

2.3 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the draft Sexual Offences (Jersey) Law 200- (P.63/2006):

In paragraph 55 on page 16 of the draft Sexual Offences (Jersey) Law 200-, (P.63/2006), it is claimed that the Health and Social Services Department's view is that there are no health implications in that issues of safe sex apply equally to homosexual and heterosexual activity. From what sources and when was this view received by the Minister and was it part of a report?

Senator W. Kinnard (The Minister for Home Affairs):

The statement in the report emanated from correspondence on the draft Law between the Chief Officers of Home Affairs and Health and Social Services on 10th April. This legislation is now in its 6-week consultation period and if the Health and Social Services Department or any other body has anything further to say on the Law, no doubt they will do so during this period. In fact, I have been informed this morning by the Minister for Health and Social Services that a report will be forthcoming on this matter from his department.

2.3.1 Deputy R.G. Le Hérissier:

Could the Minister therefore confirm that when that report was compiled and a statement was made as to the nature of Health and Social Services' input, she was not speaking on the basis of an independently submitted and free-standing report?

Senator W. Kinnard:

As I explained, there was an exchange of emails. The Health and Social Services Committee and then Department were given many opportunities to engage with this issue. In fact, I have a list of Acts going back to the time when the Legislation Committee was dealing with this issue. As I said to the Chairman of the Social Scrutiny Panel last Friday, one can take a horse to water but one cannot make it drink.

2.3.2 The Deputy of St. Martin:

Can I compliment the Minister on being able to persuade the Minister of Health to produce a report, and I might say maybe the fine tooth-comb approach sometimes does work as far as I am concerned as Chairman of the Social Affairs Committee or Scrutiny Panel. Is the Minister aware that there are also unsafe sexual implications with regard to this issue and will she ensure that that area is covered in the report that will be submitted to the States?

Senator W. Kinnard:

I am aware that there are unsafe sexual practices going on between heterosexuals as well as homosexuals. I do not think that the issue of lowering the age of consent is specifically related to the issue of unsafe sex. I am not the Minister for Health and Social Services but, no doubt, the Minister for Health and Social Services will decide what is appropriate for his department to put in the report.

2.3.3 Deputy R.G. Le Hérissier:

Pressing my previous theme, would the Minister not acknowledge that in such a supremely sensitive area it is absolutely imperative that we have from another Ministry a clear statement of their position and to try and derive this position from an exchange of emails is not, quite frankly, in keeping with the protocols or the conventions by which we study independent evidence.

Senator W. Kinnard:

None of that is correct, I am afraid. As I say, I have a list of Acts. There has been consultation with the Minister about this issue, Council of Ministers. There has been a lot of discussion. Also, I think it is very important to recognise that some of the health scares that some Members are seeking to raise in this House have been dealt with very adequately by reports from the British Medical Association previously that make it absolutely clear that, in fact, the decision to lower the age of consent to 16 for equalising the age of consent is likely to improve the sexual health of young homosexual men in our community.

2.3.4 Deputy J.G. Reed of St. Ouen:

Regarding consultation, in the report it indicates that there are obviously new areas that have been included now regarding the abuse of positions of trust and equally that these will be reported on and consulted upon in detail within the consultation period. Would the Minister confirm that those reports and those comments will be circulated to all States Members prior to the debate?

Senator W. Kinnard:

It rather depends on if some of those comments are submitted in confidence. If it is an open report from departments and there is no problem, of course, with circulating those. But we have to remember that the area of sensitivity in this issue is that there are many people in our community who feel that they are discriminated against because of their sexual orientation. Many of them may not be out in the sense of the public, friends or family knowing about their particular sexual orientation. I think that it is very important that one is very clear that we ought not to put people off from talking to us about the issues that they face for fear of the fact that they will be outed without their permission. I would also like to say that I have made efforts to contact individuals in this scenario and, in fact, those individuals have contacted me. Some have given written comment but many more have spoken to me on a private basis. I would say that if Scrutiny is so concerned about being evidence-based, I would question why up until last Thursday the Social Affairs Scrutiny Panel has failed whatsoever to take up offers from individuals who suffer this form of discrimination to talk to them about the issues that they face.

2.3.5 The Deputy of St. Ouen:

Just to clarify my question, perhaps, because it was more focused on abuse of positions of trust. In the report it states that there are issues such as the position of volunteers as opposed to those performing a statutory function and also that of young adults supervising children under 16 which need to be explored further during the consultation period. Obviously this is an area for education as much as any other and it is that area that I would like...

Senator W. Kinnard:

May I make it quite clear, as indeed it makes it clear in the report, that initial consultation has been undertaken with those departments likely to be affected by the abuse of trust provisions and, indeed, it also makes it clear in the report that we both welcome and encourage reports and input from the departments likely to be affected. I have done everything I can to meet the requests of this House. I have moved heaven and earth virtually and so have all those involved in drawing up the abuse of trust provisions to go along with what the House has asked me to do. Now I fear that we are coming back to a scenario where those who frankly are not in favour of any of this sort of legislation are trying to cause problems to delay it further. I would say why do they not just have the confidence, why do they not just be absolutely honest with themselves and with everybody else in this Chamber and in the Island and just vote against it? It is quite simple. If you do not like it, do not vote for it.

The Deputy of St. Ouen:

Does that mean that the Minister will circulate the report? **[Laughter]**

The Bailiff:

I think the Minister has dealt with that, Deputy. Connétable of St. Helier, final supplementary.

2.3.6 The Connétable of St. Helier:

Can I begin by complimenting the Minister on the speed with which she has brought forward the additional legislation requested by the States. I do not think it is a matter of pedantry; could she confirm that the origins of the word “homosexual” are from the stem meaning “the same” and not from the Latin meaning “man” or “homo” and that it is offensive to some homosexuals to be described as homosexuals and that we should prefer the correct pronunciation of the word in our future debates?

Senator W. Kinnard:

Yes, I would agree with that but I think maybe I would have to say it might be lost on some Members of this House.