

3.10 Deputy T.M. Pitman of the Chief Minister regarding the ‘Access to Justice’ review:

Can the Chief Minister inform Members whether he will be seeking applications of interest in joining the ‘Access to Justice’ review from among the States Members?

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

I informed Members in September of my intention to undertake a review of Access to Justice. As a result, a number of Members have already made expressions of interest. I would be pleased to hear from any other Member who is interested in working to support this review.

3.10.1 Deputy T.M. Pitman:

I thank the Chief Minister for that. I made my interest known in a meeting way back with Deputy Shona Pitman and, indeed, with the Chief Minister and Senator Routier, so I hope I have been considered for a place. However, my question is this: the review is to be called “Access to Justice”, yet ordinary people finally being able to afford a good lawyer will be of little worth if the justice eventually meted out in the courts is not up to E.C.H.R. (European Court of Human Rights) standard. My question is thus: will the Chief Minister be willing to include in that review an assessment of people’s experiences when they reach our courts? I think the 2 are very clearly interwoven, and I hope the Chief Minister would agree.

Senator I.J. Gorst:

It is quite difficult to understand exactly what the Deputy was asking. I have no reason to doubt whatsoever that the justice meted out by our judiciary is anything other than human rights-compliant. If the Deputy is saying it would be a useful part of the process to understand individual members of our community and concerns that they might have about particular processes, i.e. they might feel that processes are old-fashioned, not necessarily using technology in the way that we might want them to do or changes in that regard, then the Deputy is absolutely right.

Deputy T.M. Pitman:

A supplementary, Sir?

The Bailiff:

I will just see if anyone else wants to ask anything. Deputy Higgins?

Deputy M.R. Higgins:

I would just like to publically declare I would be interested in joining the panel, just so it is on the record.

3.10.2 Deputy M. Tadier:

Would the Chief Minister say publicly whether or not there will be an opportunity for the public to engage in this consultation of the ‘Access to Justice’ review and how that might work?

Senator I.J. Gorst:

It is too early to say exactly how it might work and I see in my absence from the Island, the questioner has lodged his own proposition asking that the Assembly is involved in some of these decisions, so we shall have to see what transpires from that. I would expect that members of the public would engage with the review; that would seem to be absolutely right and proper. Developing a process where that can be appropriately handled is something that we need to give thought to.

3.10.3 Deputy R.G. Le Hérissier:

Could the Chief Minister clarify, given the very broad comments he made, will the study look into issues like the structure of the system, accessibility on the basis of cost, on the basis of user-

friendliness, *et cetera*? Will it be as broad as that, or is it possible for people to approach the system in a cost-effective way?

Senator I.J. Gorst:

I do not see the difference between the 2 parts of the Deputy's question.

3.10.4 Deputy T.M. Pitman:

I think the Chief Minister did very well to answer my question, as he apparently did not understand it but, yes, I am asking quite a simple question: will he be willing to carry out within that review an assessment of ordinary people's experiences of accessing our justice system and the experience, the satisfaction or otherwise that they get at the end of it? Because I am afraid many instances are not European Court of Human Rights-compliant. I know, I have been there myself.

Senator I.J. Gorst:

Once again, I have no reason to doubt that the justice delivered by our judiciary is anything other than human rights-compliant, any applicant before the court - forgive me for not using the correct technical terms there - if they are dissatisfied with a judgment meted out from the Royal Court, they can appeal, they can appeal then on to the Privy Council and they can onward appeal if they think there is a human rights issue as well. So I do not think that should be a concern. Do we need to understand if members of our community feel there is an issue with regard to access to justice? Absolutely, we do. We know that the Law Society of Jersey have suggested that they feel there is an issue with regard to legal aid and, by extension of that, that must mean there is an issue with regard to access to justice if that is not working in a way that we might like it to be. Of course, we will need to understand individuals' experiences in order to formulate, if we see there is a need, to change the current system.