

2017.11.27

### **3.1 Deputy M. Tadier of St. Brelade of the Chief Minister regarding findings of the Jersey Community Relations Trust in 2012 in respect of gender disparity in the Judiciary: [1(625)]**

Further to the Jersey Community Relations Trust's *Contribution to the Women's Resource Centre, Convention on the Elimination of all Forms of Discrimination Against Women, Shadow Report*, published in 2012, what assessment has the Chief Minister made of the validity of the report's finding that there is "a clear gender disparity in the judiciary" and "that there needs to be a more concerted effort to address this imbalance"?

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

It is important that all Members of our community have the opportunity to gain the qualifications necessary for such positions. However, appointments to the judiciary are not a matter for the Chief Minister or the legislature. Of course the English Judicial Appointments Commission is required to encourage diversity in the range of people available for selection for appointments. This is something that I would be willing to refer and deal with in consultation with the Bailiff as part of the proposals for the Judicial and Legal Services Commission in Jersey.

#### **3.1.1 Deputy M. Tadier:**

I suspected there was a reason it got sent to the Chief Minister because I did ask maybe who would ask the question. I submitted a written question 2 weeks ago, which I asked to be put directly to the Bailiff. I understand from Standing Orders that we should be able to ask a question of any Member of this Assembly, and the Bailiff is a Member of the Assembly. I have also tried to ask questions of the Minister for Home Affairs, who clearly has a hand in the delivery of justice in the Island in some form or another, and I also get pushed sometimes towards the Chief Minister to answer these questions. So one can be aware that there might be an element of confusion as to who really is in charge on these matters. But I do thank the Chief Minister for saying that he is willing to raise the issue. Can he put on record today, especially in this week when we are talking about violence against women, but also focusing on women's rights in general, that he will make sure that whichever positions come up available in the public service that women are not disadvantaged and that they can all achieve parity at some point in the future?

#### **Senator I.J. Gorst:**

Perhaps if I could deal with that first point first? The Deputy is absolutely right. No member of our community should be disadvantaged from the opportunities. I say we need to ensure that there is, however, opportunity for all. In these particular appointments that opportunity must be around qualifications and experience in order to ensure that all Members, from whatever section of our community, are not disadvantaged. However, I would say, in light of the Deputy's early part of his question, I do not think there is any confusion. It is absolutely apparent to me that the appointments of the members of the judiciary are not for me nor for the legislature. But he is right to say that we should ensure that that is made clearer and the processes that we currently have in place should be made clearer to members of the public. That is what we are seeking to do in bringing forward a Judicial and Legal Services Commission, so that there can be no doubt.

#### **The Bailiff:**

May I say from the Chair - and this is one of the merits of the dual role - that the Deputy is not correct to say that the Minister for Home Affairs has any responsibility for the delivery of justice. That is a matter for the courts.

**Senator P.F.C. Ozouf:**

I apologise I was not in the States when my question was called. I was trying to be interviewed by BBC. I do not know whether it is a possibility of my question being able to be asked or not.

**The Bailiff:**

I understood it had been withdrawn.

**Senator P.F.C. Ozouf:**

The housing question.

**The Bailiff:**

Yes, I was informed it had been withdrawn. If Members agree, we will return to Senator Ozouf's question at the end. Do you have a final supplementary, Deputy?

**3.1.2 Deputy M. Tadier:**

The Chief Minister will be well aware that there is a usual tradition of succession when it comes to attaining the roles of Deputy Bailiff and of Bailiff, that in most cases, although not all, it goes from Solicitor General to Attorney General, and that is a point at which the Bailiff's consultative panel, in consultation, States Members can have an input on to those deliberations.

[15:00]

Does the Chief Minister think it is important at those earlier stages that we look at women who are capable and qualified to be put in those roles of Solicitor General and Attorney General?

**Senator I.J. Gorst:**

May I firstly apologise, I did not answer the Deputy's third question in his string of 3, right at the start. That was not my intention at all. It is my experience, being on that consultative panel, that the current approach taken, which is encouraging a very broad, wide, cross-section of applicants for the positions, not only of Law Officers but also for members of the judiciary as one which is undertaken. I support that approach and, as I say, I think one of the driving forces behind the creation of the Judicial and Legal Services Commission is to make it absolutely clear to the wider public and to those with the skills, qualifications and experience what the process is, how they can take part, how they can provide an application. I also support, which has sometimes been the case, the use of what we call "head hunters" to ensure that everyone who might have the skills, qualification and experience really considers whether they could do the job or not, and any answers or concerns that they might have about whether they could be addressed.