

STATES OF JERSEY



A PEOPLE'S ADVOCATE (P.202/2004): COMMENTS

Presented to the States on 25th January 2005
by the Policy and Resources Committee

STATES GREFFE

COMMENTS

The Attorney General and Solicitor General provide an independent legal advisory service to the States Assembly, States Committees, States members and States departments, and the Policy and Resources Committee does not therefore accept that it would be either necessary or desirable to establish a 'People's Advocate'.

The Committee considers that the current arrangements, in which the Attorney General and Solicitor General provide legal advice across the whole range of government activities, should be maintained.

It is argued in the report accompanying Senator Syvret's proposition that the advice given by the People's Advocate will be 'independent' and will therefore enable States members to properly fulfil their duties. It is not clear, however, how this new arrangement would provide a satisfactory means of resolving disputes of a legal nature. Indeed, a situation may well arise in which the Attorney General and People's Advocate will be unable to agree on a point of law, and consideration needs to be given as to how these disputes would be resolved. Would it be necessary to refer the matter to a third legal authority, and what would happen if the views of this third authority were not accepted?

The Policy and Resources Committee is concerned about the cost implications of these proposals. It is being proposed that the People's Advocate should provide legal advice to the States Assembly, Scrutiny Panels, and non-executive States members, as well as carrying out peer reviews and scrutiny of the advice given by the Attorney General and Solicitor General. The depth and range of these activities is considerable, and it therefore seems quite possible that more than one legally-qualified postholder will be required. In addition, this postholder (s) will presumably need to be supported by a number of research and administrative posts. The costs of this proposal are likely therefore to be very significant.

In view of the above, the Committee believes that it would be both unnecessary and undesirable to establish the post of People's Advocate, and it recommends that the proposition be rejected.