

STATES OF JERSEY

Education and Home Affairs Panel Draft Civil Partnership (Jersey) Law 201-

WEDNESDAY, 15th JUNE 2011

Panel:

Deputy R.G. Le Hérissier of St. Saviour (Chairman)

Deputy J.M. Maçon of St. Saviour

Deputy M. Tadier of St. Brelade

Witnesses:

Executive Officer, Jersey Community Relations Trust

Trustee, Jersey Community Relations Trust

In attendance

Mr. M. Haden (Scrutiny Officer)

[10:02]

Deputy R.G. Le Hérissier:

Thank you very much indeed. It is important that you read the document there which is basically, as will obviously be the case, that you promise to give truthful evidence. There are consequences were that not to be so. Okay. Well, we would like very much to welcome you here and particularly as you have come at fairly short notice. This is not a fully fledged scrutiny; what it is, it is obviously the panel wishes to brief itself on the Civil Partnership Law, and it will probably make ... as it did with the Repatriation Law, which worked very well. So let us hope this works very well. It made a comment to the States and it really helped move the law along, because the law - certainly the Repatriation Law - even though the intent was very clear, there was a lot of technical back-up to the law that was explained and Members really needed to cut to the chase; you know, and get through to the essential issues, which is what we need to do. We need to find out particularly your views, on the issue of ceremonies in a religious context as opposed to a secular context, and Deputy Tadier has given us some interesting background on that and he will lead on a lot of questions.

Deputy M. Tadier:

If I start off, obviously thanks for coming in. Just to put everything in context as to why we are doing this review, and I said it on the radio the day before yesterday, is that it is important we are able to scrutinise this law, because it is a big piece of legislation. It is complex. That said, we are also as keen as you are that the law go through straight away without any delay. So this Scrutiny is in no way designed or it will not be a by-product that the law will be delayed. It may well be that we bring some amendments forward or maybe simply that we post some comments which need to be dealt with or considered. But either way, it is not intended and it is not envisaged that this is going to delay the law going through in any way. It will simply hopefully flag up issues and maybe it will go through amended, or certainly it will go through unamended. I think that has been a concern across the board; so that does not need to be. There are several issues we have been looking at, and I think we all appreciate that the law would not necessarily have gone through so smoothly if it was not for the fact that ... or rather it was necessary to distinguish it for certain individuals in the States and in society that this law is not the same as marriage. I think in doing that, that is what perhaps has caused some of the confusion and problems in the minds of some people, because of course it is intended nonetheless to confer as great a level of parity between civil partnerships and marriage as possible. First of all, have you got any general comments you want to say about what you have read

of the law, because I know certainly, Steven, you have read quite a bit?

Trustee, Jersey Community Relations Trust:

Yes. The law itself is quite in depth and I think the law drafters have gone as far as possible looking at all the connotations to do with the inheritance tax and all the other minor laws, for want of a better phrase, that would be affected by it; and I think they have done a sterling job to cover most bases. So credit to them. I think if you could read a comment made by our chairman which sort of covers the ... do you want to read it?

Executive Officer, Jersey Community Relations Trust:

Yes. Basically: "We feel that heterosexual couples have the option of civil or religious marriage, but obviously only the latter can take place in a place of worship. Under the C.P. (Civil Partnership) Law, there will be only one option which is obviously a civil partnership, and therefore no option for this to take place in a place of worship. In an ideal world, homosexual couples would have the option of marriage in a place of worship, subject to the religious institutions obviously being willing to conduct the ceremonies, and this would put them in an equal position as heterosexual couples. However, as long as the legal rights afforded to heterosexual and homosexual couples are the same, it is a difference of title rather than a difference of substance, and it is perhaps a change that could be brought forward in the future after more consultation with religious institutions," is the kind of view from the Trust.

Deputy M. Tadier:

Okay. I think that is quite clear and quite helpful, and that can no doubt be sent to us if it has not been already.

Executive Officer, Jersey Community Relations Trust:

Yes; no problem.

Deputy M. Tadier:

Thank you. So, if we focus on that for a moment, we have just had an informal chat with the law draftsmen which was very useful ... the law advisers, sorry; thank you for the correction. Essentially, the bit to do with religious ceremonies involves 2 Articles: one of them, to be technical, is Article 3 (5) which says: "Which prohibits the partnership to be taken place in a religious place" as you know, and there is a subsequent Article 14 which is just consequential on that. That seems to ...

Trustee, Jersey Community Relations Trust:

No religious rites to be performed during the service.

Deputy M. Tadier:

Exactly; and of course that can have complications to do with what songs you can play, what constitutes a religious song. But, you know, that is already a consideration in secular marriage as well. I think there is parity in that sense, even though it is complicated. Our understanding is that if these 2 parts were simply to be removed, that would not pose any legal problem. There might be a political debate that ensues, but it simply would permit any religious institution who wanted to perform a ceremony ...

Trustee, Jersey Community Relations Trust:

Talking from a personal standpoint and not necessarily that as a Trustee for the moment, one of the things we had considered beforehand - my partner is fairly non-religious - I would like to have included the Lord's Prayer as part of the service to help with my family's religious views. The law would obviously mean that that would not be permissible during the course of the service. That perhaps is a grey area in substance, and the removal of that one line to say no religious rites are permitted would allow for that in the service; but whether that would then offend some of the religious people by bringing that into the service is then a different issue completely.

Deputy M. Tadier:

Presumably, to play devil's advocate, if that is what I am doing, is that you invite the guests to your service, you know exactly who is going to be there, presumably you are not going to do anything to offend the majority, or offend your mum or whatever. So do you think that ultimately should be for the couple and for the religious leader possibly to decide?

Trustee, Jersey Community Relations Trust:

Putting the Trustee's hat back on, it is making the legal parity between the civil partnership or heterosexual and homosexual couples the same, and at the moment you are not allowed to have those religious activities taking place in the service. I think that is where the equality issue is, the law as drafted at the moment provides perfect equality between heterosexual and homosexual. The religious argument then could be brought in at a later date to whether that should be freed up on both sides to allow for a religious service to take place in a civil ceremony for both heterosexual and homosexual couples.

Deputy R.G. Le Hérissier:

What would your view be? Should that be allowed, or should the 2 environments be kept separate?

Trustee, Jersey Community Relations Trust:

I think it is a very strong moral compass issue for some people, and while they would allow homosexual couples to have the legal rights of inheritance, et cetera, et cetera, to those people the moral side of things is also a strong function. So I think keeping them separate is the way to go, for the moment. Ten years' time, perhaps, people's attitudes may have changed.

Executive Officer, Jersey Community Relations Trust:

When we were doing initial research and things, the majority of the opposition that we encountered regarding the Civil Partnership Law were based on religious reasons rather than anything else. So separating them out and delaying that.

Deputy M. Tadier:

I think there are 2 issues - I think you brought them out - that of course secular marriage exists - the Registry Office, for example - and as things currently stand, there is no provision for any religious connotation there. But the point is you do not have the option to go somewhere else for your ceremony; you have to accept what is being offered. So what we would logically, I think, like to do is give the churches themselves the option whether they want to perform those ceremonies to be able to do that. So at least there is parity.

Trustee, Jersey Community Relations Trust:

There is a slight opening there in effect. I believe, the Quakers and the Methodists will both bless a service after the legal side of the service has taken place. You can then go off to their meeting house or church and have it blessed. So there is the ability to have moral recognition as well as legal recognition, but it is a small crack in the defences at the moment.

Deputy M. Tadier:

Jump in when you feel necessary. I will ask in a moment about the Housing laws and how you feel that will pan out. But first of all I think it would be nice just for the record, to maybe hear from your personal experiences of how this has affected you, not having a civil partnership law in place, and what it will mean to you personally to be able to have this through, if that is okay.

Trustee, Jersey Community Relations Trust:

The one that jumps to mind but hopefully will not cloud the issues, is obviously the tax benefits. I know they are being eroded over the next few years anyway. My partner being disabled is non-working; as a married couple I would have enjoyed married man's tax allowance against my income with him not earning. That has not been afforded to us, so there has been a financial lowering of our standards over the last few years because of his disability. On the other side of things, the Social

Security Department consider us cohabiting, so they considered us as partnership, and as such there are certain obligations in his benefit that are not acceptable because my money is being put in with his. So as the law stands at the moment with it being having our candle burnt at both ends, not receiving because we are and not receiving because we are not. So there has been disparity in the system, and the fact that a form of marriage or civil partnership is not available to us is a form of discrimination; whereas the Civil Partnership Law would allow the avenue of equality to take place. Whether we then like the options that are given to us under equality is a different matter entirely. That is what the law is and everybody is in the same boat then. So there are issues there. I know, for example, I will have to get my list out: not having wills, but should anything happen to either of us at the moment, we have no legal obligation to each other's estate. Our families do get on. I consider his parents as my parents-in-law without a marriage and they would entitle me to stay in the home and keep whatever property et cetera of his as you would as if you were a married couple. So I am in a very good relationship. But had I had a family on his side who did not recognise me as the civil partner, then on his death I would be out of the house; I would not be able to keep any of his property; I would have no entitlement to his estate at all without a will. So there are very big legal issues in not having this law in place. If then we choose to carry on and not have a civil partnership, then that is our fault. You know, that then is us not taking use of the system that is in place.

[10:15]

Deputy M. Tadier:

That is useful. Thanks for that background.

Deputy R.G. Le Hérissier:

Keeping on the general thrust: in looking at other jurisdictions, and I know the law draftsmen and officers have had difficulty in finding a comparable one, and of course a sticking point has been Inheritance Law, which basically it appears they have had to park. What experiences have you picked up that we should bear in mind in Jersey when you have looked, for example, at what is happening in other countries like the different parts of the U.K. (United Kingdom)?

Executive Officer, Jersey Community Relations Trust:

We have not looked so much at what is happening in other countries, but we did send the draft law to an expert that we had been using in the U.K. who did a very long report back on, nothing to do with civil partnership but the inheritance laws in Jersey. She felt that what was in the Civil Partnership Law at the moment was extremely good and had ticked off all the issues that she had originally brought up in terms of, you know, the fact that now *viduité* is going to be abolished and widows will receive *douaire* and civil partners intestate succession will receive *douaire* too. She felt that what was in the law ... so that was kind of our view that she felt it was quite well covered in there. Did not feel any ...

Trustee, Jersey Community Relations Trust:

Compliant with human rights legislation; so that is it. It is all covered, you know.

Deputy R.G. Le Hérissier:

So she had no experience or you have not picked up any experience in parts of the U.K. which suggest that, you know, we might be hitting potential problems?

Executive Officer, Jersey Community Relations Trust:

We did not ask her to. She is from the U.K. We did not ask her to do a kind of comparison, so to speak. We just asked her to review whether the Civil Partnership Law covered the issues she had brought up about how it was previously, and she felt that it did.

Deputy R.G. Le Hérissier:

Of course it was a bit ... well, it was not a remote possibility, but in an informal chat with one of the Law Officers, he said that the issue of civil partnerships' parity with heterosexual and homosexual

couples has been argued in some places, particularly Canada. There has been, he said, a bit of advance, but it has never been an issue in Europe or Britain. Is that your feedback?

Trustee, Jersey Community Relations Trust:

It does vary round the world. There are some states in America where they have just gone straight for marriage full stop, and marriage is open to any 2 people in a long-term committed relationship. In other states it is still completely frowned upon and they will not accept civil partnerships at all. So even in one country like America, you have got differences across each of the states. Europe is pretty on board with the equality factor and getting parity across the board to everybody. Some countries are a little further behind than others, but we march forward slowly.

Deputy M. Tadier:

I think that is what the panel has been aware of, and I think it is accepted in many circles that to do this logically you would not have necessarily a distinction, possibly at some point in the future you would have one institution which is either called civil marriage, a marriage, civil partnership, union or whatever and that would apply across the board. Would you agree that is probably because certain attitudes in society have not, as I say ... well, they are not homogenous, first of all, and they have not kept up with perhaps what the legal pressures and moral pressures are on politicians and lawyers.

Executive Officer, Jersey Community Relations Trust:

I would say that.

Trustee, Jersey Community Relations Trust:

Yes.

Deputy M. Tadier:

Yes. Sorry; I am putting words in your mouth.

Deputy R.G. Le Hérissier:

You have said, Steven and Kirsten, you have had this report. Did you at any point say: "Look, why do you not clean up the whole mess and simply go for one marriage law?" even though marriage itself is sometimes criticised?

Trustee, Jersey Community Relations Trust:

We did have a meeting in 2009 where Sam Dick of Stonewall came over as one of the speakers, and even back in 2009 it was being voiced in the U.K. that they should move from civil partnerships through to marriage, and his advice was "one step at a time." Get the establishment of the rights to have the relationship enshrined in law and then you can worry about finer detail once people have accepted that the state of marriage civil partnership exists. You can then expand it or move it or mould it according to what people feel is acceptable and comfortable. You do not want to impose a law that people feel uncomfortable with because they just will not accept it, and then you will get people back-lashing against it and wanting to just derail the whole situation, rather than gaining something that is so easily attainable.

Deputy R.G. Le Hérissier:

When you mentioned the 2 churches, and we are going to interview representatives, not from the Methodist church, but we are definitely going to interview the Dean and the Quaker Fellowship, obviously churches have got different structures of governance and some of them operate in quite a democratic way, some of them give a lot of latitude to the local priest or priestess or whatever, and others of course run in a very hierarchical way. You mentioned Methodism and Quakerism; are they both churches where the local group has a lot of say, or the local vicar in the case of the Methodist church?

Trustee, Jersey Community Relations Trust:

I would not know what their influence is. It is just good to know that they are on side and supporting us.

Deputy M. Tadier:

I do not want to focus on the religious side too much, but I think it is important to try and resolve it because we will need to know as a panel whether or not we put recommendations forward and what they should be. But it seems to me that there are 2 options. We can say the fact that we recognise that civil partnerships do not give any access to any kind of religious opportunity, if you call it that, and the options are either we say that because of that fact we make an exception for civil partnerships so that the secular part, the Registrar, can allow for a certain amount of religious input, whether it be a song, the Lord's Prayer or even, you know, other religious inputs; because that is not available anywhere else I think it would be quite reasonable for the State to impose that difference. Or we say we must keep both areas secular, but then open it up to the religious community to be able to perform the equivalent marriage for the civil partnerships. Would either of those seem preferable?

Trustee, Jersey Community Relations Trust:

But even in a religious in-church marriage, you do have that split of the religious and the legal. You have the service in church and then you go off to sign the register which is just the legal part of the service and the witnessing of the marriage. So there is already that split in a religious marriage in church between the legal obligation and the religious obligation.

Deputy M. Tadier:

We will have to verify it, but it is my understanding that in recent years they have extended the ability for religious leaders to be able to take the part of the registrar, just for practical reasons. So you do not need to get a registrar into the church; the vicar or the priest can act as that. If that is the case, I mean there is an argument I think for that to be extended to civil partnerships for those priests who obviously want to be able to perform those.

Trustee, Jersey Community Relations Trust:

I would think there is a case for that, but perhaps in future years once the stability of the civil partnership has been established, then to move forward and find out what the wider scope past that. I can see in the future, and I think it would be the Trust's view then in the future, that the line of "cannot be performed in churches" would be deleted. But at this stage I think to protect the people who have very high moral religious beliefs, they will sit quite happily with the Civil Partnership Law as it is, although that may offend one or 2 people who would like it to be in church. I think for the majority of people at the current time, putting it through with the proviso as it stands is the better option.

Deputy R.G. Le Hérisier:

I do not know if the Trust debated this, but there is the issue at the moment that it cannot be solemnised in a church, according to the ... But that does not mean - sorry, this sounds a bit illogical - that does not mean it can be, because obviously, as Monty said earlier, you have got to get the consent of the relevant churches. But would you like those provisions removed from the law, because some people have seen them as quite negative?

Trustee, Jersey Community Relations Trust:

As I say, as an ideal, I would personally like to see them removed. But I think that is probably one step too far for certain people at this time. To them it is a protective issue of their faith, of their religion, that I cannot come into their church and have it done under their roof.

Deputy M. Tadier:

I think that would be an interesting point to put to the Dean and to other religious representatives, because it is a case of establishing exactly how much opposition. I think sometimes there is a perceived opposition, and we will find out exactly to what extent that feeling is there. But with regards to the Housing Law and the non-quals, et cetera, are there any issues that you are concerned

about, or are you happy that they will be resolved in due course?

Executive Officer, Jersey Community Relations Trust:

I think again we are happy. We spoke to [the Chief Minister's Department] about the different points that had been made in terms of housing and [they] made us feel quite confident in fact that they were talking to the Population Office and making sure that the laws were in parity, and the Control of Housing and Work Law, which is obviously going to be debated before the Civil Partnership Law, will cater for civil partners; and in terms of secondary legislation et cetera, again [they] made us feel quite confident that everything we wanted to see from civil partnership perspective would be included, but obviously time will tell on that.

Deputy R.G. Le Hérissier:

So you were not asking necessarily for an improvement; obviously you were not asking because as you know the Housing Laws are a controversial law which a lot of people see as discriminatory in its own sort of right, so to speak. So have you just - to put it slightly facetiously - sort of acceded to the fact that the Housing Law in all its apparent illogicalities should apply to civil partnerships simply because that gives you the parity that Steven argued earlier?

Trustee, Jersey Community Relations Trust:

Yes, the parity fact is the important issue.

Executive Officer, Jersey Community Relations Trust:

It seems to be absent from the Civil Partnership Law. There was no reference. We just want to clarify that, and that obviously they are saying that it is going to be covered under the other law.

Deputy R.G. Le Hérissier:

There is this incredible list of laws on pages 19 and 20 which are all the laws where there have to be, I thought, in my naïve way ... and of course we thought this when ministerial government came in, where the word "committee" appears you just put the word "Minister", but sadly we were all naïve in those early days. So there is this incredible list of laws ranging from the Adoption Law to the Wills and Succession Law at the end, which have to be changed in various ways, and the Law Officers and the Draftsmen have apparently done a massive trawl of these laws, and of course have proposed at the end of this law the various amendments. I know it sounds somewhat over the top, but have you checked all these things? Have you checked them and as with Housing, for example, have you said: "Oh, these are possibly contentious areas. We really need to know"?

Trustee, Jersey Community Relations Trust:

No, we have not read all the subsidiary laws.

Deputy R.G. Le Hérissier:

Have you just substituted the words "civil partnership" or - as a lot of them have when you read them - added the words "civil partnership" to the word "marriage"?

Trustee, Jersey Community Relations Trust:

The Law Drafting Office did warn us that it would take about 2 years total as they have done and have been kept on target, which is credit to them for keeping up to date with what is going on. We think we just have to trust them to have been through with as fine a toothcomb as possible. We have not got the resources to sit and check through every single law. It is an open situation, so if suddenly we found out that they had missed the Dog Walkers' Law of 1847, we can come back to it and then amend it at a later stage. But these appear to be all the major ones like Wills and Successions, Income Tax Law, Financial Service Law. One that people do not realise is for Adoption and Inheritance Laws. So on a first marriage you have got 2 children; you then have a civil partnership; what right do they have to inheritance from the civil partnership as well as from the marriage? All that does appear to have been looked into; so we are quite pleased that they have done quite a sterling job.

Executive Officer, Jersey Community Relations Trust:

I think our main concerns are similar to yours in that it was inheritance and housing that were the ... obviously all the others were important, but they were the 2 main areas that we focused on with the resources that we have got.

Deputy M. Tadier:

Irrespective of the parity now, and we will focus on the inheritance, are there any changes that you would like to see ideally to the Inheritance Law as it would be applied?

Trustee, Jersey Community Relations Trust:

I have not seen anything that rings alarm bells. It is going for the parity, so long as it is the same situation for a heterosexual couple as a homosexual couple. Whether there is then an issue with the preceding laws, then that at this current stage is not an issue for us. That is something for further down the line, to get the whole law changed. At the moment, parity is the important issue which is what the Civil Partnership Law gives.

Executive Officer, Jersey Community Relations Trust:

And there is recognition for children of civil partners in there as well, so that is good.

Deputy M. Tadier:

One idea that we were looking at is that there remains an option if there are flawed areas in the Inheritance Law, for example; we could ask for those flaws to be taken out with regard to the civil partnerships, so that provisions for civil partnerships would exceed those for married couples. So there would not be parity, but then it acknowledges the fact that the 2 are slightly different, even though parity is the ideal ... and then hopefully that would in due course bring the other one up, probably with more urgency, I suspect. Whether or not that is practical to do, or if it is easy to do, is another matter, but certainly that could be an option. You could be sure if civil partners had their greater rights than married couples, that there would be a lot more social pressure for the Marriage Laws and Inheritance Laws to be changed. That is perhaps a political issue, rather than otherwise.

[10:30]

Deputy R.G. Le Hérissier:

Any further points? We have obviously covered, I hesitate to say, a waterfront because they are apt to get a wrong reaction; but we seem to have covered the waterfront. Are there any other things that you wish to tell us? I have to re-emphasise, I am interested in this issue of other jurisdictions because clearly, as the Law Officers' Department have told us in a submission, they realise it is a devolving law and they may well, despite this massive list of other laws, either have missed a law or they may well have missed a nuance or an issue within a law, you know, which will pop out of the woodwork at a later point. You have not picked any of this up, have you, from what you understand happens in other jurisdictions?

Executive Officer, Jersey Community Relations Trust:

No.

Trustee, Jersey Community Relations Trust:

No. It is very much based on the U.K. system of adopting the civil partnership, and there are different ways, as you say. In some places it is just straightforward marriage, and there does not seem to have been a problem with just adding "or civil partner" after every time the word "marriage" appears. But the law drafters have been pretty thorough in going through looking for the nuances here and coming up with a Jersey solution to the way some of the ancient laws are drafted to allow for civil partnerships then not to be in conflict with the older laws.

Executive Officer, Jersey Community Relations Trust:

Unfortunately because we have got quite limited resources we kind of have to concentrate them on specific areas.

Deputy R.G. Le Hérissier:

Yes. But there is no doubt, and of course in a sense with the economic situation as it is, Monty has mentioned Housing and you mentioned earlier, Steven, Social Security. They will be areas where how the staff there handle these new definitions will be quite important, and as far as you are aware, they are ready to roll. They are sort of fairly clear as to how, if the law goes through ...

Trustee, Jersey Community Relations Trust:

From the discussions with members of staff and personal issues, they have all been very supportive. It has usually been a case of: "We can understand the situation, but that is not how the system currently works." Whereas this will allow them then to adopt and give a level playing field on all cases.

Deputy J.M. Maçon:

Just on that question, from your discussions have you had any conversations with relevant departments about the type of training that will be given to their staff when these laws are implemented, just so you know, there are ...?

Trustee, Jersey Community Relations Trust:

I have not, but then that is an issue between the management of each department.

Deputy M. Tadier:

Yes. I am just wondering if it has been flagged.

Executive Officer, Jersey Community Relations Trust:

No, we have not.

Trustee, Jersey Community Relations Trust:

From my general view of the feelings of the population, I do not think there is going to be a problem with members of staff in a department not accepting this law. There was at one point a discussion of what happens if the registrar does not wish to register a civil partnership because of their religious beliefs? It is a case of: "I am sorry, but that is your job. You are going to have to, and if you do not like the job, get another job." I think that attitude will prevail through all the departments, you know. You have got to sign this paperwork because that is the law, that is the rules of the department. But I do not think there are many staff out there who would have an objection to doing it any way. I think society has moved on considerably in 10 years, and civil partnerships are considered a form of marriage to most people throughout Europe.

Deputy M. Tadier:

It is more of an H.R. (Human Resources) issue, is it not? I mean, there might be laws we do not agree with anyway, but ...

Trustee, Jersey Community Relations Trust:

We still have got to abide by the rules, regardless of what those rules are.

Deputy R.G. Le Hérissier:

Oddly enough - sorry I am still harping on about the other departments - this massive list of laws for obvious reasons does not directly refer to criminal justice kind of issues, but were the police brought in, the judicial system, the court system? Were they seen as people you needed to bring on board?

Executive Officer, Jersey Community Relations Trust:

Not as far as I am aware.

Deputy R.G. Le Hérisier:

No; okay. You do not see any implications in those areas of service, public service?

Executive Officer, Jersey Community Relations Trust:

There may be implications but we did not explore that area.

Trustee, Jersey Community Relations Trust:

But I know the police have their own internal equality boards in making sure there is no discrimination from their code of conducts with the police. So if they have those in place anyway, I do not think they will have any problems with accepting the situations of couples being the same sex or of an opposing sex?

Deputy M. Tadier:

Can I ask, this is probably slightly more controversial to some members in society, but with the Adoption Law, the amendments that are going to take place, have you got any comments to make on that? Are you happy with what is being offered? It should just be hopefully ... the reason I flag it up, is because I see that as being possibly being one area of contention for the States when it comes to ...

Trustee, Jersey Community Relations Trust:

I think the adoption agencies, talking again from a personal viewpoint where my mother was a temporary foster carer while the children were going through the system, is that the people who place children for adoption are very careful with who they place them to and look at the benefits to that child; and if that child is going to receive a better care of life from same sex couple, then why should that not be the case? They are never going to knowingly put a child into any danger, whether it be a same sex relationship or an opposing sex relationship. Again, I think you have to rely on the staff doing their job correctly and to the best of their abilities, and the law will allow for them to then have a wider scope of putting children where they can best be served by the community.

Deputy J.M. Maçon:

I think on that point would you not acknowledge and agree that under the current legislation, homosexual people can adopt anyway, so it is not a huge step up?

Trustee, Jersey Community Relations Trust:

It is not, but people have this blanket thing that you cannot because, you know ... but there is that thing of having the stable relationship and by having a civil partnership you are demonstrating that you have that stable relationship. But, yes, there is no reason why they cannot give a child to a couple of any persuasion.

Deputy R.G. Le Hérisier:

Okay. Any wrap up questions?

Deputy M. Tadier:

No. I think that pretty much covers the areas that we were concerned with.

Deputy R.G. Le Hérisier:

Okay. Either of you? Is there anything to wish to say, or for ever hold thy peace?

Trustee, Jersey Community Relations Trust:

Just to thank the Deputies for inviting us to put our views.

Deputy R.G. Le Hérisier:

Well, no, we thank you very much. What we will do probably, as I mentioned at the beginning, is prepare a statement for the States which is quite useful because we are finding when highly technical laws come to the States, often, you know, the essence of the law is sometimes buried under

explaining the technicalities. But more to the point, I know we have Members here and we will in any case pursue it later this morning ... we will look closely at areas that have caused concern, and obviously one is the religious area now. We do not wish to upset the applecart, because you have obviously portrayed how you approached it, but we will look at that and we will obviously discuss that with a couple of people this morning. Whether we need to remove these 2 provisions of the law is quite a neutral thing and will not necessarily lead to an adverse reaction; in fact, it may lead to some quite positive discussion.

Deputy M. Tadier:

Very quickly, because you will be aware probably that the U.K. are now in the next phase where they have had a 90-page consultation which is coming to an end about an opt-in clause for religions to be able to ... have you got any comments on that?

Trustee, Jersey Community Relations Trust:

Only that it will be interesting to see how that goes. There are some very strongly held religious views in the U.K.

Deputy M. Tadier:

Yes. I think in some ways if that had happened 3 months ago then we would be in a better position to perhaps have more leverage.

Deputy R.G. Le Hérissier:

Okay. 10.45 a.m., we have the Deputy Chief Minister, if you want to stick around. But we thank you very much for coming. Thank you for your views and as they say, we will be in touch.

Executive Officer, Jersey Community Relations Trust:

Thank you.

[10:38]