2.1 Deputy T.M. Pitman of St. Helier of the Chief Minister regarding changes to the current justice system:

What consideration, if any, was given to mirroring the key priorities of the United Kingdom's Justice Ministry to uphold people's civil liberties and increase confidence in the justice system when the Ministerial system of government was adopted and what action, if any, is now being taken to protect local people against abuses of the law through the existing system?

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

As the Deputy knows, he and I were not in the States at the creation of the Ministerial system of government. However, it appears that at that time there was no intention to create Ministerial oversight of the court system but to retain the historical arrangements for the courts. I do not accept the suggestion that the justice system is abusive of local or, indeed, any other people.

2.1.1 Deputy T.M. Pitman:

If there is one good thing that has come out of the recent case where we had a Crown Officer Magistrate Designate convicted of defrauding an elderly person out of their life savings, it is surely that we can see this nonsense excuse that people are above doing wrong or can put aside conflicts of interest just because they have sworn an oath. So my question to the Chief Minister is, given that I have received complaints - and I have seen the complaints - regarding allegations of courts tampering with transcripts and yet our courts will refuse to look into it; being that the Sharp Report which I have here reveals that we have people who should never have become Jurats who were happy to conceal child abuse; and finally being that I have experienced myself personal friends of defendants being allowed to sit on cases, does the Chief Minister not agree that we really do need some urgent action and will he agree to meet with me to discuss some of this instead of burying his head in the sand?

Senator I.J. Gorst:

Of course I do not wish to have a debate across this Chamber about personal cases. I think when I answered a question of the Deputy's at the last sitting, I suggested that he might like to meet with me and we could consider his concerns further. That has not yet happened. I assume from his question this morning that he would like to do that, so I look forward to meeting with him to consider some of his concerns.

2.1.2 Deputy R.G. Le Hérissier of St. Saviour:

Does the Chief Minister not agree that it is much more than having a chat between 2 Members? It is a question of looking at the fundamentals and when we have a State of an islet such as Sark moving ahead with a separation of powers are we not looking terribly medieval and old-fashioned.

Senator I.J. Gorst:

I could not disagree more. I suggest that the thrust of the questions this morning, others that I have listed to take, want to move in the opposite direction and I find that to be an interesting concept. We do have appropriate separation between judiciary and Legislature and some Members are asking themselves: "Is that appropriate? Why have we not been able to act over concerns in a more timely manner?" and that I understand but let us be quite clear, that is going in the opposite direction to the appropriate separation that we now have.

2.1.3 Deputy R.G. Le Hérissier:

I wonder if the Chief Minister could elaborate. Why does he say it is going in the opposite direction?

[9:45]

Senator I.J. Gorst:

Because people are asking me questions about why it is that Ministers and politicians cannot intervene.

2.1.4 Deputy M. Tadier of St. Brelade:

I think the Chief Minister in the past has been quite correct and hopefully most Members would agree that the independence of the courts is fundamental. Could the Chief Minister explain how he might see the possibility for the creation of a Ministry of Justice in that, for example, the police force and the prison

both have political oversight while being left to run themselves independently as far as possible? Could something similar be set up for the court system in Jersey to give some kind of… perhaps more accountability to those at the moment who perhaps some are suggesting do not have accountability?

Senator I.J. Gorst:

The previous questioner suggested that having a cosy chat was not the way forward. I absolutely agree with that and that was never my intention in inviting the Deputy to discuss his concerns and looking into how they could be addressed. That is absolutely the right and proper way and I think the Deputy himself suggested that he might be lodging a proposition. Deputy Tadier does raise a very good and interesting point about other areas where politicians most definitely should not be involved in operational matters and they could be looked at to see whether that is a model that could be amended so that we could consider whether we want political oversight of the court system. But we have got to be very careful in understanding exactly what it is that is available to us because it is a fundamental principle of democracy that there is separation between politicians, this Legislature, Ministers and the judiciary and that we cannot remove and I would not want to remove.

2.1.5 Deputy T.M. Pitman:

It is a shame I can only have one. Perhaps I am being a bit foolish here but we have got separation of powers? I really would ask the Chief Minister to explain that because I am afraid everyone knows that is utter nonsense. Does he not agree with me that we should have some oversight of Law Officers because presently they are completely unaccountable to the point where U.K. (United Kingdom) M.P.s (Members of Parliament) have to intervene? How sad and wrong and desperate is that?

Senator I.J. Gorst:

I do not wish to necessarily have to comment on everything that is said in another place and I do not accept the premise of the Deputy's question. I have said that I am quite prepared to meet with him to consider the concerns that he has in general regarding our systems. Yes, we see in the United Kingdom that they have a Ministry for Justice. That does not mean to say simply because they have we should do the same and I do refute the claim that there is not separation. There absolutely is.