

STATES OF JERSEY

OFFICIAL REPORT

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The Roll was called and the Dean led the Assembly in Prayer.

PUBLIC BUSINESS (...resumption)

The Bailiff:

Very well. Now we come back to the beginning of Public Business and the next item on the Order Paper for consideration.

1. School Milk and Milk at a Reduced Rate (P.45/2007)

The Bailiff:

We come to Projet 45, School Milk and Milk at a Reduced Rate, in the name of Deputy Southern. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to express their support for the continued provision of school milk for a further period of three years and to request the Chief Minister, after consultation with the Minister for Economic Development, to bring forward for approval by the States in the Annual Business Plans for 2008 to 2010 funding proposals to enable this continued provision; and (b) to request the Minister for Social Security to ensure the continuance of a scheme for the provision and delivery of milk at a reduced rate to special classes following the introduction of the Income Support Scheme.

1.1 Deputy G.P. Southern of St. Helier:

It comes as somewhat of a relief to move on from yesterday's business, which was very heavy and very serious, to something which is a tad lighter, but nonetheless one which needs to be taken seriously. The starting point must be what sort of sums we are talking about. So, we have a 2-prong proposition here which can be, and I would ask that it is, voted on separately. There are two elements which may be accepted or rejected by the House. The issue of school milk and the issue of subsidised - what used to be known as welfare - milk. Separate but, I believe, linked issues. School milk costs the House approximately £185,000 a year; subsidised milk is of the order of £350,000 in 2006 on the latest figures. What I am keen to avoid, first of all, is that I do not want to get into the whole issue of how healthy milk is for people, whether it is school children or whether it is the elderly or whether it is babies or pregnant mothers. I personally believe that milk is a healthy food for all of those and appropriate that we should be assisting delivery of those and ensuring that those get delivered to those particular people in our society. So, let us avoid that argument because that is not relevant. The facts are that currently we do subsidise school milk to the tune of £185,000 and we do fund subsidised milk, welfare milk, although differently now than in the past, to the tune of £350,000, and the arguments today are economic and financial arguments. That is what members, I believe, should concentrate on. Following all the political footballing over the past few years when responsibility has been with Health, with Education for school milk, and now it is finally with Economic Development, this comes down to a form of support for our dairy industry and I believe that is the essential argument today. This is about support for our dairy industry and it derives, if members will examine the report, from reorganisations started by the *McQueen Report* in 2003 where Dr. McQueen examined the health of the dairy industry and made a series of recommendations as to the way forward. Included in that was the guaranteed continuation of the present level of state support, the school milk and welfare milk programmes, at least until the end of 2004. What Dr. McQueen argued, and I believe is equally relevant today, is that such a measure would help to provide some stability in a transition period as the dairy industry attempted to get itself into a better economic and financial position. That was the argument back in 2003 for 2004. That argument has continued and that support has continued through 2005 and into 2006. That argument is maintained. It has then been extended into 2007 and we are at the position now where this Government says we can go into 2008 but after that we may stop. We need to review the

situation. Now, the question is, are we still in a transition period for the dairy and for the milk industry and for the farmers on this Island, or have we solved the problem? Because if we have solved the problem, if we have achieved better efficiency, if we have achieved better profit in this particular sector, then fair enough, the economic argument that we should continue to support school milk does not apply. The next question is do we honestly believe we will have achieved that position by the end of 2008? Because that is all that is being offered: one year's support, £185,000 for school milk through 2008. Well, what does that solution require? It requires, from Economic Development's *Growing the Rural Economy Strategy* in 2005, that the dairy industry should have identified efficiency gains that will flow from, for instance, the relocation of the dairy. The key to this proposition is the relocation of the dairy. Members have to sit down and think: "Right, by the end of 2008, will a new dairy be in place?" because that is all that is guaranteed. Will the dairy have restructured itself? Will the dairy industry be in a position to be far more self-sufficient and allowed to go on without what Economic Development would, I am sure, call subsidy but what I always call support, and this particular element of support, and into a glowing bright future? Because I believe whoever presents the opposition to this argument must make the case that a one-year subsidy is sufficient. That is all we need to do and that the dairy industry will be perfectly fine thereafter. I do not believe that case can be made because I do not believe anyone in this room, nor anyone who presents an argument can suggest that the dairy will be up, functioning and producing a healthy financial situation and the dairy will be reorganised in, I believe, anything less than 3 years. So if the first half of this proposition is not accepted we will be offering one year's temporary support for the dairy industry instead of what should be there, which is: "We accept you are still in the middle of reorganisation. That reorganisation, which includes the building and running of the new dairy and restructuring the industry, is going to take at least three years. We will express our support for this and support for farmers, support for the dairy industry, by now settling that at least this relatively small but significant element of support will be maintained for three years." That is the argument. What message does anything else give out? I think the message is that when I produced this amendment - and it is the second time I have done this and the three-year period is appropriate - those responsible looked at the alternatives and said: "Oh, can we go with pulling this subsidy this year? Can we produce a convincing argument to do it? Can we - and I will use these words - get away with it now?" I think the answer was no. So, what can we offer? "Well, we will offer drip, drip. We will offer them a year. That way we are not seen as pulling it yet. We will offer them a year." Is that support for our industry? What message is that giving to our farmers? It is giving a very poor message that we dare not do it now. We might be able to do it in a year's time or a year's time after that. One year at a time. That is what we can get away with. I say do not do that. Give a clear and unambiguous message to our farmers, to our dairy industry, we support you whilst you are still going through this reorganisation, and that reorganisation and the way forward is in a scrutiny report, a way forward jointly with Scrutiny and the Chief Minister. The words of support are contained in there and the way forward is contained in there, in their recommendations and in the Chief Minister's words: we will support. One year's support is not sufficient; three years' support puts those words into reality because what is happening, if members will turn to page 6, in addition to this minor element on school milk Members can turn to the graph reproduced there from the *Growing Rural Economy Strategy*, produced in 2005, and notice the reduction in proposed dairy support funding over the period in which I am talking. We are talking 2008 to 2010. One can see a significant reduction of the order of perhaps £200,000 in overall support for the dairy industry anyway. That is the plan: £200,000 reduction in overall support whilst the industry gets more efficient and in the process of building towards a new dairy which will, we hope, do the trick finally. Reducing in addition the support for school milk doubles that reduction. Again, I ask what sort of message is that to give to our farming industry, to our dairy industry, to the dairy and to farmers and to the public out there about the position of our dairy industry and our words of support? I am suggesting it does not give a very good one. Moving on to the second part; this is a very different, although linked, problem and the process by which we have arrived in the position we are and Social Security, in particular, has arrived in its position is laid out

on pages 6 and 7 of my report. Members will remember that in order to make the dairy industry and the dairy more efficient back in 2004/2005, first of all the dairy decided that it was going to charge for deliveries. Surprise, surprise, that lost, I believe the figure was, around 20 to 25 per cent of its customers. Not surprisingly that made the economics of doorstep delivery even less viable and in a pretty short order doorstep deliveries were completely withdrawn. That was not surprising. When that happened, that put Social Security - who beforehand had been supporting the doorstep delivery of, in particular, welfare milk to particular households to the tune of around £400,000 at the time - in an awkward position. The deliveries had stopped. The dairy, which was the organisation that had organised the accounts and put in the bills to Social Security, was no longer prepared to do that. The temporary solution they decided was that they would pay this subsidy directly to the beneficiaries and hope that some of those cheques - and I believe it is twice a year with a small cheque in a household, something to the order of £20 and that is the sort of routine - would actually be spent on milk because the argument still is that milk is of benefit, and provision of milk is of benefit, to certain sectors of society. Who are those sectors of society? They are children under five, the over 70s automatically but the over 65s if they have an identified medical need, and expectant mothers. Now, we could argue the medical benefits of milk as it were until the cows come home - oh, dear, I was trying to avoid that one - if we should choose, but I do not think that is the argument. At the moment we are still paying out those cheques. We are still operating on the principle that those three particular groups of people benefit from subsidised welfare milk but we have resorted to a fall-back position where we cannot deliver that milk. All we can do is pay cheques directly to the recipients and hope that they can use that to make sure that they get sufficient milk to contribute to their diet. The position is that following the introduction of Income Support we will abandon that and simply roll that sum of money, £350,000 at the moment, into Income Support. Members may well think: "Well, what is wrong with that? The support is still there in some form or other." The question is, is that appropriate? The question is, the 7,500 households who used to benefit from the provision of welfare milk, are they the same households that we are routinely delivering Income Support to? Again, perhaps that number of households is around the same figure. Are the 7,500 households in receipt of welfare milk, or in need of welfare milk, the same ones who will be in receipt of Income Support? A moment's thinking about it says no. Why? Because Income Support will come with a means test that will eliminate some of those expectant mothers, it will eliminate many of those over 70s, it will eliminate, I believe, many of those children under five. Effectively, while we might still be spending that money, we will not be delivering what we were delivering. I believe that until and unless we take the decision that the provision of welfare milk, subsidised milk, in this Island is a decision that on health grounds is clearly no longer justified and that we do not need to do, we should not effectively be pulling that plug. I do not mind if some time in the near or medium future we take that decision, providing we take that decision on rational and sensible grounds and we say: "Yes, we did think that was worth doing. We have had a look at the new evidence. We have had a look at the new cases. We have had a look at the levels of income on the Island, the nutritional values, and new evidence says we do not need to do that any more." But that case has not been made. It is just we reacted to the fact that dairy, who are supporting us, helping us do this, pull the plug on it. We thought of a temporary scheme to get something out to people, so again we did not make a decision to stop it. We are getting something out there. Along comes Income Support: "Oh, well, we can just roll it up into this great £60 million." So, it is not going to be significant. We are talking £300,000 in a total bill of £60 million and we are going to somehow pretend that we are still delivering this benefit to a completely different set of people, possibly. Now, is it possible until we decide to pull the plug on this that we could deliver this system? Well, as it happens it is possible because following the collapse of doorstep deliveries, by the dairy, a new company was set up deciding that there was a need for doorstep delivery and that profit could be made from it. Sunrise Delivery, run by an ex-milkman, is delivering to a significant number of homes on the Island. It is delivering in all cases for the over 65s for free. The doorstep delivery is still taking place. It is possible that the Social Security Department could, if it set its mind to it, maintain doorstep deliveries and a system to

deliver welfare milk to significant numbers on the Island and particularly those in particular need; here we are talking about the elderly who may be housebound where the daily delivery, the milkman, is a significant event in their life and does contribute to their quality of life and their nutrition, I believe. Social Security could investigate whether it is still possible at this stage to deliver that. They need to take the £300,000 out of Low Income Support and start talking about how we can deliver this particular benefit, which I believe is still valid. That is what proposition (b) refers to. For those - and I am sure they will - who say no, it goes further than that: "To request the Minister for Social Security to ensure the continuance of a scheme for the provision and the delivery of milk at a reduced rate to special classes, following the introduction of the Income Support Scheme." The wording is: "To request that they ensure." I did toy with the thought of putting: "Seek to ensure" and then I thought of putting something like: "Find the signpost to the route to seeking to ensure" for those who would argue the toss, and I am sure somebody will. They cannot ensure it. How about: "Do their best to"? That will do for me. This says go away Social Security, what you are thinking about is not proven. The case is not proven that this is okay. There is a last chance to see whether you can salvage the welfare milk scheme, should you consider it worth it. This says: "Request to go away and ensure." Basically, I see it meaning talking to Sunrise Deliveries, seeing if you can work out a system and see where you are. That is what this says. I believe that both go hand in hand. They are effectively forms no longer, in the second case, of money going into the dairy industry but could be again. Certainly the first is support for the dairy industry. I believe the economic case for pulling part (a) has not been made; the case for simply rolling into Income Support has not been made. I await the arguments that make that case but I do not believe it is a valid case. The two audiences, the two recipients of the two benefits, Low Income Support, Income Support and subsidised milk, are vastly different. There is some overlap. You will get some of them but by no means all of them, and effectively by sitting on our hands we will have abandoned this particular benefit without having made a positive decision. Again, the case is yet to be made and it is up to Social Security to make that case today if we are to do anything but instruct them to go away and re-examine the case again. So, I make the proposition and I look forward to members' contributions, but please, I beg of you again, please let us not get into heavy-weight health arguments.

The Bailiff:

Is the proposition seconded? [**Seconded**] There is an amendment in the name of the Council of Ministers and I ask the Greffier to read the amendment.

The Greffier of the States:

In paragraph (a) for the words "3 years" substitute the words "1 year", and for the words "Annual Business Plans for 2008 to 2010" substitute the words "Annual Business Plan for 2008".

1.2 Senator T.A. Le Sueur (The Minister for Treasury and Resources):

The last speech that we heard I think was relatively long in terms of delivery, but perhaps relatively short in terms of content. The report of the Council of Ministers is relatively short and succinct and my speech hopefully can be the same. The amendment to the Council of Ministers relates simply to part (a) of the proposition, but I suspect this is my only chance to speak on the proposition as a whole so I had better speak on part (b) as well. Part (a) is concerned, as the Deputy rightly says, simply with economic matters. Nothing to do with health, it is simply the economic effect on the dairy industry and it is a question then of these transitional arrangements. I draw members' attention to the Deputy's own report and his extract from the draft Annual Business Plan for 2007 to 2011 that school milk is included in the budget for a further year. The intention remains to withdraw the funding following the successful reorganisation of the dairy industry. Now, over the past nine or 12 months, I suppose, there have been talks going on with the Chief Minister, with Scrutiny, with Deputy Breckon, about the reorganisation of the industry and all I would say is that a

result is imminent. I would like to think, in fact, that the reorganisation could have been completed by the end of 2007 and there would be no need even for 2008 funding because the business plan did not say that the dairy industry should be profitable. It did not say that the dairy building should be completed and everything functioning. It said the restructuring - the reorganisation - would be completed and it was that which in my view has to be done relatively quickly otherwise it simply will not happen. That is why this amendment to part (a) is really almost a safety net to say that possibly it will not be reorganised completely by 2007 but it certainly will be by 2008. Let us, therefore, put in what we need for 2008 and that is provided in the Annual Business Plan within the budget of the Economic Development Minister for 2008 and no more. I think it is also good because it gives the incentive then to make sure that we get on with it. If you provide funding for 3 years the chances are that matters could drift for three years. This is an incentive. No, it needs to be done and it needs to be done quickly and I think we all understand that, certainly the dairy industry themselves understand that. We have been working with the industry to ensure that that reorganisation takes place in a successful way. So, on that basis, Sir, I would urge members to consider whether we should be funding for three years. My view and the view of the Council of Ministers is no, one year is sufficient. I turn briefly now to part (b) of the Deputy's proposition and I am sure that the Minister for Social Security...

The Bailiff:

Minister, does this really relate to your amendment?

Senator T.A. Le Sueur:

Well, Sir, I wondered if I have a chance to speak on part (b) later.

The Bailiff:

Yes, you certainly will. We will come back to the principal proposition as soon as the amendment has been dealt with.

Senator T.A. Le Sueur:

Well, in that case I will leave my comments on part (b) for later.

The Bailiff:

Very well. Is the amendment seconded? [**Seconded**] Does any Member wish to speak?

1.2.1 Connétable G.W. Fisher of St. Lawrence:

I just wanted to address part (a) which is obviously the subject of debate at the moment for the amendment. We are continually bombarded with requests to cut States expenditure. Some of us take that seriously; some do not take it seriously; some give lip service to it but do not deliver. Here it seems to me we have a situation where we are being asked to guarantee for three years that we will make a certain payment to support the dairy industry and I am fully behind that, that we should support the dairy industry. The question is should we do it for three years or less, or maybe even more? At the moment we are trying to stick a pin in and say three years is the right period, and nobody in this Chamber has any clue whether 3 years is the appropriate period or not. The improvements to the dairy industry which the Scrutiny Panel and I and the Chief Minister and various others have been heavily involved in over some considerable period of time do involve building a new dairy but that is not the exclusive solution to the problem. One of the problems is that there is tremendous over-capacity. Something like 14.5 million litres of milk are produced each year but only 9.5 million are consumed. The dairy loses money on the rest of it, or most of the rest of it. Now, that is a serious issue that has to be addressed. It cannot be addressed simply by moving to a new dairy. Now, this year, 2007, the decision was made by EDD (Economic Development Department) to continue the support. It did not need a States decision to continue the support. It was given because it was still needed. Yes, they asked for it, but nevertheless it was in the budget

and the decision was made to give it because they still needed it. They still need it today and I am very supportive of continuing it into 2008, but I am not so sure about 2009 and 2010, 2011, 2012 or whatever. I think it is a better policy altogether to watch this space, see how they get on and then when they demonstrate that they no longer need it then that is the appropriate time to consider bringing it to an end. That might be next year. It might be the year after. It might be the year after that. I do not know. We do not have the final plans from the Milk Marketing Board to address that but I think it would be wrong to commit ourselves to spend £370,000 or thereabouts today when we do not know whether the dairy is going to need it, but they would get it anyway. That, I think, is irresponsible. That is irresponsible to our taxpayers who keep on demanding that we cut expenditure and here we are just going to throw £370,000 away willy-nilly because we think they might need it but we do not know. I agree with the Deputy that this is not a health issue, it is a support issue. I am glad he has recognised that at last because I think that is the first time he has acknowledged that, whereas in previous debates I seem to recall him arguing the health bit. But anyway, it is, of course, a support for the dairy industry and I can assure you that I am speaking on behalf of EDD and I am sure the Council of Ministers. We are fully supportive of the dairy industry and they fully know that. They have been told that many, many times and the amount of effort and time that goes into helping and discussing with them is incredible. So I do not think anybody should be in any doubt that we are supportive of the dairy industry, and it has been famously said brown cows in green fields. There is a danger that we will not have any in years to come if we do not support the dairy industry and I have not heard anybody say that we should not support the dairy industry. So, we are fully behind the dairy industry. They do need the money this year. I am not so sure next year, it is possible they will, but we can keep a watching brief on that and do the necessary if it becomes necessary. So I think the amendment is appropriate, but we should only commit to this year. If Deputy Southern wants to bring a new proposition next year then he can do so, but I do not think we are right to commit ourselves to three years' expenditure when we have no idea whether it is really necessary.

1.2.2 Deputy C.J. Scott Warren of St. Saviour:

As has been said, the argument in favour of free milk provision to school children on health grounds can no longer be maintained and the Medical Officer of Health has made that very clear in her comments in recent times. The existing argument is obviously linked with the viability of the dairy industry and its restructuring and because I am unsure this money is needed for three years I will be supporting the amendment.

1.2.3 Senator M.E. Vibert (The Minister for Education, Sport and Culture):

I was rather hopeful for a minute there that Deputy Scott Warren was going to be echoing what I was going to say but she did not get that far. Can I say, Sir, that Senator Le Sueur said it was a view of the Council of Ministers to support this amendment. Well, it was not the view of all the Council of Ministers because I dissented and it goes to show that if dissent is presented in the right way in the Council of Ministers it is quite acceptable. Why I dissented, and this is where I hoped Deputy Scott Warren would go, is that we are wrongly conflating two separate issues in this proposition. One issue is about supporting the dairy industry and the other issue is about the continued provision of school milk and whether that is the right thing to do, in the interests of the children, not the dairy industry. I am afraid I thought Deputy Southern was totally reprehensible when he said that personally I believe...

The Bailiff:

Deputy Southern's remarks were particularly reprehensible, I think.

Senator M.E. Vibert:

Sorry, Deputy Southern's remarks were particularly reprehensible [Laughter]. I was wrongly associating the remarks with the person, so I apologise. But the Deputy did say personally he

believes milk is a healthy food but then he said that this is not relevant to the debate, that this is an economic and financial argument. So are we really saying: “Never mind the future health of our children, let us just continue to do this because it will help one industry”? If we wish to help the dairy industry let us help the dairy industry, but let us not continue to do it at the possible expense of the future health of our young children. I hear Deputy Southern saying: “Oh, dear.” He does not want to go into this debate because it is uncomfortable and he will get his papers out and he has here - but our Medical Officer of Health has clearly stated in her latest review that one of the biggest threats facing this Island in the future is the obesity of our children. She made it clear that we could be the first generation finding on a regular basis our children dying before their parents because of obesity problems and here we are taking a risk, taking a chance, that we should play Russian roulette with the future of our children by continuing to provide free milk when our Medical Officer of Health is not supporting this in any way because we should not take a chance. If we are going to supply something to our children in schools, and there is a possibility, let us supply them with fresh fruit, something that is going to be good for their health. It really is not possible to have this debate, whether members feel it comfortable or not, without going on to the health grounds.

The Bailiff:

You must address the amendment, Senator. Are you coming back to that?

Senator M.E. Vibert:

Yes, well, the amendment, Sir, if I will be clear, is to continue the provision of school milk for another year and I am saying we should not, if that is all right, and I am trying to make the argument why we should not be continuing school milk at all.

The Bailiff:

That is all right. I did not understand the argument [**Interruption**]. I will give way. I am sure it is an important intervention.

Senator B.E. Shenton:

Does that mean that the Senator is against the amendment?

The Bailiff:

I understand him to be against the amendment and against the proposition.

Senator M.E. Vibert:

I thought I made that clear at the start. I said I dissented against the Council of Ministers’ position and amendment and it was noted in the minutes at the time. Because I suppose one year is better than 3 years, but it is better not to do it at all. If we wish to support the dairy industry let us support the dairy industry in another way.

The Bailiff:

I am sorry to interrupt again, Senator, but the reality of your position surely is that you are opposing the proposition and the amendment is really neither here nor there, is it?

Senator M.E. Vibert:

I am opposing the main proposition and I am opposing the amendment to the proposition which merely reduces the provision of school milk for one year instead of three years.

The Bailiff:

It is perfectly open to you to make the arguments in the context of the debate on the amendment. I rather hoped that it would not be repeated in the –

Senator M.E. Vibert:

I have no intention of repeating the argument. It was a question of when I made it and where I made it. As we know, quite often when we have amendments the main arguments and main debates take place on the amendment and then there is very little debate on the main proposition itself. Perhaps I should have asked for guidance first to make this intervention now, and I will continue, if I may, if I can find where I was. The note we even have in the Council of Ministers' amendment says quite clearly that the fat content of milk is likely to exacerbate the growing obesity problem for primary school children. It has been suggested that funds currently devoted to school milk might be better spent on purchasing free fresh fruit for all primary schools. The Council notes that this possibility will be explored as part of the *New Directions* strategy which is currently being developed by the Health and Social Services Department. I am very happy with that and I think it should be, but I do not think that is a reason to continue providing free milk in schools at the moment. I was quite amused by the comment in Deputy Southern's proposition, though obviously he does not want to discuss health because he says it is not relevant, but he does say that the sub-panel has polled schools and found that the majority appreciate milk provision but most children drink the milk and there is little wastage in the system. Well, I do not have any evidence of this poll here because it has not been provided as an appendix, but I would like to say to Deputy Southern that I am sure if we provided a free fizzy drink in our schools that it would be appreciated, it would be drunk, and there would be very little wastage - even less wastage. It is not the fact that you provide it; it is the fact as to whether it is right to provide this for children when one of the main health issues, as evidenced by the Medical Officer of Health, is the growing obesity of our children. We, in our schools, encourage healthy eating, we have programmes on healthy eating in schools and, in fact, the provision of free school milk sends out a conflicting message. Deputy Southern might say that the jury is out; there are still questions; is it good for you? He believes milk is a healthy food. He does not seem to think there is an obesity problem. I do not know. But there is a very serious obesity problem and certainly free school milk will not be helping that in my opinion and I think we should act on the precautionary principle. We have been warned by the Medical Officer of Health that we have a serious obesity problem. In fact, absolutely top priority we need to deal with it. We should not be taking the chance of exacerbating that problem by continuing to provide free school milk. Parents can provide milk if they so wish. We certainly should not continue to provide it in schools because of the possible health effect on our young children in the future. So, Sir, I will be opposing both the amendment and the main proposition.

1.2.4 Deputy J.B. Fox of St. Helier:

I started off my working life as a grocer, and a fully qualified one, at international stores, which was very good, and then became a few other things and now the successor companies are down in Vallée des Vaux under different names but it is the same thing. Over the years butter has been bad for you, milk has been bad for you, margarine has been bad for you, sugar is bad for you, saccharin is bad for you, salt is bad for you, et cetera. Of course, the truth of the matter is that if we look at any food, in excess it is bad for you, but it is moderation. Yes, as Assistant Minister for Education, Sport and Culture I follow my Minister and I do not necessarily agree with my Minister all the time [members: Oh!] but it is a question of moderation. I do not see any proposal here about health this time. It was all about health and whatnot last time. It is about economics and, yes, we could transfer the support to the dairy industry by a stroke of a hand without discussing more, but I think if you take away the small carton of milk that is available at the moment from the primary schools that I have been to, the children that I have spoken to, they do enjoy their milk. Yes, there are exceptions to the rule and they do not drink the milk but there is adjustment in the order and there is no surplus of milk. But if my Minister is using the argument for this I would have much preferred to have seen an argument that we should be supplying fruit in our schools or some other method, but I do not think that it is going to harm for another 12 months to continue until we have put into place the alternatives that seem eminently sensible to me to look at it. If the dairy needs that support for 12

months while other factors come into being then I think that is quite reasonable. The Treasury Minister accepts it and Treasury Ministers are always erring on caution when it comes to allocation of resources. I think I agree with him on this, but I think on the next meeting that I have with my Minister we should be discussing alternatives as opposed to just doing away with something. I am conscious of the fact that some young people do not go to school with breakfast; they do not have the proper nourishment that we might like. We cannot force parents in what they give to their children and feed their children, but one small carton of milk at this moment in time is available that might not otherwise be available, so I will support this amendment.

1.2.5 Deputy J.G. Reed of St. Ouen:

I would just like to make a couple of observations. I am rather confused with the proposition because there is a suggestion being made that this is an additional sum of money that will be paid to the dairy industry, and yet we have a graph showing a reduced overall subsidy of support to the industry through to 2010. It seems to me the wording of the proposition is simply that £180,000 of existing support could be directed to the provision of school milk, so perhaps when the proposer of the amendment replies he could answer that question.

1.2.6 Deputy K.C. Lewis of St. Saviour:

I have been drinking milk all my life, Sir, no broken bones as yet, although I am sure a few Members might like to have a go. I believe in providing milk for young, growing bones, especially young girls. They need the calcium, et cetera. You can have a report for everything. You can have a report come through to say the moon is made of cheese and many eminent scientists in the world have claimed to have been taken up into space ships. That does not make it so. Milk is part of a balanced date and I think that is the key. It is part of a balanced diet. Because in schools now you are getting bacon rolls, chip butties, and food not 100 per cent healthy, so I think milk for youngsters is absolutely essential. I will be voting against the amendment and for the proposition.

1.2.7 Deputy A. Breckon of St. Saviour:

Bearing in mind the time which has passed, which is just under six months since this was lodged, I wonder if Deputy Southern would consider accepting the amendment. The reason I say that is because of some of the things that have been said by the Connétable of St. Lawrence. There are developments that say within the dairy industry what is going to happen, which will appear in the next couple of months or so hopefully, and there is general support I think in what the Connétable of St. Lawrence has said with responsibility in that area. Although he has not given any guarantee, what he is saying is that it is there for 2008. Considerations could be given in one form or another if the dairy industry does need some support in what might be a new period of their development, and I think we all would, in the debate that we had earlier this year, support that. I think there would be other alternatives in future Business Plans to do that to identify that. I think for the moment it is there. It would need to be made on a cost base and on a business base, and I think the dairy are in the process of doing that. We have another example of the Jersey Royals where somebody did some of the marketing and the cost was reduced, so I think the dairy are working on some of these things. The buffer has been mentioned. We have a buffer of milk of 4.5 million litres a year, so perhaps subsidies are not all the answer. The dairy themselves have some issues to address there. Having said that, Sir, the schools do value it and I remember when Senator Norman was President of Education when this debate was going on before - and it has gone on for many years - they sectioned off somewhere for him to park his car and they had done it with milk cartons, which was very effective in getting his attention. So, I think the schools do value it. The health things are a reason and, as Deputy Fox mentioned, some kids do not go to school having had a full breakfast or in some cases anything at all, but that is an issue that can be addressed elsewhere. I do not think it is the time for this debate. In the circumstances, Sir, I would ask Deputy Southern if he would consider accepting the amendment.

1.2.8 Deputy G.P. Southern:

I was just reminded by my partner on the right that I can speak on the amendment. I do not have to be concentrating on just summing up. I have just been asked to accept the amendment. I am surprised and disappointed that Deputy Breckon should say that. "There are things in the pipeline. There are moves in the pipeline. It is possible in future Business Plans to sort this out". Hang on, it is September 2007. It is not 2008, or 2009 or 2010, and we have a duty to give a message to the dairy industry and farmers out there about our support, our continued support, and I come back to it, for their industry. There are moves in the pipeline. There are moves in the pipeline and, yes, we might be reorganising and there is a surplus of milk that needs to be reorganised and reduced. There is a need to seek a high value export market to cope with some of that surplus. It is not there. It is being developed, or may be developed. The reduction in milk supplies maybe, a plan may come forward, but critical to the whole industry is financing the current debt of the dairy. That is the key and that can only be done when we have the new site, when it is built, when we are up and running, when it is sold and we are rid of that debt. You merely have to look down any of the results from the JMMB (Jersey Milk Marketing Board) - and I have the 2005 results here - and what they are doing is carrying 12 months ended 31st March 2005 net debt £2.756 million. That is the key. Servicing that debt is the reorganisation that needs to be dealt with. It is that debt and that will not be dealt with in the next 6 months. That is all part of the reorganisation of the dairy, moving to a new site, et cetera, and that is not going to be done overnight. So, the argument is: "Trust us, we can do it a bit at a time." I do not believe that is the case. I will maintain my opposition to one year at a time. It is not giving an appropriate message. I will not deal with the health issues at this stage because that belongs elsewhere but that request is, I believe, inappropriate. Whilst I am here, the Connétable of St. Lawrence accused me of being irresponsible. I believe a three-year window is the responsible way forward undoubtedly, not irresponsible at all. A year at a time is irresponsible. We are not talking enormous amounts of money -

The Connétable of St. Lawrence:

Excuse me, Sir, I do not recall saying that Deputy Southern was irresponsible.

Deputy G.P. Southern:

I do, Sir. So, I urge members to oppose this piecemeal "what can we get away with" attitude. It is not the case. We have an opportunity here to send a message to the dairy industry that fully supports them.

1.2.9 The Deputy of St. John:

I support Senator Le Sueur's amendment. If we want to support the dairy industry there are other ways of doing it and I do not think this should be confusing the issue at all. We certainly should not be tying our hands for three years with the proposal that Deputy Southern is suggesting. We should, of course, be promoting healthy eating amongst our young people and just doing it with milk is simply not the answer. That is just one way. The other suggestion of education - such as healthy eating with fruit and so on - is already happening at some schools and many schools cannot afford to do it on a wider basis, and that is the sort of route I think we should be taking. Tying our hands for three years would not necessarily allow us to do that. Budgets are tight across all departments. We should be targeting every fund that we have in a very sensible and targeted manner and, of course, the suggestion that Senator Vibert was making does that. In other words, the evidence before me today both in the Council of Ministers' amendment and from Deputy Southern as well suggest to me that we should be supporting Senator Le Sueur's amendment and allowing other ways of funding the things which Deputy Southern is suggesting. So, I would urge Members to support the amendment and move on. This debate really should not carry on for too long. We need to move on and I think the amendment will allow us to do that.

1.2.10 Senator J.L. Perchard:

I thought the amendment and the substantive proposition was about the provision of school milk and that is why I decided I should stay in the Chamber. Evidently Members do not see it as such and they consider it to be to do with supporting the dairy industry. Being that many members think that, I think I need to declare an interest, Sir, and leave the Chamber on this subject.

The Bailiff:

Thank you, Senator. The Greffier will record that declaration.

1.2.11 Connétable T.J. du Feu of St. Peter:

We have now spent approaching one hour on this subject. Quite frankly, I think it is quite abysmal that we should be spending this time. Not that it is not an important subject, I certainly would not suggest that, but this is something that has come up like the hardy annual and, quite frankly, it should not be doing so. We have had the medical lecture from Senator Vibert and the rights and wrongs of what we should do and the role that it provides in the obesity argument. I am not even going to take any notice whatsoever of that, but I would like to ask the Treasury Minister whether he would undertake to include in the 2008 to 2010 Business Plan, in the event of the actual talks that are in progress at the moment - which the Connétable of St. Lawrence is absolutely right, I can assure Deputy Southern that a lot of work has been done already. It is continuing at a considerable speed at this moment and I feel sure that it will actually bear fruit very, very soon and it will come up with the answers that clearly would be of great assistance in this. But in the event of that not being so by a reasonable given date in 2008, would he then not deliberately preclude it from that 2008 to 2010 Business Plan? I believe that if we could have that undertaking it would be a reasoned way forward in this particular problem.

1.2.12 Senator T.A. Le Sueur:

I am grateful to the Connétable of St. Lawrence and Deputy Breckon in particular who know more about this subject than I do, having been involved in Scrutiny over the last 12 months or so. Certainly I think the words of the Connétable of St. Lawrence bear listening to and appreciating. I can confirm he did not say that Deputy Southern was irresponsible. He said that to spend money for 3 years would be irresponsible expenditure, so I just thought I would correct that on behalf of the Connétable who cannot do that for himself. Sadly, despite Deputy Southern and myself both trying to avoid health arguments they seem to creep in, but I think members are quite clear that this is about economic arguments. Whether it is achieving it in the right sort of way is another matter but it is about economic argument. I thank those who have spoken. It has been interesting that there is clearly not total unanimity among the Council of Ministers, but then there is not unanimity between the Minister for Education and his deputy either, so it is one of those issues where we all may be at sixes and sevens. I think we are all agreed of the need to support the dairy industry and it is simply a question of which is the best way to do this, which is the most effective way to do this. The most effective way to do this, in my view, is to accept the amendment of the Council of Ministers to fund this for one year and if, as the Connétable of St. Peter asks, we find that there might be a need to do something in the future, yes, we are not precluded from doing that but we are not bound to do that either. That option remains open and we will be discussing that, no doubt, in 12 months' time at the next Business Plan debate if that is a requirement. I would hope it will not be and that is the whole purpose of this amendment, that hopefully it will not be, because I think the industry itself is showing how it is improving itself. Our job is to support them in doing that but not to nanny them. Arguments about health and fruit, Sir, I think can wait another day. I maintain the amendment and I ask for the appel.

The Deputy of St. Ouen:

Please, Sir, I did ask a question: whether or not this money for the school milk of £180,000 was going to be additional money or just redirected money from the approved total overall sum?

Senator T.A. Le Sueur:

What I would say to the Deputy of St. Ouen is that the £180,000 is included within the overall total money allocated by the Economic Development Minister for the support of the dairy industry. So it is not a question of an addition; it is part of the overall figure. If we were to withdraw the whole support then the Economic Development Committee budget could be reduced by £180,000. That is not the intention, but if that were the intention that would be a matter for debate at the business plan next week in terms of the Economic Development Committee.

The Bailiff:

Ministry, not Committee. The appel. All members who wish to vote on this matter should please return to their seats. I ask the Greffier to open the voting, which is for or against the amendment of the Council of Ministers.

POUR: 36

Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Connétable of St. Ouen
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy of St. John

CONTRE: 8

Connétable of St. Mary
Connétable of St. Peter
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

ABSTAIN: 0

Deputy I.J. Gorst (C)
Deputy of St. Mary
Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Connétable of St. Ouen
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
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Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)

1.3 Senator T.A. Le Sueur:

I did begin talking about part (b) and I may as well continue because I am not sure how well meaning part (b) might seem to be. Part (b) simply goes totally contrary to the whole philosophy of the reform of Income Support. Income Support was aimed at doing away with fragmented, individual, untargeted benefits in terms of an overall, cohesive system and the States have signed up enthusiastically to that reform of the Income Support system and yet the Deputy, despite I think endorsing the principle of a move to a new Income Support system, wants to still unpick bits of it and tack bits on to the Income Support system. To do that, in my view, is to totally undermine the whole concept of why we are changing Income Support in the first place. So he is doing that, I think, totally contrary to States policy. I will leave it to the Minister for Social Security to talk more about the impact on the Income Support system, but I do urge members that part (b) of this proposition is totally unnecessary, totally undesirable, totally at odds with Income Support proposals and should be thoroughly rejected.

1.3.1 Deputy J.B. Fox:

Before the Minister for Social Security stands up, I agree with the principle of part (b) that the individual should have a continued right for reduced amounts of cash for our milk, especially as it is considerably higher than it is in most other places, but the thing that concerns me is how does one define what is in the Income Support and does not just get swallowed up; in fact, the people that should be getting this milk do not do it, just use it for something else, and then it defeats the object of why it is. If the Minister could address that point, or the proposer who might have looked at this in a lot more detail, I would be most grateful before I make my decision.

1.3.2 Senator P.F. Routier:

This proposition, I am afraid, lacks a bit of substance. Milk does have a bit of substance and I do recognise that milk is a good food for people to have, but I think that very little justification is given to why the States should continue to specifically pay for milk as distinct from other foods; as the previous speaker was trying to get from me a comment that people should have an amount of money which specifically would cover milk. I do not believe that it is an appropriate thing to do. People need to have sufficient funds to be able to buy a diet which is appropriate to their needs. For us to become like a nanny state and say: "You must have milk," I do not believe that is an

appropriate thing for anybody. They should be able to have sufficient money to buy a diet which may include milk. Milk is good. I do not deny that milk is good. It is a good product and some people will want to drink it but some will not. So they should be empowered to make the choices which are appropriate to their needs. The basis of this proposition is do we want to abandon welfare milk and are the Income Support proposals an appropriate replacement? I think the Deputy, in his opening remarks, mentioned that we had not made a decision previously, that we are sitting on our hands, is this just going to happen and welfare milk is going to just go away? But as the Minister for Treasury and Resources said, Income Support has been a very conscious decision. We have made those decisions on two separate occasions that welfare milk will be incorporated within the Income Support proposals, along with all the other benefits which are currently being delivered in such an uncoordinated fashion. We know that Income Support will provide support to those who need financial support. The current welfare milk system does apportion support, financial support, to people who are not in as great a financial need. So I see nothing to justify in Deputy Southern's proposition why we should now change our minds and unpick those previous decisions and the whole rationale behind Income Support. It is probably worth remembering - none of us here will remember - when the welfare milk proposition was originally brought in because it was part of the Milk Marketing Scheme. That is what it came from. It was all about marketing milk. It was not about providing financial support to people who cannot afford milk. It was the Milk Marketing Scheme of 1954 and it came under the Agricultural Marketing (Jersey) Law of 1953. That is where it came from. That is what happened. As I say, I have no doubt that milk is good and it forms a good part of a balanced diet, but the Reduced Rate Milk Scheme was introduced as a mechanism for promoting the drinking of milk and as a benefit to the dairy industry. That is what it was all about. That was the scheme. So it is my view that the dairy industry should be supported and we are going to continue supporting the industry in the way we discussed earlier. If they need additional support, I am sure the Economic Development Department will meet those needs and we have the commitment just now from the Treasury and Resources Minister that the support we are going to continue to give them next year for one year, that will be reviewed, yet again, at the end of the coming year. The Deputy's opening remarks about this proposition were all about support for the industry. That is what it is about. Income Support is the benefit mechanism to help provide sufficient money for households to have an adequate balanced diet and to ensure that the family can choose to buy whatever they feel is appropriate for their family's needs. There have been some comments about the health issues regarding the benefits of it, but when the scheme was originally established in the 1950s that was probably a good decision because the people's diets were a lot different to what they are today. In these days, in the 21st century, the MOH (Medical Officer of Health) is saying: "Well, there are one or two question marks about it." I am not going to labour it as much as the Education Minister did, but there are concerns and people need to have the freedom to make the decision about how they use their Income Support money to ensure that they have the appropriate diet that they want to be able to eat and drink and we know that is a far better way to achieve support of people. I imagine if we were starting today to think about how we were going to support people, we would not be giving them money to buy milk. As a projet, we would not come to the States with that now. We would come with: "Let us buy fruit and vegetables." So to continue it on yet again is just not an appropriate thing to do. The proposition also does require that I look to see if I can find some delivery system. Well, that is not appropriate for the States to be involved in delivering food. That is not a job for the States to do. Fair enough a business making a business decision about identifying a market need for a delivery system, but very few of the public want a delivery system. There are some, obviously elderly people, who do appreciate a delivery system, but they do buy the majority of their goods from a shop anyhow and it is only the milk bit that they are getting delivered. So they have the opportunity, if they are doing their other grocery shopping, to get their milk at the same time. But my main concern, although it may be a valued service by some, is for the States to be involved in that and for Social Security to be involved in a delivery system. Social Security have never been involved in a delivery system. It has always been the dairy who found it uneconomic and it ran at a loss and they just could not do it. It was them who made

the decision that they could not do it, and for the States to be involved in a loss-making operation like that, I am not sure that that is an appropriate thing. I think what I want to do is to reassure members that Income Support will enable people to buy a balanced diet. That is what members need to be assured of, and if they want to include milk in that, they can do if that is what they want to do. We are not abandoning welfare milk. We are replacing it with another mechanism where people who are on low incomes can have money to buy the milk if that is what they want to do and if that is what their taste is, that they want to drink milk as opposed to water or whatever other good thing they might want to drink. We should not be a nanny state in saying: "That is what you must drink." It is not an appropriate thing and, as I say, our policies need to let people be empowered to make those choices for themselves about their own lives. So the question is, is the Income Support Scheme the appropriate replacement scheme? Of course it is. We have made that decision twice already. So it does put money into the hands of those who are in need and it will provide the amounts of money that they need to be able to buy a balanced diet. So I would suggest that the way forward we have with Income Support is an appropriate way and I urge members to reject the proposition.

Deputy G.P. Southern:

May I ask the Minister, while he is on his feet, to answer the question I asked him in my speech, Sir, which was for him to show, to demonstrate, that the people we previously delivered to would be catered for under Low Income Support and would he talk about the level at which means testing is set in the past and now? So can he guarantee that children under 5 and expectant mothers will get access to Low Income Support which will enable this to continue?

Senator P.F. Routier:

Expectant mothers, children under 5, people over 70; if they are in financial need they will get supported.

Deputy G.P. Southern:

Where is the income bar set at and where was it in the past?

The Bailiff:

I think that is a separate matter, Deputy. We cannot get into that in the context of a debate on milk.

Senator P.F. Routier:

The Deputy is very aware that there is no income bar. There is a totally different mechanism for assessing people's needs.

1.3.3 Connétable S.A. Yates of St. Martin:

I was hoping to get in before the Minister for Social Security because he might have been able to indicate from his subsequent speech the way I should vote. The actual proposition (b) is to request the Minister for Social Security to ensure the continuance of a scheme for the proposition and delivery of milk at a reduced rate to special classes following the introduction of the Income Support Scheme. Now, we have been speaking about the marketing of milk and we have been speaking about the support of the milk industry, the dairy industry. I must say that a Social Security cheque that has been sent out every three months to recipients does not seem to me to be support for the dairy industry because there is no guarantee that that money would be spent on milk. But the difficulty I face with this part (b), it does not say anything about how it is going to be ... It says a scheme. If the scheme was a voucher or a set of vouchers for three months' milk instead of a cheque I would support it, but it would seem to me that a cheque is just putting money that might be spent on kiddies' clothes or trips to the cinema or on anything except milk. So I am not

particularly clear how the Minister for Social Security would react to my request or my suggestion that the service would be better served by vouchers rather than monetary cheques, Sir, and I shall be thinking very carefully about how I shall vote when it comes to the vote.

1.3.4 Deputy C.J. Scott Warren:

I would first like to clarify that under the Income Support Scheme, when it is introduced, I presumed that the cheques were going to stop and it would be within the overall amount. I do not support part (b) of this proposition, Sir, because we will be having the Low Income Support from next year. But I do share some concern for those people who may find themselves just above that benefit line because I think they are the people who do get hit most in a high cost place such as Jersey. I would like to say that although I appreciate the Minister for Social Security is right that it is not our job as a government to deliver milk to people, I feel very much that we are fortunate that there is a company who is willing to do that because I do know there are some people who very much still appreciate that service.

1.3.5 Deputy S.C. Ferguson of St. Brelade:

I always enjoy the speeches of my colleague Deputy Southern. I suppose, as a fellow Mancunian, I do, in fact, get his jokes. **[Laughter]** I am probably the only one but never mind. But, listening to him, as far as the dairy is concerned, they are taking steps to deal with the debt and, as the Connétable of St. Lawrence says, there are ongoing talks between the dairy and government. I am very supportive of the dairy industry but, sadly, this debate is typical of this Assembly. We are having a heated debated on yet another way of spending money taken totally out of context of the whole States expenditure. If we are looking at healthy lifestyle schemes we should perhaps, as far as the children go, be looking at this in the context of a whole breakfast scheme, to take up the point made by Deputy Fox. The Americans do this a lot and it seems to work but we need to look at it in context. But I think that all these sort of discussions are something to be looked at after the Comptroller and Auditor-General has completed his report on financial management and control in the Education, Sport and Culture Department (we might find some more money there) but also after we have had the business plan debate. This proposition is adding to detailed expenditure before we have decided on the size of the cake. I urge members to reject this proposition.

1.3.6 Deputy J.A. Martin of St. Helier:

I would like to follow on from what Deputy Scott Warren has just said. Senator Le Sueur started off to say that under Income Support this House ... and I hope you are all clear that the decision you made was to not carry on with fragmented, untargeted benefits. He missed out means tested, fragmented, untargeted benefits and that is what they are. The budget for milk, so called, has been transferred to Social Security. It will be included somewhere in the Income Support budget. It will not necessarily, in fact it will probably not, go to the people who get this benefit now. I am not going to go on too much about Income Support, Sir, because we will debate this in a few weeks' time and, in between us passing it and the introduction, there will be many people out there who will find they will be losing existing benefits. They may not lose them straight away but they will lose them after this transitional period. Now, this goes to the person who is just above. They may be struggling but they will not ... Senator Routier misleads the House, Sir, I would say, when he says there is no income bar to Income Support. There is a bar. It is very hard from their models to interpret exactly. I can see exactly a family who earns no money and who earns very little money and what they will get. When you start getting higher and then you take somebody with a bit of savings that are over and above, because that is classed as an income it gets very difficult. But be assured there are going to be losers and these are the people. The Senator absolutely is shaking his head. The people who will be on Income Support will not be exactly the same people. When they were going to introduce Income Support in July this year they sent cheques out to people who were getting these benefits, who are still now, and said: "This will be your last cheque because the welfare milk will be under Income Support." I had many couples who had children under five, both

worked but they got their little bit of milk; they got this money. Before, they used to get it off the milkman or they used to go into Central Market and purchase the milk. They said: "Well, we are going to lose this." "Well, you will get it with ..." "Well, no, we do not get any other benefit. We do not get family allowance now. We do not get any rent rebate. We do not get anything." So I said: "Well, no, the answer is under the system that the States have voted - and I am making it quite clear, you all know what you voted for - these kinds of benefits are going to go." "Oh!" I made a few inquiries and I was right. Just on one last issue, Sir, the Senator says we will be targeting money and he will also say that pregnant women will be catered if they are on Income Support. Well, luckily, he brought in the new components yesterday. There is no differential, Sir, between an adult pregnant woman and an adult woman from the age of whatever, if she is on Income Support, until she is a pensioner. She will not get any more if she is pregnant, if she did want and need milk. If it was proven it was good for her, she would not get any more money. A child rate from nought to 16, again, Sir, is exactly the same. So the child over five (I think we have just passed, Sir, we will probably get for a year) will get subsidised milk at school. The child under five, no difference. If they are under five, they will get exactly the same component as a child between five and 16. So it does not give them any extra milk. So to say these are the same people is not true. I fully understand the new scheme. It was never meant to be the same people. It is to do away with untargeted, fragmented, un-means-tested benefits and this is what this does. This is why I will support this part of Deputy Southern's amendment, because I fully understand that these are some of the people in our society who will just be above the Income Support level and are in fact having a benefit taken away from them and it is as simple as that. Everybody should be voting on that; do they believe that this benefit, small that it is, should be taken away from those people who are just over Income Support and pregnant women. If not, you do not vote for it.

1.3.7 Deputy G.W.J. de Faye of St. Helier:

I think most Members in this Assembly have come round to the realisation that we cannot go on doing things the way we used to and we have to take a new and sensible approach. Just as we streamlined the very significant numbers of fragmented government departments into a much reduced number, so Income Support is going to streamline fragmented benefits that were targeted in numerous different ways into a comprehensive Income Support Scheme where there will be no losers. The money is going to be targeted at the people who deserve it and who need it. The only people who will see changes are, frankly, people who are receiving benefits who should not really be getting them. Now, call them losers if you like but, in my opinion, the key to this is the targeting of benefits to those who really need them. Now, this part (b) is, of course, a nice idea. Would it not be nice to have special deliveries organised by the Social Security Department of milk to people who would like that? But I have often found it is quite useful to take a little bit of lateral thinking when you look at States propositions and their wording and sometimes if you simply substitute one of the words, all of a sudden everything becomes clear. For example, milk is good for you. So are fruit juices and, I imagine, so are organic fruit juices. But if we were sitting here today reading a proposition, let us say the scheme for the provision and delivery of organic-based fruit smoothies, would we be giving this debate much time and consideration? My suggestion to you is, no, we would not; in the same way as if I brought a proposition on the basis that bananas are good for you and that the Social Security Department should provide a scheme for the provision and the delivery of bananas at a reduced rate (there is nothing better than discounted bananas, especially if they come from the Leeward or Windward Islands; fellow Islanders, economies being helped) this Chamber would quite rightly believe that in fact I had gone bananas. This is the key to the way forward. First of all, understand clearly that the old ways of handing out vouchers, finding a benefit for this and finding also schemes that may, in a quasi sense, prop up some other industry is just not the way to go forward. These days, people who need support simply want a cheque in their hands and money they can spend in the way they see fit and that is not what this proposition under part (b) would provide. It is a step backwards and I urge the Assembly to take a step forwards and reject part (b).

1.3.8 Deputy G.P. Southern:

Having adopted the amendment I was not going to speak on it but, nonetheless, I think perhaps maybe I should just briefly. I will, of course, be supporting the first part of this now amended proposition but I cannot fail but to note the position of the Education Minister and wonder how one gets into such an extreme position that one is shroud-waving over obese children when, as any fool will know, part of a healthy balanced diet is that milk contribution and that the milk that currently goes into schools is fat reduced. It is not the nice yellow carton. It is not the old gold. It is fat reduced and is part of a healthy diet. In terms of this first proposition, briefly, we are told that things are moving and, therefore, we have no need to build three years' security into this particular element of support for the dairy industry. I believe that we shall see a little mini-debate on this every year for the next two years, I think. 2008 we have accepted. 2009 and 2010, look forward to it. It will be there. It will be there because it is necessary. But let that be. Where I have a problem - and I think on the second part and I would urge members to support it despite the reservations they have expressed - is that the Social Security Minister is absolutely, fully aware that there will be a number of, until recently, recipients of welfare milk that will no longer receive it. That is absolutely stone dead certain. Some of those will be over 70s. Some of those will be housebound. As Deputy Martin clearly pointed out, some of those will be pregnant mothers and some of those will be children under 5 because, where parts of this benefit were not means tested, sure as eggs is eggs and milk is milk, they will be means tested. So this is an effective reduction of benefit delivery. For the Minister to say for us to be participating in a loss-making delivery scheme, that is not the States' job; no, it is the States' job to find a partner, if it so wishes to do that part of the job, in order that the medical benefits, which are completely accepted by the Minister, are delivered to the right people. If members vote against the second half of this proposition, let them be perfectly clear, as Deputy Martin has clearly pointed out, that they will be stopping certain sections of society from receiving this benefit and the phones, I presume, when it is recognised, will start ringing. They have not been ringing yet but they will be. Having said that, I maintain the proposition and would urge all members to vote for both parts of this proposition as I will and let us see what the Education Minister does.

The Bailiff:

A separate vote on parts (a) and (b) and an appel. I ask all members who wish to vote to return to their seats. The Greffier will open the voting on part (a) of the proposition as amended.

POUR : 40

Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Senator F.E. Cohen
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour

CONTRE : 7

Senator L. Norman
Senator M.E. Vibert
Deputy P.N. Troy (B)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy J.A. Hilton (H)
Deputy of St. John

ABSTAIN: 0

Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy of St. Martin
 Deputy G.C.L. Baudains (C)
 Deputy C.J. Scott Warren (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy G.W.J. de Faye (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy D.W. Mezbourian (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

The Bailiff:

We come now to paragraph (b) of the proposition. I ask the Greffier to open the voting. If all Members who wished to vote have done so, I shall ask the Greffier to close the poll.

POUR: 9

Senator B.E. Shenton
 Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy G.C.L. Baudains (C)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy D.W. Mezbourian (L)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)

CONTRE: 38

Senator L. Norman
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator T.J. Le Main
 Senator F.E. Cohen
 Connétable of St. Ouen
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy J.J. Huet (H)
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren (S)
 Deputy R.G. Le Hérissier (S)

ABSTAIN: 0

Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

2. Draft Amendment (No. 7) of the Standing Orders of the States of Jersey (P.80/2007)

The Bailiff:

We come now to Projet 80, Draft Amendment (No. 7) of the Standing Orders of the States of Jersey, and I ask the Greffier to read the long title.

The Greffier of the States:

Draft Amendment (No. 7) of the Standing Orders of the States of Jersey. The States, in pursuance of Article 47 of the States of Jersey Law 2005, have made the following amendment to Standing Orders.

2.1 Deputy G.P. Southern:

This amendment concerns Standing Order 85 and provides that any member, at any stage in a debate, may bring a proposition to move to the next item, and in my report I discuss the circumstances in which that happened recently. Just briefly, I will remind members of what happened at that time. An amendment which had been proposed and lodged for a considerable length of time and was in the course of being debated - and I think, from Hansard, had arrived at two hours of debate - was summarily (and that is the key, summarily) cut short by a motion to move on to the next item. While one might argue that that was effective use of our time, two hours of debate without coming to a vote (because that is what happens), thereby possibly enabling that proposition to be brought again because no vote is taken, thereby one might accept wasting further time; that is the way the House currently behaves. Now, the Standing Order currently says: "A motion to move to the next item will not be allowed if it is an abuse of the procedure of the States or an infringement of the rights of a minority." So what this actually means is that the President of the Chamber allows debate for a certain length of time so that an immediate "move to the next item, we do not want to deal with this" is seen, by and large, as an abuse of the back-benchers' rights. So the formula we have says: "Whatever happens, moving to the next motion moves on, wastes time and achieves nothing." What my amendment does is to remove that summary termination and allows what will undoubtedly be a short time, firstly, for the person proposing the move to the next motion to state his reasons. At the moment no reason can be given. That reason might be: "I believe this is a waste of time" or "I believe this is covered by X, Y, Z." In the case of the most recent debate, the reason underlying it was: "There is a danger you might lose this and, therefore, PPC will not be able to bring their motion." Not a very sensible reason but, if stated ...currently it does not have to be stated, just a motion to move to the next item. If it is not an abuse, bang, it is gone. All debate stops. No reason given and that reason could be very spurious. Debate stops, finished; two hours of time wasted, no resolution. My proposition says by all means - the summary

termination is the thing that is wrong with it - have your two hours, move to the next motion with reasons, allow the proposer (the person who is getting moved on: "Move along there, please") to make a brief reply, go to the vote, finish. That seems to me a perfectly reasonable way to behave; can save time, can make the Chamber more efficient and certainly, if you are a back-bencher and you have been on your feet for two hours and somebody does that to you, it is far less, I use the word "hurtful" but it might be "smack in the mouth". It is far less of a smack in the mouth. You have done your bit, you have done your research, you have put two hours in. No resolution, no opinion, no real resolution. So I believe this is a sensible amendment to the way in which we conduct our business and is worth consideration today. I open it to members to consider whether what I am proposing is a better way of behaving than the way we behave at the moment. Very straightforward, very simple. I maintain the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**]

2.2 Deputy C.J. Scott Warren:

I personally do not like the use of this provision to move on to the next item. In my opinion, this provision brings this Assembly into disrepute. It is a totally unsatisfactory waste of a respective debate. As was suggested by the Privileges and Procedures Committee, I would prefer ... well, they have suggested that a member brings to the States the fact to totally repeal Standing Order 85. However, that is not what we have before us today and I will be supporting this amendment.

2.3 Senator T.A. Le Sueur:

The last speaker has a point when she says that motions to move on to the next item are dangerous weapons, if you like, and should only be used infrequently and they are only used infrequently. I think they are used on those infrequent occasions when a debate seems to be getting nowhere, we are going round and round in circles and not getting anywhere. The proposer of the motion suggests that having two hours' debate without coming to a vote is a waste of time, and it may be that the proposition itself was a waste of time, but if his objective is then that we should nonetheless come to a decision, even though the motion may be spurious or facile or not the right motion at all, he then, I think, does not provide a satisfactory remedy because he says that these two people, the proposer to move on and the proposer of the motion itself, should have the opportunity to speak briefly. There is nothing in the wording of the amendment which suggests that any time restriction is placed on either speaker, which means that both of those speakers, if they wanted to, could each speak for a further hour, wasting time delivering this situation. So I think the amendment itself is badly worded but if two hours of spurious talk is a waste of time then 2½ or 3 hours or longer would be an ever greater waste of time. That may not be what the Deputy was intending but that, to me, is clearly what the amendment gives the opportunity for. Now, we are not debating today whether we should or should not have the right to move on to the next item. Maybe we should debate whether members including Ministers, should or should not be able to bring spurious propositions, but that is, I think, a far more difficult and subjective matter and I would not want to go down there. But if there are debates which are getting nowhere, it does strike me that there is a mechanism which should be used infrequently but should be used, if it has to be used, to be able to terminate it before it goes on even longer getting nowhere. That, I think, is the danger of that. So if we are trying to make better use of our time then, again, I think we can make better use of our time than trying to debate this particular amendment.

Deputy C.J. Scott Warren:

Can I clarify that when I said "a totally unsatisfactory waste of the respective debate", I did not mean that it was a waste of States members' time to have been debating. I meant a debate had been

going on, to take an example, of two hours and the vote should be taken, otherwise it is a waste of the two hours' time spent on the debate.

2.4 Senator M.E. Vibert:

I am sure Deputy Southern was upset at what happened on that day, but I think there is a danger that individual cases can make bad law. This proposal in Standing Order 85, the idea of it is to move to the next item, is designed to bring an immediate end to debate if States members agree. It seems to me that what is proposed here is almost a negation of that purpose because you will not bring an immediate end of the debate. You will have the person proposing that motion speaking, then you will have the person proposing the original motion speaking. That is odd in itself because normally the person proposing gets an opportunity to sum up as well but that is not included in Deputy Southern's proposition. I think what we have here is we either do not have a Standing Order 85 or we do have. Certainly I think Deputy Southern's proposition would just make a nonsense of the whole thing because it is going against the original idea of what it is, which is to bring an immediate end to a debate. There are some safeguards in Standing Order 85. One safeguard is in 85(2): "The Presiding Officer shall not allow the proposal if it appears to him or her that this is an abuse of the procedure of the States or an infringement of the rights of a minority." But I think there is another very, very important safeguard and it is one of those that is in practically no other part of our Standing Orders, and that is 85(4): "Notwithstanding Article 16(1) of the law, the proposal is not adopted if less than 20 elected members vote in favour of it." So it is not just getting an absolute majority with a few members in the House who might have been driven out of the House by a debate droning on and on but you have to have at least 20 members voting in favour of it and I am afraid that is called democracy.

2.5 Deputy R.G. Le Hérissier of St. Saviour:

Well, we know that this was kept in, not because it was seen as a vital part but because basically it had not aroused an awful lot of controversy at the time Standing Orders were being reviewed. There was, I think, a feeling, Sir, that the guillotine, which has gone into desuetude in many respects, would in some sense replace it. It is very interesting to note, Sir, that the guillotine, which was seen as the instrument by which members' rights were going to be curbed in quite a dramatic fashion, is now very, very rarely used. In fact, members, Sir, often govern themselves through commonsense; although the Connétable of St. Peter would not agree, who, as these long debates roll on, like me, increasingly loses the will to live. But what I would say, Sir, I would support this. I would say, Sir, to people like Senator Le Sueur and Senator Vibert, they have this tendency of always seeing enormous gloom and doom and the fall of western civilisation in anything that people like Deputy Southern puts forward and, of course, that may be true; western civilisation as he sees it. But what I would say, Sir, surely it stands to reason if a proposer and the person who is the subject of this move speaks for an inordinate length of time, it is quite clear that members are going to react violently and any sense of fairness by which they allowed that person to speak will be lost instantly. It will be lost instantly and there will, Sir, I would suggest to the two Senators, be a degree of self-regulation because the person will lose the vote if they choose to rerun the debate and I am sure the speaker, in his or her infinite wisdom, will ensure that in any case a reasonable statement of the position is all that is required, not a rerunning of the debate. I know we always fall into that trap, but not a rerunning of the debate. I think it is eminently sensible and I think there is a need for this to stay in Standing Orders despite, Sir, what Senator Vibert said because there are times when the States does get its knickers in the proverbial, many times in fact, and I think we need this provision if indeed we are sinking and sinking further into the bog, which is something we are quite accustomed to doing. So I think it is an elementary check and balance that the proposer is bringing forward here. I think all the gloom and doom and fall of western civilisation that the two Senators predict is just that and I would, Sir, very heartily support it.

2.6 Deputy A. Breckon:

I think it is a very sensible amendment and I would just remind Senator Le Sueur that there are Standing Orders in the conduct of members speaking, whether it is proposing something or taking part in a debate, and that would, I would think, cover part of perhaps what he said. But I think what it does do, Sir, it does give rights to the individual and, with respect to the chair, Sir, there is no appeal. Your decisions and the people sitting there are respected. Perhaps the only thing we can appeal to on occasions is your better nature, Sir. I would just say that. Having said that, this amendment does give the proposer of the moving on motion an opportunity to say why and members may agree with that or not. It is not intended to be a debate in itself and it does give the member the opportunity to respond; not in a long way I would suggest but in a way that just says: "Well, I would prefer if the matter was dealt with today even if members wish to vote against it," because the other, Sir, in time and effort of this House, if a member has no indication of the success or otherwise of an important proposition they would bring it back. Perhaps the time that members think they are saving would be wasted because it would be back again within weeks depending on the time of year. It still stays in the system. It is not removed; that is my understanding. I think if the House were to give an indication, a better indication, to an individual member or indeed anybody else, a Minister bringing something (although I am not aware of this actually happening to a Minister), then it would be to vote against it and that gives the signal to the member concerned that there is an element of support. They will know how much and they will know whether it is worth pursuing inside and outside this House, Sir, and I think this amendment does do the things that I mentioned and I will be supporting it.

2.7 The Deputy of St. John:

I have to say I do not see any need for this amendment to the Standing Orders. I think it is sufficiently covered already, as a couple of Members have already stated. There are times, as Senator Le Sueur suggested, when the ability to agree to move on to the next item is necessary; debates such as the water resources debate, for example, and many planning debates we have had, I think, are perhaps examples of that. There are, I believe, sufficient safeguards in place already and I was delighted that Senator Vibert pointed out the fact that even the rights of minorities are protected through the particular Standing Order that he mentioned. So I have to agree with that. The Bailiff who presides over the Assembly exercises his power normally, I would say all of the time, in a very measured and appropriate manner, as indeed a chairman should. So I see that the current drafting of Standing Orders recognises that and the Presiding Officer, whether it be the Bailiff, the Deputy Bailiff or the Greffier, does that within his powers at the moment and in an appropriate way. So I do not really see the need for wasting time on this particular debate and maybe we should be calling to move on to the next item on this particular debate, although I have not actually said that, Sir, but you get the gist. I do not see any need. There are safeguards there at the moment. I think members adhere to those already. I really see no need to change it and there are times, when exercised carefully, I believe it is the right thing to do and it certainly stops the public from criticising us for spending too long debating issues that perhaps do not require lengthy debate. Thank you, Sir.

2.8 The Connétable of St. Peter:

If this proposition were to be adopted, is it not possible that the chair might be able to determine how much time he would allow the proposer and the mover of such a proposition to speak? Because I am sure that if that were to be the case, that it was, for example, five minutes each only, then we would know precisely where we stand and it would at least give the opportunity just to hear the outline of reasons why.

The Bailiff:

That is not what the amendment states, Connétable. The amendment is at large and, as Senator Le Sueur says, the proposer and the member whose proposition is being amended could speak as long as they want.

The Connétable of St. Peter:

I accept, Sir, that it is not within the proposition but is it not within the power of the chair on any occasion to express a view and certainly this would be a very sensible one, I would have thought.

The Bailiff:

I do not think so, Connétable. There is a provision under Standing Orders, as members will know, which prevents members from repeating their arguments unnecessarily and, of course, that very rarely happens. **[Laughter]** But there is no other power in the chair to restrict members who wish to speak. Does any other member wish to speak on this proposition?

2.9 Deputy S.C. Ferguson:

Yes. Following on from the Connétable of St. Peter, perhaps we could look forward, in the near future, to Deputy Southern bringing an amendment to his amended Standing Order 85 saying: “five minutes only,” but I see no problem with this. I think it is reasonable. If you are going to shoot someone down in flames, you should at least say why you are going to do it.

2.10 Senator L. Norman:

I rise quickly after that because the point of the moving on motion is not to shoot somebody down in flames or to shoot a proposition down in flames. The point of a moving on motion is, as I say, not to defeat a proposition - which a guillotine motion could lead to but simply to delay consideration of a proposition. Now, I can think of occasions when the Standing Order has been used successfully; when during a debate, sometimes it could be a long debate, a concern has come to light during the debate and doubt has been cast over the appropriateness of either adopting or indeed defeating the proposition, which is the only other alternative we have unless the proposer is prepared to withdraw it. One in particular I can remember, and I am sure Deputy Troy would remember if he was here, was one of the original debates that we had on television licences for pensioners. We had a long debate and it was going down a certain route that seemed to be gaining the approval of the States when it came to light that it would appear that the group who were supporting the pensioners (I think it was Age Concern) had actually indicated that they would prefer the money that we would have spent on television licences at that time to be used on certain healthcare provisions. So there was a certain doubt that was put over the validity of the proposition that was before us at the time and the States decided to move on to the next item of business, not to defeat the proposition but also not to approve the proposition, because there was doubt on which was most appropriate. So all that was doing was causing delay, delay to the debate so that there could be further consultation, further consideration and a proper informed decision could be made. That is all that moving on to the next item of business does. It does not defeat the proposition. The proposition remains on the table, ready for debate when the proposer is ready to bring it back. I can understand the amendment. I can understand the Deputy’s frustration, but there is absolutely no need for this proposition because if the proposition to move on is successful, the proposition remains on the table and can be brought back at any time.

2.11 Deputy G.P. Southern:

If I may refer to Senator Norman’s contribution first while it is fresh in my mind. It seems to me that a question of doubt arising on fact or other, we have a Standing Order for that. It is called a reference back. So it is covered. I do not think there is a problem there. Several people, Deputy Scott Warren and Deputy Ferguson, suggested that they would prefer either repealing it altogether or the insertion into the proposition of “five minutes” or “briefly”, as did the Connétable of St. Peter. I remind members that it has been lodged since 5th June; if anybody wanted to change it or amend it and either make it more extreme or moderate it, they had plenty of time to do so. I had

thought this would be a shorter speech because I thought somebody might propose a motion to move on to the next item. **[Laughter]** But the main objection, in insisting that the proposer of a motion to move on gives some reasons, that they might talk at length - in which case they are likely to lose their proposition - or that the responder (the person who is getting moved on) would speak at length, really insults our intelligence because that is the one way to guarantee that you are going get moved on because that mood would obviously be there. I thank Deputy Le Hérissier for his support. As he pointed out, we are sensible in the way we use things. This is an extreme measure. We have the guillotine. We have the reference back. I think this is a better way forward and I think the reason was again emphasised by Deputy Breckon when he said: “Of course, a move on just invites the person to come back the very next session with exactly the same proposition because no decision is made and we waste further time.” As I pointed out in my speech, is it an infringement of the rights of a back-bencher or the member, part of that is how long have we spoken. So the custom and practices that after a certain time it becomes reasonable to move on, again, intrinsic in that is thereby wasting that length of time and inviting people back to the very next session to do the same. Now, I do not think we should be doing that. I think this is a moderate and reasonable - Deputy Breckon used the word “sensible” - way to proceed. I think we have other weapons in the armoury. This is one. It is due; it is time to amend it.

Deputy C.H. Egré of St. Peter:

Could I just raise a point of order on this one; again, in the actual way we debate. In this particular instance, if we had had a two-hour debate and the proposition went through, could the guillotine still be applied when we move on to the two people talking, the proposal of the move on and the original proposer?

The Bailiff:

In theory that is possible but members have made the guillotine procedure less attractive by applying very severe time limits to the guillotine procedure so that notice of, I think, 30 minutes has to be given before the guillotine procedure can be implemented. So unless a proposer or a member was speaking for a very long time indeed under this proposed amendment, it probably would not be applicable.

2.12 Deputy G.P. Southern:

I maintain the proposition and call for the appel.

The Bailiff:

Very well. I ask members who wish to vote to return to their seats. The vote is for or against the amendment to Standing Orders proposed by Deputy Southern and I ask the Greffier to open the voting.

POUR: 16

Senator B.E. Shenton
Connétable of St. Helier
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter

CONTRE: 30

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Lawrence

ABSTAIN:

Deputy J.A. Hilton (H)	Connétable of Grouville
Deputy D.W. Mezbourian (L)	Connétable of St. Brelade
Deputy of Trinity	Connétable of St. Martin
Deputy S. Pitman (H)	Connétable of St. John
	Connétable of St. Saviour
	Deputy R.C. Duhamel (S)
	Deputy J.J. Huet (H)
	Deputy G.C.L. Baudains ©
	Deputy P.N. Troy (B)
	Deputy J.B. Fox (H)
	Deputy P.J.D. Ryan (H)
	Deputy G.W.J. de Faye (H)
	Deputy J.A.N. Le Fondré (L)
	Deputy S.S.P.A. Power (B)
	Deputy A.J.D. Maclean (H)
	Deputy of St. John
	Deputy I.J. Gorst ©
	Deputy of St. Mary

3. Draft Main Roads (Classification) (Amendment No. 28) (Jersey) Act 200- (P.82/2007)

The Bailiff:

We come now to Projet 82, Draft Main Roads (Classification) (Amendment No. 28) (Jersey) Act in the name of the Minister for Transport and Technical Services, and I ask the Greffier to read the long title.

The Deputy Greffier of the States:

Draft Main Roads (Classification) (Amendment No. 28) (Jersey) Act. The States, in pursuance of Article 1 of the Loi (1914) sur la Voirie, have made the following Act.

3.1 Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

I would like to be able to reassure members that this is merely a matter of housekeeping and, in essence, the adoption of a main road probably is, but this is a slightly unusual, not to say unprecedented, situation because of the new applications of planning gains as a concept of our new approach to planning applications. The Transport and Technical Services Department is not aware of a previous occasion, as applies here, where a private landowner has built a road and then handed that road over to the States of Jersey to create a new main road. To help members with location, we are talking about an area in St. Clement, proximate to St. Clement's Church, which is on the inner road, and Rue de Jambart, or perhaps commonly known locally as Jambart Lane, runs from the St. Clement's Church down to the coast road at Pontac. For many years it has been two-way and while turning into Jambart Lane has been really not too much of a problem for motorists, it has been something of a difficult exit on to an occasionally quite busy main road. So the planning gain here represented a useful opportunity to improve the local road network as a result of a development of 76 first time buyer houses in the adjoining Field 203. This now means that there is no longer any northbound access to the top section of Rue de Jambart so that you will no longer exit opposite the church on to the main road, which was the concern. Instead northbound flows of traffic will divert through this new road and come out further along the St. Clement inner road in an area where the vision has been conformed to current traffic management requirements and is therefore much clearer and safer. So, in all those senses, this is something to welcome. Strangely, there is no formal procedure or law of adoption to follow. However, I consider this is going to be such a relatively rare event it would be not cost effective or an appropriate use of States' resources to create a new law of adoption. So we are currently pursuing this process of bringing the matter to the States and it

will effectively be declared a main road and maintenance will be carried out by public works. Now, I do understand that there have been difficulties and Senator Le Main approached me recently to indicate that he had been approached, I understand, by the developer and he has offered to give me a report on the problems. As I say, it is perhaps not wholly unexpected that something that is being done for the first time will encounter teething difficulties. I have given both Senator Le Main and the people involved an undertaking and assurance that I will look at the report when he gives it to me and ascertain quite what the difficulties were. Suffice to say that my current understanding is that everything has been resolved. In fact, Sir, I would not be putting this before the States if I were not happy that matters were resolved. But I am now content that the way is forward for the States to adopt a new main road which will solve a number of problems with St. Clement traffic and I put the matter to the House, Sir.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any member wish to speak?

3.2 Connétable M.K. Jackson of St. Brelade:

We have heard continually from the Minister for Transport and Technical Services about his lack of money and we have seen throughout the Island, Sir, the weeds growing out from the sides of the main roads. We have the situation where 76 houses have been built in St. Clement. I would expect, Sir, the parish of St. Clement to be getting the rate benefit from this development as time goes on and I would be interested to hear, Sir, from perhaps the Connétable or the Deputies of St. Clement as to why that parish are not taking this road over. Thank you, Sir.

3.3 Senator B.E. Shenton:

I just have a quick question for the Minister. The proposition states that the road has been constructed to a reasonably acceptable standard. Could you let me know what a reasonably acceptable standard is and whether we should be taking over liability for a road constructed to a reasonably acceptable standard?

3.4 Deputy I.J. Gorst of St. Clement:

While I will be supporting this proposition today, nothing in life is easy. In fact, with the planning gain of the change in direction of the traffic, we seem to have possibly solved one problem of a difficult exit on to the inner road, but by solving that problem we have exacerbated and created another and that is that there is insufficient parking for people attending the church. If only life were easy. I shall be putting the Minister on notice along with the Minister for Planning and Environment that this is now a very serious problem in the parish and the church needs to consider this seriously. There is not sufficient parking and it is putting in jeopardy church services, Sir, but I hope it is a problem that, as I say, the Minister for Transport and Technical Services and the Minister for Planning and Environment can get together and solve.

3.5 Deputy G.C.L. Baudains of St. Clement:

First of all, I would just like to point out why I think the report is possibly slightly misleading, although probably not intentionally so. We would suggest that the developer is required to construct a new road whereas, in fact, the developer was required to supply a new road but was not allowed to construct it. It had to be constructed by Transport and Technical Services people. The second issue, Sir, is that the road has, in fact, been completed for some time now and has clearly had to be used by owners of the new houses of the estate and I believe to the detriment of the developer who, until the road is taken over, has responsibility for that road. So I understand the developer has had to carry it on his insurance at some worry to himself. Could I ask the Minister in his summing up what the delay in opening this road has been, what has been the cause and when will it be open? Whilst I am at it, I would like to point out that a consequence of this new road has been a pedestrian safety initiative in the Rue de Jambart which I would like the Minister to look at because I think

they have got it back to front. The traffic which has right of way is the one with the obstruction so it really cannot get a right of way. I believe that needs investigation.

3.6 Deputy R.G. Le Hérisier:

Just two questions for the Minister. Firstly, Sir, there was a lot of allusion to Senator Le Main's report but no explanation as to the issues that Senator Le Main had raised and how you seem to have arrived at the -

Deputy G.W.J. de Faye:

If the Deputy will give way I can give a very swift and easy explanation. Senator Le Main has told me he has a report, but I have not received it so consequently I am in no position to comment on it.

Deputy R.G. Le Hérisier:

I am sorry, Sir. Well, I did get the impression that a satisfactory conclusion had been arrived at as a result of that report, but it does not appear to have materialised. The second point, Sir, and I know the Deputy of St. Martin will be dealing with it in more detail, what are the criteria - because this applies to Maufant - by which a parish or what could have been a parish road is taken over by Transport and Technical Services, the issue the Connétable of St. Brelade has raised?

3.7 Deputy F.J. Hill of St. Martin:

As, indeed, the new Connétable who has now been in post for 12 months will know and Deputy Le Hérisier, we have been looking at the issue in Maufant for the last 30 years trying to address a problem which has not been addressed even now. However, we are now about to have another part of Maufant coming on. I would ask the Attorney General, if it is possible, to come up with an answer. We see that in this report it says that the parish of St. Clement has declined to take the administration of a new road. If, indeed, the parish have declined and, indeed, the States today say that we do not wish to transfer it over, what then happens? Who becomes responsible for that road? Because this is a similar problem we will have in St. Martin. We have got a new part of the village being developed. At some time or another someone is going to have to pay for the upkeep of that road and no doubt the new ratepayers will want to. What is the position? If, indeed, the States say no to this and St. Clements say no, what will the outcome be?

The Attorney General:

I am sorry, Sir, that I have come in slightly late on the debate, but in principle if the States does not wish to adopt the road and the parish does not wish to acquire the road, then it will continue to be owned by whoever owned it previously, which will be the developer. If the developer does not exist then the land will escheat to the Crown, so that would generally be the position.

Senator T.J. Le Main:

Can I just query that? The developer has been obliged to provide in the planning obligation a public road. So does that mean an obligation by the Planning Department that the public have to take it over?

The Attorney General:

I think one would need to look at the exact terms of the planning obligation agreement that have been drawn up, but in principle if the planning obligation agreement contain that provision I would expect it to be enforced against the developer, yes.

3.8 Deputy J.B. Fox:

Listening to the comments that have been said so far, it sounds as though there is a great deal of work that still needs to be clarified or sorted out and we have not seen some documents. I am tempted to ask that we move on to the next item until they get solved [**Laughter**]. I think that there is probably more things to come out at the moment so I should sit down and wait for the Minister to reply. I am concerned that if one goes ahead with it, there seems to be a lot more arguments due to come out especially over safety issues and parking arrangements with the church, et cetera. But if one says no, then you end up with a worst argument that a developer is, for a planning gain of being able to build first time houses, social rented or whatever it is there at this moment in time, left holding a bill for something that should have been sorted out before it got to this States session. So what I am looking for is an indication as to a solution because at the moment I am not hearing of an indication and it might very well be something to do with this document that Senator Le Main is desperately trying to –

3.9 Senator T.J. Le Main:

Could I assist by saying that the complaint I received was that there were several planning obligations in this development. One of them was to create a new road for the public to alleviate the problems at the top of Jambart Lane; also the developer had to provide a bus shelter, some drainage work, and the problem was that it is going to be 12 months and the road has not been opened, and there was problems that Transport and Technical Services were not agreeing to some of the work done. Then we found out that the developer had paid for the work to be done and supervised by Transport and Technical Services. So there have been arguing and issues related to the advice and otherwise of Transport and Technical Services themselves, not the developer. Transport and Technical Services have been paid in full and they were supervising the work. The road is a perfect road and needs to be opened because there is a liability outstanding to the developer whilst it is closed with all the issues relating to it. I am having, Sir, a proper update on the situation which I have agreed with the Minister for Transport and Technical Services so that in future errors or disputes of this kind should not occur.

3.10 Deputy P.N. Troy:

I feel that perhaps the Minister should not continue with this debate today but that perhaps he should withdraw this and sort out the legal issues regarding the ownership of the road before proceeding any further.

Senator T.J. Le Main:

Can I just say all the issues are now resolved. Where we are looking now is what has happened in the procedure leading up to this delay of nearly 12 months. No bus shelter has been built yet but the road is perfectly safe and needs, for the safety of the parishioners of around that church area, to be passed over to the States today.

Deputy P.N. Troy:

I am uncertain as to whether all the issues are resolved. Have the States of Jersey agreed to accept this road in its present condition and agreed to go to contract and take over ownership of the road? If the parish is or is not interested in the ownership of the road, we have heard that perhaps it should have an obligation to own the road because it is in the planning permit. That is what was said previously because it is meant to be a public road through the development and, of course, when you own a road you presumably have some legal responsibilities as to what happens and occurs on those roads, certainly in relation to repairs and to maintenance and so on. [**Interruption**] Senator Le Main is saying the road is finished but once you own the roads and you have opened the road, you have all responsibilities in relation to that road. The question here is whether this road should

be in the ownership of the parish or the States. If we are to resolve that issue, then I think the Minister should speak with the parish because the parish will be taking the rates on all the properties in that road and may have obligations in relation to the property owners.

3.11 The Connétable of St. Lawrence:

If I could just make an observation, it is not a direct comment on the proposition today but it is worrying nevertheless because I have come across this situation before where there has been a planning obligation and then subsequently the developer is sort of thrashing around trying to find somebody to take over a property - in the case I am referring to - or a road in this case. That seems to be sort of the cart before the horse or maybe that is not the right expression, but it seems to me that this ought to have been thrashed out long ago. Planning obligations should not be imposed when nobody is willing to deliver on them and take responsibility thereafter. I had another case of this in my parish and we have refused a particular offer. Nobody approached us *ab initio*. It was a done deal when this happened. I think the Minister for Planning and Environment should take this on board for the future. He has not been responsible, I am sure, for this situation or the one I am referring to. They happened some time ago, but to introduce planning obligations which then put us in a situation where we are scratching around trying to find somebody to take responsibility for a building that was an obligation on the developer is not the right way around to do it, I do not think.

3.12 The Connétable of St. Clement:

I do not really think it is a logical argument to say because a road runs past parishioners' houses that should be adopted because all of the roads of the Island run through parishioners' houses, so you could say that all the roads of the Islands should be in the hands of the parishes. St. Clement is a very built-up parish. It was not universal support to have this estate in the parish, but Transport and Technical Services did realise that there was a problem at the top of Jambart Lane. This is an extension of Jambart Lane which is in public ownership and, therefore, should remain in public ownership.

3.13 Deputy G.W.J. de Faye:

I am grateful for members for their interesting comments and observations. What is a reasonably acceptable standard for a road? Well, I am afraid I cannot give precise details in terms of bitumen content or millimetres of thickness, but generally speaking I can assure the House that this - in fact, I think it was Senator Le Main who said the road is in perfect nick virtually. This is a reasonably acceptable road. It has got the core base. It has got an entirely suitable top on it and it is a fully functional road. I have been aware of the issue of church parking for some time, but I believe the parish have been aware of the issue of church parking for decades and I do not think the change at Rue de Jambart has particularly either made it worse or alleviated it in any way. There has always been a problem with church parking and **[Interruption]**.

Deputy I.J. Gorst:

There may have been an issue with church parking for a number of years, Sir, but it has certainly worsened considerably because the road that people used to park on to access church is no longer available to them.

Deputy G.W.J. de Faye:

Clearly I think the one important feature here that Deputy Gorst is overlooking is that the greater your car parking problem the stronger your congregation, and I am sure with greater numbers now appearing at St. Clement's church we will forge our way ahead and find some solution. This road has, indeed, been completed for some time and it has been a source of frustration to many parties that it remained closed. The key problem, what was the delay? The delay primarily revolved around

dispute about the quality of the drainage which runs beneath the road. That has effectively been resolved because the States will simply be acquiring responsibility for the road and not of the subsurface drainage. The criteria for taking over the road, well, this has indeed been the interesting problem in a sense. A planning application derived via a different department has ended up at my department's doorstep simply because my department is in charge of roads and, thereby, we have acquired effectively an obligation created elsewhere in the States, but that is how things happen and Transport and Technical Services have done our best to find a way through here. I certainly hope the States do not suddenly decide to refuse to take responsibility here. I think it is in the public interest to be in charge of this road. It would be very unfair to leave it either to the developer or to be the responsibility of the immediate neighbours who live there. The road is undoubtedly going to be used by all sorts of Islanders not just parishioners and, as has been indicated, Jambart Lane itself was a public road and not a parish one. Can I conclude, Sir, essentially by saying that this process of using the proceeds of re-zoned greenfield sites to fund what are clearly public infrastructure improvements is a new process for this Island and for the government. Lessons have been learnt in how this went ahead and it was not smooth, but I think I can assure Members that the process will get smoother in the future when we look back and analyse what went well and what did not. We will have to do that because I think we can expect more public realm improvements of this nature being funded in this way in the future, so this is something that has to be grappled with. It is intended to organise a high level meeting between the Planning Department, Transport and Technical Services and, indeed, the Law Officers to debrief on the issues involved in this particular case and to establish improvements to the processes for any future schemes. Having said that, Sir, and despite the fact that there were some hiccups in getting to where we are today, I do urge the States in the public interest to adopt this road.

Deputy R.G. Le Hérissier:

Excuse me, Sir, I did not get an answer to my question. Could the Minister outline the criteria by which his department will take over a road which does not originally start in their own -

Deputy G.W.J. de Faye:

There are in that sense no set criteria because this is an unprecedented case. Therefore, the department and myself effectively had to determine what it was in the best public interest to do. My determination was that the fairest way forward was for the States to take responsibility on behalf of the public.

Deputy G.C.L. Baudains:

I had asked, Sir, when this road would be opened. Can I presume on the assumption that the Assembly does pass this legislation that it would be immediately or is it in a period of time?

Deputy G.W.J. de Faye:

My understanding, Sir, is that employees of the department are poised ready for this decision and black bags that are currently masking signs will be removed almost as the vote is taken [Laughter]. Sir, can I just say that was not to indicate that I had pre-empted the vote in any way.

The Bailiff:

I put the proposition. Those members in favour of adopting it kindly show? Those against? The proposition is adopted.

4. Draft Healthcare (Registration) (No. 3) (Jersey) Regulations 200- (P.83/2007)

The Bailiff:

We come next to Draft Healthcare (Registration) (No. 3) (Jersey) Regulations. Deputy Chief Minister, are you going to deal with this, this morning?

Senator T.A. Le Sueur:

Yes, Sir.

The Bailiff:

I ask the Greffier to read the principle.

The Deputy Greffier of the States:

Draft Healthcare (Registration) (No. 3) (Jersey) Regulations. The States in pursuance of Article 17 of the Healthcare (Registration) (Jersey) Law 1995 have made the following Regulations.

4.1 Senator T.A. Le Sueur (Deputy Chief Minister):

By explanation, in the absence of a Health Minister the duties fall to the Chief Minister, and in the absence of a Chief Minister the duties fall to a Deputy Chief Minister. But in view of the fact that I trust this is a fairly straightforward understandable proposition I think we should get it out of the way, because it is really about consumer protection and making sure that the public are protected against unqualified healthcare operators. From time to time new activities come on to the scene; there is increased specialisation, new services and it is right that people practising those services should be obliged to register with the healthcare departments just as others do. This amendment, Sir, to Regulations brings in 4 new categories of healthcare practitioner and I propose the principle of the law.

The Bailiff:

The principles are proposed and seconded? [**Seconded**] They are open to debate.

4.2 Deputy G.C.L. Baudains:

I am just curious as to exactly what the art therapist does, Sir.

4.3 Deputy R.G. Le Hérisier:

In light of yesterday's debate, could the acting, acting, acting, acting Health Minister tell us what the recruitment and registration qualifications for a social worker are?

4.4 Senator T.A. Le Sueur:

I am not expert in the field of art therapy but I gather it is one additional way in which people with particular social problems can be assisted. If that is an activity which is carried out then it is right that people doing that should be registered so that we make sure we do not have unqualified charlatans claiming to be art therapists when they are not. As to what constitutes a regulation or qualification for a social worker, that is a matter for the Healthcare Registration Department to ascertain and I am sure they are better qualified to do so than either the Deputy or myself. I maintain the principle.

The Bailiff:

I put the principles. Those members in the appel? Yes. Any member in the precinct who wishes to vote should please return to his or her seat. I ask the Greffier to open the voting which is for or against the principles of the Regulations.

POUR: 41

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Connétable of St. Ouen
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren (
 Deputy R.G. Le Hérissier (
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy P.J.D. Ryan (H)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy D.W. Mezbourian (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

CONTRE: 2

Deputy of St. Martin
 Deputy G.C.L. Baudains (C)

ABSTAIN: 0**The Bailiff:**

Deputy Breckon, Health, Social Security, Housing Scrutiny Panel, do you wish to scrutinise this Bill?

Deputy A. Breckon (Chairman of Health, Social Security and Housing Scrutiny Panel):

No, Sir, because I am sure the rapporteur can tell me what a podiatrist is and how many there are.

The Bailiff:

Very well, I call upon the Minister to propose Articles 1 and 2.

4.5 Senator T.A. Le Sueur:

There are 4 new categories as it says - art therapist, operating department practitioner, podiatrist and social worker. To pre-empt Deputy Breckon having to stand up and ask formally, a podiatrist is someone who deals with people's feet complaints in a slightly different way from that of a chiropodist or a pedicurist. I think that is as much as I need to say about the Articles, Sir, and I propose 1 and 2.

The Bailiff:

They are proposed and seconded? **[Seconded]** Does any Member wish to speak on either of the Articles? Well, I put the Regulations. Those members in favour of adopting them kindly show? Those against? They are adopted. We move the Regulations in Third Reading. **[Seconded]** Does any member wish to speak on the Regulations in Third Reading? I put the Regulations. Those members in favour of adopting them kindly show? Those against? They are adopted in Third Reading.

5. Winter Fuel Payment (P.89/2007)

5.1 The Bailiff:

We come next to P.89, Winter Fuel Payment, in the name of the Council of Ministers and I ask the Greffier to read the proposition subject... well, it is a very long proposition. Do members require the proposition to be read out or can it be taken as read? May I then call upon the Minister to propose the proposition as amended by the Council of Ministers?

Senator T.A. Le Sueur (Deputy Chief Minister):

I ask Senator Routier to act as rapporteur for the Council in this proposition.

5.1.1 Senator P.F. Routier (rapporteur):

This proposition brings into place the States' decision in agreeing the Strategic Plan to introduce the winter fuel payments. Of course, the original amendments brought by Senator Shenton did ask the States to introduce for all pensioners resident in Jersey a winter fuel scheme based on the U.K. system. My department at the request of the Council of Ministers researched and presented a number of options for the Council to consider. Those options were presented, as Members will know, to the States in January of this year in R.7/2007. A key finding of that report was to introduce a scheme as close to that of the U.K. given our different benefit systems and at the rates paid in the U.K. would have cost in the order of £2.5 million a year. The Council of Ministers was of the opinion that spending such significant sums of money regardless of financial need and whether the winter temperatures were low or not would be unreasonable and wasteful. At that time, when we were in the process of finalising the introduction of a single efficient and unified benefits scheme targeted at real need, it does go against the grain to introduce yet another scheme and another administration process that would not be effective in tackling real need at great expense to the taxpayer. So the Council of Ministers is proposing this winter fuel payment scheme which will be effective in tackling real need; a scheme that will be targeted to those most in need and not just those who are elderly. The scheme proposed here is based upon the scheme currently operated by the parishes paid to those households on Income Support with either a person over 65 years of age or a person with a significant disability or a child under three. It is a scheme which will be responsive to the severity of the winter with payments increasing as the weather gets colder. Determining the severity of the weather will be done as it is now through the use of a formula. The formula that drives the payment is more modern than those based on wind chill and is used extensively in the U.K. and the U.S.A. The research shows that it is based quite simply on the level below which the human body needs external help to maintain its temperature. The lower the temperature the greater the need for help and this has been translated into a financial value using the Income Support component. I am grateful to the Meteorological Department for its assistance in

developing this formula and its continued support. They will also be monitoring the temperature so that we are aware of when to pay payments. Although the scheme proposed is broadly based upon the current parish scheme and levels of payment, as Income Support will reach more households than the parish welfare system did the costs will be greater. The States have charged the Council of Ministers to meet the cost of the winter fuel payment from within existing expenditure limits. The Council of Ministers asked all departments to suggest possible cuts to services to fund the sum required. None of the cuts at that time were palatable to Ministers and I doubt many members would have supported those particular cuts. So the Council faced, with alternatives agreed at the time, to target Christmas bonus and we all know what happened there. Although that is now water under the bridge, that was not a decision which the Council of Ministers had originally proposed. It was a decision the States had already agreed but which had never been implemented. I believe that the targeting of benefits towards those in need is a responsible use of taxpayers' money, yet, as we know, the public of the Island made it clear that whilst they may well agree with targeting in the case of the Christmas bonus they did not approve of that and we are aware of that. The Council of Ministers has listened to the public and amended the proposition as you can see so that the Christmas bonus is not targeted and instead the provision has been made in the business plan to provide my department with additional funds. Of course, members are aware that during next week's debate on the Business Plan there is a proposition from the Public Accounts Committee (PAC) to reduce expenditure across the States. I should make it clear that if members have any intention of supporting that amendment next week, they should quite obviously reject this proposition. I am sure members realise that as my department's budget is predominately made up of paying benefits, that the PAC's proposition of taking £3 million away from my department will have a dramatic effect on people's benefits. So I ask members to really consider this before voting as it would be pointless voting this week for the winter fuel bonus and then next week to vote to take the necessary money away to implement it. With regard to Senator Shenton's amendment, he is right. The whole area of Income Support will be reviewed after it is implemented and not left to wither over the years. The whole idea of the scheme is to reflect social change and the scheme should change as society changes. I appreciate Senator Shenton's desire to ensure that those who do not meet Income Support criteria do not suffer any hardship. I am prepared to accept his amendment although the mechanism to achieve such a review may be difficult. However, my department will work to see how this might be achieved. Perhaps the Statistics Unit may be able to help through the Jersey annual social survey. I would hope that perhaps Senator Shenton may even be able to help us devise such a survey and report and I would welcome his input. I do ask members to support this proposition. It is going to require additional funds to enable that to happen and we need to do that in a conscious decision that we are going to be spending more money on benefits. It will ensure that vulnerable people, whether they are over the age of 65 or under three or have a disability, will be protected from a cold winter and they will be able to keep warm. I make the proposition.

5.2 The Bailiff:

Is the proposition seconded? [**Seconded**] Now there is a second amendment in the name of Senator Shenton and I ask the Greffier to read the second amendment.

The Greffier of the States:

After paragraph (c) insert the following new paragraph and re-number according: "(d) to request the Minister for Social Security to prepare a report after 12 months of operation of the winter fuel payment scheme detailing the effectiveness of the scheme in achieving its goals and setting out whether persons outside the means tested income bar support bans are suffering hardship as a result of the low income bar."

5.2.1 Senator B.E. Shenton:

The original proposition within the Strategic Plan was very much an aspirational idea in which everyone would receive a winter fuel payment. Obviously, with the current financial situation this is not feasible and what I am mainly concerned about is that those people just above the Income Support band may well suffer. That is why I have asked for a review and that is why I am not opposing the proposition brought by the Council of Ministers on the basis that it does not give the money to everyone. I am not going to speak very long because I have made my feelings about means testing and winter fuel payments abundantly clear. If I can just quote from the *Our Island, Our Health 2007* annual report of the Medical Officer of Health on the subject, what is stated here is that people living in cold homes are twice as likely to have chest problems compared to the rest of the general population. Cold is also associated with an increased risk of death from cardiovascular problems and an increased risk of injury. Cold, damp housing may also delay recovering following discharge from hospital. Those who need to heat their home for the longest periods are often least able to do so because of low income, thermal inefficient housing and fuel poverty. Fuel poverty is most commonly defined as a need for a household to spend over 10 per cent of its income to achieve temperature needed for housing comfort. An estimated 22 per cent of all households in England, 4.3 million, suffer from fuel poverty. Fuel poverty tends to go together with low household income, poor quality housing, inefficient and expensive heating systems and increased demand for warmth because of age, ill health or disability. Health effects are disproportionately severe because fuel poverty is most common among those particularly at risk from cold housing. If a large proportion of income has to be spent on fuel, less is available for other things necessary for health and development such as healthy food and recreation. The elderly living alone are at greatest risk. I do sincerely believe that there is a need for a winter fuel payment and I believe that this is a step in the right direction. I hope that people will support the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**]

5.2.2 Senator P.F. Routier:

Just recognising the time, but just to confirm that the Council of Ministers are going to accept, Sir, the amendment.

5.2.3 Deputy C.J. Scott Warren:

I would like to say that in supporting the main proposition, it is essential that Senator Shenton's amendment is supported by this House. I am very pleased that the Council of Ministers are giving it support because it is the people above the low income bar who may suffer ill health by insufficiently heating their homes, by not putting their heating on or not turning the heating level up sufficiently, and it is the fear of the bills that stops people from turning on their heating and the sad part about this is it does not have to be people on very, very low incomes. It can be people with reasonable financial resources who still will not heat their house sufficiently. They might only decide to heat one room. Obviously, if hypothermia were to set in then people do not feel the cold and it is not necessarily those on the lowest income. It is the fear. That is why I very much support Senator Shenton's amendment.

The Bailiff:

I call upon Senator Shenton to reply.

5.2.4 Senator B.E. Shenton:

I have nothing more to add.

The Bailiff:

I put the second amendment. Those members in favour of adopting it kindly show? Those against? The second amendment is adopted. The debate returns to the proposition of the Council of Ministers as amended.

5.3 Deputy J.A.N. Le Fondré of St. Lawrence:

I would dearly love to support this proposition in its amended form. I absolutely support the principle of giving more money to our pensioners; however, it adds £560,000 to our expenditure and the original proposals as we have heard were to do it within our original budgets. What we are not being given - it is not a case now of we are prioritising this amongst all the other things that we are doing and we are, therefore, going to absorb it within our existing budgets, and that was the original message that went out from the States. Bear in mind, there is not a budget of roughly £550 million; that is just 0.1 per cent of our expenditure and we are not doing that here. Now, next week we have the debate on the Business Plan and members will have seen the forecasts in that plan. In case you need reminding, there is a wonderful little graph in there. At present, we hit deficits from 2010 onwards and from 2013 we go into serious ongoing deficits. Every time we add expense to our bottom line we worsen the deficit and it is as simple as that. We do not yet know what the full impact of Zero/Ten will be. We have a range which is reasonably accurate but it has a variability of £20 million. If it is at the lower end, we probably do not have a problem. If it is at the higher end, I believe we do have a problem. I do not want to make a £20 million bet with taxpayers' money. I would find it fairly hypocritical to go to pensioners and say: "Hey, we are great. We are looking after your interests. Here is some money for winter fuel." Do not underestimate it; I do accept the need for it, but then next year or the year after to take it back through some form of variation in taxes, duties or personal allowances or something else. Now, the proposition does say within cash limits but the report states, and we have already been informed, it will be an overall increase in the revenue expenditure of the States. Earlier this week I had quite a long conversation with someone about States expenditure. It was put to me quite strongly that if I was serious about controlling States expenditure, and it is reiterated if the States Assembly were serious about controlling expenditure, then it would stop worsening the bottom line by introducing new incentives. I am frequently being told that it is States members that keep adding to States expenditure. I do not necessarily agree with that view but I shall leave that to members to decide for themselves. What I would like to start seeing is a culture where we live within our means and accept that we cannot do everything for everyone, i.e. we prioritise and at that point one of my top priorities is the same as Senator Shenton's and it will be the pensioners - at the very least because of a vested interest because at some point I will hopefully be one too. Therefore, Sir, on the basis that this is adding to our expenditure and not being absorbed, I cannot support this proposition. Not because I do not want to, but because we cannot afford to and that is a criteria I shall be applying from now onwards. A proposal to add further expenditure is, in my view, no longer sustainable. To me any proposer must, in my view, identify a source of funding. Therefore, I ask members to reject this proposition as it presently stands but to request the Council of Ministers to bring it back in a revised form which absorbs the expenditure from our existing overall budget. That was the original message from the Assembly. I will, therefore, not be supporting this proposition.

Deputy G.P. Southern:

Can I have a point of clarification from the speaker? He stated categorically that from 2013 onwards a series of ongoing deficits. Could he clarify where he has got those figures from because my understanding is the Treasury Minister and the Chief Minister do not like projecting beyond 2011; 2013 onwards he says. Could he inform the House where he gets his information from and can he produce it?

Deputy J.A.N. Le Fondré:

I refer the Member to page 16 of the Business Plan and that is the only thing I am basing anything on. I am not disagreeing or otherwise with the Chief Minister or the Minister for Treasury, who I believe had talked about a balanced budget within a five-year period.

5.4 Deputy S.C. Ferguson:

I feel the first zephyr breeze of the first waft of shroud waving which I expect to be a hurricane next week over the Business Plan. I would ask members that when they read amendment 9 to the Business Plan over the weekend in preparation for the debate, or when they reread it if they have read it already, if they would kindly bear in mind that the PAC's amendment only applies to the bottom line. To say that we are proposing the way the cake is divided between departments is totally incorrect. The only reason that the divisions were shown was to demonstrate that no department got a budget less than they were getting in 2007 in the three-year budget. So bear in mind you are looking at the bottom line only because under Article 15(1)(a) of the Public Finances (Jersey) Law, the Treasury Minister has the ability, and the right, to move heads of expenditure around the departments without coming back to this House. Remember we are only looking at the bottom line, so that for the Social Security Minister to say that the PAC is going to damage social security and so on is not correct, so let us just get that one right. I would also ask members to bear in mind that the Comptroller and Auditor General is bringing out this month a report on financial management and control in the Education, Sport and Culture Department. So that is another part of the expenditure which should not be debated until this report is out. So now we get around to this. Well, I have been to Age Concern meetings which had an interesting write-up in the *Evening Post*. But, anyway, it was very clear from those that part of our fuel problem for pensioners is the fact that builders economise when they are building, they economise on the heating systems they put in and they have, over the years, been installing gas central heating systems which are cheaper to put in and, as everybody knows, they are incredibly expensive to run. I have also had quite a lot of people ringing me about the Christmas bonus and the income bar that was proposed. None of the people who rang me had any complaint about means testing the Christmas bonus. The point being made over and over again was that to put the income bar at the same level as the income tax bar seemed inappropriate. At around about, I think, £11,000 or so it is too low. It should have been based higher. I would like the Council of Ministers to go back and do their sums again based on a more reasonable income bar. I do support Deputy Le Fondré of St. Lawrence. I think we have got to look at this whole thing in context of the whole States expenditure. I agree that we should have a winter fuel payment scheme. I would like to see a revision of the Christmas bonus scheme with a higher cut-off and I would also like to see a little more inward looking by departments to see exactly where their expenditure should be and what is unnecessary. At the moment, as I say, I would like the Council of Ministers to take this one back and redo their sums.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is moved. All members in favour of adjourning at this stage? We will return at 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS (...resumption)

Winter Fuel Payment (P.89/2007) (...continued)

The Greffier of the States (in the Chair):

Very well, the Assembly notes the return to good health of the Chief Minister who is present in the Assembly, and the debate resumes on the proposition of the Council of Ministers on winter fuel as amended. Does any other member wish to speak on the proposition as amended?

5.5 Deputy C.J. Scott Warren:

I ask members can we afford not to pass this proposition? This Assembly gave a commitment to give a winter fuel payment and I cannot see how we as a government can renege on this commitment some time now later on. Whatever the situation, we gave that commitment. I ask members what credibility will the public place on our future decision making if we renege? When people heard that we were giving this winter fuel allowance, they considered that a very important decision. For those people on lower incomes, that was extremely good news on the decision we made, so I do not think this Assembly can, in all credibility, say now we cannot afford to implement this decision.

5.6 The Deputy of St. Martin:

Very much in the same echo as Deputy Scott Warren, but I would just like to seek clarification maybe from the Minister. He may well recall a year or two ago when I had a problem with one of my parishioners who was out of the Island over Christmas and, as a result, because of some quirk in the Christmas bonus law that says if you are out of the Island I think it is 27th or 28th of December, you do not qualify for your Christmas bonus. Fortunately, we managed to rectify the problem because this person just happened to go out of the Island over Christmas, but it says here that the payments will be limited to the residents in Jersey. I would assume what we are saying here are people who are ordinarily residents and if they are out at any time over the winter period even for a short time, like a week or two, they would not lose that bonus. I just seek clarification because for my mind, the present law on the Christmas bonus I think really does not stand up and I would hate to see we are repeating the same exercise with this bonus.

5.7 The Connétable of St. Peter:

I think the House should remember that when the States decided to take over the parish welfare system and the whole system was abolished under the new pending Income Support, that has been agreed and we will be discussing in a couple of weeks' time the taking over of that responsibility, included among it the parish support that used to go towards the cold weather payments. All the parishes, granted I accept in perhaps a slightly different format, but they did cater for the cold weather months. In my book, the House has decided in their wisdom to make that choice and there is no picking out the good parts and leaving those that they do not like. It has got to accept it and it has got to take that aboard as well.

5.8 The Deputy of St. Ouen:

I would just like to highlight a couple of points but, first of all, it was quite clear, as has been included in this report by the Council of Ministers, the clear agreement that was approved by the States Assembly and that was that the Council of Ministers should find an appropriate reallocation of expenditure within its existing States expenditure limits to fund a new winter fuel payment for pensioners. It was not anticipated that an additional sum of money would be required to fund this particular payment, although it was recognised that the payment should be made. On a point of clarification I would also like to ask yourself, Sir, in the amendment it clearly says the winter fuel payment should be funded from the cash limit of the Social Security Department. Nowhere in the amendment does it say "and it will require additional sums of money". Could you inform us whether, if we supported this proposal, that, indeed, if at the subsequent Business Plan debate whatever cash limits were approved it would be reflected in this amendment?

The Greffier of the States (in the Chair):

It certainly appears to be the case procedurally, Deputy. The proposition says the payment should be funded from the cash limit of the Social Security Department and that cash limit will be fixed next week during the Business Plan.

5.9 Senator B.E. Shenton:

I think I should respond to Deputy Le Fondre who, unfortunately, has not made it back from lunch. He mentioned he would be a pensioner one day but I do not think given his circumstances he will ever be a pensioner needing Low Income Support, but -

The Greffier of the States (in the Chair):

Standing Orders require members not to refer to the private affairs of members, Senator. I do not think that is a relevant comment.

Senator B.E. Shenton:

What I mean is he is not conflicted by this proposition. **[Laughter]** I worked for an organisation once where head office asked us to reduce staff numbers. It was fairly obvious that we were fairly fat in terms of senior and middle management but the directive came down just to reduce staff numbers. So we laid off the filing lady and the tea lady and said we had complied. Now when we are cutting expenditure as a States body, we do not cut it from the people who need it; we cut the frivolous expenditure. All those members on a high horse about cutting for the sake of cutting should remember: make sure you cut it from the right areas. This payment will not even be made to anyone unless the winter is cold and if the winter is cold it will be going to the people who really need it. Furthermore, by giving them the payment and keeping them in good health we save money because if we let their health deteriorate it then becomes a burden on the Health Department. So I do not think we can say if you support this or do not support this if you want to support cutting costs. You cannot link the two. This is money going to people in need. It is targeted and it only gets paid if the winters are cold. This is what our job is as politicians. If accountants ran this Island, goodness gracious - sorry. What I was going to say I would have been pulled up by the Chair **[Laughter]** and I cannot think of an alternative. But we have to bear that in mind. We have to look after and care for the people of this Island. You cannot moan that this is untargeted as my original proposition was, and I hope that most members of the House will support this and will not get called away by this idea that giving money to people in need is wasting States resources.

5.10 Deputy G.W.J. de Faye:

I will be mercilessly brief because Senator Shenton covered one of the points I was about to make I think very adequately. I have to say that although it is patting myself on the shoulder as well I think the Council of Ministers have done a good job with the original idea that Senator Shenton brought forward. I am very pleased to see the levels of sensible formula in here that means if it is a blazing hot summer all the way through the winter due to climate ecological change no payments will need to be made, whereas if it gets very, very cold the payments will go up. It is entirely right. It will be an appropriate safety net for a whole range of our local citizens. However, the key points I do want to say to members is that this is not the entire solution. Simply, when it gets cold turning up the wick and chucking more coal on the fire is one solution, but it is the expensive solution if the real problem is that your house is not properly insulated. So I do hope that as a collective States members will not simply pass this, sit back and go: "Job done". We have an energy policy currently in formulation. We need to devote ourselves as a body to looking at conservation issues and, in particular, to solving this type of problem not simply by throwing money at it but looking at what the other elements of the problem are. I simply want to remind members that there is always a broader aspect of every issue and in this case I hope members, like me, will look to the future not as having resolved this situation but this is a stepping stone towards better solutions.

5.11 Deputy G.C.L. Baudains:

The more I look at this proposition, Sir, the more I am struggling to understand the need for the payment because when one looks at part (a), for example, if in fact the Low Income Support does what we all presume it is going to do, surely it would automatically cover sufficient funds for people for their heating needs. We read that the proposed winter fuel payment is only going to go to those on Low Income Support anyway, so I get the feeling that this is going to be more of a paper

exercise than any real advantage to people. I would be grateful if the Minister in his summing up would clarify that issue for me.

5.12 Senator P.F. Routier:

We started, after my opening comments, with responses from firstly Deputy Le Fondré, who obviously had his cautious accountant's view on us not continuing our spending. In my opening remarks I did make it clear that I hoped that people will recognise that it will be very difficult for my department to deliver an additional winter fuel payment if the budget is reduced in next week's Business Plan debate. I still maintain that view. Certainly, Deputy Ferguson in her comments and a very brief discussion I had with her at lunchtime did suggest that I was misreading the Business Plan amendment which appears here have come forward whereby it does suggest that the Treasury Minister - all it does is take stuff off the bottom line. I have reread that amendment and it is quite clear in that amendment that it does allocate across each department fresh allocations and takes £3.5 million from my department's budget. But quite rightly, as the Deputy has pointed out, it would be down to the Treasury Minister to re-jig things at a later stage, but we would start afresh for the beginning of the year with £3.5 million off the budget and any Accounting Officer or any responsible Minister would have to react to that and budget accordingly. We could not start off a year knowing that you were going to continue to spend money and in the knowledge that you were likely to be aiming for a lot lower figure, so it would not be fair on the other departments or on anybody really to achieve that. Deputy Ferguson also did make a suggestion that perhaps a more reasonable Christmas bonus income bar might achieve the savings that we would need. Just to be clear, the original income bar that was brought forward was set, as the Deputy said, around the level of people paying income tax. Well, at that level, couples and single people, their allowances would still include - about 80 per cent of the pensioners would still have been getting Christmas bonus at the income tax level, so it would not have achieved enough savings to pay for the winter fuel allowance, Sir, by increasing it by a small amount because there is only 20 per cent left of the pensioners. So it would not have made any significant saving to have increased it by a small amount. I do not believe that would be an appropriate way of saving sufficient money. The Deputy also suggested that we should take it back and think again. Well, I would say that if that was to happen we would obviously not be able to put it in place for this coming winter. The Deputy of St. Martin raised the question about the problems he has experienced and brought to me about somebody being outside the Island. Being that this is within the Income Support proposals somebody can be outside the Island over a period but there is a limitation on that of being away for about four weeks, but it is not a specific date in a year that would qualify for that. I thank the Connétable of St. Peter for his support recognising that we have made some decisions along the way to stop the parish welfare system and we are now moving on to the Income Support system in the very near future; and Deputy Scott Warren for her support. The Deputy of St. Ouen also asked the question about the cash limits. What would happen next week if the cash limit was reduced? Well, I think I have made that clear. I would need to reassess our budgets all across the department and £3 million of benefit money going - because in my department 96 per cent of the money we have is spent on benefits so there is not any fat around there to be cutting services as such. Obviously there are one or two but it would be quite dramatic if we were to stop doing those things. We will have that debate next week, no doubt. I am sorry, I have forgotten Deputy Baudains' point about additional ...?

Deputy G.C.L. Baudains:

My concern was that surely if somebody is on Low Income Support their fuel needs would be taken care of anyway, so it does seem to me this is merely going to be a paper shuffling exercise.

Senator P.F. Routier:

Yes, there is obviously a general amount of money which is a weekly amount of components for general living needs. What this does is if it gets extra cold there will be an additional amount of money paid on top of that. The Income Support provides an amount of money for general heating purposes, but this would kick in if it got very, very cold. The final comment is the comments made by Senator Shenton. It was his original proposition and we have worked on it over the period to come forward with what he himself even is saying now is a good proposition. It is targeted in the correct way and it will ensure that elderly people, children under three and people with disabilities will be able to keep warm. I urge members to support the proposition.

The Greffier of the States (in the Chair):

The appel is called for. The vote is, therefore, for or against the proposition of the Council of Ministers as amended by the 2 amendments. The Greffier will open the voting.

POUR: 40

Senator L. Norman
 Senator F.H. Walker
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator B.E. Shenton
 Senator J.L. Perchard
 Connétable of St. Ouen
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy of St. Martin
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy P.J.D. Ryan (H)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy G.W.J. de Faye (H)
 Deputy D.W. Mezbourian (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John

CONTRE: 2

Deputy S.C. Ferguson (B)
 Deputy J.A.N. Le Fondré (L)

ABSTAIN: 0

Deputy I.J. Gorst (C)
Deputy of St. Mary

ADJOURNMENT

The Greffier of the States (in the Chair):

Very well, that concludes the Public Business set down for this part of this meeting. The meeting will continue next Tuesday at 9.30 a.m. Perhaps the Chief Minister could give us an indication of the timescale for the appointment of a new Minister.

Senator F.H. Walker (the Chief Minister):

I think we did agree that at the close of play yesterday. It would be my intention to bring forward my nomination at the next sitting on Tuesday.

The Greffier of the States (in the Chair):

Tuesday morning, very well. The Arrangement of Public Business, of course, will be dealt with at the end of the meeting which is the end of next week. Therefore, the States stand adjourned until Tuesday.