



**STANDING COMMITTEE  
OF  
TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
BING VEAYN TINVAAL**

**PROCEEDINGS  
DAALTYN**

**Constitutional and Legal Affairs  
and Justice Committee**

**Minister for Justice**

**HANSARD**

**Douglas, Friday, 13th November 2020**

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**Members Present:**

*Chairman:* Mrs J P Poole-Wilson MLC  
Mr L L Hooper MHK  
Mr C C Robertshaw MHK

*Clerk:*

Mr R I S Phillips

*Assistant Clerk:*

Ms I Perry

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# Standing Committee of Tynwald on Constitutional and Legal Affairs and Justice

## Minister for Justice

*The Committee sat in public at 10.30 a.m.  
in the Legislative Council Chamber,  
Legislative Buildings, Douglas*

[MRS POOLE-WILSON *in the Chair*]

### Procedural

**The Chairman (Mrs Poole-Wilson):** Good morning and welcome to this public meeting of the Constitutional and Legal Affairs and Justice Committee. I am Jane Poole-Wilson MLC and I chair this Committee. With me are the other members of the Committee, Mr Lawrie Hooper MHK and Mr Chris Robertshaw MHK.

5 The Constitutional and Legal Affairs and Justice Committee is a Standing Committee of Tynwald with a wide scrutiny remit. Today, we will be hearing evidence on the amalgamation of the roles of Minister for Justice and Minister for Home Affairs as well as on the establishment of a Council of Ministers' sub-committee with responsibility for justice policy. Our witnesses are Chief Secretary Will Greenhow; Home Affairs Minister Graham Cregeen, MHK; and Home Affairs Chief  
10 Executive Officer, Dan Davies.

Before we begin, could I please ask everyone to ensure that any mobile phones are off or on silent so that we do not have any interruptions, and for the purposes of *Hansard*, I will also be ensuring that we do not have two people speaking at once.

### EVIDENCE OF

**Mr Will Greenhow, Chief Secretary;**

**Hon. Graham Cregeen MHK, Minister and Mr Dan Davies, Chief Executive Officer,  
Department of Home Affairs**

15 **Q1. The Chairman:** Thank you very much for attending today, and for the record I would like to begin by asking each of you to please state your name, job title and how long you have been in that role.

Perhaps if I could start with the Chief Secretary.

20 **Mr Greenhow:** Will Greenhow, Chief Secretary – nearly 11 years now, I have been serving in this role.

**The Chairman:** Thank you.

25 **The Minister for Home Affairs (Mr Cregeen):** Graham Cregeen, Minister for the Department of Home Affairs – in the role since March.

**Mr Davies:** Dan Davies, Chief Executive Officer – I think I have been in the role for two years.

30 **Q2. The Chairman:** Thank you. By way of background for anybody listening this morning, this Committee's first report brought forward a recommendation that there be ministerial responsibility for Justice, a recommendation that was unanimously approved by Tynwald in February 2019. The Committee deliberately did not seek to prescribe how that recommendation should be implemented.

35 In October 2020 in Tynwald, the Chief Minister made his announcement that he would be designating the Minister for Home Affairs as the Minister for Justice and Home Affairs, and so this morning we would like to explore that decision. If we could please begin with you, Minister; could you please explain to us what your new role as Minister for Justice will comprise?

40 **The Minister:** Thank you very much, Chairman. Yesterday we put a paper to the Council of Ministers with the broad outline of our proposals for the Minister of Justice, and the key points to that are: to lead on a criminal justice policy; speak for Council of Ministers on all other matters of justice policy; co-ordinate the development of justice policy; advocate for a more efficient and effective justice system; promote the principles of open, transparent and independent justice; and chairing the Council of Ministers' Committee for Justice. Those are the key principles of what the Minister for Justice and Home Affairs will be looking at.

45 **Q3. The Chairman:** Sorry, if we could ...You have talked about justice policy, can you tell us what you mean by justice policy?

50 **The Minister:** So currently, the Department has the role regarding criminal justice policy and there has not been any centralised area for the civil side, so part of that is to try and roll those areas into a position where a Minister can talk on behalf of Council of Ministers on those justice policies.

55 **Q4. The Chairman:** Could you elaborate a bit more about your thinking on the civil justice, on the aspects of formulation of civil justice policy?

60 **Mr Davies:** If I may, civil justice policy does not have a coherent home as such at the moment, so if you think around the family court, for example, that legislation is quite out of date. If you consider other matters of civil litigation, for example legal aid and all of those different areas of policy, they sit in disparate parts of the organisation and do not have a coherent approach to policy.

65 When you contrast that with the Department of Home Affairs, it has a clear lead on criminal justice policy, the development of that policy, the research around that policy and the updating of legislation, and so the aim of the Minister with responsibility for justice is to bring together the different areas of Government where there is a responsibility for that. I think it is probably best at this point to make it clear that they do not intend to be a transfer of functions order as such. The Minister will have a responsibility for co-ordinating the different areas of policy, for acting in some cases as a go-between to ensure that different issues relating to justice are raised in a forum which is going to be the Council of Ministers' Justice Committee, and then the Minister will chair that Committee and hopefully he will be able to look at prioritising legislation, engaging with the General Registry, for example, which will provide a route in to the judiciary where appropriate, and engaging with the Law Society where appropriate.

75 **Q5. Mr Hooper:** Thanks, Dan.

So Minister, you mentioned that the Department already has the existing role in respect of being responsible for criminal justice strategy and criminal justice policy. Is that actually an accurate statement, that the Minister of Home Affairs has no responsibility in respect of the courts' administrations, for example? The criminal justice strategy document itself, which you are seeking to place on a more statutory basis, identifies the Criminal Justice Board as being the one responsible for setting strategy in accordance with political direction. So, again, it seems to me that actually, the Criminal Justice Board is the body that currently holds responsibility for criminal justice strategy, as opposed to the Department.

85 **Mr Davies:** I think we need to distinguish between policy and strategy in this case, so the Department of Home Affairs has responsibility for the legislative framework under which criminal justice is delivered. That includes sentencing, custody, it includes the powers of the Constabulary, it includes the powers of the courts in relation to what they sentence for and what offences they are responsible for.

90 So to talk through a practical example of that, the Domestic Abuse Act, which has now received Royal Assent, is a new piece of criminal justice policy. It is social policy, but it bleeds over into criminal justice policy because it has a criminal element to the offences within it, and so that was designed within the Department of Home Affairs which has responsibility for setting statutory guidance. The Minister for Home Affairs and the Members within that Department develop the policy which informs the legislation, so that is what I mean and what the Minister meant, I think, when we are talking about the Minister for Home Affairs currently having responsibility for criminal justice policy.

100 **Q6. The Chairman:** That is a very good example actually, the Domestic Abuse Act, because I think, and correct me if I am wrong, one of the thought processes for giving the Criminal Justice Board a statutory status in the Justice Reform Bill, is precisely because it is incredibly difficult to operate on a go-between – you used the expression 'go-between' – basis, and in fact one of the challenges with something like domestic abuse is that it is about social policy, as well as criminal offences. And so, I suppose my question, in terms of structure for this new model is, if we are not satisfied that the Criminal Justice Board has worked on a go-between co-ordinating basis, how will the model work when you broaden it to encompass civil justice as well as criminal justice?

110 **Mr Davies:** The Criminal Justice Board will have a line into the Council of Ministers Justice Committee from an accountability perspective in terms of delivery against the criminal justice strategy, for example. The view when the Criminal Justice Board was put on a statutory footing was, I think, once you put something on a statutory footing, it becomes accountable in a more obvious way, so it may be required to report to Tynwald on progress. It may be required to have members' attendance captured and put forward for the world to see in a more obvious way. Its agendas and minutes may be published and would potentially be available under the Freedom of Information Act.

115 I think putting the Criminal Justice Board on a statutory footing is one part of that, and I do think there are challenges, you are absolutely right. Domestic abuse is a great example of how different parts of Government have to work together to ensure that domestic abuse does not happen in the first place. The early intervention, I think, is really key in this and working together to provide a range of services to support those who are victims of domestic abuse cannot simply be done by the Department of Home Affairs and the services beneath it.

120 **Q7. The Chairman:** But if I could just go back to my question then, which is that it has always been recognised then, that the model that was in existence, which is a co-ordinating board, needs to be put on a statutory footing to make sure it works. I think that is what you are saying to me. What you have explained in terms of the model for the Minister for Justice and how that role will

work to co-ordinate across all aspects of Justice seems to be picking up the same approach that was tried with the Criminal Justice Board that we have seen that perhaps has not worked as well as everybody hoped and hence the change now. So my question, again, is: when you talk to us about the model being used again for the whole of Justice, how are you going to ensure that it actually works – this co-ordinating go-between role to develop policy, but, perhaps more importantly, to ensure effective delivery of that policy?

**The Minister:** I think we are in a situation where some of this has not had any focus on at all. Since coming into the Department there are a number of areas of legislation that have not had a clear focus, and I think that is one of the parts of the recommendation that there should be a Minister with some responsibility for Justice, to try and give some ownership to that area of the legislation, and it is areas that we are still going to be working up because we have not actually got that model tied down yet, so it is still a work in progress. So over the coming months, we will be trying to firm up the exact approach on where we are going.

**Mr Davies:** I think your point is absolutely valid and any cross-Government working is difficult and your options are to go for an entirely statutory Minister for Justice and transfer all of the functions of Justice into a ministerial post, but I think one of the issues that we looked at was the disparity of the different functions, so going from legal aid to family and civil. The other thing I think we were exceptionally conscious of is the need to maintain the absolute independence of the judiciary, and so the initial approach which has been designed has been to, rather than look at any form of transfer of functions, give a Minister who is given the responsibility of chairing the sub-committee on Justice, the responsibility for driving an agenda relating to Justice forward.

I think the Criminal Justice Board is an interesting one for lots of reasons, including independence. It is not politically chaired. That allows us to have the judiciary attend when necessary. It allows us to have some fairly open and frank discussions with either the General Registry or the judiciary around criminal justice, and there has never been a political chair because of that, and also to do with having the Chief Constable in attendance; and again that separation which is defined in the Police Act 1993, that the Minister may not direct the Police, I think, to be seen to have a Minister chairing a board where the Chief Constable would be told what to do or that the judiciary may be directed, and so we were very conscious when looking at this initial model that that separation and the perception of separation was really important.

I think we will suck it and see, and if it is not effective, then absolutely, we can go back to the drawing board and review its efficacy, but in designing a structure and a system, this seemed to be the most appropriate response at the present time.

**Q8. Mr Robertshaw:** Can I ask you to accept that my questions should be framed by your understanding of where you know I come from, because I think you do.

My original understanding was that there was some pretty radical thinking going on with regard to the future of DHA. That is true. I think then you will not be surprised that I was disappointed that it did not move further than it did, and now we have a situation before us this morning, where you are suggesting that the concentration of both the Justice and Home Affairs roles under one Minister is actually an expression of independence; and yet elsewhere, everybody often ... not everybody, but most places recognise that this is an important separation that needs to occur. So you will not be surprised that I am disappointed that there has not been a radical review of how Home Affairs should work and that, actually, it looks to us, to me certainly at this stage, that you have cobbled on a Minister of Justice to a status retention of Home Affairs as was. So to me it looks like a minimal response to an exciting opportunity to significantly change things. I am disappointed.

Can you explain to me how it is that you will be able to exhibit the degree of necessary independence between the two roles and why you did not perhaps review it more radically? I think perhaps I address my comments to Will.

180 **Mr Greenhow:** I understand your frustration, we have talked several times and quite at length  
about where we are going as a Government and all I will say is that work is still ongoing in that  
area. I think the Chief Minister might have alluded to it in his State of the Nation speech as well as  
talking about the Minister for Justice, so that has not been parked yet, Mr Robertshaw; that is still  
work that is in train and will be discussed within Council of Ministers again, I am hoping in the  
near future.

185 **Q9. Mr Robertshaw:** So why have you announced at this stage then that you have decided that  
the two functions sit together under one Minister, when you clearly have not decided where you  
want to go yet, that is obvious?

190 **Mr Greenhow:** We have not decided finally where we want to go with Home Affairs, but we  
have decided where we wanted to go with the Justice Minister, and therefore thought this was  
the best solution, and –

195 **Q10. Mr Robertshaw:** *Pro tem* then?

**Mr Greenhow:** Possibly, it could be, but I think the way that we have discussed it within Council  
and within Offices is that we believe that this could work, but again, picking up on Dan's point,  
therefore, why would we want to put it in legislation if there is still the scope of it moving in the  
future, but it was picking up on the recommendation from this Committee that we believed that,  
yes, we should create the Minister for Justice, and hence that is what we have proposed and done.

200 **Q11. Mr Robertshaw:** Yes, but you would understand that this Committee holds dear and close  
to its thinking the absolute importance of creating a Minister of Justice to fill this vacuum that we  
all recognised was there. It is just very disappointing, after so much deliberation over Home Affairs  
that, with respect, you seemed to have blundered into this and grabbed it, 'Oh, let's just do that  
because we are supposed to.' Surely by now you would have arrived at a situation where you  
understood what you were trying to do with the Minister of Justice and what you were trying to  
do with Home Affairs. You seemed to be sort of flannelling around in the fog a little bit here.  
Accuse me of being over-critical.

210 **Mr Greenhow:** Well, that is your call whether you feel you have been over-critical, it is  
disappointing that you feel that way, but yes, all I can say is the work is ongoing, it is in train, and  
I am sure the Chief Minister will want to make some statement and announcement once we have  
got it through Council of Ministers.

215 **Q12. Mr Robertshaw:** When?

**Mr Greenhow:** I cannot give you a timescale for that. That will depend on deliberations within  
Council of Ministers.

220 **Q13. Mr Robertshaw:** Well, this confusion then about where you are trying to go, will it  
compromise the initial position of the Minister of Justice in that role?

225 **Mr Davies:** If I may? (**Mr Robertshaw:** By all means.) I do not think it will compromise. If I think  
back over the past six to 12 months on some of the discussions I have had, and colleagues have  
had, with the General Registry about Justice in general, and not just criminal justice, if I think about  
some of the work that was undertaken by colleagues over COVID in supporting the delivery of  
effective justice, I think we have probably worked together better than we have in the past five  
years. It feels now that it is an apposite time ... Where the Justice role sits in the future, I think, as  
the Chief Secretary said, is certainly up for grabs, but at the moment the decision and the

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discussion has been around, 'Well, there is a vacuum and there has been a vacuum for some time and the Council of Ministers made a commitment to the Committee to implement that', and so the time seems to be appropriate to fill that vacuum. There is currently a situation where, I will not say love has broken out, but I think there has been a movement in that there have been some  
235 very positive discussions around Justice more broadly, and there is an excellent working relationship between the Department of Home Affairs, the Cabinet Office and the General Registry, and it seemed an apposite time.

Just to pick up on your concerns around separation, I think in an ideal world we would love to have the resources to have a separate entity which dealt with all matters related to justice, but I  
240 think there is a reality around a small jurisdiction and it is certainly my view that there are sufficient powers within the Council of Ministers Act, section 6B I think, around a declaration of independence between the Council of Ministers and respecting the independence of the judiciary. I think there are sufficient powers of separations, as set out in the Police Act, and in fact, the Department is working with a memorandum of understanding between the General Registry and  
245 the Department of Home Affairs, but also between the Constabulary and the Department.

**Q14. Mr Robertshaw:** There seems to be a disagreement between you and the Chief Secretary in the sense that Chief Secretary is saying, 'We are still looking at this, we are open-minded'; you seem to be hanging on with gritted teeth and saying, 'No, no, we have looked at this and we  
250 cannot separate these because we are too small a jurisdiction.' So have you finally ruled out separation of the role of Minister of Justice and the Minister for Home Affairs?

**Mr Davies:** No, no, no, I need to clarify the point. I was responding to your point you made right at the start that the Isle of Man was ... sorry, that this proposal compromised independence  
255 in some way. I absolutely am not conflicting or contradicting what the Chief Secretary said, but you made a point in your statement about the Department for Home Affairs and what you see as a missed opportunity. You questioned whether there was an issue with independence and I wanted to respond to that.

**Q15. Mr Robertshaw:** Yes, but you have yet to explain to us how we can be content that there is the degree of separation necessary, we have not heard that yet, but you seem to be saying to me that you have looked at this, Chief Executive, and said, 'No, we can't because we are too small  
260 a jurisdiction.' So what options are you looking at to create the degree of separation that would give Tynwald and us comfort?

265 **Mr Davies:** I think I described those –

**Q16. Mr Robertshaw:** How?

270 **Mr Davies:** Just before. In the legislative framework we have currently –

**Mr Robertshaw:** No, no, I am not talking about that. You are telling me that it is not possible to separate Home Affairs from the Minister of Justice role; that is what you have just said to me, so you have closed off, so –  
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**Mr Davies:** No, I disagree with you, I am sorry, Mr Robertshaw.

**Mr Robertshaw:** Please do. I am inviting you to disagree.

280 **Mr Davies:** I understand that. I was responding in particular to your comment about the potential risks of conflict of interest and independence, and what I was describing when I ... I was thinking about the United Kingdom, which has Her Majesty's Courts and Tribunals Service, the

Ministry for Justice, the Ministry for Home Affairs and the Home Secretary, and I was merely trying to say that I think we have to be pragmatic sometimes when we are looking at solutions here. I absolutely was not ruling out what the future of the Department of Home Affairs looks like and, as the Chief Secretary said, that matter is currently under consideration by the Council of Ministers. What I was trying to do is respond to your initial point, where I felt I owe it to the Committee to be very clear that the Department has considered the constitutional implications of separation, and I wanted to respond to that to hopefully give some comfort, which I am obviously not doing, (**Mr Robertshaw**: No.) to the Committee that I believe there is a robust legislative framework which provides statutory independence and a guarantee of statutory independence for the judiciary, that provides independence between the Department and the Constabulary, but further, we would be drafting a memorandum of understanding as part of this agreement to set out how the different agencies will interact in respect of justice policy.

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**Mr Robertshaw**: What you have actually said is that everybody has fallen in love with everybody which ... I mean, we have got –

**Mr Davies**: Perhaps that was a flippant comment and I apologise, but what I was trying to respond to was that relationships in between the different agencies are better now than they have been for a very long time.

**Q17. Mr Robertshaw**: And relationships that go one way can go the other way, and what we are looking for is identifiable separation that gives the public and Tynwald comfort that there is the degree of separation. Have you excluded, from what you said before, other options? The Chief Secretary is suggesting you are open-minded; I am not convinced you are open-minded. Can you persuade me that you are still looking at other options to create the degree of independence that is reasonable and rational for us to seek?

**The Minister**: I think there may be different views. I think it comes across that the recommendation was that there should be a Minister with responsibility for Justice, not a Minister for Justice as such and I think that the positions that are being looked at are along the lines of how can we fit this to the Isle of Man's perspective? The area that we have looked at is the separation that the Department and the Constabulary already have this clear separation between the Department and the Constabulary. We have had initial discussions with D1 and the Chief Registrar who are content with the progress that we are getting. I think we are in a work-in-progress, and once we have reached a position where we are possibly moving forward on that, it may give you more confidence of where we are going once we have got that complete before it is actually instigated. (**Mr Robertshaw**: Good.) I am quite happy to give that commitment to come back once we have actually worked that up to discuss that to see if we can clear those lines to ensure that you are content that we have got those separations.

**Q18. The Chairman**: I think that would be most helpful, because what I heard earlier was that, yes, everybody is in agreement that there is a need for ministerial responsibility for Justice, for all the reasons that have been articulated so far, but the expression 'filling the vacuum' was used, and my concern, or the Committee's concern, I think, is given the absolute importance of getting this right, because of the separation of powers and because of the paramount importance of the organs of justice, being independent and that ability for the executive to take responsibility for formulating justice policy, respecting and maintaining the separation and the independence of the organs of delivery of justice, but critically also being accountable to Tynwald for the delivery of that policy, it is important to get it right.

Now if it is a work-in-progress, and that is going to be fully shared and discussed and articulated with the Committee and with Tynwald, then that is very, very important, and I think, probably what we do want to hear.

335 **The Minister:** And on that, because we are at those initial stages, that Council of Ministers have  
approved the direction that we are going in, it does not mean that that is what is going to happen,  
because we are still in that process, and we have to have, like Dan was saying, a memorandum of  
understanding and legislative position put clearly in place to ensure there is that separation, and  
340 the current Chief Constable is very clear where the line is, I am clear where it is, and I think, like  
Mr Robertshaw said, at the moment as individuals, you might be in that position, in the future you  
might not be. (**Mr Robertshaw:** Who knows?) So we have to ensure. That is why I am giving the  
undertaking that we will come back with anything before it is going to be finalised.

**Mr Robertshaw:** Good.  
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**Q19. Mr Hooper:** Just to bring you back to something you said right at the start, you said that  
a paper was submitted to CoMin yesterday which sets out the proposed scope and remit of the  
role of the Minister for Justice, but back in the Chief Minister's State of the Nation speech in  
October, he stated very clearly that he will be designating the Minister for Home Affairs as the  
350 Minister for Justice. Was that decision made then before the scope and the remit of the role had  
been set out and discussed with anyone and consulted on?

**The Minister:** It was the Department's paper that went to the Council of Ministers yesterday,  
so that was to ensure there is that clear line of what ... the Chief Minister will be aware that we  
were working this up, that this is the direction that we were going, and this was to formalise the  
355 position that we were taking.

**Q20. Mr Hooper:** Yes, but the question that I am asking is when the Chief Minister made that  
announcement, that decision that it would be Home Affairs that will be taking over the  
360 responsibility for Justice in a broader context, at that point, when that announcement and  
decision were made, the role had not been scoped and the remit of the role had not been set out  
yet?

**Mr Davies:** No, not formally.  
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**Q21. Mr Hooper:** So, if you have not set out the remit and you have not set out the scope of  
the role before a decision is made that it is going into Home Affairs, and given the scope of  
potential conflict that exists within Home Affairs in the broader context of Justice, why was Home  
Affairs designated? Why is it Home Affairs that has been decided as the most appropriate place?  
370 It almost feels like you have decided on the solution without actually first setting out the problem  
statement.

**The Minister:** When you are looking across the two options that you had, you could not actually  
put it in Health, Infrastructure ... none of the other Departments. The other options would be  
375 either setting up a separate Minister, the Cabinet Office, or effectively the Department of Home  
Affairs. I think that would be the three options that you would have.

**Q22. Mr Robertshaw:** Have you discussed all those and counted them out as not possible,  
then?  
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**The Minister:** I think what we have discussed is that the scope that we are looking at here is  
the foundation level of looking at where we are going to go to –

**Q23. Mr Robertshaw:** But you have just said to Lawrie that you have not described the scope  
385 yet! You are really confusing the Committee, now. You look as if you are jumping around trying to  
create answers on issues that you have not studied properly.

**The Minister:** No, I think I was clear at the start. The paper that we submitted yesterday gave the areas of where we were looking to –

390 **Q24. Mr Robertshaw:** Well then, is it not apposite appropriate to step back from the announcement about combining the two, think about the roles properly, and then come forward with a structured argument as to where it sits and why?

**Mr Davies:** I think part of the thinking was that, as I articulated earlier on, the Department for Home Affairs already has a lead on criminal justice policy, which is –

**Mr Robertshaw:** No, that is just grabbing at ... No, I am sorry!

400 **Q25. Mr Hooper:** I am sorry, Mr Robertshaw – again that statement is not entirely accurate. So, for example, the budget bids for the judicial system actually do not come through Home Affairs. Home Affairs is not responsible in that context, so Home Affairs does not currently have responsibility for justice policy, even in the criminal sense, across the piece. It has responsibility for elements of criminal justice policy, I think is probably a more accurate statement.

405 **Mr Davies:** In respect to the budget bids, though, how is that relevant to criminal justice policy?

**Mr Hooper:** I think determining how and where funding sits and what funding is given to the court administration systems is actually relatively important when it comes to delivering justice.

410 **Mr Davies:** Okay, I understand that –

**Q26. Mr Hooper:** Sorry, but the point I am trying to make is that it almost feels like Home Affairs was chosen because actually there was a gut feeling that that is the right place for this as opposed to actually being an evidence-based decision, and it almost feels like you are working up the evidence after the decision has been made to justify that decision, as opposed to, as Mr Robertshaw says, putting the evidence in front of the Council of Ministers, putting the scope, putting the remit and then saying, ‘Right, this is what we need; where is the most appropriate place for this to sit?’ Do you have any counter to that?

420 **The Minister:** I think the issue that we have got is what we said earlier on, that the position is that the remit of the Minister for Justice is what is being set out and it is a journey. Now, we could go and say that we would set up a Minister who will just be wholly responsible for Justice and have the whole support mechanism behind that. Does that fit with the smaller, smarter government that Mr Robertson was going on about? Do we actually have that remit? We may get to a position that once we have developed this, you could go and say this model does not work, or this model would sit somewhere else.

I think we are all coming possibly from different angles on where we think that Justice should sit, but somewhere down the line we have to get that clear function.

430 **Q27. Mr Hooper:** I do not think the Committee is expressing a particular view on where Justice should sit. I think the view that we are expressing is that it surely would have made more sense to have undertaken that analysis before announcing a decision on where Justice should sit, and it seems like Government has done this actually the wrong way around. You have made the announcement, made the decision, before undertaking that analysis.

435 Just to pick up on that line of thought as well, the Minister mentioned that the Deemsters were content with the direction of travel. Can you advise when you first started engaging with the Deemsters and the judiciary and the Chief Registrar on this process?

440 **Mr Davies:** We have been speaking to the Chief Registrar for a while, but I do not think we formally notified the Chief Registrar or the Deemsters of the proposal until it was announced in the Chief Minister's speech.

**Q28. Mr Hooper:** But there were informal discussions ... ?

445 **Mr Davies:** There have been informal discussions over a period of time around what a Minister for Justice may look like, but we have not shared any formal plans or proposals.

**Q29. Mr Hooper:** And were the proposals and plans that were presented to CoMin yesterday, in respect of the remit and the scope of the role, discussed with the Chief Registrar?

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**Mr Davies:** Yes, the Chief Registrar has seen the paper and is content, and I understand that he has discussed it with D1, and D1 is content as well.

455 **Q30. Mr Hooper:** I suppose my last question on this topic really is that you have already outlined that the future of the Home Affairs Department itself is currently in flux, it is not yet decided, so how comfortable are you really that Home Affairs *is* going to be the right place for this new role, given that what we really need is a bit of stability and a bit of time to embed the new Justice responsibility within that executive responsibility?. Currently there is a gap, we have all identified that, we have acknowledged that, but do you really think moving this role into a Department that you yourselves have acknowledged is in flux is actually the best thing for our justice system?

465 **The Minister:** I think that is what I said earlier regarding that we are working this proposal up. Now, having that proposal, whether it sits within Home Affairs at the end of the day or elsewhere, it is that responsibility that is trying to be identified. We have a number of reviews of areas of the Department which the Chief Minister announced regarding the Constabulary, regarding the Fire and Rescue Service, we will also be doing a review on the Prison and Probation Service, so this will all feed into the overall identifying of the future structure of Department of Home Affairs.

470 **The Chairman:** I think, given what we have heard, and clearly there is substantial work still to be done – and it even begs the question whether in fact the Chief Minister will designate, because that was his language, I think – we should probably terminate this evidence session at this point and allow you to work up the proposals in full and then, as you have already said, return to the Committee with the fully worked-up proposals so that we can properly understand what is proposed and how that is going to be delivered.

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So thank you for your time this morning. The Committee will now sit in private.

*The Committee sat in private at 11.10 a.m.*