

4. Questions without notice - The Minister for Home Affairs

The Bailiff:

We come to the second question period of the Minister for Home Affairs. I invite questions for the Minister. Deputy of St. Martin?

4.1 The Deputy of St. Martin:

With a new secure unit at Greenfields about to be in operation, is the Minister minded to amend the Criminal Justice (Young Offenders) (Jersey) Law so as to enable the courts to sentence young offenders aged between 12 and 15 years of age to periods of custody, so that the young offenders may be given all the help and guidance, in the hope they will not become hardened criminals?

Senator W. Kinnard:

Members will recall that this issue was agreed and that drafting instructions have gone forward to amend that particular piece of legislation. There are ongoing discussions with our colleagues at Education as to how it will work, on the grounds and terms of the administration of the process, but the matter is in hand, as the Deputy would like it to be.

4.1.1 The Deputy of St. Martin:

Could I ask the Minister whether in fact that is the same piece of legislation that she herself; the Minister for Home Affairs; the Minister for Education at the time, I think; and the President also for Health; and the President also for Finance and Economics, all voted to reject? The same one that I had and, if so, is there any good reasons as to why there should be such a u-turn?

Senator W. Kinnard:

Sometimes I feel that the Deputy needs to be loved a little bit more, because he clearly has a bit of an issue if he wants to always tell us that whatever idea that any of us might come forward with was his originally at the time. What I would say is that at the time the Ministers rejected his particular proposition for a couple of reasons: one, that it was perhaps not meeting the criteria that we would expect to be met in sentencing such young children to custody; but more importantly, at that point, there was no actual agreement that Greenfields would be developed in the way that it has been developed, because there were no funds at that point really available to ensure that the facilities that have now been provided would be appropriate for dealing with the many issues that young vulnerable people - offenders or not - suffer in this kind of circumstance.

4.2 The Deputy of St. Mary:

Does the Minister agree that the effect of the Marriage and Civil Status (Jersey) Law 2001 and subsequent Marriage and Civil Status (Forms, Registration Fees) (Jersey) Order 2002 was to change the form of the Register of Births to include for the first time the surname of the child, although in fact, neither the Law nor the Order specify what the surname should be, and if not, will the Minister outline her reasons for not agreeing?

Senator W. Kinnard:

Members will be probably aware from recent press reports that this has been a bit of an ongoing issue, and I would say that probably the fairest way of approaching it is to say that, in my view, the Law is unclear, and I have already expressed the wish to amend the Marriage and Civil Status Jersey Law 2001 to allow parents to choose the surname of their children, and indeed, that parents might be able to give their children either the father's surname, the mother's surname or a combination of those two surnames. I would say, as a matter of policy at the moment, my present view is that it should be limited to one of those 3 choices, but clearly I will be consulting

quite widely on this issue and will determine the final policy at the end of that consultation. The amendments would apply equally to married as to unmarried parents.

4.2.1 The Deputy of St. Mary:

Does the Minister agree that the intention of the Law and the Order was to give parents the freedom to choose a name for their child and that there is, at best - as she has indicated - some uncertainty as to the basis of the Registrar's practice of effectively forcing illegitimate children to take their mother's maiden surname? If so, is the Minister willing to use her powers under Article 79 of the Marriage and Civil Status Law to refer the matter to the Royal Court for determination?

The Bailiff:

Deputy, I am not sure that was a supplementary question. I think that was another question.

Senator W. Kinnard:

It is quite a detailed question, but I think I can answer it, Sir. Article 79 does not apply in this particular context, because Article 79 can only be used in a situation where there has been an error, and an error can only be committed through either the actions of the Registrar or the Minister or someone involved. There has been no error in this situation. The Registrar has acted in accordance with the Law - in accordance with all advice on the matter - so those powers that I may or may not have under Article 79 are just not appropriate in this circumstance. If I go so far as to say that I feel and I believe that the Law is unclear, that does not equal that the Law or what was done under the Law is an error. So, in my view, and certainly advice I have received, Article 79 cannot be used in this particular circumstance and it seems to me, Sir, that it would be not an appropriate thing to do, because it would have implications which go much wider than the particular individual case that I think the Deputy is probably referring to. As a matter of public policy, I think it is right that changes should not be made on the hoof, but should be properly debated in this House.

4.3 Deputy K.C. Lewis:

I wonder if the Minister would clarify my previous question, Sir, regarding future anti-discrimination legislation. If, for instance, I had a vacancy and 2 applicants applied - one, for argument's sake, from Hungary with 5 years residency and one a Jerseyman, both of equal ability - if I were to favour the Jerseyman simply because he was a Jerseyman, would I be leaving myself open to prosecution and a fine of up to £10,000?

Senator W. Kinnard:

It is very difficult to anticipate what may or may not happen under a particular piece of legislation, particularly as this at the moment is an enabling Law that is out to consultation, and a set of proposed Regulations which is also out to consultation. Also, it is not going to be for the Minister to decide. It would be a matter for the Tribunal to deliberate on these matters to decide whether or not an individual employer had flouted the Law. I am trying to make my answer clearer, Sir, that where there are existing statutory laws or legislation, those will not be affected, and particularly in issues where we are not talking about nationality, race and colour. I know where the Deputy is coming from...

The Bailiff:

Minister, I must ask you to be more concise in your answer, please.

Senator W. Kinnard:

I understand where the Deputy is coming from, Sir, but I think it is a matter he should raise during the consultation and it is a matter I will give further consideration to.

4.4 The Connétable of St. Helier:

I am sure the Minister will join with me in saying how much she deplores the acts of violence that have marred life in St. Helier during the past weekend, and I am aware that we are working in partnership between the Honorary Police and the States of Jersey Police on a number of initiatives to tackle the problem. Could she, however, inform the House if she is able to say how many officers were on beat during the weekend, particularly during the evenings of Friday and Saturday, because I think there is an old-fashioned notion perhaps that the more officers are on the beat, the less likelihood there will be of these kind of acts happening which so spoil our lives in St. Helier.

Senator W. Kinnard:

I do not have the actual figures, as clearly, that is an operational issue as to how many will be on the beat at that time. That is information I can find out, but obviously, I do deplore the situation that has occurred over the weekend. I have to say that States of Jersey Police are already very much onto this case. They have already made arrests and this is, I think, the beauty of the way in which we have proactive tasking approaches to policing, and indeed, working in partnership with others. Clearly, this is a matter that is a concern to me, particularly as the recent figures have been showing some improvements in this area, particularly in the hot spots of St. Helier. But Members will also be aware that we have changed our way in which we have the shift system for policing, so that there are more officers on the beat, and sometimes this has a strange effect on the statistics, because they are in areas where things are happening and more arrests take place. So, it can sometimes cause a blip in the figures as well overall, so one has to look at the particular situation we are dealing with now and the instances, but I think we must put those in the context...

The Bailiff:

Minister, I do not think Ministers should prevent the asking of questions by not being concise in their answers, please.

Senator W. Kinnard:

I apologise, Sir. I will try to be shorter.

4.5 Deputy D.W. Mezbourian:

The Minister will be aware that the police forces in the U.K. have released figures recently of known sex offenders within their area. Will the Minister advise whether such information is kept in Jersey, and if so, when will it be made public?

Senator W. Kinnard:

There are differing views on this particular issue, because one of the points about sex offenders and the public knowing where they may or may not be residing has a tendency to push those individuals underground. We have a system which is working within the Island where the probation services and the States of Jersey Police are aware of sex offenders when they return to the Island from establishments outside and so on; and I am satisfied that the systems that we have in Jersey work well for the needs of the Island.

4.5.1 Deputy D.W. Mezbourian:

Supplementary, Sir? I do not believe that the information that was released in the U.K. specified where sex offenders resided. The information was the release of the number of offenders within an area, and I ask the Minister whether that information would be made public?

Senator W. Kinnard:

The information on the number of sex offenders that are convicted of course is public knowledge. In a small Island, I think with such thankfully small numbers, it would not really be ideal, because it would be too easy to identify individuals in such a small community if we were to identify individuals leaving prison by Parish or even by the Island. I am not convinced that this would be an appropriate way and it might have the opposite effect of driving sex offenders underground and not keeping to the requirements of reporting that they presently are required to keep to.

4.6 Deputy G.C.L. Baudains:

Can I ask the Minister how frequently she meets with the Chief Officer to discuss policy and how frequently in the last year has the increasing violence in St. Helier been on the agenda?

Senator W. Kinnard:

I presume that the Deputy means the Chief Officer of Police, and indeed, I meet with the Chief Officer of Police at least on a 2-weekly basis, and the issue of violence in St. Helier is always a matter on our agenda when there is a particular circumstance such as we have had in the last weekend. The States of Jersey Police keep me fully abreast of what they are doing to deal with the matter.

4.6.1 Deputy of St. Clement:

Supplementary, if I may, Sir? Are any new policies arising from those discussions in regard to St. Helier?

Senator W. Kinnard:

Yes, Sir, a number have: changes to shift patterns and also the 'Safer St. Helier' initiative, which is a multi-Ministerial, multidisciplinary approach to dealing with issues, particularly antisocial behaviour and violence in St. Helier. That is a very new policy, which is developing very well, Sir.

4.7 Deputy R.G. Le Hérissier:

Does the Minister agree with the Chief Magistrate's assessment of the Rutherford Report that: (a) it was essentially the wrong person who did the report; and (b) it was not a very helpful report?

Senator W. Kinnard:

While the Magistrate is entirely entitled to his own view, I do not happen to share it. Professor Rutherford is a very highly respected criminologist in his field and indeed, we asked the previous Home Affairs Committee to do the report as a report to inform our thinking - among other reports - and other input from stakeholders in the criminal justice system.

4.8 Deputy S. Pitman:

May I first congratulate the Minister on her department's anti-discrimination proposals? In tackling such issues, Sir, does the Minister agree that education also is a key factor and could she explain how much work her department has carried out with education, and is she satisfied that the department is tackling discrimination issues seriously enough?

Senator W. Kinnard:

Education is an extremely important matter, not just in the very narrow field of education as in schools. That will be covered by the proposals in the discrimination legislation. We will of course be consulting with our colleagues in Education and indeed, there is the Community Relations Trust which was set up by the Chief Minister's Department, which is very much involved, not just in the narrow field of education, but in the much wider field of educating the

community. I believe that working together, Sir, we will ensure that this Island has appropriate anti-discrimination legislation.

4.9 Senator J.L. Perchard:

Could the Minister inform the House what progress has been made to date in implementing the recommendations of the most recent Her Majesty's Inspector of Prisons report?

Senator W. Kinnard:

The Senator will be aware that the implementation of that report required the development of a performance improvement plan, which is a huge piece of work, which has now in fact been completed and a presentation has been given to the Council of Ministers. We are trying to implement as quickly as possible those matters that can be done within existing resources, and very high on our agenda, of course, are the suicide prevention works. I will be giving a presentation in due course to Scrutiny Members and to States Members, so I would rather keep my powder dry, if I may, Sir, and give them further details then.

The Bailiff:

That concludes the second question period for the Minister for Home Affairs.