

## **6.2 Senator W. Kinnard (The Minister for Home Affairs) regarding ‘abuse of position of trust’ provisions:**

Members will be aware that the Corporate Services Scrutiny Panel presented its report entitled *The Age of Consent Review* to the States on 28th March 2006. In that report the Panel recommended that the Minister for Home Affairs should present appropriate legislation to introduce abuse of position of trust provisions, and that this is debated prior to the draft Sexual Offences (Jersey) Law. Having consulted with the Council of Ministers and with the assistance of the Law Draftsman, I am aiming to lodge a new law to deal with abuse of positions of trust at next week’s sitting of the States. Following the statutory consultation period, Members will have the opportunity to debate these provisions together with the proposals to reduce the homosexual age of consent contained in the draft Sexual Offences (Jersey) Law. A new report covering both pieces of legislation will also be lodged, and therefore, Sir, as of this morning, I did in fact formally withdraw P.196 of 2005.

### **The Bailiff:**

Thank you.

### **6.2.1 Deputy G.C.L. Baudains:**

Can the Minister advise whether the new projet will contain the basic elements of P.196, or will it be altered to enable alternatives to be contemplated?

### **Senator W. Kinnard:**

Is the Deputy referring to the report or the actual legislation?

### **Deputy G.C.L. Baudains:**

The actual legislation, Sir.

### **Senator W. Kinnard:**

Legislation cannot really provide alternatives in that sense. If he wishes to provide alternatives, he should seek to amend the proposition, Sir.

### **6.2.2 The Deputy of St. Martin:**

I am delighted that the Minister has taken note of the recommendations made by the Corporate Services Panel. I would remind the Minister that on 31st January the Social Affairs Panel also made recommendations, and we said that no evidence had been found of any consultation with the public or with the Health Department. My Panel also recommended that it did produce the abuse of trust legislation, and we are pleased to see that it is on its way. However, we also did recommend that consultation took place with the Sexual Offences Law. Can I ask the Minister what consultation has taken place in particular with the Health Department, ACET and Brook Centre in respect of the health implications?

### **Senator W. Kinnard:**

Consultation has taken place for a second round with those particular agencies, and all will be made clear in the report to the proposition. I think that if the Deputy would await the proposition and report, as I say, all will be revealed, then I am certain that he will be satisfied.

### **The Deputy of St. Martin:**

Could I just ask, is that a yes or a no? Has consultation taken place with the Health Department, ACET and the Brook Centre?

**Senator W. Kinnard:**

I do not know how else I can say it. Yes, y-e-s, yes.

**6.2.3 Deputy A. Breckon:**

Surely the Minister has said in her statement: "... having consulted the Council of Ministers and with the assistance of the Law Draftsman, I am aiming to lodge a new law." Can I ask, as a Member who has been frustrated by the law drafting process, where the time came from?

**Senator W. Kinnard:**

Obviously part of the law is already drafted in the Sexual Offences Law, and it is a matter of bringing on board the abuse of trust provisions. Indeed we had a little leeway in some of our law drafting time in Home Affairs that has enabled us - I think - to bring that forward. It has to be said that I am extremely grateful to the Law Draftsman for all of the effort that has been put into this, and indeed it is also in part due as well... I am very grateful for the assistance and advice that I have also received from the Law Officers on this matter.

**Deputy A. Breckon:**

Could I follow that up and request of the Minister and any of her colleagues who have any leeway in law drafting if all Members could be advised? Because as I repeat, Sir, I was frustrated by the process last year.

**The Bailiff:**

I do not think that matter really arises out of the statement, Deputy.

**6.2.4 Deputy P.J.D. Ryan:**

I was just looking around quickly to see if anybody else was going to ask a question. But what I would like to say is to congratulate the Social Affairs Minister. She has followed our recommendations, and I think that is excellent, and I just ask that we are all allowed to get on with it and do the job.

**Senator W. Kinnard:**

Thank you. I am grateful to the great sense that has been brought to bear on this matter by the Chairman and the Members of the Corporate Services Committee.