

STATES OF JERSEY



LEGAL AID REFORM AND ACCESS TO JUSTICE: WORKING GROUP

Lodged au Greffe on 1st November 2013
by Deputy M. Tadier of St. Brelade

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Chief Minister to bring forward for approval by the Assembly the Terms of Reference and the composition of the proposed working group to investigate the issue of legal aid reform and access to justice.

DEPUTY M. TADIER OF ST. BRELADE

REPORT

The issues surrounding access to justice, chiefly affordability and quality of representation for the many Islanders of limited means, are well known to many Members, as they are to Islanders generally.

I am pleased that, following discussions with various stakeholders, including States Members, residents and industry professionals themselves (who have notably also been calling for reform), the Chief Minister has decided to take action and form a working group. For this he is to be commended.

It is important, I believe, that we as an Assembly are afforded the opportunity to debate and endorse the Chief Minister's proposal for 2 principal reasons –

- (1) To show that there is consensus over the fact that reform/review of access to justice is both necessary and urgent; and that it has States backing. The ability to discuss this important matter will represent a chance for States Members, as public representatives, to show their support (or otherwise) for this proposal. Comments made during the debate will be recorded and can subsequently be used by those conducting the review. This will, in turn, lead into the public consultation process which will be a necessary part of any review.
- (2) Any review is only as good as its Terms of Reference and the individuals conducting the review. It is important that the Terms of Reference are seen to be robust and that those conducting the review are the most appropriate to carry out the work in a fair and balanced way.

Lodging this as a 'P.' rather than an 'R.', will allow the Chief Minister to gauge a wider range of opinions, experience and potentially expertise. It would also give the work-stream a stronger mandate, which may be needed in the future when it comes to implementing any recommended changes.

Financial and manpower implications

There are no additional financial or manpower implications arising from this proposition.