



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 10th December 2015

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Present:

Sir Richard J. Collas, Kt, Bailiff and Presiding Officer

Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)

People's Deputies

St Peter Port South

Deputies P. A. Harwood, J. Kuttelwascher, B. L. Brehaut,
R. Domaille, A. H. Langlois, R. A. Jones

St Peter Port North

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,
R. Conder, C. N. K. Parkinson, E. G. Bebb, L. C. Queripel

St Sampson

Deputies G. A. St Pier, K. A. Stewart, P. L. Gillson,
P. R. Le Pelley, S. J. Ogier, L. S. Trott

The Vale

Deputies M. J. Fallaize, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, A. Spruce, G. M. Collins

The Castel

Deputies D. J. Duquemin, C. J. Green, M. H. Dorey,
B. J. E. Paint, J. P. Le Tocq, S. A. James, M. B. E., A. H. Adam

The West

Deputies R. A. Perrot, A. M. Wilkie,
D. de G. De Lisle, Y. Burford, D. A. Inglis

The South-East

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

J. Torode, Esq. (H.M. Greffier)

Absent at the Evocation

H. E. Roberts Esq., Q.C. (H.M. Procureur);
Deputy D. B. Jones, (*indisposé*); Deputy A. H. Brouard, (*relevé à 9h 44*).

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

Billet d'État XX

TREASURY AND RESOURCES DEPARTMENT

XIV. Miscellaneous Amendments to Income Tax Legislation – Amended Propositions carried

Article XIV.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 18th September, 2015, of the Treasury and Resources Department, they are of the opinion

1. To agree that The Income Tax (Guernsey) Law, 1975, as amended, be revised and Regulations be made, as required and as follows, with all amendments to become effective from the date of enactment of the relevant Ordinance and Regulations:

a) in relation to the proposals relating to interim assessments set out in paragraph 2.1 of that Policy Letter:

(i) that the right of appeal in respect of a person who is aggrieved by an interim assessment to appeal is repealed;

(ii) to specify, subject to (v) below, that an interim assessment would be revised, to become a final assessment, once the relevant return had been filed, notwithstanding the absence of an appeal;

(iii) to permit a person served with an interim assessment to request a suspension of part or the whole of the tax charged in the interim assessment, if they consider it to be excessive, such a request to be made within thirty days of the date of issue of the assessment (or longer, at the discretion of the Director);

(iv) to make provision for disputes, in relation to a refusal by the Director to admit an application for deferral of payment, to be resolved by way of a hearing by the Guernsey Tax Tribunal;

(v) in order to deal with instances where a person, who is served with an interim assessment, fails to file a return for the relevant year within the time allowed, to permit the Director to issue the person concerned with a final assessment (including estimates, as required), against which there would be a right of appeal, but any request subsequently made for suspension of tax charged in that assessment would be admitted only at the discretion of the Director, with no right of appeal if such application is denied.

b) That, as set out in paragraph 2.2 of that Policy Letter, the Regulations governing the operation of the ETI Scheme be amended to require that coding notices, direction notices and other correspondence relating to the operation of the ETI Scheme, that pass between the Director and employers, should be transmitted by electronic means, unless, at his discretion, the Director agrees an alternative, in the case of any particular employer or class of employer.

c) To reinstate, as set out in paragraph 2.3 of that Policy Letter, section 62AC of The Income Tax (Guernsey) Law, 1975, as amended, which was repealed with effect from 1st January 2013.

d) In relation to the proposals to make payments for information set out in paragraph 2.4 of that Policy Letter to allow for reward payments to be made to a person who provides information, which aids an investigation by the Director and leads directly to the recovery of taxes which have been unpaid due to evasion of tax by another person subject to conditions within which the Director will exercise his discretion to make such a reward payment (such as the maximum payment that may be made in any one instance), to be set out in a Statement of Practice, by the Director:

(i) to provide that payments under the reward scheme would be taxable;

(ii) to indemnify the Director from any claim of breach of confidentiality, under the provisions of The Income Tax (Guernsey) Law, 1975, as amended, in connection with any aspect of the administration of the reward scheme;

(iii) to provide that the Director can lawfully use the information for the purposes of his functions, under The Income Tax (Guernsey) Law, 1975, as amended, and that the information received is to be confidential and only disclosable in limited circumstances (eg, for the investigation of crime or pursuant to an order of the court);

(iv) the operation of the scheme will be without prejudice to the other powers available to the Director (including, for example, his powers to serve an information notice under section 75B of The Income Tax (Guernsey) Law, 1975, as amended).

e) In relation to the proposals set out in paragraph 2.5 of that Policy Letter relating to assessments issued to persons who have not been required to complete an income tax return:

i) that the person receiving the assessment would be deemed to have made a return for that year of charge, under section 68 of The Income Tax (Guernsey) Law, 1975, as amended, containing the same sources and amounts of income, and making the same claims to personal and other allowances, reliefs and deductions as are contained in that assessment;

ii) that if, within thirty days of the date of the issue of the assessment, the person assessed notified the Director, in writing, of any deficiencies, errors or other irregularities contained in the assessment ("an amending notice"), the return that he or she is deemed to have made, for that year, will be further deemed to have been made in accordance with the amending notice given to the Director and so much of the assessment as remained unamended;

iii) that, within 30 days of receiving an amending notice, the Director would be required to issue confirmation of receipt of the amending notice;

iv) that the Director may then make a further assessment on the person concerned, taking into account the contents of the amending notice, if he considers it appropriate to do so.

v) that the confirmation of receipt of an amending notice, issued by the Director, or an amended assessment referred to in 5.5.4, will be treated as conclusive evidence, for all the purposes of The Income Tax (Guernsey) Law, 1975, as amended, that a return was made in accordance with the notice of assessment, as adjusted by the amending notice or as set out in the amended assessment (as the case may be); and

vi) that this provision does not in any way limit the power of the Director to make any enquiry into any aspect of a person's income tax affairs, make any assessment, impose any penalty or make any order or direction or exercise any other relevant function that is otherwise allowed by law.

f) As set out in paragraph 2.6 of that Policy Letter, to amend The Income Tax (Guernsey) Law, 1975, as amended, to provide that the Director may pass information, which he has received in the exercise of his official functions, to the Housing Department, for the purpose of assisting the

Housing Department in fulfilling its functions under The States Housing (Rent and Rebate Scheme) (Guernsey) Regulations, 2005, The Housing (Control of Occupation) (Guernsey) Law, 1994 and The Right to Work (Limitation and Proof) (Guernsey) Law, 1990 ('the Housing Legislation'); and that the Housing Department may in turn use the information so provided for the purpose of carrying out those functions.

g) As set out in paragraph 2.6 of that Policy Letter, amend the Housing Legislation, as defined in 1(f) above, to provide that the Housing Department may pass information, which it has received in the exercise of its official functions, to the Director, for the purpose of assisting the Director in fulfilling his functions under The Income Tax (Guernsey) Law, 1975, as amended; and that the Director may in turn use the information so provided for the purpose of carrying out those functions.

h) As set out in paragraph 2.6 of that Policy Letter, include within the future Population Management Law such provisions as are necessary (including but not limited to amendments to other legislation) to provide that the Population Office may pass information which it has received in the exercise of its official functions under the Population Management Law to the Director, for the purpose of assisting the Director in fulfilling his functions under The Income Tax (Guernsey) Law, 1975, as amended; that the Director may pass information which he has received in the exercise of his official functions to the Population Office, for the purpose of assisting that Office in fulfilling its functions under the future Population Management Law; and that the Population Office and the Director (as the case may be) may in turn use the information so provided for the purpose of carrying out those respective functions.

i) As set out in paragraph 2.7 of that Policy Letter, to amend The Income Tax (Guernsey) Law, 1975, as amended, Law to the effect that, following the issue of an additional assessment, a right of appeal exists only in relation to the additional aspects of the assessment, and not to the elements that were in previous iterations of the assessment in respect of which the appeal process has already been exhausted, or the right to appeal has otherwise expired.

j) As set out in paragraph 2.8 of that Policy Letter, to amend section 51(5) and section 51A(2A) of The Income Tax (Guernsey) Law, 1975, as amended, to entitle a person who is non-resident, or who is resident but not solely or principally resident, for income tax purposes, to 1/52nd of the annual amount of personal allowances to which a person who is solely or principally resident would be entitled, for each 7 days that they are in receipt of a Guernsey Old Age Pension, subject to the other provisions of those sections.

The Greffier: Billet d'État XX, Treasury and Resources Department – Article XIV, Miscellaneous Amendments to the Income Tax Legislation.

5 **The Bailiff:** Minister of the Treasury and Resources Department, Deputy St Pier, will open the debate.

Deputy St Pier: Thank you, sir.

10 This is a relatively short policy letter laid out on page 3110 of the November Billet. This is the annual sweep-up of technical changes which the Department brings to the Assembly, sir. I was not proposing to go through the items in detail, they are explained and laid out in the policy letter. I am very happy to answer any questions obviously that may arise in debate.

So I do not know whether it makes sense also to speak to the amendments at the same time?

15 **The Bailiff:** Yes, if you wish to do so.

20 **Deputy St Pier:** So again, sir, these were the amendments that were due obviously to be debated in November. There are two and then subsequently an amendment to the legislation, but first of all dealing with the amendment that deals with the charge of Child Allowance. So there is a lengthy explanatory note to this amendment – I know that Deputy Fallaize does not like

explanatory notes and I notice he is not here this morning, but I would assume that because he does not like them, he has not read it – so perhaps I will just read the relevant parts of the explanatory note which I think really tells Members all they need to know.

It is just to remind Members, sir, that this is a consequence of the decisions by the Assembly in the October meeting in relation to the Budget, and in particular what we are seeking to do here is to address an issue of abuse really in relation to charge of children. Because in circumstances where parents do not cohabit, if each parent claims Family Allowance for a proportion of time in a year, even for as little as a week, then each party will be entitled to the Charge of Child Allowance, not just for the proportion of time that they claimed Family Allowance. And there has been evidence, sir, that this has been abused by a number of couples where, by switching the claim for Family Allowance between parents during the year, they can both obtain the Charge of Child Allowance. And, sir, I would suggest that was not what was intended in the 1950's when this was introduced.

We are also proposing, sir, by this amendment to agree that the Treasury & Resources Department be authorised to prescribe any matter relating to the Charge of Child Allowance by regulation, whether to ensure that further instances of double claims may be closed off at any time they are identified or otherwise. And I just wish to emphasise, sir, for the avoidance of doubt, that granting a delegated authority to the Department to make regulations to address any future abuse is identified, it would not empower the Department to *abolish* the Charge of Child Allowance obviously without a further resolution of this Assembly – so just to give Members that reassurance.

Sir, the second amendment, again the explanatory note probably says all that needs to be said. The decisions in the October Billet, because Proposition 6 was negated in its entirety, that included negating the proposal to recognise same-sex couples and civil partnerships for income tax purposes. And we believe that it is right that the Income Tax system should progress towards a system that treats couples equally irrespective of whether they are opposite-sex or same-sex couples.

And so, sir, we are therefore proposing that from 1st January 2017 – and the Budget proposals were to make this change from 1st January 2016 – but now that we have effectively missed the cut-off for 2016 in terms of coding notices and so on, unfortunately it is not going to be possible to do this until the following year. But we are proposing that from 1st January 2017 two individuals of the same sex, who have together entered into a marriage or civil partnership, shall be treated for the purposes of the Income Tax Law as if they were married and entitled to the married person's allowance. Also that same-sex cohabiting couples with children will be entitled to claim the transfer of personal allowances between themselves affording them the same treatment as opposite-sex couples.

And, sir, then the amendment to the legislation which we deferred – we deferred the consideration of the legislation yesterday, sir – the amendment to the legislation -

The Bailiff: Well shall we come to the legislation when we have called these?

Deputy St Pier: Of course, sir, yes okay.

The Bailiff: I think we have got enough amendments before us, let's come back to the legislation once we have dealt with the policy letter.

Deputy St Pier: Thank you, sir.

The Bailiff: Deputy Kuttelwascher, do you formally second the two amendments?

Deputy Kuttelwascher: I do, sir.

The Bailiff: Thank you. Does anybody wish to debate either of the amendments or the policy letter?

75 Deputy Gollop.

Deputy Gollop: I would just make a quick observation. We have already seen them at Legislation Select Committee so that was useful and I support both amendments. But it has to be said the process by which we came to the Charge of Children Allowance rules was interesting, because the States have clearly made a commitment for the foreseeable future, up until maybe we have a more fundamental review of tax and benefits, to keep it. But perhaps there was a thought within Treasury & Resources to push that boat a little bit, but we are where we are.

80 The one query I had is – that might be contained in more detail within the text, or Deputy St Pier would have the expertise to advise me on –how was it possible for parents to misuse the Charge of Child Allowance? Because surely if there was a situation of joint custody or whatever, then it should have been done on a parity basis – for example, rather than both parents have a 12-month allowance, it should perhaps be done for six months each rather than allowing the full quantum for both parents.

90 **The Bailiff:** Anyone else? No? In that case – oh, Deputy Trott.

Deputy Trott: Sir, just briefly.

I declare an interest in that I have a relationship with a company that specialises in international pensions, and I would just like to ask the Treasury & Resources Minister if he could give those involved in that line of work under 2.8 in particular, Non-resident pensioners and entitlement to personal allowances, that there are no unintended consequences of these recommendations which would adversely affect a significant part of Guernsey's fiduciary industry.

The Bailiff: No further debate? Deputy St Pier will reply.

100

Deputy St Pier: Sir, Deputy Gollop raises a good point. It would of course be possible to provide some kind of pro-rating of the Charge of Children Allowance between parents, based on the individual circumstances of that particular couple and that particular child.

105 However, sir, to do that would of course introduce significant complexity into our tax administration because there would then be, quite literally, thousands of different claims to administer and monitor. And of course as this Assembly will know, sir, in the interests of keeping the cost of tax administration down, we are seeking to do all that we can to eliminate those kinds of complexities. So that, sir, is the reason for that.

110 In response to Deputy Trott's question, sir, he and I have spoken about this issue and he will know that the Department is in contact with representatives of the industry to ensure that any concerns that they may have are indeed properly addressed, and that this is seeking to address a particular domestic problem and that they should not be inadvertently caught up in that. And so, sir, we will be working to ensure that should not happen.

115 **The Bailiff:** Members, we move now to the voting taking the amendments first – the amendments proposed by Deputy St Pier and Deputy Kuttelwascher – and first of all amendment number 1.

Those in favour; those against.

120 *Members voted Pour.*

The Bailiff: I declare it carried.

And amendment number 2. Those in favour; those against.

Members voted Pour.

125 **The Bailiff:** I declare it carried.

We then come to the Propositions as amended. The original propositions are on page 3134 and of course they have now been amended.

Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them all carried.

Procedural – Order of business

130 **The Bailiff:** Now on a procedural motion the Chief Minister has requested that rather than dealing next with the Bowel Cancer Screening requête we move on to the policy letter on same-sex partnerships –

Oh sorry, you want to deal with the legislation?

135 **Deputy St Pier:** If you would not mind, I think it might be –

The Bailiff: Sorry, yes.

I keep trying to move this on, don't I? *(Laughter)* What a mistake! *(Laughter)*

Greffier, if we could come back to the Ordinance.

Billet d'État XXIII

III. The Income Tax (Guernsey) (Amendment) Ordinance, 2015 – Approved as amended

Article III.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Income Tax (Guernsey) (Amendment) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

140 **The Greffier:** Ordinance is Billet d'État XXIII, Article III – The Income Tax (Guernsey) (Amendment) Ordinance, 2015.

The Bailiff: Deputy St Pier.

Amendment:

In the draft Ordinance entitled the 'Income Tax (Guernsey) (Amendment) Ordinance, 2015' (printed at page 9 of the brochure to Billet No. XXIII) -

(a) clauses 2 to 7 of the Ordinance are deleted (and the subsequent clauses are renumbered accordingly), and

(b) in clause 8 of the Ordinance (to be renumbered as clause 2), in the new section 47AA which is to be inserted into the Income Tax (Guernsey) Law, 1975, subsection (5) (printed at page 11 of the brochure) is renumbered as subsection (6) and immediately before that subsection there is inserted the following subsection-

'(5) This section has effect from the 1st January, 2017.'

145 **Deputy St Pier:** Sir, this amendment... obviously the Ordinance was published in anticipation of the approval of the proposals in the Budget and given the decisions of the Budget, it is necessary to delete clauses 2 to 7 of the Ordinance. And in relation to clause 8, given the decision the States has just made, sir, in relation to entitlement for same-sex couples, then it is necessary to amend the application of that section to take effect from 1st January 2017.

150

The Bailiff: Deputy Kuttelwascher, do you formally second that amendment?

Deputy Kuttelwascher: Yes, sir.

155

The Bailiff: Actually, Deputy Brouard, you wish to be *relevé* don't you?

Deputy Brouard: Thank you, sir.

The Bailiff: Yes, you are *relevé*.

160

Is there any debate either on the Ordinance or on the amendment?
Deputy Trott.

165

Deputy Trott: Sir, this has just come to me, my apologies for not giving the Minister advance notice. I notice in the legislation under 8 on page 10 the reference to equivalent treatment for same-sex marriages. On the grounds that we have yet to debate that matter and decide whether that terminology is appropriate, is it appropriate for us to be approving law that has that reference in it at this stage?

Thank you, sir.

170

The Bailiff: Is there any further debate? No.
Deputy St Pier.

Deputy St Pier: I am trying to move it along, sir.

175

The Bailiff: Right, far be it for me to discourage you. *(Laughter)*

180

Deputy St Pier: It is a very good question, sir, that Deputy Trott asks. Of course it is drafted in that way to recognise the existence of same-sex marriages in other jurisdictions and the fact that there may well be couples moving here from other jurisdictions who have been married in those locations.

The Bailiff: We vote, then, on the amendment.
Those in favour; those against.

Members voted Pour.

185

The Bailiff: I declare it carried.
And we vote on the Ordinance as amended.
Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

POLICY COUNCIL

**VII. Same-Sex Partnerships –
Debate commenced**

Article VII.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 12th October, 2015, of the Policy Council, they are of the opinion:

- 1. To agree to the introduction of same-sex marriage.*
- 2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.*
- 3. To note the extensive work that has been undertaken with regards to Union Civile, and to direct the Policy Council to monitor international developments on this topic.*
- 4. To direct the Policy Council to bring forward, in a timely manner, separate Policy Letters to address the issues raised by the work on Union Civile including the dissolution of legal partnerships, as set out in section 6 of that Policy Letter; gender recognition, and procedural formalities relating to marriage.*

190 **The Bailiff:** Now coming back to the procedural motion, the Chief Minister has requested that we take next Article VII, the Policy Council's policy letter on same-sex partnerships, and that is because he has to leave later in the morning in order to undergo a minor operation and he would like to be able to open the debate.

I understand the lead *requérant* on the Bowel Cancer Screening requête has no objection to that change of order. So, Members, do you agree that we alter the order of proceedings and take
195 next Policy Council's Policy Letter on same-sex partnerships?

Those in favour; those against.

Members voted Pour.

The Bailiff: In that case, Greffier, if you could formally call that Article?

200 **The Greffier:** Article VII, Policy Council – Same-Sex Partnerships.

The Bailiff: Chief Minister.

The Chief Minister (Deputy Le Tocq): Thank you, sir.

205 This debate must be about equality and how that can be achieved in a society where there are increasingly different world views and lifestyles, and in which we are significantly more affected by societal norms and changes in neighbouring jurisdictions than our forefathers were.

Let me be clear from the start, and I stated this when I first met representatives of Liberate – who, incidentally, I must record have engaged on these issues in an exemplary manner, civil, helpful, constructive, patient, proactive, listening, self-controlled, respectful and kind. Indeed I
210 have to say displaying virtues that one could easily term as the *fruit of the spirit* if you are familiar with the New Testament epistles or Deputy Perrot's bible studies – values that are often seen strangely and sadly lacking amongst some of us who would claim to be Christians.

Nevertheless when I first met with Liberate I made it clear that personally, while I have conducted dozens of weddings – and I might be the only one here who has done that sort of thing, except for the Greffier – our Church will not be conducting marriages for same-sex couples as we have a particular view of marriage as mission in terms of our faith, and so do not offer marriage ceremonies to just any couple but those who are known to our community of faith and who are willing to come to a series of pre-marriage counselling evenings with a trained leadership couple, are willing to be accountable in their relationship to the Church community and agree to the concept of matrimony as mission in a similar way to how Roman Catholics and others considered marriage as a sacrament. I have been clear and taken that stance from the outset.

However, I am very much in favour of equality, social inclusion, fostering environments where we respect other people's world views, lifestyle and expressions of faith where those things cannot just be *tolerated* but expressed openly and civilly, related to and engaged with in a deliberate, proactive way. I say this with conviction because this view comes from my own faith and world view, one which comes from seeking to follow Jesus who incidentally is recorded as performing his first miracle at a wedding reception where he turned water into wine. Unfortunately many Christians have been desperately trying to turn it back ever since. (*Laughter*)

I unashamedly mention this because conscience does play a large part in this issue and I am conscious of the fact that many in the name of Christianity have sought to ostracise, disenfranchise and sadly, in some cases, promote hateful attitudes towards those with alternative world views and lifestyles to their own, including the LGBT communities. I am ashamed of this because I do not see this as the way of Jesus who was actually accused by the religious of his day for associating with and attending the parties of those whose lifestyles did not fit their paradigm often referred to as sinners, tax collectors, wine dippers and lepers.

Now, he did not do so necessarily agreeing with or participating in their lifestyle, indeed he was known as their friend. So I want us in this debate to disassociate with the views and attitudes of those who perhaps still, but certainly in the past, would have displayed prejudiced, disrespectful and in some cases abusive attitudes towards those with differing lifestyles. (**Several Members:** Hear, hear.) We live in a multicultural society and the best way that we can engage in debates such as this is to respect other people's views and to listen to them in a civil manner. I hope we will bear this in mind during this debate.

Before I come to a more personal reflection on how we got here, I want to mention the key points. This policy letter has been produced in order to satisfy the requête which was brought to the States in 2006 – nine years ago in fact – which directed the Policy Council to investigate the introduction of civil partnerships. In light of the rapid changes in society since then, especially in the British Isles, France, elsewhere in Europe and the developments more recently in the USA, Ireland and Jersey, the Policy Council considered that it was important not to limit its consideration solely to civil partnerships. However, civil partnerships *have* been considered and were part of the consultation process.

Policy Council has sought to achieve equality for all Islanders with regard to entering into a legally recognised committed relationship regardless of gender or sexuality. Under existing marriage legislation the only legal recognition of a committed relationship is through a marriage between two people of the opposite sex, and there is no provision for the legal recognition of same-sex couples.

A working party was put together reporting to the Social Policy Group which consisted of Deputies Bebb, Green and myself along with staff representing the Law Officers, Commerce & Employment, the Greffier and the Social Policy Officer, and I want to particularly thank my colleagues Deputy Bebb and Green for the time and effort they put in – especially Deputy Bebb, who chaired meetings while I was absent.

What we discovered is that the current marriage legislation is highly and unnecessarily confusing, obfuscatory and ambiguous in places, sometimes difficult to justify and certainly ripe for reform, irrespective of other issues. As a result it was necessary to understand how the

development of marriage came about, some of the details are in the policy letter but I will return to this in due course.

As a result, Policy Council considered a range of options as possible ways of achieving equality in the Island. It was accepted that retaining the status quo was not an option and in all, three options were considered: the introduction of civil partnerships, the introduction of a modern non-discriminatory statutory approach which was turned *Union Civile* and the introduction of same-sex marriage along the lines of the UK – or England and Wales at least, at that time.

Following extensive research into the three options, a public consultation and independent legal advice it was concluded that the best legal option was the introduction of same-sex marriage by a majority of Policy Council, as this would provide greater equality for Islanders to enter into legally-committed relationships regardless of gender, and was more likely to attain international recognition as it brings Guernsey into line with other neighbouring jurisdictions.

I have described to many how I have been on a personal journey in this arena myself. The original requête, as I have said, took place in 2006 and at that time I remember talking – because I was in the Assembly – about the fact that bringing in civil partnerships would not bring full equality and that actually it would only be a step. But it has taken nine years to get in this direction, and I am not surprised that we have been lobbied in the way that we have, to do more.

At the time when civil partnerships were introduced in the UK very few were petitioning for civil marriage to be extended to same-sex couples. Indeed lobby groups for LGBT communities were sometimes somewhat dismissive of marriage, seeing it as an outdated institution. And this is evidenced actually by increasing divorce rates, ever-expanding litigious actions and the rapidly growing numbers of couples in the UK who cohabit.

Indeed now the fastest growing type of household, growing by 30% in the last few years, accounted last year for a third of all couple households – those who are simply just living together. In addition 28% of all households in the UK are single-person households and this is steadily increasing.

You can understand why some no longer aspire to the institution of marriage and especially civil marriage which, as I will come to later, does nothing to encourage respect in the institution of marriage as a positive stable environment for a couple. Whilst back in 2006 very few according to civil marriage of same-sex couples, this has changed quite dramatically in the majority of our neighbouring jurisdictions, although it is still true that not all LGBT groups are specifically asking for a redefinition of marriage but rather for equality of recognition of all couple relationships in terms of status.

This was one of the reasons why I sought to find an alternative means to recognise the rights of those with different views in our community without further undermining existing, or indeed other, views about the definition of marriage, of which there are many today. As a result of our deliberations the concept of *Union Civile* was established, based on concepts from similar legislation in Canada, South Africa and France, but termed as such to distinguish it from civil union which means different things in different jurisdictions, and civil partnerships which of course exists in the UK and a few other places.

In any case *Union Civile* was intended to be a simple and sole system for state recognition of the union of two individuals regardless of sexuality, gender or religious persuasion. I was glad that Liberate understood this early on in our research and commented in the consultation that they said, 'We would therefore ask the States of Guernsey to consider using the *Union Civile* mechanism which we believe to be one of the most progressive pieces of marital legislation in the world.'

The ideas behind *Union Civile* were to restrict State involvement to what we saw as the only real issues it legally and logically should be involved in. Government should not be involved in issues of sexuality or religious conscience in this regard. We should therefore remove the Government from any role in defining marriage but rather to recognise a couple's rights in terms of next of kin, taxation, inheritance rights and family issues, etc. My reasoning behind this was

315 driven by several considerations and if the Assembly will allow me I want to outline them so we understand the context for certainly how some of us came to this conclusion.

We do not define institutions such as the family for example in that way. We do not define a number of things in our society that we would consider to be part of the natural make-up of our society in a particular way. There may be norms and exceptions to the norm, and they are certainly faith-based but certainly it seems to be a good thing that the States does not get involved. Yet we support and protect the family for example by other means, including taxation, inheritance rights, child protection, etc.

I could not support the current laws on marriage. I came to this perhaps surprising conclusion through being regularly told by some Christians, 'You are there to defend our current marriage laws.' But to be frank I already had several problems with them – I am talking about civil marriage here – to such a degree that when Judith and I were married in 1986 we chose to do the legal thing at the Greffe on the Friday and get married in St James' at the time, which was not licensed for marriages, and our Church community on the Saturday.

I remember being shocked at the time how easy it was to have a civil marriage at the Greffe. We simply turned up a week before, paid a fee and then on the day we turned up with two witnesses, made a statement declaring who we were, affirming that we were not already married to somebody else and signed on the dotted line. When the Greffier said to us, 'Are you going on honeymoon now?' I replied 'No, we are getting married tomorrow.' (*Laughter*) He was slightly confused of course but that is how we treated it because of our faith, because we are part of a community of faith. And even though it would have been legal to be together that night, we did not until the night after.

We are living by conscience and as I said before, these issues of faith and conscience matter in this regard because I do not believe that a piece of paper or a ceremony at the Greffe can actually encourage marriage to be respected and to be more permanent in our society, if that is what we wish to do. I am genuinely shocked at how easy therefore it is to get married under our current laws and secondly also to get unmarried, compared to how I see marriage described in the Christian sense.

There are many more anomalies of course, adultery in law is defined in such a way that any other unfaithfulness sexually, with the same or opposite sex is not included and that I feel is also an anomaly. The reasons for this are historical and some people have said to me, 'Well, civil marriage has nothing to do with religious marriage' – but actually it does.

Effectively there were no State laws on marriage in Guernsey – and Guernsey is not alone in this. Marriage is an ancient institution but it was normally a community recognising a couple's commitment. Even the Church had no formal marriage ceremony until the Middle Ages when the Roman Catholic Church decided to make marriage a sacrament.

Marriage was then a religious institution in Europe especially, although some reformers such as Luther felt it could return to a simple community recognition. He and other of the reformers did not make it a sacrament of the Church. But in the British Isles if you wanted to get married up until the 1840s, you had to get married in an Anglican parish church. There were of course Anglican Church regulations – canon laws, which still exist – defining marriage. But this meant that if you were a Methodist, Baptist, Quaker or even Roman Catholic, or even an atheist – there were a few in those days – you had difficulty getting married because either an Anglican rector was unwilling to marry non-conformists, many were not christened as Anglicans, or you were in terms of conscience unwilling to participate in Anglican rights.

As a result there were an increasing number of couples who were effectively either living together without a recognised ceremony or registration or piece of paper to say so, or their non-conformist chapel had developed their own ceremony they were acknowledging as being genuinely married in their own faith community in God's eyes.

The Government decided therefore to legislate for the registration of marriages, and it basically used the Anglican Church regulations as its basis, hence picking up the non-consummation and adultery definitions that we have today in civil marriage. And to begin with

this meant attending the Greffe. It was not a total solution and it soon developed into a Greffier or Registrar being able to conduct the legal part of ceremonies at non-conformist places of worship. And finally in the 1920's the States permitted non-conformist ministers to be licensed to do the now very short legal part of the ceremony in an otherwise religious environment.

It is clear therefore that the current laws are as a result of multiple influences over centuries and this is reflected in the fact that we still legislate for Anglican Church law, and if the Propositions before us today are carried, we will need to allow the kind of quadruple lock to enable the Church in matters spiritual to govern its own decisions with regard to the marriage of couples.

I have to say in my mind this makes for a messy system, which is not really full equality exemplified in the UK and Jersey where there are effectively now four types of State recognition for a couple: civil partnerships, only open to same-sex couples; traditional heterosexual civil marriage which remains; same-sex marriage obviously just for same-sex couples but with different rules applying to the dissolution of that; and Anglican Church marriage for whom same-sex couples are banned.

Union Civile though misunderstood by many, would have overcome this by sitting above all of these and potentially enabling couples simply to choose how they termed their relationship and the ensuing ceremony they wished to take part in. Introducing a form of civil marriage for same-sex couples does nevertheless bring greater equality to those couples, but as indicated in the policy letter there are multiple anomalies in rights and statuses which have been exemplified through the research in civil unions which will need further attention. It is therefore this system that the majority of Policy Council has decided to bring before this Assembly today for the reasons given in the policy letter.

Sir, I end by referring to what I said at the start. This debate must be about equality and therefore I urge all the Assembly to debate these issues civilly and with respect for all views.

Several Members: Hear, hear.

The Bailiff: Well, Members, two amendments have been circulated. One proposed by Deputy Adam and seconded by Deputy Paint, and the other proposed by Deputy De Lisle and seconded by Deputy Perrot.

I propose that we take the debate on those amendments and the general debate all as one, rather than... in an attempt to move things along perhaps. *(Laughter)* And what I propose is that in terms of the order of the amendments: we take first the Deputy Adam amendment as that is further reaching, so Deputy Adam will have the chance to open on that amendment and for it to be formally seconded by Deputy Paint; and then Deputy De Lisle to open on his amendment to be formally seconded by Deputy Perrot; and then general debate; and voting will be on the Deputy De Lisle amendment first and then the Deputy Adam amendment.

Deputy Bebb.

Deputy Bebb: Sorry, could I seek clarification. There are a number of people –in this corner, anyway – that feel that debate on the main propositions and the two amendments should be separate. Is that what is being proposed or that we actually have debate on all amendments and –

The Bailiff: Yes.

Deputy Bebb: In which case could I ask that it put to the vote because I think there are some who would prefer to have the amendments debated separately?

The Bailiff: I think it is strictly a matter for me but... yes it is a matter for me.

I am conscious of how long we spent yesterday on matters; we still have an awful lot of business to get through. I know it is a four-day meeting but we still need to try to complete as

much as we can in the four days and I think that the most efficient way of dealing with this is to
420 just give everybody the opportunity of a single speech, so debate the amendments and the
general policy letter altogether as a single debate. (**Several Members:** Yes.) Well it is a matter for
me and that is how we are going to deal with it.

Deputy Adam, do you wish your amendment to be read?

425 **Deputy Adam:** Thank you, sir.
I was going to ask the Greffier to read the amendment.

The Bailiff: Right, Greffier?

430 **The Greffier:** To replace Propositions 1, 2 and 3 as follows:

"1. To agree to the introduction of Union Civile as a formalized legal relationship between any two individuals, as an
alternative to marriage.
2. To retain and update the existing Civil Marriage Laws to remove any anomalies and provide for the same choices of
venues and notice periods as in Union Civile.
3. To direct the Policy Council to develop detailed proposals for such legislation as may be necessary to give effect to
the introduction of Union Civile and updating of Civil Marriage Laws, and to monitor international developments on
these topics."

The Bailiff: Deputy Adam.

Deputy Adam: Thank you, sir.

Sir, the Chief Minister has already given us an excellent background on this whole issue and
435 unfortunately you may hear me repeating some of what he has said. But my reason for bringing
this amendment is that I hope it allows debate on alternative choice. For example extending civil
marriage legislation to include same-sex individuals; acknowledge that for many people marriage,
as by custom or assumption, is to find a union between a man and a woman; introduction of
same-sex marriage at this time may be considered by some as a step too far.

440 And the mailbox reflects the strong emotions raised with the potential of division within the
community. And, as the Chief Minister says, one must avoid strong emotions and have a sensible,
level-headed debate.

The consultation on change responses are more likely from those who wish change than those
who do not. However, 53% agreed or strongly agreed with *Union Civile*, but 33% disagreed or
445 strongly disagreed.

There is a volume of concern from Islanders about the redefinition of marriage and the use of
Union Civile to be the legal entity for all committed relationships between two individuals. *Union
Civile* was the initial recommendation of Policy Council on the means to achieve the objective of
the 2006 States Resolution. It would create a modern, non-discriminatory, statutory approach
450 which allows for the recognition of same-sex relationships and offers such couples the same legal
benefits and protections as afforded to opposite-sex couples. And the Chief Minister has already
mentioned what we are looking for is equality.

It would meet the requirements of human rights legislation, there has to be a legal provision
under human rights law for recognition of relationships between homosexuals, but two people of
455 the same-sex do not, under human rights law, have the right to marry. It would meet the
objectives I believe of equality, the same legal status for same-sex and opposite-sex relationships.
As the Chief Minister has already mentioned, at the present time the English same-sex marriage
law does not meet completely the equality that is desired.

Retaining the option of civil marriage for heterosexual couples may be held as to be
460 discriminatory. However, this may be judged to be a worthwhile compromise to achieve a position
acceptable to the community as a whole.

Arguments against: principally the concern with problems in creating unique legislation.
Entirely new legislation would need to be drafted, but I am sure there are other countries with

similar types of law in place at the present time. It would not attract wedding tourism as mentioned in the States Report. Evidence of this at present is very slim. There is no evidence that having same-sex marriage would increase this aspect.

However, probably the main issue is the potential problems with regard to international recognition of the status in other jurisdictions particularly, in actual fact, the status of heterosexual couples. If options for marriage remain, this problem disappears – although it may influence the choice of some opposite-sex couples for marriage over *Union Civile*. It would be substantially more complex to draft new legislation for *Union Civile* than it would be to link same-sex couples to the current legal system of marriage once anomalies were addressed – and it is important to realise that these anomalies would be addressed before one could use that term as for same-sex so that they get the same equalities.

However, I would hope that we would not be influenced in our policies by concerns over giving a difficult job to St James' Chambers. I suggest it is also possible that legal advice concerning the work needed to legislate for same-sex marriage may have been underestimated in relation to *its* difficulties.

Please give due consideration and support to this amendment which I believe may be able to achieve the objective of attempting to provide a solution that is equitable to all sectors of our community.

Thank you, sir.

The Bailiff: Deputy Paint, do you formally second the amendment?

Deputy Paint: I do, sir, and can I speak now?

The Bailiff: No, because you are just formally seconding. *(Laughter)*

What I said is that I would invite Deputy De Lisle to open in respect of his amendment next. Deputy De Lisle.

Deputy De Lisle: Thank you, sir.

It might be appropriate to ask whether the amendment is to be read out, sir. But I will do that.

The Bailiff: Thank you, Deputy De Lisle. *(Laughter)*

Deputy De Lisle: I know time is of the essence.

In Proposition 1 to delete "same-sex marriage" and substitute "same-sex civil partnerships on the lines of those provided for by the law of England and Wales".

That is the amendment.

Sir, I believe that the Policy Council has gone far beyond the prayer of the requête... the remit given them in 2006 to investigate civil partnerships and make a decision on that. I feel that the Policy Council has deceived the States (**Several Members:** Ooh!) and the people of Guernsey, by asking them to agree to the introduction of same-sex marriage.

The remit is stated as follows:

"To direct the Policy Council to initiate an investigation into the desirability of the enactment of legislation –
(a) enabling people to enter into legally recognised and binding civil partnerships in Guernsey;
(b) addressing all issues that might be associated with, or arise out of, the creation of such partnerships; and
(c) enabling the recognition for the purposes of Guernsey law of similar civil partnership arrangements entered into under the laws of other jurisdictions."

Sir, the public also have drawn attention in our media to bias in the policy letter before you towards same-sex marriage. This is illustrated in the title change actually to Same-Sex Marriage in this report, although if you look at the cover of the Billet XXIII it states that the Policy Council

would be talking Same-Sex Partnerships as the title, not Same-Sex Marriage as it is on this policy letter. Right there, there is confusion before we start.

510 But the bias goes further, sir. There are also inaccuracies in reporting the Italian case law breach of Article 8 by stating that Italy had breached the convention by not allowing same-sex couples to get married or enter into a civil union. That is not what they said, they only referred to the civil union, not to getting married. Marriage has been added inaccurately – see paragraph 3.5 on page 3486, half way into the paragraph.

515 And if you relate and turn to Appendix 3 it states very clearly that the violation of Article 8 from the court judgment – that is the Italian court judgment – where the court states that:

A civil union or registered partnership would be the most appropriate way for same-sex couples ... to have their relationship legally recognised.

– so civil partnerships is the way to go according to the court resolution, if you like.

So those are concerns that I have that the Policy Council has gone beyond its remit – way beyond its remit – and should have been discussing civil partnerships and not going off on a tangent into other areas.

520 Now, the introduction of civil partnerships on the England and Wales model would go some way to providing legal recognition of same-sex relationships, without dividing our community. And I believe that we have to take this one step at a time just as in fact England and Wales have done – one step at a time. And that is important in our community as well. The introduction of civil partnerships would satisfy the judgment of the European Court of Human Rights in that it
525 would provide legal recognition of same-sex relationships, which is what I would be for.

Civil partnerships in the United Kingdom granted under the Civil Partnership Act of 2004 allow same-sex couples to obtain essentially the same rights and responsibilities as civil marriage. Civil partners are entitled to the same property rights as married opposite-sex couples; the same exemption as married couples on inheritance tax, social security and pension benefits; also the
530 ability to get parental responsibility for a partner's children, as well as responsibility for reasonable maintenance of one partner and their children; tenancy rights, full life insurance recognition, next of kin rights in hospitals and others; and there is also a formal process for dissolving partnerships, akin to divorce.

Now the Policy Council argues the lack of equality that would remain between same-sex and
535 opposite-sex couples, and that if same-sex marriage was introduced in Guernsey it would follow legislation currently in place in England, Wales and Scotland. But this would *not* provide full equality for same-sex couples as adultery and non-consummation would not be recognised as grounds for the dissolution of a same-sex marriage. In fact Policy Council just says, 'Well, this is something that we would look at at a later date.' That is a cop-out if ever I have heard one.

540 But of real concern to me is paragraph 13.2 in the policy letter. Not only would the Policy Council bring in legislation to bring same-sex marriage, but a separate policy letter will be brought to the States to deal with dissolution of marriage and address adultery and non-consummation. I have to emphasise that it is not an option for the States to do nothing as there is a legal recognition of same-sex relationships which satisfies Article 8 of the European Convention
545 of Human Rights, setting out the right to respect for private and family life.

But the complaint that was brought up in the European Court of Human Rights with respect to Italy and its breach, the complaint under Article 12, the Right to Marry, did not impose an obligation on the States to grant a same-sex couple access to marriage – that was very firmly brought out, and that of course is July 2015 this year. And that would be, I would suggest, the
550 latest legal case law study with respect to this.

And I have to emphasise that we have had a lot of emails, a lot of people very, very concerned with regard to this whole question and we have to realise that marriage by customary law between a man and a woman is a fundamental of our society and some would maintain that marriage predates the Law, the State and the Church, and it has always been the bedrock of

555 society and it is the most stable environment for raising children. And I think many people have concern over the word 'marriage' and I think we have to be aware of that and consider that.

So I would ask Members to take this one step at a time and that we introduce civil partnerships at this time and we evolve from that position, rather than totally disengaging and dividing our community in Guernsey by going further as is suggested in the policy letter to same-sex marriage.

560 So I ask Members to support this amendment for civil partnerships to be introduced along the same lines as in England and Wales and to not support, and vote against, the introduction of same-sex marriage.

Thank you, sir.

565 **The Bailiff:** Deputy Perrot, do you formally second that amendment?

And then, Chief Minister: do you wish to exercise your right to speak on the two amendments at this stage?

570 **The Chief Minister:** I will do, sir, as I am not here later and with your leave I will speak briefly from a Policy Council viewpoint then from a personal viewpoint.

Both of these amendments have some merit in that they improve the current situation. The current situation is very unfair and has been for a long time now for same-sex couples in terms of having recognition, although of course there are some changes as we have just seen in the previous debate with regard to those who come to the Island from other jurisdictions where there is recognition for some degree of relationship.

575 With regard to the first amendment laid by Deputy Adam, the first Proposition that the amendment speaks to is certainly one that would be positive in that *Union Civile* can be applied, and is *intended* to be applied, to people of all sexualities and genders. And I believe, because of the research that we have done, it could be attained in terms of international recognition because that seems to be the way that things are moving if accepted, that it was a radical approach from Guernsey – maybe *too* radical for Guernsey. But the difference is, we were intending that *Union Civile* would be the *one* form of recognition for everything.

580 And so whilst Proposition 2 stands on this basis in terms of civil marriage, my own personal view is that it would have to either merge with *Union Civile* in the future – and that may well happen as the anomalies that have already been mentioned in debate need to be tidied up and there needs to be a debate on those sorts of issues as to whether it is appropriate to keep them in our society today. But I think if you removed them, what you end up with is a marriage law that would be devoid of all the things that people consider to be marriage in terms of sexuality – which from the States point of view, I do not think is a big deal. But that would have to be the case.

590 It may well be again because of the numbers declining over time – and it will probably be a long time – that those choosing *Union Civile* both heterosexual and homosexual couples and same-sex couples, would indeed end up with a greater support for that. But I think whilst both of them are there that is the one anomaly.

595 It would be possible of course, I think socially – and I do not know if I mentioned this earlier – that with regards to the ceremony that is used... and we are not discussing that, the ceremony used at the Greffe or indeed the framework documents that go on certificates and the like. The word 'marriage' can be included there because it is certainly not included in the ceremony. People talk of 'wedlock', 'in union' and 'united to', and 'wedded to' and all those sorts of things; and if we are talking about terminologies of course those change all the time and certainly I do not think there is any problem there.

600 But this is not what was originally intended by *Union Civile* although I think it has more merit than Deputy De Lisle's amendment. Because the problem with this one is ... and I take exception to the fact that he thinks we are being deceitful. (**Several Members:** Hear, hear.) We were dealing with nine years... and I did mention in my speech that initially when the Roffey requête was laid on civil partnerships, no one was thinking about equal marriage in those terms and changing

marriage to make it open, but if we had restricted our research – bearing in mind that nothing was done in the last term at all on this matter – just to civil partnerships, we would have been accused then of not taking note of all the changes that had happened in the very nations and the very jurisdictions that had moved on from civil partnerships.

The other problem with civil partnerships – and I said it at the time of the debate on the requête – is that they are not truly equal, and Deputy De Lisle acknowledged that and there are problems with them. Indeed whilst they give a greater degree of equality – and certainly if we had them at the moment that would be better than the current system, as I mentioned before – it certainly is not that. Deputy De Lisle, however, did say at the end of his speech – and I do thank him for it – he talks about evolution, or evolving. And I can understand that for some, in terms of the changes that we have had in our society in the last post-war period, it is a question of how rapidly those changes are happening.

As I mentioned before – and I have got somewhere here on my iPad, a comment in *The New Statesman* and in *Stonewall* – that there are big issues with the current legislation in the UK for same-sex couples in terms of rights and responsibilities and some are being turned off that. It is not a simple solution and any idea that the decisions we make today that will be it, and we have put a tick in the box, is completely wrong. There will be further issues involved because our society is changing; we have got multiple views of marriage and of relationship in our society, as I said before. Whilst I would personally want to promote marriage as I see it, I do not believe it is the States job – and neither is the States very good at doing so – to promote those sorts of things... those are matters of conscience.

And so, coming back to Deputy De Lisle's amendment, I think whilst it is an improvement on the current system, it is not enough to actually supply the degree of equality that I personally believe would have been – and needs to be – provided under *Union Civile*, and certainly under the proposals before, better than the current one that is there. It is a question, however, of how rapidly this Assembly and Guernsey as a whole wants to move with the times – and bearing in mind the society we have today.

Thank you, sir.

The Bailiff: Right, Members, can I just explain how I intend to deal with this?

I expect there is going to be a lot of people wanting to speak. I have already had a lot of people trying to book their places (*Laughter*) and I am going to stick more rigidly than I do sometimes to the rules of requiring Members to stand before they are going to be called.

Some of you may have noticed that I was doing that yesterday, when we had a total of 37 speakers, and I think many of you got very frustrated that you had to wait. But that is what the Rules provide; the Rules provide that you have to stand before you can be called.

So if you want to attract my attention you must stand and I am not going to be running a list, so there is no point sending me messages or signals saying you want to be the next... (*Laughter and applause*) because I think that is rather unfair on others who do not know that someone has booked their place. And I will give some priority to the seconds of the amendments so that if they wish to speak at any point... and I can see Deputy Paint is wanting to rise.

So, Deputy Paint.

Deputy Paint: Thank you, sir.

Before I do start my speech, I brought a document in here today which is my marriage certificate. Now this was dated 28th December 1965 and it has 'marriage' written on it three times, and it was here at the Greffe that I got married.

Now it clearly states me as the husband, Barry, (*Laughter*) and my wife, Diana, as the wife. Now this was as far as I can see a document as an agreement, a contract between my wife and myself. It has lasted nearly 50 years, I do not regret it for a minute, and that is the way it is.

Now because it is male and female I have to explain that I know I am a man. I know I am a man because I cannot see or understand if another man is handsome, ugly or desirable. I just cannot

see that. And I know my wife is a woman because she has had two children and no man can do that. *No man can do that.* So I am very much in favour of marriage solely between man and woman. And now I will continue with my speech if I can.

Sir, I hold no prejudice against any religion, cast, creed, race or colour but I sincerely believe that there must be clear distinctions between all people by culture, religion, habit and gender. I have often wondered, if I had a child that was of different sexuality to me, what would I do. Would I love that child less? I am pretty certain I would not. Would I discriminate against that child? Certainly not. Would it change the principles I have lived by all my life? I am certain it would not. Would it change anyone if they had child of a different sexuality? It would in some ways, probably: it would make them see much clearer the problems other people have to face that might not have occurred to them before.

I can understand that if a person was born with a different sexuality, they would try the best they could to fit into the rest of society and I have no problem with that. It is actually exactly the same with all parents, married or not, they would want to fit in with society – and their children. I am very aware that many do not have the good fortune that others have had in many ways, and I have always accepted that. We have to conform with certain principles in life whether they are personal, governed by rules, family or our culture. That does not mean that we cannot respect others who have a different point of view regarding sexuality.

What really counts in all humans is a particular person's personality, not their sexuality, and whether or not they try to force others to their will and views. I can assure you that does not go down very well anywhere. We can see much more frequently in recent years – and particularly in this Assembly in this term – we all know the disastrous events that have taken place on the seafront, and the population proposals, and the uproar by the public with other events which have not yet been fully established.

For the most, Guernsey people are very accepting and tolerant of other people coming to our shores and living alongside of us, but I can see that tolerance and acceptance has been slowly ebbing away. Please do not force any of us to accept what we do not want.

One also has to look at what is happening around the world that will affect us in one way or another. Forcing people to accept things is one of the greatest problems in the whole of humanity throughout the ages... it has caused wars, all sorts of different sorts of discrimination and resentment amongst people, as we see in the world today. In my view most men and women in any culture have complemented each other throughout the ages and centuries – and that is why every one of us is here today.

It would be very hypocritical, dishonest and very uncharacteristic of me to hide what I believe from the general public by going along with what has been proposed and not speaking and expressing my view on this matter, particularly so close to an election. The only problem I have with all that is being proposed is the word 'marriage'.

It is a very ancient word that has been with us for thousands of years historically and has been defined as 'a union between man and woman'. I sincerely believe that this word should be, and must continue to be, the preserve of a union between man and woman only. I do not object to a legal union between two people of the same gender, but I cannot support that union as 'marriage'.

Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, before I begin I think I should say that I believe it is important that we respect all sides in this debate: those who wish things to remain as they are, those seeking a half-way house for same-sex couples, and those like me who believe we should seek equality.

Quite frankly for me this has been one of the easiest decisions I have had to make over the last few years. For me it has been simple but I do understand that has not been the case for others.

710 But we must be tolerant of others' views even if we do not agree with them – it is a long, slippery slope to the bottom when we do not.

That is what I kept reminding myself when reading some of the emails I have received against the proposals in this policy letter. Because it has been very difficult for me to understand why some do not believe lesbian, gay, bisexual, transgender people should have equal rights on equal
715 terms as equal members of our society. They pay their taxes too, after all. But I can understand how much harder it may be for the older members of our society.

Over the last 50 years since I was born and Deputy Paint got married, my parents' generation have experienced massive societal changes. (**A Member:** Hear, hear.) For some it has been very difficult to move with them. Change can be frightening, as we all know; fear of the unknown and
720 where it places you in that new world. We have to respect those we disagree with, though I have to say I have struggled with the content of some of the emails I have received.

Now, these amendments which basically say you can have marriage but you are not allowed to call it that, make no sense to me. If it looks like a chicken, walks like a chicken, (*Laughter*) clucks like a chicken, it is a chicken. And yes, the original resolution was concerned with civil partnerships
725 – but that was nine years ago! (**A Member:** Hear, hear.)

Life has moved on. And I suspect that those people who laid that original proposition in 2006 would probably today be in support of same-sex marriage. (**A Member:** Hear, hear.)

The overriding theme from those opposed to this policy letter in suggesting a second best option, in my opinion, is that it will redefine marriage. In fact it was very easy to work out those
730 pro- and those anti- same-sex marriage in their emails, just by the heading. Pro- said, 'Gay, same-sex marriage' and the anti- said 'Redefinition of marriage'. It was all in the word. Well if you ask my husband he would probably say 'Marriage is not a word, it is a sentence!' (*Laughter and applause*)

But those who do not want equality say that marriage has meant the same thing since the dawn of time; but this is completely wrong, of course. Now when the United States Supreme Court recognised the constitutional right to marriage in June this year, Justice Anthony Kennedy
735 stated:

'... this view of marriage as timeless and unchanging was contradicted by an abundance of scholarly work. The history of marriage is one of both continuity and change.'

(**Several Members:** Hear, hear.)

For centuries most people did not get married at all, marriage was for the aristocracy bothered
740 about passing on their property and riches and wanting an heir and a spare.

Today, marriage in our society is about love, finding a life partner who will be with you, care for you and love you through good times and bad times. It is not about property, it is not about procreation, it is about love. Finding a soul mate is not exclusive to heterosexual couples. No-one owns the copyright to the word 'marriage'. I have been lucky enough to have been happily
745 married for 26 years; you will have to ask my husband whether he thinks the same. (*Laughter*) Anyhow, I believe everyone in an equally loving relationship should have the same opportunity and have their relationship recognised in law in exactly the same way – by marriage.

I would like to comment about what has heartened me through the lead-up to this debate, and that is the level of engagement from the younger members of our society, and listening to
750 their views. They have LGBT friends who are just that... friends. Why can't they have the same rights as everyone else? In 1967 in a ruling which overturned bans on inter-racial marriage in the US the Judge, Earl Warren, stated:

'The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men.'

I would add 'women' to that, but otherwise that is my belief too. And anyone else who believes that should support this policy letter and reject these amendments.

755 Now as I say I have been heartened by the emails we have received from the younger members of society. Why, how can we say we are all equal but some are more equal than others in the future? I know that today's debate means a lot to many of them and in the end that is why we need to support this policy letter today as it stands – for my children's generation. To send them the message that we are not out of touch, that discrimination is not tolerated, that we truly
760 do believe in equality and that everyone should have the opportunity to seek happiness through marrying the person they love.

Several Members: Hear, hear. (*Applause*)

765 **The Bailiff:** Deputy Green.

Deputy Green: Sir, thank you.

Deputy Paint has been married 50 years, Deputy Soulsby has been married 25 years and I have been married for about three months. (*Laughter*) But by comparison I have a lot to live up to and
770 to catch up to with those two.

Sir, I will be supporting the proposals for same-sex marriage as I believe that only the introduction of same-sex marriage will achieve real equality for both heterosexual and homosexual couples alike in terms of being able to get married. Same-sex marriage is the most obvious and clean vehicle for securing that genuinely equal treatment, in my view. So yes, it is
775 about equality. But, sir, it is also about something else; it is about commitment.

Marriage, generally, is a great institution and a stable building block in our society. I think the concept of marriage can only be strengthened by its extension to same-sex couples as it can only lead to more stable commitment all around.

Now, just to turn to the amendments and first of all to the amendment moved by Deputy
780 Adam and Deputy Paint. On the working group we looked very carefully at the idea of *Union Civile*. We examined it very carefully, with interest, and there is much to be commended in the *Union Civile* model. Although the amendment that Deputy Adam is suggesting – and the Chief Minister referred to this a moment ago – actually creates a further dichotomy, not the *one* single non-discriminatory system that was suggested or looked at by the working party, but actually
785 creates *Union Civile* and a tier of civil marriage. So I am not sure that would necessarily bring about a single non-discriminatory system.

But, sir, there is one fundamental problem with *Union Civile* – and Deputy Adam was good enough to refer to it when he spoke this morning. In the Billet there is a copy of Council's opinion, Professor McEleavy's opinion, set out in full at page 3540 and onwards in the Billet. And it became
790 very clear from Council's opinion that there are real issues with the international legal recognition of a Guernsey *Union Civile*, particularly for opposite-sex couples. And I think that for me, certainly, was what put paid to the idea of *Union Civile* – the idea that if we go down that road there will be problems for local people, couples in opposite-sex relationships, having a *Union Civile* recognised if they go abroad or in other circumstances. *Union Civile* in those circumstances would be a
795 solution to some extent for same-sex couples at the great inconvenience and difficulty of opposite-sex couples.

So I do not think Members should support Deputy Adam's amendment, there are fundamental problems with *Union Civile*, the actual amendment he is moving is not even as simple and pure as the model of the *Union Civile* that the working party was looking at. And as I say, by retaining that
800 element of civil marriage *alongside* a *Union Civile* regime, that in itself would militate against equality, I think.

Turning to Deputy De Lisle's amendment on civil partnerships – and I was interested a moment ago to be reminded of the voting record for the requête on looking at civil partnerships, when the matter was debated by the States in September 2006... the requête that was moved by former
805 Deputy Roffey. I could not help but notice that Deputy De Lisle did actually vote against that

requête in 2006, but I congratulate Deputy De Lisle for being prepared to change his mind on that issue.

But on civil partnerships, sir, again I would ask Members to reject the amendment that is being moved by Deputy De Lisle and Deputy Perrot because I think there are two main reasons why civil partnerships in this day and age will not cut the mustard. As other Members have said, the world has moved on since 2006 and it has moved on fundamentally. But the two reasons that I am referring to, sir: civil partnerships are in essence an intermediary step set up to basically avoid giving same-sex couples the same rights – including the right to marry and to call it marriage – as opposite-sex couples. They are clearly designed to specifically deny the right of marriage to a particular section of society. Although a civil partnership regime may well go some way to providing legal recognition of same-sex relationships, it would definitely not achieve the single non-discriminatory system that has been the Policy Council's stated overall aim all along.

Now, a civil partnership regime along the lines of Jersey or the UK would be available only to same-sex couples – and presumably that is the intent behind the Deputy De Lisle amendment. They would not be available to opposite-sex couples at the same time, and marriage *per se* would not be possible for same-sex couples under a civil partnership scheme. So equal rights therefore would not be secured at all, in my opinion.

Secondly, civil partnerships would by necessity, create a whole new legal structure including procedures for creation and dissolution, property and financial arrangements *et al*, and that would be very time-consuming and complex to adapt to Guernsey. It would create a new court jurisdiction and would have resource implications for those courts. So it would create bureaucracy and administrative complexity into Guernsey and I think that would be wholly disproportionate. That is not something that would follow from same-sex partnerships.

Now, Deputy De Lisle referred to the... he did not refer to it by name but he referred to *Oliari v Italy*, the European Court of Human Rights decision. And he was right in the sense that civil partnerships *would* satisfy the demand of the European Court of Human Rights in light of *Oliari* in Italy – he was quite right on that. But they would not actually provide true equality between same-sex and opposite-sex couples and it is that lack of equality which I find unacceptable about civil partnerships. So I would suggest that civil partnerships would create practical issues, they would not satisfy genuine equality and I think in those circumstances, the De Lisle amendment has to be rejected as well.

I was going to mention the European Court of Human Rights decision in *Oliari* because that did not say that there was a human right for same-sex couples to marry and I think we have to acknowledge that at this stage. The Strasbourg Court concluded that Italy did violate the human rights of same-sex couples by its failure to officially recognise their relationships *at all* and not because of a lack of same-sex marriage rights. Indeed in that case a civil partnership would have sufficed – and Deputy De Lisle was right in that respect – and that would almost certainly be the same here in Guernsey.

So a civil partnership regime would be sufficient for Guernsey to prevent legal actions in the Court of Human Rights. But the point is, sir, we should not be aiming to do just enough to prevent litigation. We should be much more forward thinking than that, given the direction of travel, and whether the European Court of Human Rights in due course... whether the jurisprudence of that court will evolve to reflect the growing reality worldwide of same-sex marriage, I suspect it probably will.

So in the end, sir, on the working party we came to the clear view that we needed a solution that will not provide any discrimination against same-sex couples, straight or gay. Couples, in my view, ought to have the right to marry if we really have respect for equality for all in our society, but also if we want to respect and extend commitment within our community in general.

And just one final matter: in the policy letter it does cover the important issue of protection of religious rights and any Guernsey legislation on same-sex partnerships, particularly same-sex marriage, would allow an opt-in clause for religious organisations; and indeed employees of the

Greffé would have, potentially, the ability to opt *out* from presiding over same-sex ceremonies in light of any particular conscientious objections.

860 So all in all, Mr Bailiff, the same-sex marriage proposals before the States are thoroughly rational and are strongly supported by the public consultation. This policy letter is a golden opportunity for this States to embrace equality and commitment for all relationships in the Island and I commend them to the Assembly.

The Bailiff: Deputy St Pier.

865

Deputy St Pier: Thank you, sir.

I recognised actually, during the Chief Minister's speech that I speak in this Assembly as an outcast in our community, as a tax collector. (*Laughter*)

870 Sir, I was born in 1967, and 1967 was of course the year that homosexual acts in private between consenting men over the age of 21 were decriminalised in the UK – which of course followed in Guernsey in 1983.

875 At school in the 1970's the Lexicon had not yet found 'gay'. The language was still of 'queers', 'poofs' and 'fags'. At university in the 1980's I learned in my family law lectures, that marriage was between one man and one woman. We learned about the need to consummate marriage – and we have talked about that already – and failing which, marriage was voidable... and I will return to that later.

880 We pruriently examined cases involving what was then commonly called 'sex changes' – the term 'transgender' was not in common use outside of legal text books – and we learnt that those marriages were void. In the background AIDS – 'the gay plague' – had arrived, which we were told by the Government was the tip of an epidemic iceberg. They distributed leaflets to every household in the land to tell us so. Some people told us that gays should be banned from public swimming pools.

885 The 1980's was a decade in the UK of the infamous Clause 22 of the Local Authority Bill which became an Act of Parliament, banning local authorities from funding any promotion of homosexuality and, in doing so, prohibiting teachers from explaining what it was to their pupils. Ironically, as a *cause célèbre* for equality it probably did more for gay rights than anything else that decade.

890 In 1985 I joined the Royal Air Force Volunteer Reserve. This involved a security clearance from the Ministry of Defence. We were told that homosexuals were a threat to national security. (*Laughter*) We were told that homosexuals were particularly susceptible to blackmail and honeytraps set by soviet agents. (*Laughter*) It must have been true because they showed us VHS videos telling us it was so.

895 Then I would like to wind the clock forward to 2015. Up until a few days ago I had not intended to speak today. I felt sure that the proposals would have the backing of a substantial majority of this Assembly – which I hope they will – and I felt that others could speak more eloquently than I on this important social issue. But having received more correspondence on this issue than any other, I feel compelled to speak.

900 I feel compelled to speak out on behalf of the minority. Not the minority in our community who are gay, but the minority in our community who oppose these proposals. Their views deserve to be aired and talked about, because what struck me from the correspondence that we have all received is this: for the majority – and I must add, not all – of the minority against the proposals before us, the argument is built around what feels like an obsessive abhorrence of intra-male sexual acts and in particular, we are told by them in no uncertain words – and forgive me, sir, but I quote – 'sodomy and buggery'.

905 There is apparently no recognition that for some, this may be a chosen heterosexual practice. Interestingly, and in a peculiarly misogynistic way, intra-female sexual relations are not referred to at all, (*Laughter*) perhaps harking back to the myth that Queen Victoria refused to accept that any such acts could take place.

We also, in 2015, on more than one occasion have had 'gay' placed in the same sentence as 'paedophile' with an implicit association between the two; and I am sure that I am not the only Member of this Assembly who finds that abhorrent and offensive. (**Several Members:** Hear, hear.) This perspective is driven, it seems to me from a narrow view that sex is, and can only be, about procreation.

But what has struck me too, is that in contrast those in favour – of whom the vast majority of those corresponding with us have of course been – are focused not on sex, but on *relationships* and the simple desire to give the same rights to same-sex couples to express and contract their love as heterosexual couples have. It really is as simple as that. There is no interest in the sexual conduct of anyone concerned, which in my view is entirely as it should be. There is an implicit recognition that sex in private is a healthy and normal part of a loving relationship between any two unrelated, consenting individuals over the age of 16.

Teaching our children that sex on *these* terms, rather than sex merely being a physical or biological act for the procreation of children, is what will enable *them* to recognise and avoid abnormal and unhealthy relationships, including those involving sexual violence. It is what will help *them* recognise and avoid sexting or internet-based abuse. It is what will enable *them* to speak up and expose – and what will enable us to hear and deal with – the abnormal interest in them shown by some members of our community, and which some of our correspondents obviously experienced when *they* were growing up.

Like the Chief Minister – and no doubt many others – I have been on a journey on this issue. I am ashamed of, and embarrassed by, the memory of my own past prejudices. And the only defence I can plead is that of being a child of the 1970's, of being a child of my time. We are of course all children of our time so I appreciate that this issue will be more challenging for some who are older than me and that is I suspect, and with great respect, is the reason why we have two amendments before us today.

We all struggle with some change at some point so I understand how difficult this issue will be for some in this Assembly and in our community, and I understand why these amendments have been brought. But that should not prevent our views moving with the age through which we live. Sir, it is *my* children who have informed *my* thinking and taught *me* greater exclusivity.

My eldest, who is now 17, has been asking me pretty well every month after each States meeting since 2012, in a semi-jocular way, 'Have you passed same-sex marriage yet?' To her and her younger siblings and their peers, it really is just not an issue and there is genuine bemusement as to why it should be – or why it should have taken so long to get before this Assembly, or for us to correct in their view such an obvious wrong.

Sir, the two amendments before us are unacceptable to me because I simply believe that minorities should have equal rights. We would not say, 'You cannot get married because you are black.' We would not say, 'You cannot get married because you are Jewish. We would not say, 'You cannot get married because you are from Latvia.' And we should not say, 'You cannot get married because you are gay.'

Sir, the Adam and Paine amendment I think misunderstands – and others have said this – that *Union Civile* was intended to be for all couples and would be the only form of legal recognition. Sir, it is tough growing up... is it now more than ever before? Who knows? But what we all know is that however much you want to be different when you are growing up, it is tougher growing up if you stand out, if you are not part of the norm, if you are part of a minority. Now imagine how tough it must be if you are gay or if you do not feel comfortable with the gender you were born with.

Oli works with young members of the LGBT community and he contacted us with the following quote from members of his group, which he asked one of us to read and which I am pleased to do: 'As it stands, the LGBT plus Youth on Guernsey are looking at the future of moving off the Island to be able to have a decent future. If this law is passed and same-sex marriage becomes a reality, then we will grow up on an island where we are more accepted and we will be able to grow up happier and with less risk to our mental health, so saving the States more money in the

long run. This will become a safer island to grow our LGBT plus and it will be a statement that discrimination is bad. It is right that the States votes in favour of marriage equality and after 10 years, it is time to bring this law in. Thank you for your time and careful judgement in this matter.'

I have nothing to add to that.

965 I want to digress for one moment: just over a year ago at a function on a Friday evening I met Oli for the first time. Oli told me about his civil partner and how they hoped one day to be able to adopt in order to give a child, or children, in need a home and a family. But he said in Guernsey only his partner could legally adopt. Oli was not outraged... I *was* – on his behalf. Oli was just weary, no doubt after years of prejudice growing up as a gay man.

970 The next day, having reviewed the Adoption Law 1960 I contacted Deputy Green and asked him why we could not just change this 55 year-old piece of legislation. He agreed and so began the process that led to the Policy Council's policy letter earlier this year to make this change, which I am pleased that this Assembly overwhelmingly supported. And I am proud to have played a part in delivering that reform.

975 Towards the end of 2012, remembering my family law lectures from the 1980's, Deputy Green may also remember that I contacted him for his views on why we could not just change the definition of marriage from one man and one woman, to provide for it to be between any two unrelated adults, so skipping over the need to develop a separate body of law to recognise civil partnerships as the UK and many other jurisdictions had done. If we had known it at the time, that
980 idea was ahead of its time – we were advised that it was not that simple. But of course we have been overtaken by events in other jurisdictions and actually it *is* that simple and that is in effect precisely what we are doing today.

Sir, we should be under no illusions: we *are* redefining marriage. Many have told us that we cannot do this because marriage has been defined by God – or at least the deity of one particular
985 Abrahamic religion, as a source of moral law. Now I will leave it to the theologians and the historians among us to argue whether or not this God is indeed the font of marriage.

For those who do believe that to be the case, these proposals change *nothing* for them. If their particular religion prevents them from recognising any particular ceremony as a marriage within their creed or faith so be it, and the Chief Minister has spoken about that in relation to his own
990 Church. That should not prevent the rest of us doing so. *Their* faith or denomination will not be compelled to conduct any marriages against their creed.

Neither does the existence of same-sex marriage change or diminish the nature of their own marriages. I am married to my wife today, I will be no less married to her after these proposals become law just because a neighbour is married to his husband. The relationship with *my* wife will
995 not have changed one iota. It does not threaten or diminish that bond which we have contracted.

However, before I conclude, we should be aware that there will not be complete equality, as the Chief Minister has said. I referred earlier to the legal requirement for a marriage to be consummated, as Deputy De Lisle said, and it will not be possible for a same-sex marriage to be consummated which I am sure will be a great relief to some of those who have corresponded with
1000 us (*Laughter*) about their concerns about particular sexual acts. Neither will it be possible for a same-sex married spouse to commit adultery, except absurdly, with someone of the opposite sex.

As the Chief Minister has said, what this tells me is that these concepts should be reformed out of our marriage and divorce laws. The Government and the courts really should have no place in prying into the bedrooms and pouring over the sexual conduct (**Several Members:** Hear, hear.) of
1005 consenting citizens over the age of 16 in a non-public place.

We should move quickly to a no-fault system of divorce where the only issue at stake is whether or not a marriage has irretrievably broken down and this should be the sole ground for a divorce. It really does not, or should not, matter to the Government or the courts *why* – provided it can be established that there has been an irretrievable breakdown in the marriage.

1010 No doubt married couples will need or want to continue to cite their spouse's marital infidelity, or adultery, or other unreasonable behaviour as evidence that the marriage has irretrievably broken down. A spouse's infidelity will be just as painful for those involved whether or not

adultery exists as a separate ground for divorce. I am in no doubt that this will give further offence to some of faith. In adopting this position, I am not remotely condoning or advocating infidelity or adultery, I am merely saying that it is not a matter which should concern Government.

The moral judgment on, and the forgiveness and redemption of, those who commit adultery should be left to the individuals concerned, their spouses, their families, their faith and their faith leaders – *not* the courts. (**Two Members:** Hear, hear.)

So, sir, I personally am pleased that during my lifetime we have become a more tolerant and inclusive community than we were when I was born in 1967. I will be unequivocally supporting the original proposals. They cannot come quickly enough to treat fairly, to give equality, to give dignity, to give respect and to give recognition to loving relationships between all members of our community, irrespective of sexuality.

Thank you. (*Applause*)

The Bailiff: Deputy Lester Queripel was quickest to his feet on this occasion.

Deputy Lester Queripel: Thank you, sir.

Sir, I cannot support the amendments because as the Chief Minister reminded us in his speech, same-sex marriage will result in *greater* equality; and anyway if you look at Proposition 3 of the Policy Council proposals, we see that it reads:

'To note the extensive work that has been undertaken with regards to Union Civile, and to direct the Policy Council to monitor international developments on this topic'

Now, sir, it concerns me greatly when my colleagues and I receive emails that end with a threat, 'If you support these proposals then I will not vote for you at the next election' or 'If you do not support these proposals, then I will not vote for you at the next election'. (*Laughter*)

And on this issue, sir, we have received more emails than on any other issue in our three and three-quarter years, so emotions are running high. And I have to say, sir, that the vast majority of those emails have been extremely civilised – but a handful have ended with threats.

Well, sir, I bow to no-one who threatens me in any area of my life, let alone the political arena. And if I were to bow to threats as an elected representative, then I would be in dereliction of duty and I would deserve to be expelled from the Assembly, because surely we should not be voting for or against any proposal because we are afraid of losing votes at the next election. So I vote *for* a proposal if I think it is going to benefit the community and I will vote *against* it if I think it is going to be detrimental to the community. It is the future sustainability of the community that concerns me, not my future political career.

Now, sir, I have always had every intention of voting in favour of the Policy Council proposals and I do so because I believe in equal rights, not because I have been threatened. And as we all know, sir, a threat is in itself a form of discrimination.

Sir, when I lived in London in the 1970's I took part in three marches campaigning for equal rights and on two of those marches I got beaten up – and I was beaten up so badly on one occasion I was taken to hospital covered in blood and unconscious. And I recovered consciousness in a hospital bed to find the two friends I had been on the march with – one of whom was gay – in beds alongside me, and it took us weeks to recover from those injuries.

And I did not go on that march because someone threatened me, I went on that march because I believed in campaigning for equal rights. And my beliefs have not changed, because I believe we all have a right to be included in society; and this is not a reversal, this is *it*. This is our one and only life. We will not get a second shot. So why should some people have certain rights and others not?

Sir, I know I do not have to remind you of any section of the Human Rights Law but I would like to recite some of those articles from that law for the benefit of any of our fellow Islanders who may not be aware of them.

'Article 3. No one shall be subject to torture, inhuman or degrading treatment or punishment.

Article 5. Everyone has the right to liberty...

Article 8. Everyone has the right to respect for his private and family life...

Article 9. Everyone has the right to freedom of thought, conscience and religion;

Article 10. Everyone has the right to freedom of expression.

Article 12. Men and women of marriageable age have the right to marry... '

Now I may be wrong, sir, but that says to me that women can marry women, and men can marry men. I stand to be corrected.

And finally:

Article 14. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground... '

1065 I will ask my colleagues to bear those in mind, when they come to vote.

And I have not decided if I am going to stand as a candidate in the next election or not, but the irony is if I do then I will already have lost votes regardless of the way I vote on this issue, because the threats were, 'If you support these proposals I will not vote for you' and 'If you do *not* support these proposals I will not vote for you'.

1070 Losing votes at the next election means very little to me compared to the possibility of losing my life going on marches for equal rights in my mid-20's. And as I said earlier in my speech, what matters most to me now is what I can do to benefit our community whilst I am still a Member of this Assembly. And I truly feel that voting in favour of the Policy Council proposals will benefit our community on the Island of Guernsey.

1075 And in closing, sir: in the 1960's one of the greatest ambassadors for peace that the world has ever known had a dream. Martin Luther King had a dream that one day every man, every woman and every child would join hands united in friendship. And as we all know, sir, like many other ambassadors for peace, he was assassinated for holding those beliefs. He gave his life for his beliefs.

1080 And here we are 50 years later still debating whether or not everyone should be treated as equal. Surely, sir, the answer is yes, of course they should be.

The Bailiff: Deputy Sillars.

1085 **Deputy Sillars:** Thank you, sir.

I want to start by making some corrections of all the emails that we have received – and there were many. It has been said by opponents of this proposal that this will have a big impact on schools, that teachers who disagree will have their careers damaged and that redefinition of marriage may have a harmful effect in the classroom. I would strongly disagree with those views.

1090 **(A Member:** Hear, hear.)

Schools through the PSHCE, the religious studies and philosophy programmes, already discuss issues such as same-sex marriage and other controversial subjects. Opposing views about contentious things are respected and explored in the classroom. In fact respect for others' opinions and views, tolerances and acceptance of diversity are essential components of education of all our young people.

1095 They will live in a world where there are a wide range of viewpoints and a whole host of issues. The job of the educator is to give the young person the skills needed to critically analyse information and to come to an informed judgement while respecting the views of others. This proposal will not negatively affect the education of our young people one bit. Likewise, teachers are highly skilled in encouraging debate without influencing discussion with their own views whether they are political, religious or otherwise. This proposal will have no negative impact on teachers in our schools; I just want to put that across.

1100 Sir, I was not going to speak when there are some very excellent speeches and I am quite aware that mine will not be up to the standard that we have had. But I did feel that I wanted to

1105 get it across because I am a product of my generation – which is a decade earlier than Deputy St Pier's very excellence speech – but I disagree towards the end of it because I have not gone down that journey yet.

This is about love and equality for me. Equality is not being the same but it is equality of opportunity. Marriage for me is about two people who love each other and want to bind themselves together. Why does marriage need to be changed regarding *Union Civile*? I do not understand nor want marriage to be changed from where it is now, so I still have my views of where we are at... it is for two people *wanting* to marry.

Union Civile will not be currently recognised as I understand it, anywhere else in the world. The Procureur advised Policy Council not to go down this route, it is a long way to go.

1115 Sir, I will be voting against both amendments and I also ask that the four Propositions in this policy letter are voted for separately. I will not be able to agree to Propositions 3 and 4 if they are unamended. I have been on a journey, and 10 or 15 years ago – since this is obviously where we are all at, at the moment – I would have thought very differently... actually I probably would not have thought about it at all, if I am honest.

1120 But a decade has gone by and, as I say, I was born a decade earlier than Deputy St Pier. I have been on a Social Policy Group and in the meetings we have had – many regarding these issues – I have been very clear that if two same-sex partners want to marry then they *must* marry, but I will not accept the actual or perceived reduction of the value of marriage.

Why do I say this? Well, let us look at Propositions 3 and 4 on page 3502. Proposition 3:

'To note the extensive work that has been undertaken with regards to Union Civile, and –'

1125 **The Bailiff:** Can I just point that the Propositions are actually on page 3576 and are slightly differently worded from the Recommendations?

Deputy Sillars: Thank you, sir.

1130 **The Bailiff:** So I am not sure whether the two you are going to refer to are any different but I would urge Members to look at the Propositions rather than the Recommendations.

Deputy Sillars: Yes, thank you, sir.

On page 3576, number 3:

To note the extensive work that has been undertaken with regards to Union Civile, and to direct the Policy Council to monitor international developments on this topic.

1135 And number 4:

To direct the Policy Council to bring forward, in a timely manner, separate Policy Letters to address the issues raised by the work on Union Civile including the dissolution of legal partnerships, as set out in section 6 of that Policy Letter; gender recognition, and procedural formalities relating to marriage.

So, sir, if we go to page 3489, Dissolution of a Marriage, 6.2... sorry I am reading this out but for me it is very important.

'As this is a highly complex topic with many legal implications, the Policy Council recommends that the issue of adultery and non-consummation be considered in more depth at a later stage. For the time being, it is proposed that neither of these reasons will be considered as grounds for the dissolution of a same-sex partnership, mirroring the position that is currently in place in United Kingdom law.'

1140 So that is really separating people out now, even if we do agree to where we are at now. So it is not making everyone the same who love each other and want to live with each other and go into a marriage. For me we are all the same and we should all be the same, and that is why people I assume – and I have spoken to some – that is what they want to do, they want to achieve the same equality.

And at 6.3:

'The Policy Council recommends that a separate Policy Letter is brought to the States at a later date, which will address adultery and non-consummation as well as other options for the dissolution of a marriage.'

1145 Now, I have heard the very excellent speech that Deputy St Pier made and I guess, because he is ten or twelve years younger than me, he is further down this line. But I have not got there and I am not able to. For me, adultery is all part of – or *non-adultery*... (*Laughter*) I am jolly glad my wife is working today and I hope she will not be listening. (*Interjections*) But it is all about being faithful to each other and that is a key part of marriage.

1150 I am not going to get into the philosophical views of marriage, but for me the simplistic way is it is about all of us being together... two people being together for love, wanting the same; and that to me really is what this is all about. I cannot go to the next step I am afraid, which is about changing adultery and/or those other good things which form part of marriage.

Thank you, sir.

1155 **The Bailiff:** Deputy Conder.

Deputy Conder: Thank you, sir.

1160 I am even a bit older than Deputy Sillars, about 18 months, and somehow I come to be 18 years older than Deputy St Pier, but he seems to be only 12 years older than Deputy St Pier. (*Laughter*)

1165 I did have a speech prepared... but having heard what I think were two of the best speeches I have heard in the three and three-quarter years I have been in this Assembly (**Several Members:** Hear, hear.) by Deputy St Pier and Deputy Soulsby, I have thrown a good bit of it away, because I cannot match the rhetoric and nor can I match the content and the detail. But I will just concentrate on one or two things.

Sir, in Saturday's *Guernsey Press* there was an advertisement by the Coalition for Marriage that said 'On 8th December Guernsey's Parliament will vote on rewriting the meaning of marriage to make it genderless. But kids need a mum and a dad. The politicians don't own marriage.'

1170 Well actually, of course, they are right – we, the politicians don't own marriage. And actually no religious group owns marriage. (*Interjections*) The only role that we have as States' Members, as politicians, is to define marriage within the law which is quite different to owning marriage – and that is what we are about today.

1175 So, as I said, it seems to me that this debate is largely about two things... certainly it is now for me, again having heard those quite extraordinary, emotional and moving speeches by Deputy Soulsby and Deputy St Pier (**A Member:** Hear, hear.) which will resonate in my heart and my mind for many years, and are worthy of re-reading I believe. But for me this debate is largely about two things. I am glad Deputy Soulsby has just come back into the Assembly because I am going to say it again. Two of the best speeches I have heard in this Assembly in three and a half years, one of which was by Deputy Soulsby.

1180 So this debate to me is largely about two things. Who owns the term 'marriage'? Is it for the secular state to enshrine the term in law, or is it for various religions to define the state of marriage in ways which suit their particular creed. That is the first issue.

1185 Secondly, in a compassionate state, should not the law define marriage to allow each of its citizens to live within society free from discrimination, free from prejudice, save that they should not inflict harm or pain on their fellow citizens? So I am going to speak about two things. What the term marriage means and how a secular state should conduct itself.

1190 Sir, if one compares and examines comparative religions' definition of marriage over time, we can see that marriage has historically been defined and continues to be defined in many different ways. I take issue – I think it was with Deputy Paint – who says that marriage has been defined in one way for eons, for millennia. It has not.

The many definitions of marriage include monogamy of course, it being a form of marriage in which an individual has only one spouse during their lifetime, or at any one time – serial monogamy. But marriage has also been defined as polygamy – polygamy is a marriage which includes more than two partners. When a man is married to more than one wife at a time the relationship is called polygyny and there is no marriage bond between the various wives. When a woman is married to more than one husband at a time it is called polyandry and there is no marriage bond between the husbands.

Religious groups have differing views on polygyny, it is allowed in Islam and Confucianism although in most areas today it is uncommon; but it was recognised. Judaism, Christianity and Hinduism have allowed polygyny in the past but it is prohibited today.

Another definition of marriage is plural marriage, group marriage, also known as multilateral marriage. It is a form of polyamory, in which more than two persons form a family unit with all the members of the group marriage being considered to be married to all other members of the group marriage, and all members of the marriage share parental responsibility for any child arising from the marriage. And yet another definition of marriage within religion, is same-sex or third-gender marriages. Several kinds of same genders, non-sexual marriages have existed and continue to exist in some lineage-based societies and in some cultures it includes third gender individuals such as the Zuni in New Mexico.

It would be easy, sir, to go on and on about the history of marriage, its definitions in its various forms, but what is absolutely clear is that marriage cannot be defined historically or culturally as exclusively between a man and a woman. But, sir, it seems to me that this debate comes down to two simple precepts.

As Deputy St Pier has already said, if one belongs to a religious faith it is up to the individual to accept the basic tenets of that faith, and if one accepts those tenets then presumably one agrees to live by them. If the rules or expectations of that religious faith are unacceptable, or become over time unacceptable to an individual, then they should be free to leave that faith and live their life in a different way. Does this not come down to the conscience of the individual, his or her religion and their mutual definition of the state of marriage?

However, sir, the role of the States in defining the nature of marriage is for me, quite different. The States' role – *our* role – is to define marriage and enshrine it in law for the sake of sharing assets, legal responsibility for the raising and protection of children and various allowances and entitlements. I do not believe it is for the States to make moral judgements on the way in which individuals wish to live their lives or with whom they wish to share them. Our role is to ensure that individuals do not suffer discrimination or persecution because of the feelings they have for one another; and equally to ensure that individuals who choose to live in a certain way are not allowed to discriminate or persecute their fellow citizens because of their beliefs or individual proclivities.

If one accepts these simple arguments and beliefs and if we choose to recognise marriage for legal purposes as being between two people then we, as the State, as opposed to religious leaders, have no choice but to define marriage between two people in the broadest terms and allow any two people to have the same rights and protection as any of their fellow citizens under the law. Colleagues, please vote for these Propositions and reject the amendments.

Thank you, sir.

The Bailiff: Deputy Stewart.

Deputy Stewart: Mr Bailiff, today by some quirk of coincidence is International Human Rights Day and I think we should bear that in mind. And for me this is very, very simple and I have taken a lot out of my speech, and in a similar way to Deputy Conder I thought the speeches by Deputy St Pier and Deputy Soulsby said most of it.

But this is about the right to choose and be equal regardless of your sexuality – it is that right to choose. And it occurred to me, because it was difficult to write this speech, but here we are in a

world where there appears to be a rising tide of bigotry and hatred which is very apparent at the moment in our newspapers and on our television screens.

1245 But the predominant thing in all the communications I have had on both sides of this argument have been, as Deputy Soulsby rightly says, about *love* – and that is the most important thing. I hope we do the right thing today, I hope that we can prove to the outside world that this is a non-judgemental States of Guernsey regardless of people's religious or sexual orientations.

1250 I do a huge amount of work on external relations where I talk about and extol Guernsey's virtues in terms of its compliance with OECD, Moneyval, IMF, AML and CFT, but what a lovely thing to do today to demonstrate that we are a modern democracy that respects the rights of our citizens – (**A Member:** Hear, hear.) a society without prejudice or persecution. And actually, Deputy Lester Queripel reminded me, because I too was in London in the 70's and I too stood shoulder to shoulder with my gay friends.

1255 All my life I worked in creative industries which have been much more permissive than perhaps other areas of our society and I too saw some of the terrible violence that was laid down in those times. I engaged with politicians and people in authority in those days and I actually feel really privileged that today, as a Deputy, I can make a real difference and I have been on that journey too.

1260 And one of the things perhaps I regret being a busy politician, is that a few weeks ago I could not attend a marriage in Florida of my two friends Shelley and Megan; because Florida changed the law they were both able to get married, which was something they had wanted for a long time and that law was challenged through the Supreme Court. And whilst this debate has been going on I have been looking through their wedding photos and this means a huge amount to me and a lot of my friends over the years that have been on quite a tough journey.

1265 And one thing that really moved me was how badly in the past, through whatever convictions, they have behaved. Seeing the film of Alan Turing who was chemically castrated, and then subsequently committed suicide, because he was not allowed to be happy, he was not allowed to make that choice.

1270 I think we will approve this today and I hope we will, judging by the speeches. But then I hope the follow-up is swift. I hope we then bring this to a very swift conclusion and we do not prevaricate, we do not make excuses about legislative time and drafting time because this is important.

1275 I ask you to please reject these amendments, to vote on this day of International Human Rights for same-sex marriage and respect the right for all of our people in Guernsey and wider, to give them the same rights under the law that everyone else has, regardless of their sexual orientation. I will reject the amendments and I will support the proposals.

Thank you, sir. (*Applause*)

The Bailiff: Deputy Sherbourne.

1280 **Deputy Sherbourne:** Thank you, sir.

1285 It seems to be a time for people to actually declare ages. (*Laughter*) I think I was married in 1967, Treasury Minister. I actually was born in 1944 to a *very* loving family – so loving that they brought me up to believe in equity and inclusion from the word go. It was not something that I learned later on in my life, it was part of my life.

1290 I was also a member of the Air Training Corps and I know the sort of language... I was a rugby player and I know the language around banter in male environments, a lot of it very unpleasant. But as I say, my formative years were in a loving family that believed passionately in inclusion and equity. It is still as important to me now as it was in my early days and I welcome the opportunity to be part of this debate today on moving our community onwards.

Deputy Conder summed up for me the main issues. I think it is for us to establish the conditions, the laws, the regulation that actually achieve inclusivity and equity. It is for the Churches, if they feel so inclined, to maybe rethink their definition if it is necessary, or keep it as it

1295 is; whatever their definition of marriage that is fine, that is okay by me. If they refuse to celebrate the joining of two human beings together, who want to be recognised in the sight of God, fine. That has never been a big issue for me. But I respect, *more* than respect, those that have faith. I think as a secular government our role is to make sure, as I have said before, that we enable inclusion and equity.

1300 I also agree with those who have commented on the initial speeches by our Treasury Minister and Deputy Soulsby, they were superb, they summed it up. And I suppose in a way I am just taking your time at the moment reiterating some of those points and I apologise for that. But I think we should celebrate those speeches, (**Two Members:** Hear, hear.) and I think that we should show a ringing endorsement to our community, to the sentiments that were expressed – not just the sentiments... the *philosophies* that were expressed in those speeches underwrite what is right and proper.

1305 I am just thankful that there are no financial implications to this debate today. (*Laughter*) Because that, like most of the debates we have had recently, confuses everything. At least we can now get down to bare-bones philosophy and the right things to do for all the people in our community. So thank you, Treasury Minister, (**A Member:** Hear, hear.) thank you – (**A Member:** Deputy Soulsby) I was going to say my leader of PAC... (**A Member:** Hear, hear.) because you have led the way today and I thank you for that.

1310 Can I just say actually before I sit down, I do not want to be associated with a generational issue here, that is why I said I was born in 1944... it makes no difference. I believe the same as 15- and 16-year-olds that say, 'Well, so what? It should happen, it is of no consequence.' And that is exactly how I feel.

1315 Having said that maybe I should correct that... it is of the *utmost* consequence because it is, as I have said before, the right thing to do.

Thank you.

1320 **The Bailiff:** Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

1325 I have to say in all honesty that I am struggling with this issue. It would be very easy for me to say nothing or even to lie. But I should not have to consider those options and it probably says more about modern day society than it does about me that I have been tempted to take one of those options, sir.

1330 As Members will know, and as has already been said, we have received hundreds of emails and letters and calls on this issue, sir, and I felt compelled to respond to one correspondent in these terms: 'If we do live in a truly open-minded and tolerant society where all have a right to express themselves, and as long as those opinions are articulated in a reasonable and considered manner, whatever the subject matter, then they have a right to be heard and criticised of course. If we are all well-rounded and mature individuals we should be able to bear and accept that.'

1335 I went on to say: 'Bertrand Russell said, many years ago, that in the future we would live in a society where there was very lively debate but within narrow parameters. And so I think that in our rush to be progressive and need to recognise all rights we are also becoming intolerant of different views and ironically the right for those views to be expressed.'

Now, sir, that for me could constitute quite a dangerous society and so I do hope that a balance is found at some stage and Mr Russell is not proved to be correct.

1340 There was also another correspondent who sent us a version of something that was called the *Gay Manifesto* written by Michael Swift and I felt compelled to respond to that correspondent in this manner: 'The Michael Swift *Gay Manifesto* does make very disturbing reading, but in the interest of balance I would imagine there are very few people in the gay community who would sign up or associate themselves with such rhetoric.' (*Interjection*)

Yes, I will give way to Deputy Bebb, sir.

1345 **The Bailiff:** Deputy Bebb.

Deputy Bebb: I thank Deputy Queripel for giving way. I think that that it might ease Deputy Queripel to know that the original writing of the *Gay Manifesto* actually had a line which is omitted from all copies that have been circulated and it stated, 'This is an *outré*, this is an outrage, this is a satire of people who feel that it would be laughable to have the oppressor currently as the oppressed'.

 Therefore I think that gives a very different light to those texts that have been circulated. Would he agree with me?

1355 **Deputy Laurie Queripel:** I thank Deputy Bebb for his interruption, sir, and if he had not interrupted me I am probably going to back up the points he is making actually. Because what I said was, in the interest of balance I would imagine there are very few people in the gay community who would sign up or associate themselves with such rhetoric.

 There are extremists in all cultures and walks of life unfortunately, but all the gay people I know or have known – and some, as Deputy Lester Queripel has said, have been friends and work associates – do and have come across as reasonable, considerate and respectable people, sir.

 Whichever way I eventually vote, I have respect for all people whatever their beliefs, lifestyles, sexual orientation, we are all human beings at the end of the day and I try to treat them all with regard and courtesy. But sir, this is the point for me: I am caught between two points today and you might describe them as points of reference. I am not a person of faith – although I was at one time – and I did have a religious upbringing so clearly that has an influence on me. But of course I understand the underlying point, the principle of equality.

 Now, I consider myself to be a very liberal person. I believe people should be able to do as they please as long as no-one else is affected or harmed and as long as all people are consenting, sir. In my view, people can do with their bodies what they please to do with their bodies, whether that relates to sexual orientation or whatever they choose to consume. That is *their* choice and they will not be on the end of judgement or condemnation from me regardless of their beliefs and their lifestyle.

 But for me, that is a different matter to asking me to sanction something that I do not fully understand or am not entirely comfortable with. And I do not mean this as a flippant point, sir, it is a very serious point actually, but my dilemma is probably summed up by my manifesto. The slogan on the front of my 2012 manifesto said: 'Traditional values, progressive ideas'. So that in a sense kind of sums up my dilemma and why I am being pulled this way and that way; because as I say, I do believe... no it is not a *belief* actually, I do *tend* towards to the idea that a relationship, or a marriage, is for a man and a woman and I do tend towards the traditional family model.

 But as I say, I do really understand the underlying point, the principle of equality. And so I suppose that is why the amendment... particularly the amendment being placed by Deputy De Lisle and Deputy Perrot, appeals to me and I will support that. It strikes that balance for me and perhaps helps to avoid some of the problems that may eventually result from agreeing to same-sex marriage.

 Now, Deputy Sillars has tried to reassure us in regard to teachers and schools that may have different views and they may not go along with gay marriage, and they may agree that marriage should be between a man and a woman and the situations they might face, sir, and he has tried to assure us that those situations would not arise. But I am concerned about things like that, people will be actually condemned or suffer discrimination because they have different views to the prevailing view in regard to same-sex marriage.

 So as I say, sir, this is an issue I have struggled with and I have been moving this way and that. I have read all the emails, sir, and read all the different opinions and I have taken them all on board as long as they have been expressed reasonably; and of course my own thoughts and views have been going around in my head and sometimes they have been conflicting as well.

Finally, I am not entirely comfortable with, or really understand the need to redefine marriage. It is difficult to vote to redefine marriage when the current meaning is held so dear by so many Islanders, sir – and that has been made clear to me. And in my view we need to find another way to achieve a good and fair outcome, sir – another way to allow same-sex couples to demonstrate their love for each other and their commitment to each other, and where they can benefit from all the legal rights without needing to define the meaning of marriage as I understand it and as many Islanders understand it.

So I am very much considering or leaning towards supporting either one or both of the amendments, but particularly the one being placed in regard to civil partnerships by Deputy De Lisle and Deputy Perrot.

Thank you, sir.

The Bailiff: Deputy Domaille.

Deputy Domaille: I will be brief... actually a little bit along the lines of what Deputy Queripel has just said. In truth I have to say that this is the *[Inaudible]* this is absolutely in truth. I am uncomfortable with the Policy Council's proposals. I suspect that this discomfort is in part – with the greatest respect to Deputy Sherbourne I am much younger than he is – due to my age and being raised in a former environment, if you would like to call it an environment.

That does not make my unease, or the unease of other people, any the less, frankly. However – and this is important – I, and I believe the great majority of the population, consider equality in society to be of paramount importance. It is not for me or the States to prevent others from having the same rights, privileges and responsibilities that I and my wife do. It is not for me to deny others the right to marriage and all the benefits and responsibilities that brings. It is not for me to prevent others from being able to demonstrate their love and respect for each other through the marvellous institution of marriage.

I will be supporting the Policy Council proposals.

The Bailiff: Deputy Gillson.

Deputy Gillson: Sir, in this vitriolic debate it might take a bit of time. I will explain the process of where I got to where I am. The Chief Minister in his opening speech mentioned equality inclusion and that is good, it is quite correct that a same-sex couple should have the opportunity to the rights and benefits of a heterosexual couple. So it is correct there should be some form of legal partnership and I agree that no change is not an option.

But sometimes I think this Assembly gets tied up on equality meaning being the same and it is possible to have equality and have difference. I think that I align myself with Deputy Sillars regarding adultery and I think that the idea of getting rid of adultery to make things equal is a retrograde step. So I will be supporting the need for change and a form of partnership.

Now if we look at the amendment which Deputy De Lisle and Deputy Perrot are placing about having civil partnership rather than same-sex marriage, and the question I asked myself was... if the rights under civil partnership are the same as a same-sex marriage, we are effectively debating the one word – and personally I do not see a problem with the word marriage relating to same-sex couples.

However, I was surprised just how many people in Guernsey do object to that word in relation to same-sex marriage. It is surprisingly large and surprisingly strong. But don't you then question, 'Well you can have a legally recognised relationship without the word marriage...' So I start thinking, actually this amendment has logic to it. If using the word 'marriage' is so offensive to so many people, what is wrong with giving the same rights without that word? That would solve the issues of equality but not upset people. So supporting this amendment has got merit.

But there is a but – and it is a big but. I am married, I am happily married, I am proud to introduce Tina as my wife and I am proud to describe myself as her husband. I am proud to say

we are married, and by doing so we are making an ongoing declaration of our relationship to each other. I am married to Tina. Now those are just five little words that convey an awful lot.

1450 So I asked myself two questions: would allowing same-sex marriage reduce the meaning of what those five words convey when I say them? And they would not. And then I asked myself: should I act in a way to stop another couple in a relationship from being able to express their relationship using the same words? And I do not think I should. I do not think I should be able to stop two people who are of the same-sex from saying and expressing their ongoing commitment with five words like that.

1455 So I am going to reject this amendment. I am going to support the recommendation... although, as I said, when I first read it there was temptation. But I have thought it through and I think that I will not opt for same-sex civil partnerships, I will support same-sex marriage. I will give same-sex couples the same ability as I have to describe their relationship and their commitment in those five words.

1460 Thank you, sir.

The Bailiff: Deputy James.

1465 **Deputy James:** Thank you, sir.

We have heard an awful lot of people use the word 'equal' in this debate and I am not sure that truly represents what we are asking for. I do not consider myself particularly *equal* – financially equal – to many residents of Fort George. (*Laughter*) I do not consider myself *equal* perhaps to some person sleeping in the street. What we should be asking for, and demanding, is equality of opportunity and equality of access.

1470 We have heard some brilliant speeches this morning – both brilliant and, for me, emotional. We have already heard people refer to Deputy St Pier's speech and Deputy Soulsby's speech – I would add Deputy Conder's and Deputy Sherbourne's to that. But picking up particularly on Deputy St Pier's reference to generational differences, I can give him at least two generations; and as far as I can look back, and I remember certainly in my late teens and early twenties where to discriminate against black people and Irish people was quite normal, quite acceptable. You would see notices in people's front windows, 'Rooms to Let – no blacks and no Irish'.

1475 I also remember the time where anybody who attempted suicide was prosecuted – can you believe that? (*Interjection*) We could discriminate against anybody and everybody. It may be very difficult for some of the younger Members of the Assembly to actually believe that – and still sadly on some occasions and in some environments, it is equal to pay women less than you pay men for doing the same work.

1480 So when I look back over my shoulder and think, 'Yes, we have come an awful, awful long way in my lifetime', we have still got a number of bold steps to take. Deputy De Lisle in his opening speech said we should be taking this one step at a time – and whilst on the surface that may not seem an unreasonable statement, I would ask Deputy De Lisle how many *years* does he think there should be in between those steps? Because my experience... and many of you have heard me talk about me campaigning for CEDAW and equal pay for work of equal value – CEDAW 28 years I was campaigning and lobbying Members of the then Assembly. You have also heard me – and I make no apologies for repeating it time and time again – the UK had an Equal Pay Act in 1970 and we are still waiting here.

1485 So it is days like this, it is debates like this, that make me incredibly proud to be a Member of this Assembly because I do believe the way the debates have gone thus far, that we will discard the two amendments before us and vote for the proposals of Policy Council.

1490 Thank you.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

1500 Fortunately, like many others my speech can be a lot shorter thanks to the excellent speeches that have gone before, which have said everything really that needs to be said. I just simply confirm that I will be supporting the Propositions of the Policy Council report and voting against both amendments.

1505 In a nutshell, homosexual couples must enjoy the same rights to celebrate and solemnise their relationships as any adults of full capacity. And thankfully I think the vast majority of the people in these Islands fully understand that.

Now, sir, as a new Member to the States my name does not yet seem to have been added to the States email system (*Laughter*) so fortunately this means I have been spared the flood of emails on this subject which evidently other Members have received. Also, unlike Deputy Lester Queripel, a fellow Deputy from St Peter Port North, I do not need to worry about losing votes at the next election from my position on this subject because my manifesto in the recent by-election said I support equal marriage. If I was going to lose any votes, I have already lost them. (*Laughter*)

1510 But I did receive one email from an opponent of equal marriage who seemed to believe that the laws against discrimination should not apply to service providers who discriminate on the grounds of sexuality, and my correspondent quoted the Northern Ireland example of a baker who was prosecuted or whatever, for refusing to bake a wedding cake for a gay couple. And I do not think my correspondent would have been very pleased with my reply because I basically asked, should the baker be allowed to discriminate against a couple because they are black or they are Jewish or disabled – and I have not received a reply from them. (*Laughter*)

1520 So this brings me to my one serious point to add to the debate which is that equal marriage is certainly essential, it is something that I hope we will approve today, but it is not enough. Under the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law 2004 the States is empowered to make, by Ordinance, rules against discrimination. But to date the only Ordinance that has been passed is an Ordinance prohibiting discrimination on the grounds of gender. So as of today, it is perfectly legal in Guernsey for anyone to discriminate against anyone else on the grounds of sexuality, gender identity or frankly anything else. The only thing you are not allowed to do is to discriminate against somebody on the grounds of their gender. And that I think is a shameful situation and one we need to address as soon as possible. (**A Member:** Hear, hear.)

Thank you, sir.

The Bailiff: Deputy Harwood.

Deputy Harwood: Thank you, sir.

1535 As others, virtually everything that needs to be said has been said, but I would just like to add some personal context here for me.

1540 I am a member of the Christian community, I am a Christian and I practise and I go to the same church as indeed the proposer of one of the amendments. I am also the parent of a son who has declared himself to be gay. And yes, Deputy Paint, it is a difficult transition to accept, as a parent, the change of character. It does not affect the relationship with the child, of course it does not, but nevertheless it does cause you to stop and think and to reconsider all those prejudices you have had in the past. You have to adapt.

1545 So in that regard, I therefore approached this particular proposition in the policy letter as very sympathetic and understanding now – and I should have been understanding 10, 15, 20 years ago – of the issues that the gay community have raised in relation to their concerns. But I am also having to approach it with respect to the understanding that I have of the Christian ethos.

1550 I have to balance those two. And I have to say that on the balancing of those two, I am clearly coming down in favour of the Propositions of the Policy Council. But I also respect the conscience... and it is a matter of personal conscience however you vote on the matters before you. And I respect the conscience and I respect the views of those who are proposing these amendments. I disagree with the amendments wholeheartedly, but I do respect their conscience and their right to propose those amendments.

Someone said, 'Well, of course, it is symptomatic of age.' I mean I am of a similar age to Deputy Perrot, to Deputy Hunter, possibly to Deputy De Lisle – but it is not a matter of age. I am a child of the 1940's like Deputy James, and whilst Deputy St Pier was in his nappies (*Laughter*) I was actually studying family law, and in those days in family law we were wrestling with the principle of moving from a fault base divorce process to a non-fault base – and Deputy St Pier illustrated some of the issues relating to divorce.

Back in the 1960's we still had the farcical situation of having to *prove* adultery, having to prove non-consummation. The standard evidence for adultery was to go down to Brighton and arrange for an overnight stay and for the chambermaid to be given a certain amount of money to give evidence the next day on the states of bedclothes, etc. It was a farce, it was an absolute farce and we have moved on... and certainly the law and the jurisprudence has moved on to accept that we must move away from having to prove adultery or even, heaven forbid, having to prove non-consummation. So to Deputy Sillars I would say do not be frightened of allowing for the fact that the law has to move, the law has to change away from this idiotic state of having to prove a fault.

Sir, others have talked about definition and I would urge Members of this Assembly to accept that no particular group should have the monopoly of the definition. We are talking about a situation of a definition under the law. It is up to individual faiths, up to individual groups of faiths, to choose their own definitions. It is up to them to determine how they would go about recognising marriage in the eyes of their God; it is for them to do that. It is up to us, however, to recognise and to define marriage in the eyes of the *law*. And therefore that is the basis on which we should proceed.

I would hope that even though religious groups, and the church that I go to, may take a fundamentally different view and may perfectly legitimately say no, they will not recognise same-sex marriage. But I hope that they will at least be *tolerant* of those who do actually go through a same-sex marriage ceremony.

Sir, the other issue that has been addressed – and again I just ask Members to consider – is the matter of equality, and Deputy James has also referred to equality. And as I have said, I have a son who is gay, I have two daughters who I think probably, or almost certainly, are heterosexual. (*Laughter*) Now how am I to address a situation where two of my daughters may get married, may have husbands, my son may get married – well, if we allow this law to go through he may get married – and therefore they will be equal, they will be equally married.

If we do *not* accept this law, if we do not allow this to happen, then I have got a situation where I have two daughters who will be married in the eyes of the law in Guernsey, a son who may go through a ceremony, not allowed to do it in Guernsey – and therefore will not be allowed that privilege. So to others who have said this, how do you deal with that inequality? How do you address a situation where two daughters will refer to their husbands and to refer to the fact that they are married – and my son cannot do that? That is not right. (**Two Members:** Hear, hear.)

So, sir, I would urge this Assembly to fully support the Propositions in the Policy Council's letter. It is the right way to proceed, we cannot stop the clock, we have to move; and in the interests of all individuals who are affected – some are in the Assembly today – I would urge that we must recognise their rights to equality, recognise that there is no religious group that can claim a monopoly on the definition of marriage.

Let us proceed and fully endorse the proposals in the Policy Council letter and reject the amendments.

Thank you, sir. (*Applause*)

The Bailiff: Deputy Luxon.

Deputy Luxon: Thank you, Mr Bailiff.

Sir, I think we should have a GPS tracker fitted to Deputy Harwood after his description about what he did in Brighton.

Sir, today we should stop and hesitate because I think the Assembly has complimented the Policy Council for its proposals – apart from Deputy De Lisle who used an unfortunate word duplicitous, or deceptive, or devious, which I am sure he did not mean.

Sir, I thank the four people who have laid these two amendments. I will not be supporting them but I thank them because what they were doing was adding to this debate. I will be supporting the Policy Council proposals and, as Deputy James said, this will be a proud day for me because I hope that we are going to approve these Propositions and it will be a good day in the office for me as a politician.

Respect, tolerance and democracy: it is so important that we all respect each other's opinions and I would like thank the people of Guernsey that bothered to fill our inboxes up over the last few weeks with a whole variety of different opinions and views – some calm, some reflective, some short, some copied. But that is informing elected representatives of the States of Guernsey on behalf of the people of Guernsey, of what our community thinks. So I thank them for that.

Tolerance, because I think we all have to be tolerant about each other's outlooks and where we come from. I think Deputy Sillars explained that he is in a different place – I think he is in this place but he thought he was in a different place in terms of his journey – but I understand what he means, we are all the result of our upbringing and our lives.

And democracy, because we have a chance – the 46 of us here today – to actually be at the forefront of something. And I do not think we should be as frightened about Guernsey sometimes being ahead of the rest of the world. For many years we always made sure we were just behind the curve because it was safer. We did very well in that sense economically and our Islands developed; but, actually, sometimes it is good to be ahead.

So I am proud. I am proud of many of the speeches made today, and I am proud of the way that this debate has been handled; and I look forward to us being complimented by many of the Members of our community who will not agree with the decisions I hope we are going to make today. And I respect the fact that they will not be happy with those decisions, but I hope that they will be tolerant of the fact that our democratic process has taken into account all of the views that have been shared with us. This will be a good day in the office for the States of Guernsey. (**Two Members:** Hear, hear.)

Thank you, sir.

The Bailiff: Alderney Representative Jean.

Alderney Representative Jean: Thank you, sir.

I have been on quite a journey over this, and what I want to say is that a month or two ago the adoption and fostering for unmarried couples was discussed in this Assembly, and passed and same-sex couples were included. There were only two votes against – and mine was one of those against. As you know, I objected on the grounds that there was no ability to separate the various sections of the law so that we could do this in stages. I also said why would you put any child in the way of prejudice?

I did no harm then – and I meant no harm – because there were only two votes against, and it went through with almost the entire Assembly voting for it. I went home to my family to find that no one member of my family agreed with what I had done. (*Laughter*) My family are more relaxed than I am in their views and I was told, and shown, by my family many of the comments on Facebook expressing their dismay at my work in this Assembly. Yet as I have explained, I truly did have reasons to do that at the time.

I have listened to some of the best speeches today... and I have got to put my glasses on. I have listened to Deputy Soulsby, Deputy St Pier and the Chief Minister who gave really fine speeches, and Deputy Harwood. Returning to this Assembly and made aware of the views of my own family, suitably admonished, I return more determined than ever to do what is really right for all people. And so each day I have read many, many emails – at least over 20 a day – and I thank

the people who sent me those emails, each and every one of them. I have lost count of how many snapshots of people's lives – an outpouring of many different views, feelings and opinions.

My family made me see that I may have been wrong so I realise after all the reading and the talking, and despite being older than I once was, (*Laughter*) over half way to being an antique (*Laughter*) I am truly moved by all I have read and heard and I will vote for the proposals in the Billet. I am not in favour of the amendments, I do truly want all people to be treated equally and I am proud to do so.

Thank you, sir. (*Applause*)

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

I got married in Scotland 20-something years ago in a little village called Fochabers you have to be very careful about how you approach saying that (*Laughter*) especially when you are speaking at your wedding, I have to say. And just before we got married the vicar led me into the vestry and sat me down in a chair and then opened a door – the door was to the back yard – and he said, 'Do you want to give this commitment today? Do you want to get married? If not, that door is open, you walk through that door and we never see your face here again.'

Well eventually I was pulled back from the door (*Laughter*) and through my whole marriage that door has just been eluding me. (*Laughter*) But I made that commitment and appreciate that that commitment can be made by any loving couple. We have been holidaying in the same place in France for years and we have got friendly with a same-sex couple, Jennifer and her partner. My children accepted it from day one because the context was that we were accepting, so they are accepting – that is enough, and children get it. And people of a certain generation – and I will expand on that with respect to Deputy Sherwood in just one moment.

When I got married in Scotland, all the years I had been going before and staying there in my mother-in-law's B&B, I was never allowed to share a room with my then fiancée, it just was not permissible. If anyone arrived at the B&B that could not demonstrate they were married, they were not allowed to stay. If a gay male couple arrived and Olwen's mother probably thought they probably were not Boy Scouts, then they were not allowed to stay – and that is not her fault. That is not her fault and she should not be condemned for that, because some people – and especially with the Presbyterian strong position in Scotland – that is the way they were raised.

Now I have to fess up in my own way... I get the lesbian, gay, bisexual – I am there. When we talk of aspects of transgender, that has been an education process for me personally; and when we have had fairly high profile male businessmen, some weeks later professing to also be successful businesswomen – and in America in particular being accepted as being that – I think there are issues within that, that I need to understand, that I do not quite understand at the moment. And that is me fessing up to that. It is a journey that we are all going to make. And I appreciate some of you are already there.

When we had the literature through our letterbox from C4M I read it, I then tore it up and I then recycled it. But I want to defend their right to send that literature to me and I think it was quite wrong for the press to get such a hard time over giving people a voice. I know that there is a quote out there somewhere from Voltaire, so while we are drowning in a sea of tolerance today, let's not be intolerant to those people who are expressing the opposing view. (**A Member:** Hear, hear.)

Guernsey has come a long way. When I think the gay age of consent was lowered, some members of the then Children Board resigned, because the arguments were bizarre... that some of them believed that predatory males would now move in on young boys. And members of the Children Board *resigned* over lowering the gay age of consent, which seems preposterous now.

And even in Deputy Soulsby's brilliant speech, she mentioned mixed-race marriage – (*Interjection*) inter-racial marriage, sorry – even I had to be reminded that there was a time when that could not happen in America, and it is interesting how we forget so quickly.

So I embrace this opportunity for people to be equal in the real sense and I have to say I was extremely moved by the speech from Deputy Peter Harwood; and I think there is a mood in this Assembly that Guernsey is perhaps ahead of the curve and it reflects well on Guernsey. But in making this move we must be open and accepting and tolerant of the people that cannot make that journey with us today, and for those people that will not be accepting of this decision.

Thank you, sir.

The Bailiff: Deputy Perrot.

Deputy Perrot: It is abundantly clear that these amendments are going to fail and there is almost no purpose in me standing up saying anything in support of the amendment because I know absolutely the way in which the Assembly is going to decide. But if I did not stand up that would be an act of cowardice on my part and I want to put my own marker down for the purposes of the record.

I ought to say that in standing up and speaking as I am going to I know perfectly well, because of the way in which social media works and the fact that it eventually ends up on my computer anyway, that I am going to be vilified for what I say. But nonetheless it is what I think and I am entitled to think as I think (*Interjections*) and I am entitled to vote in accordance with my conscience. (**Several Members:** Hear, hear.)

I endorse all that Deputy Paint says... I think that marriage is for a man and a woman. My problem, to pick up something which Deputy Gillson was talking about, is in *one* word. It is 'marriage'. And I believe that marriage is for a man and a woman.

We have been told by a number of people – Deputy Conder is one of them and the Chief Minister is another – that we must move on. A weaselly little phrase that, so far as I am concerned, because it implies that all change is good.

Right, I admit it, I am inherently conservative, I am *made* that way. (**A Member:** Hear, hear.) I do *not* think that all change is good. I do not think, for example – I know that this is tangential to the debate – that it was right to do away with the hereditary Lords and stuff it full of Labour place men. I thought that was actually bad. I also think that it was wrong to change the Book of Common Prayer so that we have the infantilism of the liturgy in common worship. I do not think that change is for good. Now I know that is saying to all of you, 'God, he is even more conservative than I thought he was'. (*Laughter*) But that is what I think!

As far as I am concerned the concept of homosexual marriage offends on several grounds, and they are historically, linguistically and culturally. Because coming back to Deputy Paint's point, marriage as far as I am concerned, certainly historically, is for a man and a woman. Incidentally, for those Members who have said that actually marriage has not always been around, yes it has always been around but it was actually recognised in perhaps less formal ways than it is now. But certainly the whole of Norman common law was based upon the concept of marriage between a man and a woman, and all the rights of inheritance flowed from that.

But there is one other thing – and this is really going to upset people. I believe that marriage between a man and a woman is the correct family set up if it is at all possible to do it, for bringing up a child. (**A Member:** Hear, hear.) I think that so far as it is practicable to do so – it is not always – but I think that the child ought to have the benefit of the spectrum of love which it finds between a married father and mother. And I am repeating something which I actually said, I think, during the course of the adoption debate which Deputy Jean was talking about.

I also, let me say, endorse a lot of what was said in an email which we have all received from former Deputy Conseiller John Langlois. He said it in rather more striking terms, I think, than I would have used, but in the main I would echo – if I had the time and you do not have the inclination to listen to me – all that he said in that. Incidentally I have written pages of notes, pages and pages of them – again, that is because of me because I was a lawyer. And as the debate has gone on I have had all sorts of points to pick off, all sorts of legalistic arguments in

answer to points which have been made. I am going to bin all of those, you do not have to bother to listen to those because I know the way that the debate has gone.

1760 But in passing, I *thank* Coalition for Marriage for sending out the literature which they sent out. It deeply offended some people but I think more information is better than no information at all.

1765 One other thing, we heard from Deputy Sillars that if this is passed – which it will be – there will not be any difficulties in relation to schools. I am quite sure he believes that, but I do not believe that statement, because we have seen certainly in the UK that there is a gradual process of proselytising the idea of homosexual relationships and I do not think that is something for the schools to be involved with.

The homosexual community is fond of saying – and we have heard it today – that the heterosexual community needs to be tolerant and respectful of the homosexual community. I entirely accept that, but it also cuts both ways; and I think that the homosexual community has been rather precipitate, if you like, about these proposals for homosexual marriage.

1770 There are some of us who if we are making that journey... I am not saying that I *am* making that journey, but if we are making that journey some of us are moving at a rather slower pace than others and I do not think that we ought to be bounced into this sort of thing. And I have got no evidence to show this, but anecdotally I believe that I speak on behalf of a good proportion of people in Guernsey who are offended about the idea of marriage being other than between a man and a woman. That is my instinctive, conservative, but natural response.

1775 In the words of Gloria Gaynor, 'I Am What I Am'; and it seems to me that my rights as a heterosexual, who believes very strongly about something, ought to be respected just as much as those who are stridently calling for a change in the definition of marriage. Now I know I am going to be vilified, I have said that already, but I could not stand by – or rather sit by – and not let the Assembly and Guernsey know how I feel.

1780 Sir, I am sorry if I have been a rather wimpish supporter to Deputy De Lisle's amendment, I know it is going to lose. I wish it would win because if there were civil partnerships, the rights that people would have under civil partnerships would be all the rights which they need actually to be equal. The only thing which people in civil partnerships would not have is the name quote, 'marriage', unquote. So I give my apologies to Deputy De Lisle, I am still voting with him but I may well lose.

The Bailiff: Members, we will rise and resume at 2.30 p.m.

*The Assembly adjourned at 12.30 p.m.
and resumed its sitting at 2.30 p.m.*

Billet d'État XXIII

POLICY COUNCIL

VII. Same-Sex Partnerships – Debate continued – Propositions carried

1790 **The Greffier:** Article VII – Same-Sex Partnerships – continuation of debate.

The Bailiff: Deputy Le Lièvre.

1795 **Deputy Le Lièvre:** Thank you, sir. Born 1950, married 1976, never a cross word, *(Laughter)*
sensed soon this morning that the debate should have been about love! (Interjections)
Sorry, everything is going to pot here.

Right, I said to Sue this morning, as I crossed the bedroom after a heavy night on SWBIC, that the debate should be about love, and not necessarily marriage. It was not until 10.44 this morning that we actually heard the word 'love' mentioned by Deputy Soulsby. Up until then it had been about higher reasoning and matters of the church and legislation, and indeed the *history* of the word marriage.

1800 But today's debate should indeed be about love and commitment, because that is what marriage is all about. It does not matter if your relationship is about a man or a woman, or a man and a man, or indeed a woman and a woman – it does not make any difference. It is about love and commitment.

1805 It is obvious today that we are going to approve the Policy Council's proposals and reject the amendment. But I sense during one or two of the speeches there is slight amount of self-congratulation about this particular policy letter, but approving same-sex marriage today will not rid this Island of discrimination, inequality, social exclusion or just sheer bigotry. Those things are not going to happen. Merely approving same-sex marriage is not going to get rid of those issues.

1810 Deputy Sherbourne said that he was brought up in a lovely, loving family which was advanced in its liberal and inclusive views. Well, it was not like that for all of us. I grew up in a normal happily-married family – or at least that is what it looked like from the outside. But my father was gay. He married my mum in August 1945 and my brother and I were born soon after. But from thereon in the marriage was anything but normal – and because of their deep Christian views the marriage carried on. It should not have, it should not have even gone ahead, but it carried on; and for the rest of my life my father lived in a twilight world, where his Christianity and his sexual preferences were always in tension.

1820 That tension fed into the marriage and as a result... and I do not think it has adversely affected me – I am not sure *(Laughter)* maybe it has – but it certainly was not as normal on the inside as it might have appeared from the outside. They continued with this relationship right up until my father's, and indeed my mother's, death – because she never, ever stopped loving him.

1825 But it was a marriage born out of discrimination, out of inequality, out of social exclusion and indeed bigotry. It was a sham to tell you the truth, but it existed for nearly 45 years. And the point I am trying to make is by approving same-sex marriage today we are not going to get rid of that. We are not going to get rid of the discrimination, inequality, bigotry and social exclusion. Those things will exist after today and for very many years in the future.

1830 I do not want anybody leaving the Assembly today, thinking 'Well that is it, job done, we do not have to do any more.' Because we have only just scratched the surface. Accepting homosexuality, lesbianism, gay – call it what you like – it takes a long time for communities as a

whole to achieve that acceptance. Certainly, in my early years I was far less tolerant than I am today. I firmly and openly believe in the rights of gays and the lesbian community to marry, to live the lives that they want to live in freedom of expression – and goodness knows what else – so that they can enjoy themselves and be accepted by the rest of the community. But we are not going to achieve that by just simply approving same-sex marriage, we all have to work at it a great deal harder than that.

Thank you, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I believe I am the youngest Member of the States, which is really why I stood to speak in this debate, because we heard this morning a great deal about Members who have been on a journey... even from Members who are not all that much older than me, who have been on a journey which implied – even if they did not say it explicitly – that they now hold views which perhaps they would not once have held, or which would not necessarily have been popular, or the prevailing view, when they were growing up. But for people of my generation there has been no journey, because the concept of same-sex marriage for people of my generation – and I think I speak for most, if not all, people who are perhaps under the age of 35 or 40 – it is just inconsequential. It is just an irrelevance; it is not even a debate. And I think that point of view does need to be represented in this debate.

I do not agree with the views that have been put by Deputies Paint and Adam, and De Lisle and Perrot, but I do applaud for them for bringing their views to this debate and for the laying of these amendments; because it is clear to me, as Deputy Perrot said, that there are a great many people in our community who are very uncomfortable with the notion of same-sex marriage. It is a generational thing – that is a generalisation and it certainly is not true that it is universally a generational thing – but there is certainly a correlation between the generation in which a person was born and their views on these sorts of social issues.

But I think there are very many more people in Guernsey who are uncomfortable with the notion of same-sex marriage than has been represented in some of the correspondence that States' Members have received. And some of them are reluctant to express their views for fear that they will appear bigots and prejudicial. I think that is unfortunate. I think that a dictatorship of liberalism is just as unappealing as any other form of dictatorship and I think people who are uncomfortable with same-sex marriage ought to be able to say so without fear of being assumed to be bigoted.

So for that reason I think it is very beneficial that the States have had all of these options – same-sex marriage, *Union Civile*, civil partnership, and no change at all – represented in Propositions, or proposals brought to the States and we have been able to have a full debate.

There is something ironic because in some of the correspondence that we have received, the arguments against same-sex marriage – and to some extent arguments against same-sex relations generally – have been put by people who are in favour of small Government... presumably they subscribe to that old saying that they want to shrink the State until it is small enough to fit in your bedroom. And there has been a little bit of that in some of the correspondence that we have received. But I do think that it is important that the views of a diverse section of society are represented in this sort of debate.

I said the views I think that are prevailing in my generation, but to my kids this is now just completely normal. We have lesbian friends... and my daughter, who was six on Tuesday, just says, when her gran asks who is x, the name of the girl, she says, 'Oh, she is our friend, she loves girls' – and she says it as if the next thing is 'What's for tea? Because it just does not mean anything, it is just completely normal, it just does not matter.

Now this, for me, is why I support same-sex marriage. It is important for the people who today will be able to take advantage of same-sex marriage, once the States have approved these

proposals as I am sure they will. But it is most important of all, I think, because the laws the States make – and the laws governments make generally – help to set the social and cultural context of a society; and what I have in mind is, I do not want my children to grow up in a society where they would feel uncomfortable, or somehow wrong, or sinful, if they grew up as homosexuals. And by making the sorts of changes that are before the States today... I agree with Deputy Le Lièvre in the sense that making legal changes of the sort that are before the States today do not of themselves remove prejudice, or discrimination, or bigotry, of course they do not. But they do make a contribution to shaping the kind of society in which we live.

It is partly because of changes to the Law that have been made, not just by this Government but by other Governments, that that society has changed. It is partly because of the Race Relations Act that there is now more racial tolerance than there once was. It is partly because Prime Ministers have appointed openly gay men to their cabinets that society has changed. And society has changed in a very short space of time. And anybody who is a pensioner in this Assembly has lived for more than half their life – if they have lived in Guernsey – with homosexuality being illegal. That is how quickly these changes have taken place in society.

But that is why I will vote in favour of same-sex marriage. Yes, because some people will be able to take advantage of the institution of marriage today, but primarily because of the type of change that it signifies in society in the long term; and it does help to set society in a more tolerant and diverse context. I think that is to the advantage, particularly, of people who may otherwise grow up feeling different from their peers.

In closing if I could just say through you, sir, directly to Deputy Laurie Queripel, because he made an interesting speech and clearly has divided loyalties on this issue. He read out a line from his manifesto and I think he said traditional values, progressive ideas, or some like that. Well there are not very many institutions which are more traditional than marriage.

I think same-sex marriage is about extending an important traditional institution and applying progressive ideas of the 21st century to that institution, by allowing a greater range of people to take advantage of marriage. Now I think, because I believe in the institution of marriage, that is something not to be resisted but to be celebrated, and that is the application of progressive ideas to traditional values.

Thank you, sir.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

The Oxford English Dictionary, the World's largest dictionary of the English language, has announced that the definition of the term marriage will be adjusted to include same-sex couples now, and it is legal for homosexuals to wed each other in England. So, if you like, as far as the word goes, and if you think the Oxford English Dictionary is it, that is going to happen. Mind you that does not decide what happens in law or elsewhere.

Being a physicist, like my colleague Deputy Perrot, I apply all sort of logical analysis to almost everything that comes in front of me and I have been a little bit disappointed at the lack of logic in some of the arguments – but that is by the way. The real issue is this word 'marriage'. Now, even if this is passed unamended there will still be different definitions of marriage for different sectors of our community. We know – and it says so in this report – that there is no attempt at trying to redefine marriage according to Church of England Canon Law. That will remain and still is, going to be marriage will be defined between a man and a woman. Now it is not for us to change that, we cannot; so there will be different definitions. You could call one the secular, or legal, definition of marriage and the other one you could say was the traditional or even religious definition. So different definitions will persist.

It kind of reflects a little on what Deputy Le Lièvre said, that doing this is only a step to go forward – there is no legislation here, nothing, that is all yet to come. But it will not get rid of what you may call prejudices or, maybe more accurately, differences in interpretation. Now, one of the

1935 problems for various religions – be it Islam, Christianity, Judaism – is, I believe that nearly all these English translations relate to other translations from Aramaic, Arabic, Greek and whatever, and in those languages the word ‘marriage’ is defined. And I looked into this, as a union between a man and a woman.

1940 So if you are going to translate accurately, how are you going to do that? My guess is what will happen is that various religious bodies will look at this carefully and think, suddenly, marriage no longer describes what we have in our writings – and it could be expunged. You could introduce words like ‘wedlock’, ‘matrimony’... whatever. In the short term you could differentiate them by saying, ‘All right, we will have traditional marriage and secular marriage’.

1945 So at the end of the day what will you achieve? I do not know. I find the whole issue a little bit confusing in the sense that if you decide to call marriage something retrospectively away from what it used to be, that is fine. But at the end of the day you will have different meanings for marriage depending on different communities. So what actually will be achieved? Because to me, acknowledging a difference is not of itself prejudice. If you say the union between a man and a woman, a man and a man, a woman and a woman, they are all different unions. They have 1950 commonalities, you can talk about love and affection – but then it brings in some basic logic. I remember learning in the early days... somebody said a daffodil is yellow, gold is yellow, therefore gold is a daffodil. Well that is nonsense, of course, but all you have referred to is a commonality between the two, but they are nonetheless different.

1955 The real prejudice arises in how you treat people who are different. Now, the real prejudice at the moment exists in our law, be it inheritance law... and indeed the next policy letter is there to address it. I take you back to Proposition 6 at the time of the Budget, which Members inadvertently threw out attempts to get rid of some of this prejudice in terms of Income Tax Law, because we wanted to extend it to, in advance – and it was, it was in there, we were going to extend the law on Income Tax so it would be the same for married couples, or married, shall we 1960 say, same-sex couples.

And that is why these amendments have come back. It came back today... and there were some more last month in relation to social security, because we thought, ‘Here we are, picking up the pieces again’. I think the States inadvertently threw out something that was going to get rid of prejudice. Well, we are putting it right now – or we have started to put it right. In fact, at the time 1965 it came back to us, I thought ‘Why bother? The States chucked it out, let someone else bring it back’ – but we are honourable boys. (*Interjection*) Not on T&R. I am just talking about our board.

So where will we be at the end of this? A number of people have sent emails saying, ‘Please vote in the legislation that is coming’. There is no legislation here today, it is back to another report; and I do not know what will happen in the future. But I still think at the end of the day, 1970 what is hopefully going to be achieved, especially getting rid of any, shall we say, inherent prejudices, or indeed... this word ‘equality’ is used a lot.

It is not going to happen as a result of this; all that will happen is that the word ‘marriage’ will be applied to same-sex couples. Which is fine, but it will not be the same definition as is applied by, shall we say, Deputy Le Tocq’s Church on the Rock, because he has already said they would 1975 not conduct the ceremony in his Church. So is that a prejudice? And that is where the fear is, I think, from all these groups.

The fear is that is the first step to try and dictate, if you like, Canon Law? I do not know what Her Majesty would think about that. She is the Head of that Church; I do not know what the Synod would think about that. We are not here, we cannot change religious order, because then 1980 you end up discussing human rights, which allows you freedom of worship. And there will always be this tension, because even if this is passed unamended, it is not going to get rid of a lot of the so called differences – and some people call them prejudices. They will remain.

So what will be achieved in the end? I am not sure. *I am not sure.*

Thank you, sir.

1985

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I will vote against the two amendments. I agree with the comments made by others in support of the proposals. I do respect the views of those who feel that marriage should be just for couples of the opposite sex, but I disagree with them.

I think what is impressive is that almost all agreed that civil partnerships should be for single sex couples, and marriage should be for couples of the opposite sex. Effectively they just wanted a different word for people who are linked and members of the same sex, to members of the opposite sex; and I think they would have been quite comfortable if there was another word other than 'civil partnerships', which is quite a mouthful compared to 'marriage'.

As Deputy Trott pointed out, we passed the Income Tax Ordinance which included a section titled Equivalent Treatment for Same-Sex Marriage and Civil Partnerships, this morning, and I expect that we will pass the next policy letter, which is titled Same-Sex Marriage Inheritance Rights. So effectively, as a community, we will recognise same-sex marriages. To me it does not make any logical sense, I do not think it will be defended, to recognise same-sex couples who marry elsewhere and say, 'You can live in our community, we legally recognise your marriage, but you cannot *marry* in our community'. I just cannot defend that. So that is why I will support these proposals.

A number of Members have referred to their children's views. Well I have children and I do not normally refer to them, but they are in their early 20's and late teens, and one of them said to me, 'Don't you dare vote against single sex marriages.' (*Laughter*) Not often are they that definite in their views. But I think this illustrates the views of the younger generation, which gives me great confidence for the future.

The final point I wish to make is that I would ask Members to vote against Proposition 3. We are, I am sure, going to reject *Union Civile* and I just do not see the point of directing the Policy Council to monitor international relations on this topic. We all know that we have a lot of other workstreams to do, and for something that I expect should be so roundly rejected there is no point spending time on that. So I would ask if you vote against the Adam amendment, please vote against Proposition 3.

Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

I was interested when I heard Deputy Perrot speak earlier about the Gloria Gaynor anthem, 'I Am What I Am' – could apply to me, almost – or 'I Will Survive'. Another song from that era was, of course, 'Rock the Boat'... and maybe I will do perhaps a little bit of boat-rocking here. Because I agree with a lot of what Deputy Le Lièvre and Deputy Fallaize have said, but I think we need to explore where this journey has taken us. I remember signing a requête – it must be 15-odd years ago – to reduce and equalise the age of consent, and that went through the States; but it was difficult debate, difficult rite of passage in its way. And then of course later on in the 2004-2008 States – the first of the new era – we had the requête on Civil Partnerships.

And to go back to it, to page 1754 of that particular September 2006 requête... intriguingly it was signed by eight people, I was not one of them although I am sure I voted for it, because I put it in an earlier manifesto in 2004. But the eight people included four male Members – two of which are still with us, Deputy Ogier and Deputy Brehaut – they were all what I would broadly call 'younger' States' Members, and four women States' Members. Now that was interesting because it shows perhaps women Members were more progressive and ahead of the social game, than the majority of the day.

Going back to the requête, the crucial part was that the Petition said, at point 1:

'THAT, your petitioners believe that committed couples who are not in a position to marry should be able to choose to have their partnership formally recognised by the state and thereby gain similar rights, privileges and responsibilities as spouses.'

And point 2:

'THAT, in particular this should apply to homosexual couples because they are uniquely excluded from the institution of matrimony.'

So it goes on.

Now, some of the committees of the day, like Social Security, gave uncertain support on the argument that they did not know which categories it included, apart from homosexual couples.
2040 Now we could perhaps think of people it might have... people with religious reasons that could not marry or for some other situation. But at the time I think it was generally understood by the States that it had the potential to apply to other people who wished to form a partnership, but not necessarily marry.

We have not heard that in this debate, because the Policy Council and various speakers seem
2045 to have assumed that civil partnership was an *exact* replication of the UK model. It was not, as we understood it at the time. But what was interesting too, going back to this, was... I said it was in the modern era, because it is after the Advisory and Finance era.

On page 1756 of this interesting report we hear two comments:

'The Policy Council, by a majority, does not consider the investigation of civil partnerships to be a priority at this time and will therefore not support the prayer of the Requête.'

The second point was:

'The Treasury and Resources Department, by a majority, does not consider the investigation of civil partnerships to be a priority at this time and will therefore not support the prayer of the Requête.'

2050 Deputy Trott, perhaps, is the only Member... he uniquely was a full member of both at the time and I am no way pointing to him. The point I am making is that the two most senior resource bodies of the States made clear that they were not supportive of it. There may have been a free vote on the day... but *nothing* happened, that is the relevance. Or nothing happened for quite a long time.

2055 Finally, this Assembly as Deputy Wilkie has described it, as perhaps the most progressive States in modern times in terms of social policy, has taken an interest and we salute all of those who have done it – albeit rather late. But as the Policy Council report makes clear, it has been influenced by developments outside of this Island, particularly Southern American states, other parts of North America and many European countries.

2060 One or two speakers this morning surprised me a bit by saying, 'Wouldn't it be great if Guernsey was in the vanguard of social progress, instead of watching what everybody else does for once'. And I thought, 'Well actually we are in that position now', because every part of the British Irish Council that we love to go to, has gone down this route now except for Northern Ireland; and Northern Ireland has had its own particular religious, cultural and social and political
2065 history which is very unusual, I would venture to suggest. Indeed it is the Northern Ireland case that has been quoted by many of the critics of this move.

So it is difficult to say that we are ahead of the game, we *were* ahead of the game in 2006 but we are behind the times now; and maybe the urgency with which this report has been put, at the tail end of this Assembly, reflects the fact that we do need to move forward as soon as possible
2070 now we are in this position.

And we have certainly had some fantastic speeches today – Deputy St Pier, Deputy Conder, Deputy Sherbourne, Deputy Soulsby amongst others, and this afternoon too. But what interests me is, possibly with one or two exceptions, I cannot remember in the 2012 Election campaign any
2075 candidates overtly saying they were in favour of equality in marriage. I remember, unusually, it became an election campaign issue in St Peter Port North, and it certainly led to a lot of interesting social media and hustings exchanges; and what I would say is I certainly reaffirm my support for civil partnerships.

2080 But I suppose... we are talking about people going on a journey, and I assumed at the time that it would be difficult for this Island to be a trailblazer within the British Isles, of equality in marriage. I was not *personally* against same-sex marriage, but I had reservations about the acceptability of it as a consensus policy. I have got no such reservations now, because of the news from Ireland, the news from the United Kingdom, the social changes, the attitude changes – especially amongst younger people – and particularly by the very extensive engagement the Policy Council did with the wider community. And I think we are ready to take this step.

2085 Turning to the two amendments: I think it is a bit unfair to criticise Deputy De Lisle and his supporters today for putting it, because not only have they given debate and they have given an option, but it is in a sense a liberal option, it moves things on from where they have been. More to the point his minority option, I would say, was the mainstream political view when we last had a mandate. I think that should be borne in mind.

2090 The second point is the option Deputy Adam has put before us of the *Union Civile*, I will reject too; but believe it or not it was the chosen route of the Policy Council consultation project just a few months ago. I am, I must admit, a bit surprised that that group decided to go down that route, because although it certainly ticked the box in terms of equality, it raised a very large number of issues. And within our pack we have an interesting letter from the Acting Dean of Guernsey, in an ecclesiastical sense – Anglican, Church of England – who made the point that it would have had a certain effect upon the establishment of the Church, and also the role of the Church. It would have led to two marriages rather than one in Anglican Churches.

2100 We know from legal opinion and elsewhere, that it would have had a considerable impact on Guernsey's legal Family Law relations in comparison to Jersey, or the United Kingdom, or elsewhere. So I do not quite know why we went to Alderney via Sark, rather than directly on that occasion – if I could use that metaphor. It was a strange view but I can perhaps understand it theologically, and how it would further secularise legal institutions as distinct from faith-based institutions; but it certainly would have been a difficult path to tread.

2105 If we are talking about marriage generally and the States' relation to marriage, there is quite a bit of modernisation to do – beyond the scope of this immediate policy letter. I point to flexibility with the Marriage Registrar, the Greffe being able to perhaps marry on Sundays, in other venues and all of that. The fact that we are losing out perhaps on wedding-based tourism compared to other venues, even Islands close to us. And also we were talking about the historical problems of... I think Deputy Harwood mentioned the dreaded Brighton divorce – or was it Tunbridge Wells? – that may have led to rather inappropriate cases in the United Kingdom. But we still have a situation here – in the Royal Court by the other entrance – where you can see the names of everybody about to get married, and everybody who has got divorced... and they are put on public display in quite a personal way. That is still the case as we approach 2016 and I wonder if it is not time to look again at that kind of legislation as well.

2115 I think this is part of a broader journey, a broader project, and I will endorse the mainstream today in the interest of equality, and the interest of love and romantic relationships; but I think we have to have a wider look at the context too.

2120 **The Bailiff:** Deputy Ogier.

Deputy Ogier: Thank you, sir.

As a signatory of the original requête along with Deputy Brehaut as we have just heard – (*Interjections*) sorry, thank you – I thought I would just take a few seconds to reflect.

2125 In one of the amendments today, certainly, we are debating civil partnerships, and when we voted for the Roffey amendment those years ago it was quite a progressive position to take. It may have been a good first step for the Island, had it been brought in in a reasonable time frame. However, it has taken such time and we have already learned by the first movers, that society once again has surprised itself by the pace of change – and the debate has already moved on. I know that using the term 'marriage' is considered by many, or some, to be a step too far for them – and

2130 I completely respect that view. My feeling is that even were the supporters of these amendments today to be successful, I think the writing is already on the wall and within another few years we will find ourselves in an untenable opposition were we *not* to grant equality of marriage for all, now that it has been put on the table.

I am touched... honestly, I was touched by the obvious emotion that was going through this
2135 Assembly this morning. It was a unique experience, in my view. I am gratefully and greatly respectful of the variety of views being expressed so well on both sides of the debate. I think it has been extremely helpful and healthy, to have had these amendments discussed today; because when we leave this Chamber, whatever decision has been made, all views will have been expressed and all options will have been put on the table – and it has been very good in that
2140 regard. I think today is one of the rare debates where we see the Assembly at its very, very best on both sides – and Members should be congratulated.

I recall at the time of the original requête sharing a car ride home after the day's debate with certain senior Members of the Assembly, and it was like time travel. I felt like I had been transported 100 years ago when we were debating this topic, just a few short years ago. I
2145 remember sharing it with Members at the time. And things have changed very quickly. We see Deputy De Lisle is now where the progressives were a short 10 years ago. (*Laughter*)

I think in this debate all the major arguments have been developed, and I have not been convinced – despite listening very carefully to all views, and engaging in debate with both sides of the argument over the numerous emails – that certain couples should continue to be
2150 discriminated against in the formal recognition of their union based on their sexuality or gender.

And I believe I will be supporting the Policy Council proposals.

Thank you.

The Bailiff: Deputy Bebb.

2155

Deputy Bebb: Thank you, Monsieur Le Bailli.

I suppose I should start by declaring an interest. (*Laughter*) I may well benefit from the proposals that are here today. One day I may well hope to actually be able to say the same words as what Deputy Gillson said in his speech; I may well wish to actually be in the position that
2160 Deputy Green mentioned in his speech of being married for three months. I can hope to be in the position of being where Deputy Soulsby said of being married for 26 years. Unfortunately, I will never be in the position of being able to say, as Deputy Paint did, that I am married for 50. I doubt sincerely that my partner, being significantly older than I, will see the time that we will be able to say such a thing.

And that is actually part of the problem that I have. We can all tap ourselves on the back and say that we have actually done something wonderful today, but it will only be one small part; as Deputy Le Lièvre made so clear in his speech it is still only a small step when there is so much work ahead of us. During the election campaign, and for many times afterwards, I have said repeatedly that I believe that Guernsey is a progressive society, whose laws do not fully reflect the
2170 progressive behaviour and attitudes of its people. I did not expect to be vindicated of that position so clearly, by the response to the consultation that we held on *Union Civile*.

It is true to say that Guernsey will have the opportunity to be ahead of some countries. But I was reminded this morning, when I was getting ready to come here, that of course back in *May* this year the Pitcairn Islands, with 48 residents, introduced the legislation... not the policy but the
2175 *legislation* to allow same-sex marriage. And they also introduced it, having said that they were unaware of a single same-sex couple existing on the Island – they just felt that it was the right thing to do. We have same-sex couples here, we are behind the Pitcairn Islands – and that, to me, does not sound as though we are in any way ahead of the curve. We are behind it.

I have to say that since 2012 when it was an election campaign, we should not dismiss that
2180 those countries that have since introduced same-sex marriage legislation include Denmark, Brazil, France, Uruguay, New Zealand, England and Wales at the beginning of 2014, followed by Scotland

at the end of 2014, Luxembourg, the United States and the Republic of Ireland; and legislation is already being drafted and is expected to be implemented in Greenland, Finland and Jersey. Are we really to be behind Jersey on this as well? I am sure that if we were to talk about financial matters we would be horrified at the prospect of Jersey being ahead of us. It is a shame that we do not take the same attitude when it comes to social issues.

Now, I think that I should start by talking about the two amendments. The question first of all in relation to *Union Civile*... and I think that this goes to the heart of the Working Party's journey that it took. Indeed, *Union Civile* was something that both Deputy Le Tocq and I discussed at length right at the beginning of this term. It is something that at that time I felt was the appropriate approach. I was pleased that actually Deputy Le Tocq was in full agreement and had come to the same conclusion independently.

Union Civile was not drawn out of thin air, it was something that was considered with due regard and indeed was considered on the basis of legislation that currently exists in South Africa. Since then such legislation has also been introduced in New Zealand, but nowhere else. Therefore given the legal advice that we received... and it is extensive – and I know that Members might be not be interested in reading it – but it is in the Appendix to the Billet, starting on page 3540. It makes very clear that the question of international recognition of marriage is an exceptionally complicated issue today, far more complicated than it has been for some time; and that *Union Civile* simply presents a real problem of international recognition.

We do not know whether that will happen. It was therefore, in the Working Party's opinion, not the best approach. Now, what is proposed within the amendment really does not even address those issues. It states that *Union Civile* would be open to all, but that marriage would continue to be available for opposite-sex couples. Therefore what it would say is that you are of an opposite-sex couple, international recognition is something that you will continue to enjoy as part of your marriage, but if you are same-sex the only option available to you may not be recognised internationally, and could be exceptionally costly if you were to decide to go elsewhere. Now, needless to say I feel that that is discriminatory and unhelpful, and is not the approach that we should have.

Secondly, on the question of civil partnerships raised in the other amendment: I believe that this debate has been conducted with merit, with dignity, and with understanding on all sides, except for one word which was uttered by Deputy De Lisle – and that was 'deceitful'. I do believe that it was unparliamentary and I hope that in his response he will retract it, because civil partnerships were given full consideration in the consultation and also by the Working Party. (A Member: Hear, hear.)

But civil partnerships require the introduction of a system, a concept, that does not exist in Guernsey Law. Deputy De Lisle himself, in his opening speech on the amendment talked of a great long list of those things that those people entering into civil partnerships would enjoy, were they to enter into civil partnerships. What he did *not* suggest was how much work would be required to create a legislation to look at each and every one of those areas, and to introduce and amend every single one of those legislations to recognise the concept of civil partnerships.

Of course it is *possible* – one would never say that it is not possible – but let's not imagine that it would be *easy*. It would be cumbersome, difficult and time-consuming. And that is where I come back to that original statement, of one day wishing to be able to say that I was married for a certain period of time. Civil partnerships are likely to take a long period of time, a number of years greater than the introduction of same-sex marriage. Therefore I would contend that it would delay indefinitely the introduction of any provision for same-sex couples. It would also be contrary to the direction that the international community is travelling on.

Currently civil partnerships are still available in the UK, but at the time of the working group looking at this issue, there was a consultation in the UK as to removing civil partnerships from the statute books. It is fair to say that the outcome of that consultation was simply to say that the work involved in getting rid of them would have been far greater in its effort than the value of

removing them. Therefore they feel that a better solution is to leave them there until they become obsolete.

2235 Are we really saying that Guernsey wants to get on to a system that the UK hopes one day will be obsolete? Civil partnerships exist in Germany, but there is currently a consultation in Germany about removing civil partnerships and introducing same-sex marriage. Civil partnerships are available in Australia; they are equally out for consultation at the moment in order to remove civil partnerships and to introduce same-sex marriage. Are we to introduce a concept that is already behind the times and is already looking at being got rid of? I actually ask you, is that the message that we want to say?

2240 I want to also talk about Proposition 3 and Proposition 4. Deputy Sillars and Deputy Dorey have made reference to them and I think it right to talk about them. Proposition 3, may I suggest, suggests that:

'... extensive work that has been undertaken with regards to Union Civile, and to direct the Policy Council to monitor international developments on this topic... '

2245 Now it is fair to say that if Members vote against this I do not think it is going to be the end of the World. However, as I said, international recognition of marriage is a continuing difficult subject that is likely to change, and therefore it would be prudent for the Policy Council, or its successor, to always keep in mind the international recognition of marriage here.

2250 In relation to Proposition 4 – and this is where I feel that there may be valid questions asked, but I do feel that they need to be addressed:

'to direct the Policy Council to bring forward, in a timely manner, separate Policy Letters to address the issues raised by the work on Union Civile including the dissolution of legal partnerships, as set out in section 6; gender recognition, and procedural formalities relating to marriage.'

2255 The reason for this is because the working group did give consideration as to how on earth we could progress with this, and it was important that something was progressed; and a lot of the work that we were looking at simply had to be *not* included in this policy letter, in order to get it here in due time prior to the election. However, there are issues to be asked of the current system in relation to our Marriage Laws.

2260 We have a very real problem that adultery is frequently seen as a quick fix divorce, whereas adulterous behaviour might not have existed. I do not know how many people I have been speaking to on this issue who were told when they sought to have a divorce, 'Claim adultery, it is quick, it is easy – and it is cheaper'. I have to say what I was also advised of, is that when it comes to unreasonable behaviour, the test is frequently far more difficult. But a husband and wife, as we are going to be debating later on in our business, that might be in an abusive relationship, where there may not have been any form of adulterous behaviour, to claim and to actually prove those points can be very difficult – and is not what we would actually want people to endure in proving in courts.

2265 Therefore one of the things that the working group and the Policy Council should be looking at is introducing legislation that might make *that* system easier. It is also fair to say – and if we look at the practices today – that certain people may be partaking in what we call adulterous behaviour, but with the consent within a marriage. That in, and of, itself makes a mockery of the Adultery Law. It is a very difficult area. But the one thing that we can guarantee is that this area does need looking at, and that is what Proposition 4 asks for. It is not to say that a decision is being made today, it is not to say that one direction or another is appropriate, it is simply stating that it needs to be looked at and a policy letter needs to be brought back here.

2270 In equal measures we currently license *where* people can get married. It is the hope of Commerce & Employment that we can liberalise those restrictions. But once again, that will be subject to a separate policy letter that will need to come back to the Assembly. It is also expected that we might liberalise *who* may marry. It is fair to say that there are certain people today who would like to marry other people as part of a different type of set up – a humanist wedding, an

atheist wedding... and they may wish to actually undertake being licensed. That is another matter that needs to be looked at and needs to be brought back here. But it will be subject to a separate debate. Therefore no decision is being made about these, particularly contentious points today... simply that that work will be undertaken as part of forming the legislation.

Deputy Dorey: Sir, point of correction.

Deputy Bebb said about Proposition 3 was international developments on marriage. But the Proposition, specifically at the beginning of it, refers to *Union Civile* and when it says 'on this topic' I presume that it means *Union Civile*; so it is not on marriage it is on *Union Civile*.

Deputy Bebb: As I said earlier on Proposition 3, if it is not passed then I am sure it will not be the end of the world.

Now, if I can address some of the questions that have been raised in relation to this. I think that we do need to deal with swift legislation as Deputy Stewart said. But I would also like to talk about the redefinition of marriage.

I am unsure how people feel that this would redefine it, because in all honesty this was a valid argument two or three years ago, but since then with the passing of legislation in the US, in Canada, in the United Kingdom, in Ireland and in New Zealand, may I suggest that those English-speaking countries have already redefined the word 'marriage'. And in case we feel that actually it should be more international, then I have to say that Portugal, Spain, France, Belgium, and Netherlands... all these other countries have also already redefined that term. It already encompasses the idea of same-sex marriages.

And I have to ask... when I was approached and told that same-sex marriage would *diminish* my marriage – as I was, by certain people – are their marriages diminished by travelling to the UK? Do they feel particular diminishing of their marriage whenever they take the Condor to St Malo? Are we now to have a 'marriageometer' on the Condor, or on Aurigny, in order to measure how valid or invalid your marriage is? Because there is nowhere you can fly to direct from here that will not have same-sex marriage somewhere. Or are we just to ask those people to confine their holidays to those places that do not have same-sex marriage? I am sure those countries such as Saudi Arabia may be appealing to some, but not to me.

The idea of diminishing other people's marriages is false and it has to stop, that we hear this nonsense. When I was considering this issue I was actually moved to read the findings of the US Supreme Court when they came to their conclusion on same-sex marriage. They stated:

'The petitioners acknowledge this history but contend that these cases cannot end there. Were their intent to demean the revered idea and reality of marriage, the petitioners' claims would be of a different order. But that is neither their purpose nor their submission. To the contrary, it is the enduring importance of marriage that underlies the petitioners' contentions. This, they say, is their whole point. Far from seeking to devalue marriage, the petitioners seek it for themselves because of their respect—and need—for its privileges and responsibilities.'

At what point do we feel that *me* wanting to get married demeans anybody else's marriage. It does not. I simply seek the same privileges and responsibilities that others have enjoyed for so long.

I have to commend Deputy St Pier on his speech. I feel that it was excellent but, more than anything, because that was my childhood. I was the queer, I was the poof, and I was the one who was bullied because of being different. And, just as I was vaguely interested in men, AIDS came along. And when I went to London and I went to the bars in order to try and meet men, I was met with people who were dying. It was not an easy time.

I could not have imagined at that time, such a thing as same-sex marriage. The changes that we have seen in attitudes have been fundamental to western society – and I understand why some people have not caught up. The concept of gay marriage was only introduced in 2001 in the Netherlands; and in 14 years we are asking people to make the social leaps that they have never had to do in 14 years before. But it is the right social leap. I have to say that, for me, it is only right that at some point we move forward. We move in order to adopt these things.

2325 When I was actually doing the work on this particular policy letter, I was asked to meet with the Youth Commission. And because the proposal at that time was for *Union Civile* I was asked, 'Why aren't you just introducing same-sex marriage?' And I presented the difficulties and the problems and the concerns, and all the issues that had been raised in relation to this debate – just to be confronted by young people looking at me and wondering why they were being given a history lesson.

2330 When I stood for election I repeatedly said that Guernsey is a progressive society whose legislation does not reflect the opinions of its people. That position has been vindicated by the work of this working group, the consultation process. The only thing that remains a question is whether this Assembly is as progressive as the society and will allow those legislations to be drawn, swiftly; and also to introduce other legislation that is woefully late in being introduced.

2335 It would be nice to say that we can have same-sex marriage, but it is shame to say that I could still be discriminated against for being homosexual. We have no legislation and nothing being drafted in order to prevent that type of discrimination. No discrimination based on race anywhere near the pipeline. We have a piece of legislation which deals with discrimination overall, but only one Ordinance – and that is to do with discrimination of women in the workplace.

2340 So what we are saying by our legislation is that it is fine to discriminate against women as long as you do not do it in the workplace. It is fine to discriminate on the basis of sexuality, of race. But that is not the attitude of this Island. That is not where we believe we are. That is not the attitude of this Assembly. But if anybody looks at our legislation, that is the attitude that they will read. That is the attitude that people will think we have.

We need to update an awful lot more. But today let's just take this one small step.
Thank you. (*Applause*)

The Bailiff: Deputy Trott.

2350 **Deputy Trott:** Sir, when I get to my feet and I say I genuinely was not intending to speak in this debate I mean what I say, but my wife has sent me a text telling me that I am to stand up and tell the Assembly that I am blissfully, happily married – which I am happy to do, sir. (*Laughter*)

2355 It is unbelievable, the change in this Assembly over the four terms I have served. When I first entered, I was youngest and I lived in sin, apparently, with two illegitimate children. Nowadays cohabitation is the norm and thankfully children are now treated equally, irrespective of how they were born. But I remain or I am in a minority, sir, because I am a married heterosexual and therefore I think it is right that those who have spoken expressing the views of those who are particularly uncomfortable with change, because that includes people as close to me, and as dear to me as my own parents, who find this subject particularly challenging.

2360 But something rather poignant happened to me over lunchtime. I went to a local restaurant for lunch, sir, and as I was leaving the proprietor handed me a free diary and, bearing in mind my wife's words about how blissfully happily married we are, I looked at the page that marked her birthday, and these words of wisdom are genuinely contained on that page, which for me summarised perfectly this debate, and indeed its certain outcome. Those words are these: 'You know you are in love when you can't fall asleep because reality is finally better than your dreams.' There are a lot of people out there tonight who, I think, will experience that precise emotion.

Thank you, sir.

2370 **The Bailiff:** I see no-one else rising.
Deputy De Lisle will reply to the debate on his amendment.

Deputy De Lisle: I thank you for that, sir.

2375 I have not got a lot of questions that have been posed to me, and not everybody has mentioned actually civil partnerships in their deliveries.

But Deputy Le Tocq began, and noted that the amendment was just, and would improve the situation we have today; and as one or two Members have indicated we have nothing on the statute books at the current time.

2380 He points to the fact that I had mentioned evolution, rather than revolution... evolution over the next few years. I will tackle that in a moment when I speak with respect to another speaker. But he candidly points out the big issue of rights and responsibilities in the UK as a result of them bringing in same-sex marriage. There are difficulties there; there are a lot to be resolved. He also made the point that civil partnerships are an improvement on the current system. It is a question of how rapidly Guernsey was to move with the times and the impact that that would have on the community. All very good points.

2385 Another person that spoke with regard to the amendment was Deputy Green; he said it would satisfy human rights but not equality in his terms. In Guernsey he said a civil partnership would be good because it would prevent litigation in the Courts. He also said it would not give equality – but then neither will same-sex marriage give total equality, as I mentioned earlier.

2390 Deputy Laurie Queripel also mentioned civil partnerships, whereby he was seeking to find a balance. Civil partnerships, he thought, strikes that balance and will support that. He does not understand the need to redefine marriage as it is so dear to so many. This was another point that I was trying to make as well, that we do not want to end up dividing society... and that is another reason for bringing in civil partnerships at this time, from my aspect.

2395 Now Deputy James spoke of equality of opportunity and access and she did ask the question of how many years between steps of introducing civil partnerships and getting to same-sex marriage. Now I can answer that just by reference to the legislation in the UK, if you like, whereby civil partnerships in the United Kingdom were granted under the Civil Partnership Act in 2004; and the Marriage (Same Sex Couples) Act 2013 was legalised for full same-sex marriage in England and Wales, starting from March 2014. So we are looking at the possibility of nine years to get to that point. And what I was suggesting was that we would progress forward in our deliberations, but we would start with civil partnerships.

2400 Deputy Le Lièvre made the point that by approving same-sex marriage today, there is a slight amount of self-congratulation within that, because it will not get rid of the issues of what he called exclusion, discrimination, bigotry and social exclusion.

2405 Deputy Fallaize made the point that a great number of people were very uncomfortable with the concept of same-sex marriage... some fear being prejudicial but changes of the law, though, would have an impact and change society.

2410 Deputy Gollop explored where the journey has taken us today and feels we have fallen behind. But he praises bringing in this amendment of civil partnerships. The amendment has given a fullness to the debate, if you like, it is also a liberal option; and it was the mainstream political view in 2006 when we last debated this very issue – given the UK legislation in 2004 just two years before that.

2415 Deputy Bebb makes the point that it is only a small step, but behind the wave – that was on legislation change. But specifically on civil partnerships he was concerned about some of my concern with regard to the fact that the Policy Council had gone beyond the prayer of the requête. Also he did not mention a couple of points that I had made, one of which was the title change. The title change to same-sex marriage on the page of the actual policy letter, but on the cover it is talking about same-sex partnerships – that was one point that I made to him. The other point was also the inaccuracies – within the policy letter of the Policy Council – in reporting case law, that of the latest case by the European Court restricted to Civil Union or registered partnerships, and not to marriage. But he concludes by saying that we have nothing in legislation – and it is time that changes. And I fully agree with him that it is time that there are changes made.

2425 To further conclude I would like to just say that the introduction of civil partnerships on the English and Welsh model would go some way to providing legal recognition of same-sex relationships, without dividing our community. That is the point that I have emphasised here and I

think a number of speaker have indicated that we will have an issue there with dividing society. I do not think we should be doing that in a hurried way. We can deal with this gradually as the UK has done. It has taken, as I was saying a few moments ago, nine years to get to that point from the initial legislation with respect to civil partnerships. We need to take one step at a time on this and in fact England and Wales did just that.

The introduction of civil partnerships would satisfy the judgment also of the European Court of Human Rights, in that it would provide legal recognition of same-sex relationships.

I wanted also to thank my seconder, Deputy Perrot, (*Laughter and interjections*) for his deliberations. He was not just getting on with it though when he was speaking, (*Laughter and interjections*) I am sure it was at least 20 to 30 minutes – and I must say it was entertaining as well.

Sir, I would like to finish by stating that my point was that the policy letter had gone further than the requête had originally asked, however it is not an option for the States to do nothing.

And I would like to finish by asking for a recorded vote on the amendment, sir, and for Members to support deleting 'same-sex marriage' and substituting 'same-sex partnerships' in the Propositions.

Thank you, sir.

The Bailiff: Members, what I propose to do is to call Deputy Adam next, and then Deputy Langlois to reply, so that you have heard all the speeches and all the arguments, before you vote on the amendments and the Propositions in whatever form they then are.

Deputy Adam.

Deputy Adam: Thank you, sir.

I started in my speech that the reason for bringing the amendment was to provide an alternative choice and to stimulate debate – if nothing else, this amendment has done that. As far as the amendment is concerned little has been said about *Union Civile* apart from... I think the last speaker was Deputy Bebb, who did mention it.

He mentioned it to the extent that it was considered, it was the preferred option by Policy Council at the beginning of this year, but with all the advice infused within the States report they decided not to support it. Not because they did not think it was the right way forward, or anything, but because of the difficulties. I still feel it would have achieved many of the things that Members of this Assembly have said on this occasion. Equality. Equality is the most important thing and I feel we should be looking for equality. Equality without referring to sexuality.

The other aspect of the amendment which the Chief Minister, Deputy Le Tocq, did not really agree with was mentioning civil marriage, because he was concerned that this would bring discrimination. To a certain extent it is like in England where you have two Laws: you have Marriage (Same Sex Couples) Act 2014 and you have the Marriage Act 1949. Where is equality there? But one thing that I think is important, that people have been saying, is it is all very well bringing some legal law into place but it does not get rid of discrimination that may still exist within our society.

Now I could say another example of such a situation... and I remember this because Deputy Gavin St Pier was born in 1967. And another very dramatic change in society occurred in that year, because the Abortion Law was brought in at that time. The Abortion Law still has issues within society in certain areas, especially in America. In other words although it is accepted by Law – and as an obstetrician gynaecologist, obviously I had to deal with that law on numerous occasions over the years – it is not completely accepted throughout society.

Likewise, having same-sex marriage will take the same length of time, as Deputy Bebb suggested. It will take time to bed in, it will take time to be accepted by you might say Deputy Fallaize, the older generation, who is over 40 or 45 (*Laughter*) But as far as marriage is concerned the viewpoint is held... and remember what Deputy Barry Paint – who kindly seconded this amendment – and Deputy Perrot, both said quite clearly – and I agree with this – that marriage is a union between a man and a woman, historically and implicitly within the society in which we

2480 have lived. I am not saying it will not continue but one has to accept and respect people who think that way.

As far as overall concerning the amendments, some Deputies have stated that they were not comfortable with same-sex marriage as proposed, but overall decided to support it. As I say I strongly believe in equality regardless of sexuality and I think the majority of young people
2485 certainly, now accept that; but discrimination can still occur.

Sir, I fully accept that this amendment has not been successful, but it *has* been successful since it has stimulated debate and it has been a very honest debate, because how many people have brought forward their personal situations – and why they feel the way they feel? Why some people feel more strongly about the term ‘marriage’. Deputy Conder mentioned all different types
2490 of marriage. Yes, but in the Western world marriage has been usually between a male and a female.

But we must put these things to one side and look at what is here. Same-sex marriage would appear to be going to be accepted by this Assembly. What is important is that I – and others who think like me – have had the opportunity to state what they feel, because there are a significant
2495 number in the population who have similar feelings.

So, I would just like to thank the Assembly for having a very honest and forthright debate, without too many acrimonious comments being made.

Thank you, sir.

2500 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Thank you very much, sir.

When I came to this meeting on Tuesday I was fully aware, like everybody else, of the sheer volume of work we had to get through. Like, I expect, everybody in the Assembly, you have to
2505 give a certain amount of priority to some debates, more than to others, and even through the passage through the Policy Council I had a lot on my plate and I did not pay a vast amount of attention to the detail of this particular report – but I was ready for the debate and so on. That was until the Chief Minister came up to me the middle of Tuesday morning and said, ‘By the way I have just received the information that I am being called for a medical appointment, probably
2510 about the time when the summing up of this report comes.’ And in the true spirit of teamwork – which we always enjoy on Policy Council – (*Laughter*) I willingly agreed; and so here I am.

You, sir... the Members have made this job a lot easier than I anticipated when that request was made, because this has been one of the most engaging and excellent debates in the entire nearly eight years that I have sat in this Assembly.

2515 The nature of the question is one of pure belief and conscience. I have been delighted to sit here for the day and not hear the term ‘evidence based’ once. (*Laughter*) It is a nasty modernism, which is used as an excuse for often made-up evidence – but there we are.

I think we should all give our thanks to the working group, because although some comments have been made about, ‘Well there is still another report, and the details are difficult’ and all the
2520 rest of it, this is a very good piece of work. It leads logically to inclusion, but it leaves hanging the open questions which we have to answer with our conscience; and hence, for example, if the Chief Minister were here to vote, I know that we would be voting differently on at least one of the Propositions, and so on.

Forgive me if I add some of my own views in this, because obviously because of the nature of
2525 the structure of the debate I have not had the chance to speak; and generally, as you know, I get rather twitchy and uncomfortable – that is the word of the day – about emotive speeches, but when you have got this sort of question, what else can you put into it other than emotion and belief? That has been done in a very balanced way and a very unsentimental way.

2530 If you look at, as it were, the academic disciplines we have been covering here, then we have heard a bit of political philosophy, some morals, some religious belief, social and cultural issues,

prejudice, bigotry, semantics... we have done quite a lot of deep stuff today, which often passes us by when we deal with trivial stuff, like money.

Can I just give a few summary comments before, I hope, a unanimous vote for a least three of the Propositions? Briefly, I personally will not be supporting either of the amendments. I do not think anything more needs to be said about that. The case has been put, the debate has been had and we will vote on those shortly.

There seems to be a number of themes – and forgive me, any speakers who I do not mention in person – all the speeches have been first class and have been listened to. I just want to use some of them to make particular points.

There is a very strong generational issue that has come through this, and I think we are here to legislation and we are here to legislate for the future and not for the past. And there is no doubt about it that 'The Times They Are a-Changin'' – song titles, you see, we can all do them! (*Laughter*)

But that is out of my era, that was current when I was learning to play guitar. So 'The Times They Are a-Changin'... and it is shown very much by the difference in generational attitude. But that difference is one of correlation, if not one of absolute generation divide. Right? There are people in this Assembly who are already drawing their pensions and are very much in favour of the changes; and there are people amongst young people who have particular beliefs who are very much against these. But by and large the correlation goes with age, and that generational evidence – now I have done it now. (*Laughter*)

That generational evidence is very clear. As it happens I know that emails and some other bit of social media... something which is called 'Book', or something, (*Laughter*) which people exchange information through. I know that the particular generation that I know well, is the 30 to 40 age group – and the reason I know them is because that is the age of my children, my friends' children and so on. And they just simply cannot even believe that we are still having this debate. Those are people who within the next couple of years will be 40, so that is the sort of change that is taking place.

We have had a lot about the 'equality' word, and I think that goes without saying, it is a clear theme all the way through and it has been very clearly illustrated by a number of speakers. Then alongside that you have the religious, ethical, the sort of 'belief dimension', which has been mentioned. And possibly it has not been mentioned enough. There was a fear in my mind that this would turn into – I used to listen to some of this stuff before I was in the States and years before that. And I think a number of years ago – a number of Assemblies ago – a lot of today's debate would have revolved around Church views; and the different brands – or whatever they call themselves in the Church – the different brand offerings... (**A Member:** Denominations) Denominations – thank you, sir!

The different flavours of church views... and today we have heard some objections on those grounds but it has not become dominant – and that is another feature of the way in which Guernsey is changing. But what *has* been dominant is words like 'tolerance' and 'respect'; and what a wonderful uplifting set of words for somebody of my age to see actually having happened in Guernsey and having been involved. And 1967 was mentioned recently... when you were a student in 1967 you knew about change and radicalism and things like that and, having grown up through that era, did I ever believe this sort of day would come in Guernsey? No I did not; but it is here. It is great news.

Finally within that, the themes. The other one is one of freedom, and to me freedom is what the late 60's were all about, the political changes that took place then – and freedom of speech comes at the top of the list. We have had a number of people saying equality is everything, we have had a number of people using other words to say this is priority here... freedom of speech is top of the list. And therefore all of the debate which has taken place here, in the media and even in social media, has got to be tolerated – unfortunately, in some cases, because some of it has been quite despicable; but nevertheless it has got to be tolerated, because if you do away with freedom of speech then you do not get anywhere.

Who is on political philosophy now? We will never get out of this place if I do not stop rambling on about that sort of stuff. (**Several Members:** Hear, hear.) Hear, hear.

2585 Deputy Soulsby, I add my congratulations to her speech. The only comment I would like to make is that given what she said about her husband and the word and the sentence, I hope he serves a very long sentence and I am sure he does as well! (*Laughter*)

2590 Deputy St Pier, what a well-constructed argument – particularly logical. I thank him in particular for drawing attention to, and exposing, the really objectionable links drawn between sexuality of different sorts and criminal activity, that was the content of a number of communications we received. And can we please try and put a stop to that. (**A Member:** Hear, hear.)

2595 Deputy Sherbourne: well said in terms of generational distances. The only issue I have with Deputy Sherbourne is that he made it sound as if there is a certain reality about having been born in the 1940's and by now you can only think in a particular way because you are that age. You are as young as you feel... and very hard for the youngsters to understand that, sir, like Deputy Fallaize. I have said it to him often enough... you never know what it is like to be a certain age until you have reached that age, it is sad reality of life and you are as young as you feel.

2600 Deputy Parkinson: we all have sympathy for Deputy Parkinson this week, returning into this fold with all this extra reading to do, all this catch-up to do. And I was so distressed to hear that he has not been given an email address. Can I make a request, sir, through you to all Members, if we could forward him every email on this topic – (*Laughter*) he will be able to catch up!

I hope Deputy Brehaut's wife was not listening to his story about the wedding, but there we are, I am sure he will cope.

2605 **Deputy Brehaut:** If she was, she is my ex-wife now, sir. (*Laughter*)

2610 **Deputy Langlois:** Right On a more serious note, Deputy Perrot's speech, I think is to be praised. He said he would have been cowardly not to give it. I think he was very brave to give it... and, talking about being vilified, I hope he will not vilified by anybody, including through the social media, although he is fairly safe through that because I bet he will not be reading it. But he said what he thought, he said what he believed and that is what this debate has been about – and it is absolutely vital that we continue to be able to do that. (**A Member:** Hear, hear.)

2615 Deputy Fallaize came close... he did not *do* it, but he came very close to mentioning my old phrase 'the silent majority' and I think that is what he is talking about there, that we must be aware that at the end of today there will not be dancing in the streets for every member of the population, because a decision *will* be made. I think I know which decision will be made now, and there will be fall back, and objection coming back about it. And it may be, in that sense, that the people who view themselves as the silent majority will be leading that.

2620 Just to close, sir. Is this the right thing to do? Well, the answer to that is 'Yes'.

Do we acknowledge and respect that it will not be welcomed by all? I think the answer is 'Yes'.

Is now the right time to do this? Right through to the label that the Policy Council are attaching, the answer is 'Yes'.

2625 So to use a rather populist quote which has been bandied about recently. A new Chief Minister in Canada, Justin Trudeau, was asked recently at a press conference why he had selected equal gender equality in his cabinet; and his answer was a very good one, 'Because it is 2015' was the answer.

Why are we going to approve same-sex marriage today? Because it is 2015.

2630 **Several Members:** Hear, hear. (*Applause*)

The Bailiff: Well, Members, we vote first on the amendment proposed by Deputy De Lisle, seconded by Deputy Perrot, namely that:

'In Proposition 1, same-sex marriage be deleted and substituted with same-sex civil partnership on the lines of those provided for by the Law of England and Wales.'

And there will be a recorded vote.

2635

The Greffier: The vote on this Billet starts with the Castel.

There was a recorded vote.

Not carried – Pour 7, Contre 37, Ne vote pas 0, Absent 3

POUR

Deputy Paint
Deputy Adam
Deputy Perrot
Deputy De Lisle
Deputy O'Hara
Deputy Kuttelwascher
Deputy Laurie Queripel

CONTRE

Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy James
Deputy Brouard
Deputy Wilkie
Deputy Burford
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Parkinson
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins

NE VOTE PAS

None

ABSENT

Deputy Le Tocq
Deputy Inglis
Deputy David Jones

The Bailiff: Well, Members, on the amendment proposed by Deputy De Lisle, seconded by Deputy Perrot, there was in favour 37 and 7 against... no it is the other way round, 7 votes in favour and 37 against. Greffier? Yes, 7 in favour. I will start that again. *(Laughter)*

2640

On the amendment proposed by Deputy De Lisle, seconded by Deputy Perrot, there were 7 votes in favour and 37 against. I declare the amendment lost.

Now we vote on the amendment proposed by Deputy Adam and seconded by Deputy Paint, and there will be a recorded vote on this one too.

There was a recorded vote.

Not carried – Pour 4, Contre 40, Ne vote pas 0, Absent 3

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Paint	Deputy Duquemin	None	Deputy Le Tocq
Deputy Adam	Deputy Green		Deputy Inglis
Deputy O'Hara	Deputy Dorey		Deputy David Jones
Deputy Laurie Queripel	Deputy James		
	Deputy Perrot		
	Deputy Brouard		
	Deputy Wilkie		
	Deputy De Lisle		
	Deputy Burford		
	Deputy Soulsby		
	Deputy Sillars		
	Deputy Luxon		
	Deputy Quin		
	Deputy Hadley		
	Alderney Rep. Jean		
	Alderney Rep. McKinley		
	Deputy Harwood		
	Deputy Kuttelwascher		
	Deputy Brehaut		
	Deputy Domaille		
	Deputy Langlois		
	Deputy Robert Jones		
	Deputy Le Clerc		
	Deputy Gollop		
	Deputy Sherbourne		
	Deputy Conder		
	Deputy Parkinson		
	Deputy Bebb		
	Deputy Lester Queripel		
	Deputy St Pier		
	Deputy Stewart		
	Deputy Gillson		
	Deputy Le Pelley		
	Deputy Ogier		
	Deputy Trott		
	Deputy Fallaize		
	Deputy Lowe		
	Deputy Le Lièvre		
	Deputy Spruce		
	Deputy Collins		

2645 **The Bailiff:** Well, Members, the voting on the Deputy Adam/Deputy Paint amendment was 4 votes in favour, with 40 against. I declare that amendment lost.

We come then to the original Propositions, which are to be found on page 3576 of the Billet, and there has been a request that all four be taken separately, and I have had a request for a recorded vote on Proposition 1.

2650 So we will have a recorded vote on Proposition 1, which reads:

'To agree to the introduction of same-sex marriage.'

A Member: Sir, could we have a recorded vote on Proposition 3.

The Bailiff: On Proposition 3 as well. We will go *aux voix* with 2 and 4.

2655 **Deputy Bebb:** Sorry, could I ask for Proposition 4 as well, please. Thank you.

The Bailiff: As a recorded vote?

Deputy Bebb: Yes, please.

The Bailiff: What you are voting on at the moment is Proposition 1, namely:

'To agree to the introduction of same-sex marriage.'

Deputy Fallaize: Sir, we might as well take 1 and 2 together.

The Bailiff: Yes? That is agreed.

A recorded vote on 1 and 2 together then, namely

'To agree to the introduction of same-sex marriage, and to direct the preparation of such legislation as may be necessary to give effect to the above decision.'

Those two Propositions together.

There was a recorded vote.

Carried – Pour 37, Contre 7, Ne vote pas 0, Absent 3

POUR

Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy James
Deputy Brouard
Deputy Wilkie
Deputy Burford
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Parkinson
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins

CONTRE

Deputy Paint
Deputy Adam
Deputy Perrot
Deputy De Lisle
Deputy O'Hara
Deputy Kuttelwascher
Deputy Laurie Queripel

NE VOTE PAS

None

ABSENT

Deputy Le Tocq
Deputy Inglis
Deputy David Jones

The Bailiff: Members, the result of the voting on Propositions 1 and 2, was 37 votes in favour, and 7 against. I declare those Propositions carried. *(Applause)*

2670 Proposition 3, there is a request for a recorded vote,

'To note the extensive work that has been undertaken with regards to Union Civile and to direct Policy Council to monitor international developments on this topic.'

A recorded vote, Greffier.

There was a recorded vote.

Carried – Pour 22, Contre 21, Ne vote pas 0, Absent 4

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Duquemin	Deputy Dorey	None	Deputy Le Tocq
Deputy Green	Deputy Brouard		Deputy Perrot
Deputy Paint	Deputy Wilkie		Deputy Inglis
Deputy James	Deputy De Lisle		Deputy David Jones
Deputy Adam	Deputy Sillars		
Deputy Burford	Deputy O'Hara		
Deputy Soulsby	Deputy Hadley		
Deputy Luxon	Alderney Rep. Jean		
Deputy Quin	Alderney Rep. McKinley		
Deputy Harwood	Deputy Brehaut		
Deputy Kuttelwascher	Deputy Domaille		
Deputy Le Clerc	Deputy Langlois		
Deputy Sherbourne	Deputy Robert Jones		
Deputy Conder	Deputy Gollop		
Deputy Bebb	Deputy Parkinson		
Deputy Lester Queripel	Deputy Gillson		
Deputy St Pier	Deputy Trott		
Deputy Stewart	Deputy Fallaize		
Deputy Le Pelley	Deputy Lowe		
Deputy Ogier	Deputy Le Lièvre		
Deputy Laurie Queripel	Deputy Spruce		
Deputy Collins			

The Bailiff: Well, Members, the result of the voting on Proposition 3... when you are all ready. The voting on Proposition 3 was 22 votes in favour and 21 against. I declare Proposition 3 carried.

2675 Next, a recorded vote on Proposition 4. Since I have read out the others I will just read this one:

'To direct the Policy Council to bring forward in a timely manner separate policy letters to address the issues raised by work on Union Civile including the dissolution of legal partnerships as set out in Section 6 of that policy letter, gender recognition and procedural formalities relating to marriage.'

A recorded vote on this Proposition.

There was a recorded vote.

Carried – Pour 37, Contre 6, Ne vote pas 0, Absent 4

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Duquemin	Deputy De Lisle	None	Deputy Le Tocq
Deputy Green	Deputy Sillars		Deputy Perrot
Deputy Dorey	Deputy O'Hara		Deputy Inglis
Deputy Paint	Deputy Hadley		Deputy David Jones
Deputy James	Deputy Robert Jones		
Deputy Adam	Deputy Gillson		
Deputy Brouard			
Deputy Wilkie			

Deputy Burford
Deputy Soulsby
Deputy Luxon
Deputy Quin
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Parkinson
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins

The Bailiff: The voting on Proposition 4 was 37 in favour, with 6 against. I declare Proposition 4 carried.

Greffier, can we move on to Article VIII?

2680

The Greffier: Billet XX – Article XV – Bowel Cancer Screening.

The Bailiff: No. I think while we are on the subject of same-sex matters, it seems to me if we take Article VIII – Same-Sex Marriage – Inheritance Rights. That is what we voted on earlier. So Article VIII of Billet XXIII, Greffier.

2685

POLICY COUNCIL

VIII. Same-Sex Marriage Inheritance Rights – Propositions carried

Article VIII.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 28th September, 2015, of the Policy Council, they are of the opinion:

- 1. To approve the proposals set out in the letter from HM Procureur as reproduced at section 2 of that Policy Letter.*
- 2. To direct the preparation of legislation to amend The Inheritance (Guernsey) Law, 2011 to give effect to the above recommendation.*

The Greffier: Billet XXIII – Article VIII, Policy Council – Same-Sex Marriage Inheritance Rights.

The Bailiff: Deputy Langlois will open debate.

2690 **Deputy Langlois:** Thank you, sir.

Might I open and close the debate, hopefully, almost simultaneously. This is a technical report, it falls out partly from the last decision, but it would have applied anyway. It needs tidying up... a particular status between the UK and Guernsey.

2695 The technical details are contained in a letter from the Procureur on pages 3577 and 3578. If anybody has any questions on them please ask me, and I will refer them to HMP to answer.
(Laughter)

The Bailiff: Are there any questions or any debate? No.

2700 Then we go straight to the two Propositions on page 3580. I put both of them to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

Now, Greffier we will go back to Billet XX.

Billet d'État XX

REQUÊTE

XV. Bowel Cancer Screening – Propositions 1, 2, 3 carried; Propositions 4 and 5 not carried

Article XV.

The States are asked to decide:

Whether, after consideration of the Requête dated 7th September, 2015, signed by Deputy M. P. J. Hadley and six other Members of the States, they are of the opinion:

- 1. To offer bowel cancer screening using a flexible sigmoidoscope to all Guernsey residents as they become 60 years of age and 65 years of age.*
- 2. To offer bowel cancer screening using a flexible sigmoidoscope to any Guernsey resident who is between the age of 60 and 65 years of age who has not been screened.*
- 3. To offer screening for bowel cancer using a flexible sigmoidoscope to any Guernsey resident who has a familial history of bowel cancer, as defined by the British Society of Gastroenterology.*
- 4. To offer bowel cancer screening by a colonoscopy to any Guernsey resident over the age of 60 for an all inclusive fee of £750.00.*
- 5. To introduce further screening by colonoscopy by 2017 as advised by local clinicians.*

The Greffier: Billet XX – Article XV. Requête – Bowel Cancer Screening.

2705 **The Bailiff:** The lead requérant, Deputy Hadley, will open the debate.

Deputy Hadley: It seems to have caused a mass exodus from the Chamber, Mr Bailiff, but nevertheless.

2710 **The Bailiff:** We are still quorate, just.

Deputy Hadley: Pardon? It is still quorate, is it?

Mr Bailiff, I need to declare a financial interest, in that my wife is a partner in the Medical Speciality Group, although I would like to say that any financial effect is likely to be minimal. In fact, if the proposal is carried then it is likely to actually reduce the income of my wife and therefore myself.

The 2020 Vision of the Health & Social Services Department has as its first core principal promoting good health. It says that the population should be protected by screening. It says that good decisions can only be effective if they have the buy-in of those who have to deliver the services. It says there is a real need to ensure that clinicians are able to contribute to the shape of the service.

In 2013 Professor Philippe Autier, Vice-President, Population Studies at the International Prevention Research Institute in Lyon stated at the European Cancer congress that:

'...some of the resources currently being devoted to breast and prostate screening programmes, where the evidence of effectiveness is less clear-cut, should be reallocated to the early detection of colorectal cancer.'

In other words, screening for bowel cancer is one of the most cost-effective cancer screening options and is more cost effective than screening for breast cancer or prostate cancer. The evidence is unequivocal. The evidence of the benefits of screening for bowel cancer is overwhelming.

Between 1996 and 2009, 34% of men in France were screened endoscopically but only 12% in the Netherlands. In France mortality from colorectal cancer decreased by 31%, but by only 4% in the Netherlands. In cases where bowel cancer is diagnosed at an early stage, more than 9 out of 10 people survive for at least 10 years, but late diagnosis results in a survival rate of under 5%. In Guernsey in 2014, 29 people were diagnosed as having bowel cancer, of which 30% had advanced disease and were considered for surgery and chemotherapy.

It is now about seven years since I first spoke in this Assembly of the need for a screening programme for bowel cancer. Shortly after that I met Dr Chinyama, our Consultant Pathologist, who said she had been campaigning for bowel cancer screening since 2005 – 10 years ago. In 2007 she obtained £260,000 to embark on screening, but this money was never spent. In 2009 Deputy Fallaize and Deputy Le Lièvre, brought an amendment to this Assembly to introduce bowel cancer screening. It failed.

Deputy Fallaize tried again in September 2010, this time seconded by Deputy Flouquet; again, this failed. But because of the closeness of these votes and in the light of mounting evidence that screening was important Deputy Adam, as the Minister, and the board, agreed to a trial of a new method of screening which was carried out in 2011. This was screening by the use of a sigmoidoscope, a camera which is inserted in the rectum to view the lower bowel. People were screened as they became 60 years of age.

The result of the six-month trial was so impressive that the States of Guernsey agreed to provide £328,000, ring-fenced, to be used for bowel cancer screening. The trial was allowed to continue into 2012, while a contract was sorted out with the Medical Specialist Group to screen both 60-year-old patients, and 65-year-old patients.

At that time Guernsey was leading the way in bowel cancer screening. We were using a flexible sigmoidoscope before Jersey and most of the United Kingdom. At that time I was concerned about people who had missed the screening programme and asked how we would catch up on those people. I was told that there were a number of practical issues to be sorted as well as the contractual arrangements, so that issue would have to wait. Despite raising the issue on many occasions with the new board we have not progressed beyond the trial of 2011.

The cost of treating a patient with bowel cancer is difficult to quantify, because it can involve expensive surgery and drugs which can cost £50,000 a year. So detecting bowel cancer by screening not only saves lives but saves Guernsey a large sum of money.

Now this year about £100,000 of the ring-fenced sum will remain unspent. At the present time the Medical Specialist Group have paid £68,000 a year to screen about 10 patients a week in one

2760 session. If they were to have been paid an additional £68,000 a year to screen the second session, they would have to employ a second gastroenterologist at their cost, to carry out the programme. This means that the Princess Elizabeth Hospital would in fact get the services of an extra general physician, with an interest in gastroenterology, who would be working full time at no cost to the Island at all.

2765 It is true to say that there are several other problems in providing an adequate service. There is no recovery room, nor sufficient beds; there is not accommodation for administration staff; and there is not functioning equipment. The endoscopes used are obsolete and although I saw equipment being trialled last November, none has yet been ordered.

In March 2015 I was invited to a meeting with civil servants and was told that to progress
2770 bowel cancer screening a commissioner from the UK had been employed on a two-month contract to sort out bowel cancer screening. The action plan actually said, 'Week commencing 4th May agree the contract with the provider and implement the transitional plan' – and I was extremely pleased that at least we were nearly there. Two months later I was told that it had not been possible to finish the work because it had been decided to get quotes for doing the
2775 screening from off-Island providers. However, the fees charged by the Medical Specialist Group are considerably less than the fees paid in the UK – and in fact the HSSD negotiator had done an excellent job. They had really played hardball to get a good price for the sigmoidoscopies and of course there would have been the benefit of having the full-time physician at no extra cost. So it is not surprising that they were unable to get quotes off Island. The three approached all declined to
2780 put in a bid.

In August we were told by the management that it was recommended that the unspent funding for bowel cancer screening would be better spent on screening for skin cancer and that the Medical Specialists Group should be offered a one-year contract to continue screening a single cohort. This was an extraordinary recommendation, which caused me to immediately
2785 organise this requête.

Now, the consultant pathologist believes that screening saves far more money than it costs, and no doctor I have ever spoken to is in any way supportive of screening for skin cancer, which for non-melanoma cancers is rarely fatal. Generally the advice is to go and see your GP if you are concerned and the GP will often remove the cancer under a local anaesthetic, effecting a cure. The
2790 recommendation ignored the fact that the sum of £328,000 is ring-fenced for bowel cancer screening, nothing else. If the money is not spent on bowel cancer screening, it should be returned to the Treasury. And this has never happened.

In its response to the requête the board said that a contract would be finalised as quickly as possible. That has been the situation since the beginning of 2012 – and is still the position today...
2795 a contract has still not been finalised. I, and my fellow *requérants*, Deputy Le Lièvre and Deputy Fallaize, together with other Members of the Assembly, have campaigned for bowel cancer screening for the last seven years. This requête directs that screening is undertaken with the sigmoidoscopy for the two cohorts agreed in 2011, and that there should also be screening for those who have fallen through the cracks and have missed the opportunity to be screened.

2800 It directs that screening is provided for people with a significant family history of bowel cancer. It directs that people who wish to refer themselves for a colonoscopy should be offered that service, if considered appropriate by the clinicians, for a total cost of £750. That fee would cover the cost of endoscopist and the marginal cost to the Hospital. This is particularly important as over the age of 70, 50% of cancers are on the side of the colon that cannot be reached by
2805 sigmoidoscope but only by the longer colonoscope that visualises the whole bowel. So in effect although a colonoscopy is twice the price, it is twice as effective – so it is just as cost-effective.

Finally, Mr Bailiff, it directs that the advice of local clinicians should be sought regarding development of the service thereafter. Because many cancers will be detected early and treated effectively, there will be additional cost saving, as well as saving lives.

2810 Bowel cancer is the second biggest killer after lung cancer: 35 to 50 cases are diagnosed in Guernsey each year and a third are likely to lead to an early death. The current screening

programme probably prevents a polyp from progressing over years to an advanced cancer every six weeks.

2815 It is also important at this stage to emphasise that the view of the local clinicians is not as stated in the Billet. It is that screening by a full colonoscopy is without doubt the gold standard. We should be aiming to do a full colonoscopy on every 60-year-old followed by a sigmoidoscopy after a further five years. We cannot do that now, but to move towards that position we should make colonoscopies more accessible. At the present time it is cheaper to fly to the UK for the procedure to be carried out than have it done in Guernsey, even after adding the cost of the flight and the accommodation.

2820 A proper screening programme, without doubt, saves money and saves lives. Failure to introduce a proper screening programme for the last four years has resulted in a failure to prevent cancer developing in many Islanders. So I would urge Members to vote for this requête.

2825 **The Bailiff:** Right. The Policy Council and those departments that have been consulted on the requête have the right to speak next.

I understand that the Minister for the Health & Social Services Department will speak on behalf of both his department and the Policy Council. Deputy Luxon.

2830 **Deputy Luxon:** Thank you, Mr Bailiff.

Sir, I have very little to say on this requête and certainly the *requérants* and many others will know my views in relation to the requête already, as I have tried to keep them informed over the last few months.

2835 Sir, as it is Christmas I will try and see the season as being jolly, but I must say the reality as Deputy Hadley sees things, and how his other HSSD Board members see things are, as usual, quite different.

2840 One thing which is absolutely clear is that Guernsey Health & Social Care, along with all other jurisdictions, must invest in and focus on public health, prevention and early intervention if we are to tackle the vexing conundrum of ever-escalating service need demand and cost pressure. As such screening, any screening, such as our relatively recent highly successful bowel cancer screening service must be recognised for the success it is, in saving lives and reducing cost demands down the road.

2845 The States agreed to ring-fence fund bowel cancer screening and agreement to extend the screening was also reached. I, and we, had hoped that the service extension would have been implemented some time ago and certainly at the beginning of this year, not long after this board was formed. It was not and it has not to date, entirely due to management resource issues.

2850 But where are we now? The HSSD Board approved the formalising of the bowel cancer screening service, along with an expansion of the service in September of this year. The service specification was worked on with HSSD staff and MSG colleagues. Practical and logistical issues were discussed and have been resolved. The draft contract was drawn up and has been worked on between the parties. It has been finalised, has been sent to the MDDU – which is a formality sign-off – and has been sent to the MSG's advocates as a standard process. It has been agreed by both parties.

2855 The recruitment of a second gastroenterologist by the MSG, appointed by them partially funded by the bowel cancer screening service, is underway. Recruitment of a locum gastroenterologist is also underway to expedite matters, bearing in mind the busy workload of the current excellent gastroenterologist specialist consultant. The extended service can, however, only commence once the appointment occurs, but will be as early in 2016 as is possible; but the month cannot be confirmed until the MSG have been able to appoint the appropriate consultant.

2860 So, sir, approval for a bowel cancer screening service extension has been made. Agreement with the MSG to provide the service has been reached, the specification and contract have been negotiated and finalised, and recruitment is under way. HSSD staff will liaise with MSG colleagues to complete the project.

2865 There is not much else I can add, other than to confirm that the intent within the requête is already largely in hand. However, sir, there are five items within the Prayer of the requête, and Proposition 4 in terms of the bowel cancer screening by colonoscopy, and also further screening by colonoscopy by 2017, neither of those have been included in the new contract agreed with MSG, at the explicit agreement and advice from the current MSG gastroenterologist as not being appropriate at the present time.

2870 So I can confirm that the HSSD Board and the MSG have agreed the principles contained within the Prayer; Propositions 1, 2, and 3 but not 4 and 5; and we have no intentions of being able to deliver the items 4 and 5 – and there would certainly not be the funding within the ring-fenced funding to be able to discharge that.

2875 Sir, for the clarification of Members here, if Deputy Hadley had at any time over recent months spoken to me or HSSD Board or staff, we would have been able to inform him of progress. He has not contacted us once, or asked for an update at any point.

Sir, I suggest to Members of the Assembly there is no point in approving this requête, because it is largely already underway and in hand, apart from the items that the department and the MSG, are simply not in a position to be able to move forward.

2880 Thank you, sir.

The Bailiff: Next, Deputy St Pier.

Deputy St Pier: Sir, I shall be very brief.

2885 The Treasury & Resources Department comment is on page 3141: the Treasury & Resources Department notes that the Health & Social Services Department intends to implement the extended programme as detailed within the Propositions 1 to 3, and that would be managed within the existing budget allocation. With regard to Propositions 4 and 5, we have noted that any additional funding required would be made available by reprioritisation within existing budgets.
2890 That seems, I would suggest, given the budgetary pressures that we know exist within HSSD, that maybe perhaps expecting too much of them at this stage. So I add that as a caveat which does not appear into our comment.

Finally, we note that the charge that is proposed in Clause 4 would not cover the cost of delivering the service – that is what we are advised, sir, by Health & Social Services Department.

2895

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

2900 I rise to only ask one question, and I apologise if Deputy Hadley covered this in his speech or if Deputy Luxon covered it in his response. But I did not hear that information. It is in regard to point 4, proposals attached to the requête:

'To offer bowel cancer screening by a colonoscopy to any Guernsey resident over the age of 60 for an all inclusive fee of £750.00.'

Now HSSD in their letter of comment in the second to last paragraph on page 3141 say:

'The Board did not support bowel cancer screening by a colonoscopy to any Guernsey resident over the age of 60, for an inclusive fee of £750 – as the cost indicated doesn't reflect the cost of delivering this service.'

2905 My simple question is, sir, how much would this servicer cost per person? How much *more* than £750 is it? I have not seen that information anywhere. I do not think I have heard it. I might have done, but I have missed it, I do not think I have heard it.

So £750 – how much *more* than that would it cost to provide that service per person?

Thank you.

The Bailiff: Deputy Kuttelwascher.

2910 **Deputy Kuttelwascher:** Thank you, sir.

Sir, the question just posed by Deputy Laurie Queripel is one I posed during a Treasury & Resources Board meeting, when this particular requête came for our consideration – and that was some weeks ago. Now, I have yet to receive a reply to the same question, so the department has had some notice.

2915 The other thing I wish to mention that this is talking about private treatment? This is a fee to be paid by a private individual for treatment? It should not really have anything to do with the budget of HSSD?

And the real question is: I did do some research and I was told that the specialist would charge a fee of about £450, and that the outpatient fee would be about £1,250 – and that is a lot of money because it could be nothing more than, if all went well, sitting in an armchair for three hours and being supervised. So this fee that HSSD would charge as an outpatient I think is important, because the other question I would have then is: whatever it might be, would it comply with our fees and charges policy, which are not supposed to show a profit? They are supposed to just reflect the cost of it.

2925 Would it be fair to do any more than provide the marginal cost of providing that, because that outpatient is going to be there whether anybody is there or not? I think it is an important issue, because on this particular item 4, if a fee or a cost could actually be stated, this particular Proposition 4 in the Prayer of the requête could actually be amended to what the charge should actually be. But we do not know what that is, and I think it is a shame, because we should.

2930 Thank you, sir.

The Bailiff: Deputy De Lisle.

2935 **Deputy De Lisle:** Sir, I would just like to ask a little more about the contracts to the Minister, if I may, because what I understand is that we are awaiting the recruitment of both the locum, I think, and one other doctor to actually carry out the contract – but then, do we know exactly how much there is in the budget for this?

Is it £338,000, although it is an annual £160,000? I am trying to get my head around page 3140, item iv there, where a minimum of 127 screening sessions will come to £160,000, but have we got a total budget then of £338,000 still?

2940 Deputy Hadley indicated that there was £100,000 that remains unspent. Can the finance of this contract be clearly stated, sir, please?

The Bailiff: Deputy Domaille.

2945 **Deputy Domaille:** Thank you, sir.

Just very briefly, it is not actually really directly concerned with the requête, I am more concerned that if someone actually is listening to this debate that they might get concerned if they were outside of the 60 to 65 age bracket and they start hearing charges of £750, or whatever mentioned.

2950 I just wonder if, very briefly, when the Minister does respond, if he could just reassure anyone who is listening that if someone does have some symptoms that they are concerned about, that they should go to their doctor and that actually treatment is available.

Thank you, sir.

2955 **The Bailiff:** Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

2960 Members, I would like to first of all thank the Minister for doing exactly what he has told us he has done, which is to keep the *requérants* in touch, informed, as the process has dragged its weary way on – and weary way it is. It is a sad story, a sad record, and it flies in the face really of the

declared intention of HSSD to focus on prevention. We know the benefits; we do not need to have those spelled out to us. It has obviously not been given the priority that it has deserved.

2965 I would like to ask the Minister if he can confirm that there has been a recommendation to direct efforts towards skin cancer screening instead of bowel cancer and, if that is the case, could he tell me if the ring-fenced money for bowel cancer screening is being used for that purpose?

2970 It does concern me that yet again, we have been waiting for... In fact I was minded to withdraw my signatory to the requête at quite an early stage, but I have learnt over the last three and a half years that that is not always the best thing to do, because things do happen to go away. I think that in many respects what has happened is a good example of it.

I am sure the HSSD Board themselves have been committed to getting action. I want to know why there has been such a long delay. Why there has been procrastination? Where the procrastination has been? Has it been with MSG? Are you blaming MSG for the slow process? Or is it in fact a failure of the administration of the HSSD officers to speed this process up?

2975 Perhaps he could answer that please in the reply.

The Bailiff: I see no-one else – oh, Deputy Dorey has got to his feet.

Deputy Dorey: Thank you, Mr Bailiff.

2980 I just wanted to make clear to Members what the previous HSSD Board decided, and I read from a press release as issued in April 2014. It says:

'After the evaluation of the current service, the HSSD board's next step was to consider the views from the professionals and decide, in principle, who should be invited for screening in future. We have agreed that this should be people aged 60 and 65.'

2985 As the evaluation report shows there is still some work to be done, before we fully establish a two cohort service in terms of planning, how it should be delivered, putting the right staff and systems in place and making sure this can all be done within the budget of £327,500 per year. This will require negotiation with MSG on the cost of a consultant-led service, as well as doing some internal work in HSSD. Staff are now meeting regularly to work through the practicalities.

I just say that to inform the Assembly what THE decision was, made back in April 2014. Thank you.

2990 **The Bailiff:** I see no-one else rising – oh sorry, Deputy Adam has got to his feet.

Deputy Adam: My apologies, sir.

I think Deputy Dorey has highlighted the problem that has been ongoing since the initial trial of bowel cancer screening was done way back in 2011.

2995 Deputy Shepherd then stated what is the problem? What is the delay? (*Interjection*) Sorry, Sherbourne. Deputy Sherbourne said, 'What has been the problem?'

3000 I would like to know what has been the problem since HSSD receive the SSD funds to start this service. The initial business case was for two cohorts, 60 and 65. As far as I am aware there has never been two cohorts performed at the same time, since that time. He has suggested it is possibly due to management resource issues, or administration? Or actually, I would suggest the number of beds in the day patient unit, the facilities to do outpatients screening, the amount of equipment available, the turnover equipment etc. Therefore there are some issues that have to be resolved.

3005 To turn round and start saying, 'Well, we have to wait until MSG is able to get our second gastroenterologist' – and suggesting it might be their fault for not being able to recruit. Well, partly the problem of recruiting any consultant by the MSG at the present time is that they have not got a clue how long they are being recruited for – because the contract is starting to be negotiated. I, personally, as a consultant would not come somewhere for six or seven months, or

eight months, or a year... You uproot your family and everything, and then find out after that time you have not got a contract.

Likewise, I think it is important to note in relation to this small service that HSSD was unable to outsource it and get someone coming from the UK to perform the service – which is a reasonable service to outsource. Basically these are well people coming up for a screening, they come up for the day or half day in fact; if there is something there then that can be treated, the polyp can be removed during the sigmoidoscopy, and it can be treated and then put on follow up.

It is not a case you have to have long-term care for that individual. It is a one-off procedure to sort it out – yet it will still not possible to outsource it and persuade someone from the UK to provide this service. Please remember that when you are discussing a new contract. If you cannot get a consultant for providing a one-off service like this, it might be as difficult to get consultants to come from the UK.

My one reason for supporting this... and what I would like the HSSD Minister to reassure us is that he will come back in six months, or three months' time, and tell us what the progress is; because the problem with this service is that there has not been – and I am probably as guilty as anyone – (**A Member:** Hear, hear.) (*Laughter*) anybody ensuring sufficient scrutiny of ensuring that the officers and administration informed the political board of what the situation was, and what the progress was.

I have mentioned this at the T&R Board when I suggested that all sums that have been provided from SSP that included respite care, foster care *and* bowel cancer screening, should be ensured that the money was being spent in the appropriate way and, if not, returned. Whether that comes under T&R, or PAC, or Scrutiny Committee I would not like to say, but I think the total sum was £900,000 – and it is a significant amount. Thus if the Minister of HSSD can reassure the Assembly that a follow-up report will give them information concerning the situation, I think that would be beneficial.

As far as his point about the other two aspects that have been added on concerning colonoscopy, then I accept they do not have the money for that. I might suggest they may not have the facilities to add in more patients, because the day patient unit is hardly coping with the number of day patients they have got now, so to add extra... and that is an area of the Hospital that has to be developed. So I would ask him to ensure that that should occur.

Thank you, sir.

The Bailiff: There really *is* no-one rising now, so we can – oh, Deputy Conder. I should have been quicker!

Deputy Conder: Thank you, sir.

Mr Bailiff, fellow States' Members, I want to start by thanking again the Minister and his team for being so proactive throughout this process in keeping the *requérants* informed; and in his, and their, patience with this requête and the *requérants*. I do understand in terms of the heavy burden they carry and the issues that this represents to them.

So I rise to support this requête as one of the seven signatories. Although I signed this requête what now seems like many months ago, I do remain committed to its purpose and intent. However, when I signed the requête I made it absolutely clear that I was signing it and I had absolute confidence in this HSSD Board and, if anything, that confidence has grown with the passage of time.

In supporting this requête, I do not wish to add to their burdens and indeed if what this requête aims to achieve is already in train, as the Minister has said, within his department, then I wish them well and I hope that a successful conclusion to this debate will simply, so to speak, add wind to their sails.

Sir, for me the proposals in this requête represent medical and fiscal sense. They offer the potential for early diagnosis of incipient bowel cancer, the prevention of actual bowel cancer, and enormous savings in the care and treatment of sufferers of bowel cancer who, if their illness had

been detected early enough, would have been saved their treatment by the simple process of polyp removal during screening.

3065 Sir, I will speak briefly but if you and my colleagues will forgive me, quite personally: each of the five Propositions in this requête make complete medical and financial sense and if implemented quickly will, as I have said, reduce the incidence of bowel cancer and quickly generate real, measurable and tangible cost savings.

3070 Sir, if I may deal with each of the Propositions? Proposition 1 deals with the screening of 60- and 65-year-old people, which is known to offer the hope of efficacious detection of pre-cancerous polyps in the bowel. Secondly, the incidence of bowel cancer is to a significant extent linked to family history of the disease. Thirdly, the cost of paying for private patient colonoscopy in Guernsey is, at the moment, a prohibitive £1,500 per treatment.

And, secondly, regular screening for at-risk groups is highly desirable.

3075 Sir, since signing the requête somewhat bizarrely, and entirely unexpectedly, my own family has been faced by the very real possibility of bowel cancer. And the experience I will relate is almost a case study of why this requête, and each of its Propositions, is so important. I ask colleagues' indulgence because the story I will briefly tell could apply to anyone on this Island and at any time. I would ask colleagues to refer to each of the Propositions on page 3140, or indeed the recommendations on 3138.

3080 The experience I will share happened to my wife, Sandra, in October of this year, just a mere six weeks ago, and she has generously allowed me to share our experience because not surprisingly she feels strongly about the prevention of this very unpleasant disease. Sir, with reference to Propositions 1 and 2, my wife and I came to live in Guernsey in our mid 50's and have now lived on this Island for some 14 years – we have both passed our 60th and 65th birthdays working and living in Guernsey.

3085 With reference to Proposition 3, my wife's mother contracted bowel cancer at the age of 63 and died of the disease at 65, thus there is a family history on the female side of the disease. However, notwithstanding, she passed both her 60th and 65th birthdays on this Island and she had a family history of bowel cancer and for whatever reason my wife was not invited to partake in the bowel screening programme.

3090 With reference to Proposition 4, during the course of the past summer, Sandra had felt some discomfort and was generally under the weather, and after a consultation with her doctor and on our own initiative and in the light of her family history, we decided to pay £1,500 for a privately-performed colonoscopy. We could afford it, just about, but none the less that is a very significant sum, which we chose to fund – but which could clearly be prohibitive for many people. During the procedure a polyp was removed and subjected to biopsy; following the biopsy we met with a consultant and were advised that the polyp had been found to be pre-cancerous, and if it had not been removed she would have developed bowel cancer within the next 12 months. That meeting, and the conveying of that news, was one of those life changing and salutary moments in one's life, when time stood still for a few seconds – and in a state of shock you had to take stock of the implications of what you have just been told.

3100 With reference to Proposition 5, as a result of the findings of my wife's treatment she must now undergo a colonoscopy every 12 months for the rest of her life.

3105 Sir, I wanted to share that quite unexpected personal experience with you and our colleagues, and I thank and honour Sandra for allowing me to do so. We share that with you and our wider audience, because it almost exactly reflects the objectives of this requête; and if by approving these Propositions we give more power to our HSSD colleagues in securing the funding for effective, timely and affordable bowel screening programmes, then it can do nothing but good.

3110 If our HSSD colleagues are already well on the way to meeting those objectives contained within these Propositions, then this requête can do no harm. If the publicity generated by this debate prompts more of our fellow Islanders to initiate screening for themselves – at a price they can afford – then it is absolutely worthwhile, both in preventing this horrible illness and saving our fellow taxpayers the cost of unnecessary treatment.

Sir, I thank you and colleagues for listening to this story and I urge all colleagues to support all Propositions contained within this requête.

3115 Thank you, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

3120 It was indeed a long time ago that this requête was submitted – I think it was three months ago last Monday – and clearly things have moved on a *little* since the requête was submitted.

Deputy Hadley, in his opening speech, referred to amendments which I laid in 2009 and 2010, to try to get bowel cancer screening up and running. We were talking earlier this week a little bit about prioritisation and prioritisation processes, and Deputy Parkinson will well remember we had
3125 a process in place for a couple of years, where a pot of new money was identified out of financial transformation programme savings, and different projects were invited to bid for it; and it came on to the floor of the Assembly and Members were invited to lay amendments. On the second occasion I laid an amendment to knock out storage of museum objects – or something like that – and to replace it with comprehensive bowel cancer screening. I think the amendment lost by one
3130 or two votes. But it has been frustrating going back now over five, six, seven years, trying to initially make the case for bowel cancer-screening and then – once that case was accepted by HSSD and by the States – HSSD's efforts trying to actually get the scheme up and running.

I do not doubt HSSD's intentions; clearly the department fully intend to introduce at least what is contained within Propositions 1 to 3. But the reason I ask the States to stick with this requête and to vote in favour of the Propositions, is because – and this is no criticism of the present Health & Social Services Department, they have not been in office long enough to be criticised for this really – but successive Health & Social Services Departments have a track record of having the right intentions to introduce bowel cancer screening, and then not introducing it. I think it is right, given the advantages that we know bowel cancer screening can produce, and also given that this
3135 is not requesting any money, there is no proposal necessary here to vote new money for this, the money is already identified –
3140

Deputy Luxon: Point of correction, if I may, please, sir?

Deputy Fallaize is wrong and misleading the Assembly, not intentionally. I do not know if they
3145 are called items, but 4 and 5 will involve additional cost over and above the ring-fenced budget that has been set.

There will be a need for increased funding, which is why the department, the Policy Council, nor T&R, can support it.

3150 **Deputy Hadley:** Mr Bailiff.

I would like to dispute that correction, sir, because I have checked with the department about this. The figure of £750 was carefully considered because the fee – as I think Deputy Kuttelwascher found out – for the consultant is £450, so there would be £300 towards the marginal costs of the Hospital.

3155 Now, when the Hospital makes charges for a stay in hospital... for example, I have been in the day patient unit –

The Bailiff: You will have an opportunity to make a closing speech at the end, Deputy Hadley. Deputy Fallaize.

3160

Deputy Fallaize: Thank you, sir.

Sir, I do not believe that Propositions 4 and 5 will lead to increased general revenue expenditure. But I know certainly that Propositions 1, 2 and 3 will not.

3165 I think it is important that for the first time – because the States have not done this before – the States make Resolutions which direct the department to introduce bowel cancer screening in the way set out in the requête, which then will allow the States to hold the department to account based on States' Resolutions. It is not that I do not trust the Health & Social Services Department at all, but they do have a track record of saying they will introduce bowel cancer screening and then not introducing it.

3170 For these reasons, sir, now that the requête is before the States – and I commend Deputy Hadley for continuing to pursue it – I would ask Members, at the very least, to vote in favour of Propositions 1, 2, and 3.

Thank you, sir.

3175 **Deputy Dorey:** Just a point of correction.

The Bailiff: Deputy Dorey.

3180 **Deputy Dorey:** When Deputy Fallaize said about introducing bowel cancer screening, we have had bowel cancer screening since October 2011.

3185 **Deputy Fallaize:** Sir, I think what I said was, introduce bowel cancer screening in the form proposed in the requête. The service at the present time is not a comprehensive service as proposed in the requête.

The Bailiff: Deputy Gollop.

Deputy Gollop: I would just like to say I support the requête – (*Interjections*)

3190 I can see the arguments Deputy Fallaize has put and counteracted, because of course if Deputy Hadley is correct, then the preventative costs that will be saved by people having the colonoscopy will of course go against expenditure in other areas.

3195 But what I am not clear on is, Deputy Conder gave us a brilliant and heartfelt description of the process and how his family were obliged to find £1,500, and just about could. Now for some people in our community, quite a lot, I would say £750 would be a fairly stiff amount to find at one time. Especially if they had been suffering illness.

So, much as I support this I do not think it is the full picture and I think this can only make a difficult situation better. But a much broader view of preventative medicine and the budget for that will be needed at the next stage of the health reforms.

3200 **The Bailiff:** Does anyone else wish to speak? No?

In that case we will go through the closing sequence with Deputy St Pier having the right to speak first – and he does not wish to do so.

Deputy Luxon?

3205 **Deputy Luxon:** Thank you, sir.

Sir, this debate is an example of the danger of when a board member is unhappy with a board decision and then decides to pursue an agenda through a requête, as we are seeing here. I could have stood so many times on points of correction to help Members, correct them, in terms of information that they believe is right, but which is not right – but I tried not to.

3210 Sir, I will try and answer the questions that were raised and the comments that were made, as best I can. Members should note that the HSSD Board and I absolutely support bowel cancer screening and an extension and expansion of the service. It is absolutely at the heart of the transformation and transition and reform that we have talked about over the last couple of months, in terms of public health, intervention and prevention.

3215 I know that Deputy Hadley, genuinely, is passionate about this subject, as are other Deputies that have spoken, and should be applauded for the work they did in actually bringing the bowel cancer screening to fruition. But this requête is pointless, in the sense that Propositions 1, 2 and 3, as I have confirmed, are in hand, underway and are happening.

3220 Propositions 4 and 5, even if this Assembly decides to approve the requête in its entirety – or 4 and 5 separately – will not happen. The reason they will not happen is not because the HSSD Board will wilfully ignore the will of the Assembly, it is not possible... as Deputy Adam said, there is no money to be able to deliver them and there are not the facilities. So, if Members do decide to vote for 4 and 5, please do know that it will not be possible to implement those wishes. Not because of the view of the board or board members, but because it is not possible.

3225 Sir, Deputy De Lisle wanted clarification: the budget that was ring-fenced was £328,000. The proposal that HSSD has put to the MSG and is progressing, has a total cost of £338,000, so HSSD is topping-up the ring-fenced budget by £10,000. I hope that answers the question that Deputy De Lisle raised.

3230 Deputy Domaille asked a very reasonable question: listeners at home, if anybody feels unwell or is concerned and they approach their doctor, will they then be given appropriate advice and referred to secondary health care in matters to do with bowel cancer? Yes, of course that would be the case. I give that reassurance.

3235 Sir, Deputy Sherbourne: is it true that £100,000 underspent – if that is the amount that is underspent this year, because I do not know what the amount is – is being spent on skin cancer? Nope, another misinformation myth, which is unfortunate. Deputy Hadley conveyed that impression. What happened is, around the board we looked at all sorts of options... should we look at a less expensive way of delivering this service by using a specialist nurse endoscopist? Could we bring one over from the UK? Could we actually use the money that we had available in the £328,000 ring-fence more wisely to be able to expand the scheme? Also, should we look at other types of screening?

3240 So it was the debate around a board room table between the board members and staff. I am sure the Education Board have probably had some very interesting and lively discussions about selection with their staff, and between board members. It is inappropriate that we should be talking about those individual dialogues and conversations that take place around a board room table in the Assembly – but once again, sadly, we are doing that here today.

3250 Procrastination? No, sir, through you, Deputy Sherbourne, no procrastination. The department has been working in a crisis mode for the last 13 months. Through you, sir, has Deputy Sherbourne forgotten on November 4th, 12 months ago, that we had a situation where we had outside regulators seriously questioning the safety of our service? To insinuate that there is procrastination, either by board members or the department's staff, is just very, very odd.

Has the MSG contributed to this delay? No at all, the MSG absolutely believes that the bowel cancer screening has been a success, they have been committed to it, and they would like to see the scheme expanded.

3255 Sir, Deputy Dorey and Deputy Hunter Adam, both outlined the history, as they remember it in terms of their roles as Minister of HSSD, obviously I will allow Members to listen to those updates. Yes, I will undertake to Deputy Hunter Adam to give an update in three months' time, or at the final States' meeting in March before the term closes. Or indeed I will make a statement earlier, once we have got an update and know that the second gastroenterologist has been recruited.

3260 I thank Deputy Conder for his personal example, and would just say to him he is wrong in asking Members to wholly support this requête. Propositions 1, 2 and 3, yes; 4 and 5, no. There is no money, there will be no money. It is not being recommended by the consultant, Mr Duncan, who is regarded as being an experienced and incredibly capable consultant in this field. He does not believe this is appropriate for Guernsey, for bowel cancer screening now.

3265 Why Members if this Assembly believe that they would know better than the consultant who is a specialist in this area, I do not know. So if you want to support Proposition 1, 2 and 3, fine – it is

already happening. But please do not support 4 and 5, because as I have said unfortunately Members will be disappointed, because it simply is not possible.

Deputy Fallaize explained the history, as he remembers it and the previous Ministers are better placed to explain exactly why the delay has happened over I think he said five or six years. I cannot comment on that.

I do think sir, that 15.2 is actually invoked here, because 4 and 5 will need additional monies, and there is no indication from this requête as to where those monies would come from.

And the £750 in Proposition 4, it would not adequately cover the cost of that element of screening, in spite of what Deputy Hadley said, sir.

Deputy Gollop: there is no spare money.

Sir, I will sum up and simply say, HSSD absolutely values screening, bowel cancer screening, and we do want to extend and expand the service. The arrangement with the MSG whereby they appoint a second gastroenterologist, partially funded by them, partially funded by us with the fee we pay –

Deputy Conder: Point of clarification, sir.

The Bailiff: It is a point of correction you can make.

You can make a point of correction under the Rules.

Deputy Conder: No, sir, I will just –

Deputy Luxon: I will give way to Dr Conder. *Deputy Conder, sorry.*

Deputy Conder: Sorry, sir.

Could the Minister explain that, I think he is saying he is comfortable with Propositions 1, 2 and 3. If that is the case... and if I am wrong I apologise. Is he confident that the screening at 60 and 65, linked with the family history, would be captured in a way that is does not seem to be at the moment?

Deputy Luxon: Yes, absolutely, it would, because at the moment there is a bowel cancer screening service in place and the proposed new service is an extended and expanded service. So, yes, it would cover as he asks.

So, sir, as I said MSG are looking to appoint a second gastroenterologist, which will be good for Guernsey and for secondary health care, partially funded by them and partially funded by the fees paid by us for the bowel cancer screening. That will happen as soon as that appointment can be made, which could take several months. But there is a commitment and a will for it to happen as soon as is possible. Equally, finding a locum, interim, to make sure that we have continuity of service from January onwards, is even more of a priority to make sure there is no break in the service.

Sir, all I can do is to ask Members to re-read the information in the requête; and ask Members to either not support the requête on the basis that Propositions 1, 2 and 3 are already happening and underway, and Propositions 4 and 5 are not possible to be delivered.

Thank you, sir.

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel:

Thank you, sir.

I only rise because I do not feel that Deputy Kuttelwascher and I have had a proper answer to our question in regard to number 4, sir. We simply asked how much *more* than the £750 would it cost to offer that service to residents over the age of 60, sir.

Would it be an extra £50, an extra, £100, an extra £750?

3320 We want a clear answer to that question, sir: how much more than the £750 would it cost to offer that service?

Thank you, sir.

Deputy Luxon: Sir, I do not have that information with me, but I will refer Deputy Queripel to page 3141 where it very clearly says that regarding the £750:

‘... as the cost indicated doesn’t reflect the cost of delivering this service.’

3325 I very happily will come back to Deputy Queripel, I just cannot remember the number off the top of my head. If I can find it quickly, somebody else might give way.

Thank you, sir.

The Bailiff: Deputy Hadley.

3330

Deputy Hadley: Mr Bailiff.

3335 The issue of screening for bowel cancer has been close to my heart for many, many years now; and the reason for that is that I can think of no other screening procedure where you are... perhaps Deputy Adam might tell me – but where you are actually screening and treating at the same time... and where the payback is considered to be so great. That where you actually... this is not a costly service, because the return in savings is so great.

3340 Deputy Luxon has referred to... we are already doing bowel cancer screening. Well again, I am sure Deputy Adam will be happy to confirm that what is happening at the moment is the trial, it was a trial to do screening of 60-year-olds; this has now been switched to 65-year-olds – because they found at a point when they had got spare capacity, they decided to add in some 65-year-olds. And they found that the cancers they were finding, and pre-cancerous polyps in 65 year olds were so much greater than the 60-year-olds, they switched to screening 65-year-olds – and this has caused some problems with some people who were hoping to be called.

3345 My friends have cautioned me to be less aggressive and less confrontational, and I have tried to be that today, but Deputy Luxon has made a number of statements which just – I am sorry – have to be challenged. He said that the problems with bowel cancer screening have been resolved. Well I am happy to send Members of this Assembly a list of 12 major problems, structural problems in the department, which are inhibiting bowel cancer screening and none of these have been resolved to date – because I checked recently.

3350 Deputy Luxon has said – and again I was not going to mention names – but Deputy Luxon got there first: he said that Dr Duncan – it is Dr Duncan, not *Mr* Duncan – is firmly of the view that we cannot do screening for colonoscopies and does not recommend that. That is simply *not* true. In fact, I –

3355 **Deputy Luxon:** Sir, point of correction.

Mr Duncan attended a HSSD Board meeting, other board members here will remember, and he expressly said when we were discussing this item that the proposals in Proposition 4 and 5, were *not appropriate* for Guernsey now, at this stage. That was *his* recommendation to *my* board, and that is factually correct. Deputy Hadley is not correct.

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3365 **Deputy Hadley:** First of all, *Dr* Duncan – because he is a physician and not a surgeon and the convention is that surgeons are all Members of the Royal College of Surgeons and are called ‘*Mr*’. *Dr* Duncan is a Fellow of the Royal College of Physicians and he is a doctor therefore. I spoke to him on the phone yesterday morning and he was quite emphatic that his point is, that at the moment there are not the *resources* to do screening by colonoscopy, but screening by colonoscopy is the gold standard and that is what we should be heading for.

That is also the view of Dr Chinyama, who is the HSSD Consultant Pathologist and the lead for cancer in this Island.

3370 **Deputy Soulsby:** Sir –

Deputy Hadley: No, I am not giving way, unless it is a point of correction.

Deputy Soulsby: Point of correction.

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The Bailiff: Deputy Soulsby.

Deputy Soulsby: The board has not been advised of any of this information that Deputy Hadley is just imparting to the rest of the Assembly. What Deputy Luxon said, just a minute ago, is exactly as the rest of the board remembers it.

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Deputy Hadley: The contract...and, again, I accept that Deputy Luxon has sent the *requérants* emails, and I think the *requérants* will be able to confirm that it is probably a month or six weeks since he sent us an email saying that the contract had been finalised. Well, it has still not been finalised. A contract still has not been signed and we are actually waiting –

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Deputy Luxon: Sir, point of correction.

Sir, I simply cannot allow Deputy Hadley in his summing up, to continue telling the Assembly things that are not true. It *has* been finalised.

3390

Thank you, sir.

Deputy Hadley: There is not a signed contract in place, which is what we need to progress the service.

Again, Deputy Luxon said that there has never been a consideration to screen for skin cancer. Well, on 19th... and again I just cannot let that go unchallenged. On 19th August I was at a board meeting when the management presented a paper to the board which said: 'Based on the new additional estimated costs, a new recommendation is put forward to not extend the bowel cancer screening programme to a second cohort, based on the anticipated costs and the lack of evidence of how many lives will be saved in Guernsey. There is also a lack of consensus regarding some aspects of the methodology. This funding could be better used to support skin cancer screening, for which there is no service in Guernsey, despite it being our number one form of cancer in Guernsey. *Recommendation* – that a two-year contract should be given to the MSG to continue to undertake the current bowel cancer screening programme, *excluding* the second cohort.'

3400

And *that* was the recommendation from the management at a board I was at... and you can now say that I might have breached the Code of Conduct for Deputies, but I have been forced into this situation by having my integrity challenged as I see it.

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Deputy Luxon: Sir, point of correction –

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Deputy Hadley: It was an extraordinary –

Deputy Luxon: Point of correction, if I may, sir, please?

The Bailiff: Deputy Luxon.

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Deputy Luxon: Sir, I did not say that the skin cancer proposal had not been made. Deputy Sherbourne asked a question, which I responded to, which was, 'Has the £100,000 saving been used for skin cancer screening? And I said, 'No it has not'.

3420 The recommendation that Deputy Hadley has just read out, the word *could* was used. It was a recommendation from an officer, and the *board* made the decisions that I have described, in terms of the bowel cancer screening proposals that we have agreed with the MSG. It was a recommendation which the board did not accept – the board made a different decision.

Thank you, sir.

3425 **Deputy Hadley:** Since 2012, Mr Bailiff... the bowel cancer screening service since 2012 has largely been not progressed by the management of HSSD, and the –

Deputy Luxon: Point of correction, sir.

3430 The reason that it has not been progressed, our previous boards made decisions about whether it would be progressed or not; whether or not staff also did, I do not know. But previous *boards* made the decision not to progress it at various times.

3435 **Deputy Hadley:** As far as the cost of screening for the colonoscopy, first of all the charges that Princess Elizabeth Hospital makes are far greater than hospitals charge in the United Kingdom; and of course what the Hospital is trying to do is to recover the global cost of running the Hospital. If somebody has a colonoscopy in the Hospital, the fee of £750 would cover the cost of the consultant and the marginal extra cost of dealing with those people. What it would not recover, no doubt, is the full infrastructure cost to the Hospital. I think most Members will understand what I mean by recovering the marginal cost. But also there will be a tremendous
3440 benefit in the cases of cancer found, as in the case mentioned by Deputy Conder, so there will be a big saving to the service.

Another major reason for bringing this requête, at this stage – even though part of the requête is being undertaken, is because what is being promised is what has been promised since 2012; we are not being promised anything new, since 2012. I mean it was 2011 that the board resolved that
3445 we screen two cohorts. All that has been promised by Deputy Luxon is that we screen two cohorts.

What I am trying to do is to go a stage further to make colonoscopies more available, because as I said, in people of my age 50% of the large polyps and cancers will not be found by sigmoidoscopy because that cannot get far enough round. It means that people over 65 need a colonoscopy rather than sigmoidoscopy. That is the opinion... and I am sure Dr Duncan is on the
3450 global email. I am sure if any of you doubt what I am saying or for a minute think I am quoting him incorrectly, then I suggest you email him, because I do feel very strongly about this, as does Dr Duncan.

I certainly am not a clinician and what I am trying to do is to urge that the department take the views of the *clinician*. Any *detailed* knowledge that I have got on bowel cancer screening has
3455 come from Dr Duncan – I will be frank about that – because he is the on-Island expert on bowel cancer.

So, Members, I do urge you to vote for this requête which I hope... I do not think it will achieve anything in the lifetime of this Parliament, but I do hope that it will send a powerful message to the new committee. I urge Members to vote for this and I ask for a recorded vote, sir.

3460 **The Bailiff:** Deputy Adam.

Deputy Adam: Sir, Deputy Luxon has suggested that the department would be happy to go along with 1, 2, and 3, but 4 and 5 has got to be...

3465 Can we take 1, 2 and 3 for one vote, and –

The Bailiff: Yes, we can have a vote on Propositions 1, 2 and 3 and a separate vote on Propositions 4 and 5. And there can be recorded vote on both sets of Propositions.

3470 **Deputy Adam:** I would be obliged if you could do that. Thank you, sir.

The Bailiff: So we will start, with a recorded vote on Propositions 1, 2 and 3 as they appear on page 3142 of the Billet.

There was a recorded vote.

Carried – Pour 37, Contre 0, Ne vote pas 4, Absent 6

POUR

Deputy Fallaize
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Adam
Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Burford
Deputy O'Hara
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Parkinson
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Trott

CONTRE

None

NE VOTE PAS

Deputy Soulsby
Deputy Luxon
Deputy Le Clerc
Deputy Bebb

ABSENT

Deputy David Jones
Deputy Le Tocq
Deputy James
Deputy Perrot
Deputy Inglis
Deputy Sillars

3475 **The Bailiff:** Right, Members, the result of the voting on Propositions 1, 2 and 3, was 37 in favour, and 4 abstentions. I declare those Propositions carried.
Now, we have a recorded vote on Propositions 4 and 5.

There was a recorded vote.

The Bailiff: Members, just while those are counted, can I just deal with the order of business for when we come back in the morning?

3480 I have been requested that we take next the Commerce and Employment Department's Policy Letter on the Extension of the Aviation Registry to Permit Commercial Operations by Guernsey-Registered Aircraft, as I understand there is a degree of commercial sensitivity – or at least there are economic benefits from debating that. And, if approved, then progressing the legislation as quickly as possible.

3485 So I have been asked to put to you a proposition that we take that next. Those in favour; those against.

Members voted Pour.

The Bailiff: In that case we will take that policy letter when we resume at 9.30 a.m. tomorrow morning. It is No. X of Billet XXIII.

Article X, Propositions 4 and 5:

Not carried – Pour 19, Contre 20, Ne vote pas 2, Absent 6

POUR

Deputy Fallaize
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Paint
Deputy Brouard
Deputy De Lisle
Deputy Quin
Deputy Hadley
Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Lester Queripel
Deputy Le Pelley
Deputy Trott

CONTRE

Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Adam
Deputy Wilkie
Deputy Soulsby
Deputy Luxon
Alderney Rep. Jean
Deputy Harwood
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Parkinson
Deputy Bebb
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Ogier

NE VOTE PAS

Deputy Burford
Deputy O'Hara

ABSENT

Deputy David Jones
Deputy Le Tocq
Deputy James
Deputy Perrot
Deputy Inglis
Deputy Sillars

The Bailiff: Well, Members, the voting on Propositions 4 and 5, was 19 in favour, with 20 against and 2 abstentions. I declare those Propositions to have been lost.

3490 We will rise now and resume at 9.30 a.m.

The Assembly adjourned at 5.40 p.m.