

**Minutes of the Open Special Social and Community Development Committee Meeting
held on Monday, 4 December 2017 at 9 am in the Council Chamber**

<u>Present:</u>	Chairman:	Hon Anthony Green (Hon TG)
	Deputy Chairman:	Hon Cyril Leo (Hon CL)
	Members:	Hon Gavin Ellick (Hon GE) Hon Derek Thomas (Hon DT) Hon Kylie Hercules (Hon KH)
	Non-voting Members:	Mr Matthew Ansell, Director of Safeguarding (MA) Mrs Nicole Shamier, Government Economist (NS)
	Secretary:	Miss Nicole Plato, Executive Assistant (Corporate Services) (NP)
	Invited:	Mrs Christine Cooper, Crown Counsel (Community Care) (CC)

Hon TG welcomed all to the meeting with a special welcome extended to SCDC members who had returned from overseas business. Seven members of the public attended the meeting which included three Elected Members and one member of the media.

1. Marriage Bill

Hon TG recapped on the background of the Marriage Bill. The next LegCo meeting has been put back to 19 December instead of 15 December, therefore if the Marriage Bill is taken forward today and endorsed by ExCo then it will be submitted to LegCo on the 19 December.

Elected Members had requested that due process be followed and that the Committee gives a steer on the way forward. If the Bill goes forward, then an early ExCo meeting is needed. If Members do not agree the Bill, then a mandate could be given for a Civil Partnerships Bill to be drafted.

The Committee had conducted seven public consultation meetings and two petitions were received from the public, one in favour of equal marriage and one opposing it. As a result of the Public Meetings, 25 people were in favour of enacting the Marriage Bill to allow same sex marriage and 37 people in favour of Civil Partnerships with 24 undecided. From the petitions, 258 people signed in favour of same sex marriage and 225 against. In addition, telephone calls were received together with various emails. Therefore, the numbers were fairly balanced and there was no overwhelming support for Civil Partnerships.

Hon TG highlighted that the key components of the Marriage Bill is to allow same sex marriage and to allow alternative places to solemnise marriages.

CC advised that there is some room for doubt whether Civil Partnerships would be upheld as equal treatment. Her opinion is that it would be 75%, in line with the reasoning from the European Human Rights Court. Therefore, there is the possibility that if we pursue Civil Unions or Civil Partnerships, we may have to come back to the issue in a few years' time. Civil Partnerships in the UK are not compliant with the constitution, therefore St Helena would need to look at alternative models to follow.

Hon TG said that the 10 Year Plan also mentions the need for small minority groups to be supported.

NS said that she would have to look at the financial and economic implications of either decision; this would include the economic implications of the costs of any trials going forward and the AG's Chambers has established that we would pay £35k to bring out Barristers for the next case and if they appeal, then another £35k we would have to pay and an extra £55k if it

is referred to the Privy Council. SHG also does not have sustainable finances. There is also the possibility that some Saints would like to return to the Island, we also have an aging population and one of the highest dependency ratios in the world therefore, anything to discourage people from returning or encourages people to leave the Island does not support economic growth. We also need to think about the impact on Tourism and media coverage of this which will no doubt impact travel plans.

Hon KH said that from her research, there are now 25 countries that have enacted same sex marriage; one particular comment made in the public consultation report stood out for her i.e. that we are not just dealing with an object or item but we are dealing with people's emotions and people's lives.

Hon TG put the following question to Members:

"Whether the Marriage Bill 2016 should be taken forward as a recommendation to ExCo for it to be included as LegCo business on the 19 December"?

Hon DT was satisfied that the second round of public consultation, accompanied by the two petitions from the public, was sufficient for members of the public to input and voice their views. Hon DT thereby expressed his intent to withdraw his application from the magistrate's court. He thus expressed his support for equal marriage.

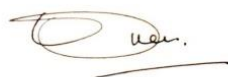
MA and NS declared their interests as government officials. All political matters is dealt with by Elected Members.

Four members voted for the bill and one against. The majority was in favour of submitting the Marriage Bill to ExCo for endorsement for onward transmission to LegCo on 19 December as Government Business.

CC advised that she will amend the 2016 bill to reflect 2017.

(Action: CC)

There being no further business, the meeting closed at 9.30 am.



Minutes Approved

Date: 13 December 2017

Chairman