

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 1st MARCH 2011**

Question

When does the Minister propose to lodge the Draft Discrimination (Jersey) Law 201- in the Assembly?

Draft Answer

I will not be able to lodge the draft Discrimination (Jersey) Law 201- in time for debate by the current States.

I had hoped to lodge a draft Law which would include Race as the first attribute, but have run into a number of difficulties, as follows:-

1. Firstly, there are procedural issues which will need to be decided in relation to the difference between the procedures relating to employment related matters and the procedures in relation to discrimination matters which are not employment related.
2. Secondly, there are issues in relation to whether the exceptions in relation to the Race attribute should follow the current UK practice or the previous UK practice (which is reflected in the current draft).
3. Thirdly, the central Home Affairs Department is a small department which has no special experience in this area. I have inherited this project from a previous Minister for Home Affairs who had a particular interest in this area, but it lies outside of the normal remit of Home Affairs (which is public safety related issues). I am in discussion with the Community Relations Trust, who have expertise in this area, and will need to take advice from them. Furthermore, the Department which had responsibility for the running of the current Employment Tribunal has changed from Social Security to the Judicial Greffe.
4. Fourthly, much of the resources in the Home Affairs Department have been drawn into major change projects which are required by virtue of the CSR process within the various services which make up the remit of the Home Affairs Minister. Those change projects are now a higher priority than this Law.
5. Fifthly, there are a number of high priority projects upon which I must focus between now and the end of July 2011, including:-
 - (a) the new Police Force (States) Law, which will amongst other things bring into existence the new Police Authority;
 - (b) the Repatriation of Prisoners Law, which will allow foreign prisoners to serve their sentence in their own country at no cost to Jersey;
 - (c) the new Fire Service Law;
 - (d) amendments to the Criminal Justice (Young Offenders) Law to enable youths to serve their sentence in Greenfields rather than the Young Offenders Institution at La Moye; and

(e) amendments to the Sex Offenders Law.

6. Sixthly, in any event the States have not voted any money for the implementation of this Law and it is unlikely that that will occur during the current CSR process.

The best that I can realistically hope to achieve within the term of the present States is to bring together the various interested parties with a view to determining a clear direction for this project which can be taken forward either by the next Minister for Home Affairs or by the next Chief Minister (in the event of the project being transferred to that Minister with whom it rightly belongs).