



VOISIN LAW

One of my abiding memories of the recent general election in the UK was Brenda from Bristol's reaction to Theresa May's decision to call a snap election.

When notified of this development by BBC News, Brenda expressed her pique as follows: *"You're joking? Not another one. Oh for God's sake, I can't stand this. There's too much politics going on at the moment. Why does she need to do it?"*

I sympathise with Brenda. I experienced a very similar feeling when I spotted on the States of Jersey website another invitation to comment on a Government consultation.

Does the States of Jersey do nothing but consult?

Regular readers of this column will be aware that I have discussed (some will say "ranted") about the States of Jersey's Access to Justice Review. I recall that this was originally discussed in December 2013. This ongoing saga involved a commitment to undertake a review of access to justice in Jersey including, but not restricted to, a review of legal aid. The review is ongoing and has been consulted to death. Notwithstanding that review, I now note that the Department for Community and Constitutional Affairs is seeking to strengthen the independence of the Jersey judiciary. How? A consultation. Yay!

It appears that the Bailiff, Deputy Bailiff, Attorney General and Solicitor General have all been working with the Chief Minister to consider *"how best to maintain and, if possible, enhance protections for the independence of the Judiciary and the Law Officers"*.

The consultation period started on 19 June 2017 and is due to end on 4 August 2017.

The public, the legal profession and the judiciary have been invited to respond to enhance discussion and debate. Really? Is this necessary? Is anyone bothered?

What are we being asked to comment upon? Well I can do no more than quote our great leader, Consultor Gorst, from his foreword in which he says the following:-

*"Firstly, the current independence of the judiciary should be supported by specific legislative protections. It is proposed, for example, that a clear duty should be placed on the Chief Minister, Ministers and all members of the States Assembly to uphold the continued independence of the judiciary.*

*Secondly, it is proposed that an independent Judicial and Legal Services Commission be established that would be responsible for maintaining a transparent and accountable system for the selection and appointment of the judiciary and Law Officers.*

*Thirdly, it is proposed that clear and consistent protections for the tenure of the members of the judiciary should also be established in law."*

In essence, these are proposals to confirm and protect the independence of the Jersey Judiciary and *"establish a modern, clear and transparent legislative framework for the selection, appointment and tenure of the judiciary and Law Officers"*.



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This is all very laudable but is it not just another exercise in wasting paper, time and money?

We now have the Access to Justice Review; we have the continued controversy about the dual role of the Bailiff (which has been going on since I was in short trousers) and the never-ending discourse in relation to legal aid. Next time I check out the States of Jersey website, I fully expect to see a consultation paper on the merits or otherwise of a consultation paper.

In my humble opinion, I cannot see that there is anything wrong with the judiciary as it currently stands. Would our time and money not be better spent on more important and pressing issues such as the type of legal service that is delivered to the people of Jersey or, perhaps, a hospital? My own rather crude opinion poll indicates that nought people are interested in this.

Perhaps it is time for less consultation and more actual doing. However, if you are interested in this then you should refer to the JLSC consultation on the States' website.

It will be fascinating to see how many members of the public do respond to this.

Er ... No it won't.