

2018.11.20

13 Deputy S.G. Luce of St. Martin of the President of the Chairmen's Committee regarding the scrutiny re view into legal aid: [OQ.203/2018]

Could the President update the Assembly on the status of the Scrutiny review into legal aid and advise as to why no public hearings have been held on this matter despite numerous submissions being received by Scrutiny from various bodies and members of the public over many months?

Senator K.L. Moore (President, Chairmen's Committee):

The Chairman of the relevant sub-committee will answer this question.

Deputy S.M. Ahier (Chairman, Legal Aid Review Panel - rapporteur):

Thank you, Deputy, for your question. The Deputy of St. Martin will be aware that the Legal Aid Review Panel was formed in July to scrutinise the Draft Access to Justice Law 2018. At this time, the Chief Minister informed the panel that the draft would be re-lodged in time for debate on 23rd October and it was expected that it would be in substantively the same form as the draft that had been listed for debate in July. On this basis, the panel wrote to several key stakeholders to obtain their comments on the draft law and a large public consultation was planned for September. However, due to the significance of the concerns raised by said stakeholders, it became apparent that the draft law would require amendments in several areas before it could be re-lodged. The panel consequently recommended that the Chief Minister review these areas before holding any public hearings, and we have received an indication from the Chief Minister that the law will be lodged on 4th December, which is the lodging deadline for the States sitting on 15th January.

3.13.1 Deputy S.G. Luce of St. Martin:

Following that, am I to understand that there will be no public hearings even though there was an assurance there would be?

[11:00]

Deputy S.M. Ahier:

The panel plan to hold a number of public hearings once the draft law has been re-lodged. As the purpose of the review was to undertake legislative scrutiny, it was considered appropriate to wait for the draft law to be re-lodged before holding any public hearings. This would have enabled the panel to take evidence on the draft law as lodged.

3.13.2 Deputy D. Johnson of St. Mary:

I am a member of the review panel into this matter. Could the chairman simply confirm that we as a panel have been very anxious to proceed with the subject but, as he says, we are effectively prevented from doing anything further? We do have every intention to hold public hearings once the draft law is re-lodged, in respect of which I think the Chief Minister has taken account of certain of our recommendations. Simply, will the chairman reconfirm for the record that we are anxious to pursue this matter and it is not the panel's fault that we have not been able to do so today?

Deputy M. Tadier:

May I raise a point of order? I realise that it may not be explicitly covered by Standing Orders but it is normally the format that one does not ask a question of a body that one is a member of, and in the absence of any Standing Orders it is up to the Chair I think to have discretion to make a ruling. It

seems that you should not get a member of effectively a Scrutiny Panel asking a question of the chairman of the Scrutiny Panel.

The Deputy Bailiff:

I note, Deputy, that you ask it as a point of order. In fact, this has been considered by the Chair in the past. A question from a member of the same panel is not out of order. It can be asked. If there is any suggestion that that should not be the case, then it will be a matter to be considered by P.P.C. as a change to Standing Orders.

Deputy M. Tadier:

Could I ask that it be referred to P.P.C.? That is not to impute any false motives on behalf of the questioner. He has the absolute right ...

The Deputy Bailiff:

No, of course not, but it is open to any Member to raise a point with P.P.C.

Deputy M. Tadier:

I would ask that P.P.C. look at it because it seems to be consistent with what we do in other areas.

The Deputy Bailiff:

Very well. Yes, Chairman.

Deputy S.M. Ahier:

I thank the Deputy for the question. Yes, of course, we fully intend to hold public hearings as and when the draft law is re-lodged.

The Deputy Bailiff:

Deputy Tadier, did you have a substantive question or was that what you were asking?

Deputy M. Tadier:

I do not have a question.

3.13.3 The Deputy of St. Martin:

It is clear that the Chief Minister is very interested in this subject. It is my understanding that he has recently had some correspondence with the Law Society. Is the chairman cited on this correspondence and, if so, will he publish it on the Scrutiny website?

Deputy S.M. Ahier:

I thank the Deputy for his question. I am unaware of any such correspondence at this time, but I am sure that if it is made available to me we will publish it on our website.