultation on a blueprint for how our court should work going forward and in the future, and in the light of the Care Inquiry, that there are a lot of elephants in the room that avoid even going there in terms of ... not just the dual role but the multiple roles of the Attorney General, the allowing of making lawful private prosecutions, repealing the Code Civil, as well as the checks and balances issue in a system which proposes a Bailiff and a Deputy Bailiff, as President and Vice-President of the Royal Court, the Appeal Court, of the appointment of the Judicial Commission, *et cetera*, do we need to look at a check-and-balance system? It feels very narrow and it could look like a shoring up of the old fiefdoms instead of modern radical reform.

**Senator I.J. Gorst:**

I am disappointed that the Deputy feels like that. I think it is an important step forward. I think that our court service currently works exceptionally well despite some of the detractors. One of the issues arising out of the Inquiry, whatever Members may think, is that the prosecution service and the court service serve our community well. But the Deputy is right in that a good operational court, as someone said yesterday, is in everyone’s interest and everyone should have an interest, and that is why it is right to do a consultation in the way that we did. I think that it is an important step forward and that important step forward can be built on in the future.

**4.5.2 Deputy R. Labey:**

I am not a detractor of our Crown Officers and our court system. I am just voicing concerns that I have heard. In a system that we have some people are afraid, some people in the Jersey Bar perhaps, are reluctant to speak out in case it looks like they are a detractor, *et cetera*. That, I feel, is part of the job and I just wanted to make that clear. Does the Chief Minister envisage that the consultation, or what arises from that consultation, will touch on broader issues than is at present the case?

**Senator I.J. Gorst:**

I have not personally read the responses to the consultation but I understand from officials that the Deputy will not be disappointed in the areas that he would hope that the consultation might have raised even if they are not directly covered in the consultation document. That I would hope ... well, will come out when the formal responses are published. I do not accept some of

the issues that the Deputy is saying. I think that there are reformers, radical reformers, as well as those who want to maintain the *status quo* within the court service, within the Bar and the Law Society. We are seeing some changes around legal aid. It is important for us to move forward together, enhancing what I think is a currently well operating, well-regarded system, albeit there are some Members of our community that do not feel, as I do currently, about that service in that system. Therefore this does present an opportunity for them to come forward again with their concerns and for us to consider them together and for this Assembly ultimately to consider them because it is in everyone's interest.