

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 10th OCTOBER 2007

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The Roll was called and the Deputy Greffier led the Assembly in Prayer.

PUBLIC BUSINESS – RESUMPTIONresumption

The Greffier of the States (in the Chair):

Before we begin the proceedings of the Assembly, may I draw the attention of Members to Mr. Adrian Urnshore in the public gallery, member of the House of Keys in the Isle of Man who is the Minister for Tourism and Leisure in the Isle of Man. I am sure Members will accord him the customary welcome. Very well, the Assembly resumes consideration of the Draft Income Support (Jersey) Regulations. Yesterday, at the close of business the principles were adopted. The matter has already been referred to Scrutiny and therefore I call on the Minister to propose Regulation 1.

Senator P.F. Routier (The Minister for Social Security):

Before we start, I think it would be right for me to perhaps make a brief apology to Members. During the debate yesterday I read out a letter from the Chief Executive of the Health Department and I inadvertently read out the names of the officers involved and I do apologise most sincerely for having done that. It was as was written and I just read the names out and I apologise if there has been any embarrassment caused to anybody. Also, perhaps it is worth mentioning that I thought the Minister had also been aware of the letter but unfortunately he was not aware of the letter and I apologise to him as well for having made that assumption.

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

Can we therefore assume was the letter or was it not politically supported?

The Greffier of the States (in the Chair):

I do not think it is question time, Deputy. I call on the Minister to propose Regulation 1.

1. Draft Income Support (Jersey) Regulations (P.90/2007)

1.1 Senator P.F. Routier (The Minister for Social Security):

The first part is regarding the interpretation and definition. There is an amendment to this which I will be accepting which includes the definition of nannies. I propose Regulation 1.

The Greffier of the States (in the Chair):

Is Regulation 1 seconded? [Seconded] There is an amendment in the name of the Health, Social Security and Housing Scrutiny Panel. I ask the Greffier to read the amendment.

1.2. Draft Income Support (Jersey) Regulations (P.90/2007) - second amendment (amendment to Regulation 1)

The Deputy Greffier of the States:

In paragraph 1, after the definition: “Child day care component” insert the following definition: “Day care means the looking after a child (a) by a day-carer or in day care accommodation in circumstances regulated by the Day Care of Children (Jersey) Law 2002 and (b) by a nanny accredited by the Jersey Child Care Trust.”

The Greffier of the States (in the Chair):

Chairman, are you presenting amendments or do you have a rapporteur?

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

I will be brief and I will thank the Minister for accepting this; it did come late in the day that he accepted it. It always seemed sensible to us and obviously the chair of the Child Care Trust. He

remarks that at the moment there are only 5 nannies and they probably would not come under the child care rates. It just gives extra flexibility and nannies can look after children in their own home and it will give flexibility to people who may need to work shifts, and they can look after 2 children of separate families which then makes the child care quite affordable and flexible. I thank the Minister for accepting the amendment.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Seconded] Does any Member wish to speak on the amendment? I put the amendment. Those Members in favour of adopting it kindly show. Any against? The amendment is adopted. Does any other Member wish to speak on Regulation 1 as amended? I put Regulation 1 as amended. Those Members in favour of adopting it kindly show. Any against? Regulation 1 is adopted. Minister, I invite you to propose Regulation 2.

3. Draft Income Support (Jersey) Regulations (P.90/2007) (continued)

3.1.3 Senator P.F. Routier:

In my opening remarks I laid out the reasons why it is vitally important to have a reasonable definition of full time work and from all the consultation we have carried out, the evidence we have gathered, it is very evident that a range between 32 hours and 40 hours is what most people consider should be a working week, particularly for somebody who is fit and able and if there is job availability. I am proposing 35 hours work as the appropriate number of hours there should be for someone to prove that they are carrying out work. There are exemptions to that for people who are carers, for people who are over 65; there is no need for them to work at all. People with disabilities, carers or children over 5, people in training and those actively seeking work need not work full time. In fact, they do not need to work at all really. We do have the amendment from Scrutiny which seeks to reduce the 35 hours which I am proposing down to 25 hours, or even 20 hours if somebody has worked the previous year for 20 hours. We will obviously be debating that. Without entering into that debate I just point out that those amendments will have the potential of creating the biggest cost increase to the system. I propose the regulation.

The Greffier of the States (in the Chair):

Is Regulation 2 seconded? [Seconded] There are 2 amendments to Regulation 2 from the Scrutiny Panel. Rapporteur, I take it they should both be taken together. I ask the Greffier to read both amendments.

1.4. Draft Income Support (Jersey) Regulations (P.90/2007) - second amendment (amendment to Regulation 2)

The Deputy Greffier of the States:

On page 47, Regulation 2, in paragraphs 1 and 2 for the words: "35 hours a week" substitute the words: "25 hours a week." The next one: "(a) after paragraph (1) insert the following paragraph and renumber the subsequent paragraphs accordingly: '(2) a person who works for at least 20 hours a week is treated as being engaged in full time work if the person has worked those hours for at least 12 months prior to a claim being made for income support by a member of the person's household.' (b) in the re-numbered paragraph (3) after the words: '35 hours a week' insert the words: '(or for 20 hours a week if the person comes within paragraph (2)).'"

4.1.4.1 Deputy J.A. Martin:

The Minister has just stated they had to find a definition for full time work which could have been anything between 32 to 40 hours. Our advisor said full time work could have been enough because full time work could be a lot more than that and that is why we would not have put in any hours at all. But we have had to bring an amendment and we checked with the Regulation of Undertakings

and their interpretation of full time work is anything above 25 hours so that is where we have started. We thought this amendment would be quite helpful to Social Security because for anybody who has read our report, there is very little obligation on the Minister. He made a lot of promises yesterday but there is massive obligations on his department to fulfil his side of training people up, finding out where the skills base are, finding out from the Economic Minister what jobs are out there and available. We had a lot of talk about how that was already going on. In question time yesterday I asked the Minister how many jobs had been identified: none, even up to 13th September when I asked the Social Security Minister had they talked to the Department of Economic Development, could they explain how many jobs would be available? We think they should be talking to the Economic Minister and looking at the people who are working here under 5 years. We were told yesterday most of them are in tourism and agriculture. I totally disagree. We have hundreds and hundreds of people working under 5 years in our retail industry, flexible hours; big supermarkets do night shifts. This is the type of work that our job seekers, the Social Security Minister's job seekers, will be looking for and so far nobody has been talking. We heard yesterday that the Senator was approached by a tax payer and he said: "Why should somebody work 25 hours and I support them for the rest?" Surely it is better that that person who is not working now can work 25 hours because that is the job available - we do not know because we are working in the dark - than work no hours at all? We do not even say: "Keep this at 25 hours." I think we are being very flexible. We say to Social Security in our report: "Get your staff trained, identify who the people are who need the jobs and then come back to the House in 12 months when the system is bedded in and propose 35 hours." I think that is totally reasonable because I know they have at least, on 5,000 clean applications, nearly 2,000 people that come in actively seeking work; anything from zero to 35 hours. This is also why we have bought the 20 hours, and I explain the 20 hours part-time because they mentioned 30 hours as full time work. Under that it is total discretion. People working 15, 20, 22 hours, different ages of children, different commitments - maybe caring for a partner as well or an elderly relative for a few hours - will all have different commitments to work. Again, we say somebody who is not working today, not doing anything but is perfectly fit, we have been told by the Minister will be the first people they interview. That will take a few months. Then they will start on the second tranche of people, people who are maybe not working at all but they have other commitments i.e. children of a certain age. Then they will start on people who are working 20 hours; it might be 19, it might be 22. They will be bringing them in and they will be interviewing them and they will be asking them: "Why are you not working 35 hours?" It might be at this interview that it is discovered, perfectly reasonably, that they cannot do any more hours. Again, total discretion. We have put this amendment in. We say under the first amendment that the Minister could come back after a year. The Minister also asked us, as a Scrutiny Panel, yesterday to work closely with him over the next 12 months. If he wants us to work closely with him, I suggest he brings in a set of rules that are at least some way achievable and that he can be measured by after 12 months. I am sure the Minister after 12 months wants to say: "We started with 500 people not working and we have got 200 back into full time work, 200 into part-time and we are training 100 people." Very good news. That could only happen if they reduce the hours. It is entirely up to the House. I think it is reasonable. I can see where the arguments come in that: "No, they must work 35 hours." My sub-panel and I have no objection. We ask, let the system bed in, come back in a year, prove the jobs are there - 35 hours and the part-time work. We will be keeping an eye; that will be the indicator of success on the job front. I recommend the amendment and I will answer any questions.

The Greffier of the States (in the Chair):
Is the amendment seconded? [Seconded]

4.1.1.4.2 Senator P.F. Routier:

Can I firstly set out that the priority for the department over the coming months is to transfer as seamlessly as possible all the current recipients from their existing benefits to income support and

to do so with as little confusion and inconvenience to our clients as possible. Of course, there may well be many new applicants to income support also. This process will undoubtedly be resource-intensive initially but as the system beds down resources will then be diverted towards rolling out further employment services starting with those, obviously, who are fit, able and capable and who are not working at all. These services, including job seekers' agreements, will build upon the existing services provided by the department which have been built up over many years. In many cases those who will be on income support will already be our clients. The scheme currently deals with about 400 clients. The concern about the resources in the department have led, obviously, as we have heard, Scrutiny to conclude that the full time working week be cut to 25 hours or 20 hours for the fit and able and capable. These concerns, I have to say, are ill-founded but even if they were not that is not a good reason to reduce the full time working week. What is the cornerstone of the income support scheme is that work is good for you and that, therefore, those who can work should. There are numerous exemptions to both full time and part-time work requirements. Those over 65, those with significant disability, those with the main responsibility for the care of children under 5 are all completely exempt from any requirement to work. There has been a little bit of confusion about the numbers which the Scrutiny have been quoting, about nearly 2,000 people who are looking for work. Many of those people I have just quoted there are in that group. They are free, if any of those people want to, to work; they can do so and we will assist them and support them should they wish to work but there is no requirement upon them. For those with caring duties for children at school, for those with medical conditions which restrict their work capabilities, for those undertaking training, there will be an automatic exemption from the requirement to work full time and their circumstances may even make part-time work impractical. Similarly, the availability of suitable work will also make it impractical in many cases. After all these full and partial exemptions are considered, and after taking into account the availability of work for these groups, we are left with typically the fit and healthy who are of working age. These are the only people who are faced with a requirement to work 35 hours or at least to take reasonable steps to find such work. Cutting this requirement to 25 or even 20 hours could be very costly; people could take the opportunity to just cut their hours. This is really just a mechanism to make it possible for the department to speak to people, to ask them to come in to see if we are able to help them to get into work and to support themselves with more work. That is the whole purpose of this 35 hours, and as I mentioned yesterday, to a lot of people on the streets 35 hours seems a very reasonable amount of time to be expected to work. I urge Members to reject the amendment.

Deputy G.P. Southern of St. Helier:

May I ask a point of clarification before I say anything? The Minister referred to automatic exemption for anyone or parents with children over 5 years, i.e. school age children. Where in the regulations is that contained or is it in guidelines or orders?

Senator P.F. Routier:

If I said over 5, I meant under 5.

Deputy G.P. Southern:

That is a big difference.

Senator P.F. Routier:

Certainly, over 5 there is no demand for people to work at all. They can be seeking work.

Deputy G.P. Southern:

In regulation or in guidelines?

Senator P.F. Routier:

They are in the guidelines.

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

Can I ask a point of clarification? If somebody finds a suitable job that was, say, 30 or 32 hours a week would he or she still qualify for income support or would they have to find another part-time job?

Senator P.F. Routier:

The circumstances of the case would be taken into account. Certainly, if somebody was doing around 32 hours and it was not appropriate for them to increase their hours there would not be any call on them to increase their hours and they would still be able to claim income support. All this 35 hours is, is a mechanism to ask people to come into the department and explain their circumstances. If the advisors consider that the person is trying to support themselves and that the work they have is 32 hours that will be accepted and they will continue to receive income support.

4.1.24.3 Deputy G.P. Southern:

The Minister has straight away gone to discretion of the determining officer as to what is appropriate for an individual. This amendment does not say that you must not ask any individual to work a 35 hour week. It says: "Do not insist that you ask everybody as a starting point to work 35 hours a week." It is discretionary; it does not say 35 hours a week is compulsory and that is the only offer. It says 25 is the minimum which corresponds to other regulations and that is reasonable. Of course there will be circumstances where it is entirely appropriate for somebody who works a 35 or 40 hour week and those are the jobs they will be going for. It is permissive, and not prescriptive, so the amendment can be made to work and is not stopping anybody working 35 or 40 hours a week. What it does is try to get some practicality into the combination of regulations and guidelines that have been knocked together for this system and says, right, you know that your work load is going up because you are going to provide a better system and you have a work based benefit. In P.90 it says the new income support system will lead to more people using employment services at the Social Security Department and the interactions will be monitored to provide more data on the system. The Social Security Department will have to undertake detailed individual-level assessments of conditionality for work. That has got to happen; not that you have got to get everybody out into work day one. We are not arguing that, but you have to assess them - what is appropriate and what is agreed, a job seekers' agreement with this individual. We are saying in order to do that you would save yourself a whole load of work if you do not put on that pressure that you cannot meet, I do not believe, because there is no evidence in the report that the staffing levels and the support provided is in place to meet the increased demand. Ease the load on yourself; give yourself a doable target. It is smart targets, is it not? Do not set yourself targets that you cannot meet because you are just going to fail and then morale will go down. So set yourself targets that you can meet. This is one of those targets. Why? Let us have a look currently. We are arguing about a figure of maybe up to 2,000 people who will be required to be assessed - do not shake your head, Minister - at some stage for work availability. If we take out those who are currently claiming some form of medical condition what have we got? We have got workless households with nobody working; single parents and couple parents, singles and couples not working; we have got 750 on the books, 750 in workless households. We are saying you have got to go to those people who have not worked for some time maybe and say: "Right, 35 hours a week, that is the requirement." Or you say: "To start with, you should be easing your way into work, 25 hours, 5 hours a day. Mornings, afternoons, would that suit?" In addition, you have got some 450 people where one of the partners in a couple, whether parents or not, is not working. Again, what sort of work is appropriate for them? We are saying in a discretionary sense some work would do. Let us give realisable, achievable, smart targets to the department so that they can meet their targets. They are not going to be able to cope with over 1,000 people; they are not going to deal with it by saying: "35 hours a week, that is the offer" and having to squeeze people to take 35 hours a week: "What you can find, what is appropriate, ease your way back in." Let us give realistic targets, so it is discretion and it

does not stop anybody saying: “Yes, I want to work and I want to work at least 35 hours a week. Where is that job?” It does not stop that but what it does say is: “Okay, 35 hours, 25 hours, perfectly reasonable; let us start there, let us see how you go.” It is a reasonable target. That is all we are trying to do; we are trying to help the department set some smart targets.

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

Yesterday I think the Minister was slightly surprised when I supported the principle. There is no reason why he should have been. [Laughter] As he knows, I have had concerns about some of the issues of low income support as it has been evolving and I have to say I still do have, as he is aware, some concerns although in the round I do believe we have to support it which is why I did yesterday and we have to make it work. As I said, there are still concerns that I have and I have to say that this is one of them - not one of my major concerns but it is nevertheless one issue that I think is worthy of an amendment. This is the first time where we bump into the problem of lack of flexibility. We are moving from a system which is currently flexible to one where we create lots of pigeonholes and we put everybody in pigeonholes but life is not like that. You will find, I think, most of the time people fall between these 2 pigeonholes, and between those 2 and not quite into there, and it is going to create all sorts of problems. Trying to be too prescriptive is simply going to create an enormous amount of work for the department and probably disadvantage some people who are in need. £1 above a certain limit and you get nothing; £1 below and you get the whole lot. One hour below this limit and we are not going to help you; one hour above: “Yes, sir, that is fine, you are complying with our requirements.” The Minister’s proposition is in this case, I believe, too prescriptive. It is not sufficiently flexible and I do consider that it is going to create problems which he probably has not foreseen. As the rapporteur for the Scrutiny Panel said, and I agree, I believe it would have been better had no number been set. I am concerned that the proposition unamended has insufficient regard to the type of work that may be available in the real world out there, in market place conditions. Interestingly, having laid down a prescribed limit, under the supplementary question we had of the Minister to start with I detected a certain amount of backtracking where suggestions of concessions and flexibility would come into it. Well, either we have a number or we do not have a number. I am not quite sure what the situation is here. It does seem to me we are rapidly, or will be in the application of this low income support, heading for confusion and no one will know exactly where they are. We have this 35 hours a week but perhaps we do not: “Well, you were working 32 hours, that might be all right.” I really cannot see how it is going to work. If we must have a limit, I agree on this issue with the Scrutiny Panel, we must have one which is inclusive, one which does have regard for the market place and real world conditions. Somebody may have been able to secure a job which is perhaps 25 or 30 hours a week, doing their best to get employment, that is all that is available at the time and maybe if they stay on for 6 months the boss will look favourably upon them and their work will increase and the hours will get longer. According to the regulations as they are currently drafted, the person might as well not bother. I do support the amendment.

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

I was listening to terms “flexibility” and “the real world”. I feel that I recognise flexibility in Deputy Martin’s proposition and perhaps I could give you a little bit of the real world because from my experience, one of the crucial times with a welfare applicant, a single mum who cannot work because of child care, is when the little boy or girl goes to real school and she has the ability to work. This is a situation where she can move from child care into work and, in fact, the hours she can work are virtually exactly 25, i.e. 9.30 a.m. until 3.00 p.m. and she has to pick a child up from school and look after the child. I am going to support the amendment.

4.1.54.6 Deputy P.V.F. Le Claire of St. Helier:

Yesterday the Minister said in the States that it is hard to get a job in Jersey and this morning he said a cornerstone of the income support scheme is that work is good for you and therefore those who can work should work. Is that not what the whole of income support is about? It is about providing support for those people who cannot provide for themselves enough income to look after

themselves. If one wants to be very prescriptive on the amounts of hours one is forced to work in Jersey, and use that as a mechanism to say whether or not you are going to get rent rebate for the extremely high costs of rent in Jersey, then one should be moving towards a work permit system where one can guarantee those that are locally qualified, locally schooled, have access to those jobs. There are many people in Jersey that are locally qualified and locally schooled that are eking out a living on 20 or 25 hours a week - 18 hours the next week, 10 hours the next week, 30 hours the next week. What I am concerned about is if you make it 35 hours you are going to have people turning down jobs where they could have possibly augmented their income because the hours are not sufficient and working for that company no longer makes them available for another company. They will be strolling down the streets turning down the part-time work that is available. Maybe you have a little business; the business owner has a need for 18 or 20 extra hours of work. Is he going to give it to somebody that wants that as their sole form of work while they continue in college or other things, or is he going to start to have to look for a part-time worker? I am sorry, jobs in Jersey are not safeguarded. The Regulation of Undertakings Law is not thoroughly policed, in my view. It may be done through the administration officers at a very high level but on the streets themselves I do not personally believe - and this is my own personal view and it is shared by many people - that it is policed at all. The same applies to accommodation. We have seen recently evidence of that but we have known about those situations for years. Those situations occur, have occurred and continue to occur. We do not know about unemployment numbers so those numbers are not safe. We have heading towards 18,000 individual contributions from the new EU8 countries this year. Even if you split that into 4, even if you said they have all got 4 jobs each, there is still an additional 4,000 people in the work place that were not here, able to work as they could have worked without a work permit since 2002 because up until 2002 they required work permits. Now they no longer require a work permit, they need 5-year residency but who is checking on that? The real world and the market place. Are the States better off spending their money employing people to check up on people who cannot find work or are they better off putting their money into more enforcements and more regulations to catch those people that are defrauding the system and working illegally? The Housing Department employs one person to go around and check, a very professional person. Is that adequate for the entire Island? How many people are in enforcement in the Regulation of Undertakings office? I do not know but no doubt the Minister can tell us. How many visits to businesses were made last week to identify numbers of people in businesses that were required, and able, and legally allowed to work in those businesses? I do not suppose there were that many visits. No, what we are being asked is we want more money for more administration at Social Security. We need more people to check on people and we need more pensions for those people we are going to hire, so more in the public sector, exactly what the business community is complaining about. Once we have in place mechanisms to check up on people, either an ID (identification) card or a proper full immigration policy that is going to come through as we have agreed in the next few months, until those things are in place we cannot guarantee that the market place is safe for people to work in. There are certainly many, many people falling through the holes left, right and centre when it comes to jobs and accommodation in Jersey. If you are well educated and if you are fortunate enough to have had a good education, or fortunate enough to have been provided with one through some bursary because you are intelligent, if you are fortunate enough as many States Members have been to have had a good education, then these problems do not present themselves to the family. But if you are not fortunate enough to have had a good education or a higher level of education, these problems present themselves across the family entirely; across the family with the father and the mother and the sister and the brother. Jersey's finance industry sucks in the talented and it is hungry for the talented and the talented are well paid. Until we have the safeguards for those who have not been as fortunate as the people that are coming to enjoy new fortune and good fortune, I cannot support punitive measures upon people that are already going to be receiving notices in the next few months to the next few years that their support is going to be diminished, especially in terms of things such as rent rebates. It is going to come as a bit of a surprise to many people, in my view. If you have an individual who is currently

eking out a living with rent rebates, is he going to be struck off from the rent rebate because he is not seeking work yet all he can find is 25 hours? No. The situation, I think, is one of whether or not we start to check up on them at a reasonable number of hours. I think 25 is more reasonable than 35 and if some of the taxpayers are upset by that then that is the way it is going to be, in my view, because a lot of people who pay tax in Jersey who could pay more tax in Jersey are not paying as much tax as they could be paying. The business community is moving to an advantage on that front as well. Until the safeguards are in place, to know the unemployment and the reasons for registering unemployed, to know that the jobs are safeguarded for those that are schooled in Jersey and brought up in Jersey, and until the accommodation and access to accommodation and first time homes and shared equity schemes, and the rest of it. Otherwise, all they are doing is continuing to throw their money at the landlord week after week after week, and they go into the work place and all they see is increased competition at a very high level from some very industrious workers with some very high education from the new EU8 countries. The people who have come from the new EU8 countries are an asset to this Island but so are the people that are indigenous and so are the people who have come here with their parents and been schooled here and are looking for the opportunities that at the moment I do not believe we offer them. I also believe that the Social Security Department, with the Education Department, needs to be looking at schemes that re-train adults in new skills such as plumbing, electricians, roofers, bricklayers; we probably do not need any more politicians. Re-skill people like they do in other places so that when the job market requires people to work in those industries, if we have had people that have gone through school who have not attained a qualification, we can give them a new opportunity. I supported income support in principle yesterday but until I see the safeguards that we need to put in place in the community, I just do not believe that we should start being punitive to those that we cannot guarantee opportunity to.

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

When I read through these propositions and amendments, and went over them again because they are all in so much detail, I did not recognise until the Minister said this morning in response to a question from Deputy Scott Warren that, in fact, 35 hours could be 32 hours or whatever and there is flexibility in it. The argument in my brain at the moment is asking why can we not start at the 25 hours that is in the amendment. What you are looking at is discretion on a person's capability of not only being able to do the job concerned but also on the capability of that job being available. Of course, the availability of work will depend on how many hours but it is better for someone to do 25 hours than no hours at all. I will certainly be listening to the argument that is going to be made, no doubt by the Assistant Minister of Social Security, as to why with all this flexibility we cannot vote for this amendment and be able to use the discretionary powers for the sake of the individual's capabilities and performance and that within the work place outside. In relation to the question asked by Deputy Le Claire, we do have lifelong learning and we are working very hard at the moment in the Education, Sport and Culture and in the Economic Development Departments in providing better training and resources for such training. Watch this space. I think you will be quite impressed as we get it together.

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

I agree that with all these rRegulations it is important we read and re-read and understand them fully and I have been trying to do that. Perhaps what I have found most helpful was the comments of the Minister of Social Security - P.90 Amendment 2 - about this regulation. I think it is very important, as I understand it, that this is not a punitive measure. This is an encouragement to try and help those people who are fit, healthy and free to do so, to be able to work for 35 hours a week rather than being able to choose, though they could do more and there would be a job available, to do less, to do 20 or 25 hours and claim full income support and have no compunction to do more. That is my understanding of it and I think it is borne out in those comments because there is a whole list of people who the 35 hour or full time job will not apply to. It says those over 65 years,

those with significant disability, those with the responsibility for the care of children under 5, are completely exempt from any requirement to work. They are free to do so and we will assist them and support them should they wish to but there is no requirement of them. It goes on to say for those with caring responsibilities for children at school, and this was mentioned, for those with medical conditions which restrict their work capabilities, for those undertaking training, there will be an automatic exemption from the requirement to work full time, from the requirement to get a job at 35 hours; or if the circumstances might make even part-time work impractical, so if people cannot work full time, they are exempted from it. The availability, it says, of suitable work will also make it impractical but wherever possible we should be able to bring those people into the working society. It seems to me that the aim of saying that those people who are fit, healthy, are able to work full time and can find, and there are suitable jobs for them to do so, should be working full time. What is the alternative? The alternative is that those who are fit, healthy, able to do so and have the opportunity of getting a full time job would have the choice not to do so and to continue to claim full income support. I think what Social Security are trying to do is trying to help people back into society. One of the things I found perhaps most interesting was a comment in the amendment by the Health, Social Security and Housing Scrutiny Panel. That is on page 8 where they are talking about moving it down to 20 or 25 hours. They say: "Why move it down?" This would allow the Minister to return to the States with a future amendment to increase the limit to 35 hours or other appropriate level when he can show that the department has the capacity to provide sufficient services to support it. It seems to me that the Scrutiny Panel are not arguing that 35 hours is wrong. What they are arguing is that at the moment the Social Services Department cannot provide the services to support it. The Minister believes it can be done and that it should go in at 35 hours, that we should not start on the wrong thing and then come back and move it up; we should start at the right level. I think there is a lot of confusion. If, as I understand it, work is not available, if there is no appropriate full time work, applicants for income support who are working will not be penalised in any way at all. It is only if appropriate full time work is available for those who are able to do it. I really think that it is quite hard to get our heads around it but it seems to me that if someone can only get a job, and the only job available is 20 hours or 25 hours per week or whatever, there is no problem; they will be able to apply for income support. But if an applicant is fit, healthy and able to work 35 hours per week, and most importantly there is a job available for them to do, then they should do so rather than, by choice, work less and simply to continue to claim full income support. That seems to me to be as simple as that and we should be supporting this measure because it is going to help people back into full time work and to support themselves.

4.1.84.9 Senator W. Kinnard (The Minister for Home Affairs):

The previous Senator has made some of the points I would have made so I will just focus on perhaps taking it from the perspective, that was originally started by one of the Connétables, of the female single parent and I can speak from personal experience in the past here. From the way that I see it looking at these proposals, and I did look at this area quite closely, the 35 hours is in fact a sort of trigger. It is really a mechanism so that people can be called into the Department to discuss their circumstances and we have already heard the list of those that are exempted. In particular the one that I focus on, if I were still a single parent, would be those with child care responsibilities for children under 5 do not have to meet the criterion at all. For those with children of primary school age the guidance notes would allow the flexibility for a situation where it was only possible to work 25 hours a week because you have to collect your children from school at 3.15 p.m. The guidance notes enable that to happen and we have had assurances from the Minister that in those circumstances, where you have those sorts of responsibilities, that you would not be required to take up employment for 35 hours a week. Indeed, the other discussions that I have had with the Minister were in relation to secondary school age children because I, certainly as the Minister for Home Affairs, am very concerned about unsupervised teenagers. So, again, there is an example there where a parent even with children at secondary school would not necessarily be required to meet the criterion of the 35 hours, that 25 hours or 30 hours may be acceptable. The whole issue

around part-time work is a difficult one and I think it is one that we need to think about in the context again of single parents because most part-time work has poor prospects, it is low status and it is low paid compared to full time work. If there is a comparison done about women working in, say, France and in the UK, what you find is that many more women in France work full time, if they do work, rather than part-time. As a result of that, they generally have higher status jobs, better pay and generally better careers and do not suffer so much of the pay gap with their male colleagues that we do on this side of the water because of the preponderance of women in part-time work. So, in fact, there is a positive aspect of trying to encourage even single parents into full time work where that is appropriate. We have had the assurance from the Minister that the guidance notes mean that if you have the right responsibilities you will not be expected to go into full time work. In many circumstances you will not even be expected to work. You may only be expected to be looking for work and still you will receive the income support. Again, I can see and understand what the Scrutiny Panel are trying to get at but I think they are almost looking at the telescope at the wrong end because I believe it is better having these acceptabilities flexibilities within the guidance notes because it gives us the ability to make changes more quickly if necessary. If it is found that with the introduction of income support that it is not working in the way that the Minister envisages it should do, the Minister is able to change some of that guidance. Whereas, if it is set down in the regulations and tightly drafted that kind of flexibility of the sort I have described, with childcare facilities, childcare responsibilities, is much more difficult to change. What I would say, Sir, is that if it was found that there needed to be a change and it was appropriate to be set down at some point in the future, then it seems to me that would be the point when the Minister, if he felt it was appropriate, could come back to the House and set it down to a more formal type of regulation. I think we really need to see how it is going to work in practice before we start trying to tie the hands of the Minister and the House today in the way the Scrutiny Panel is seeking to do so, Sir. I will not be supporting their amendment, thank you.

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

I will be brief. I think that after yesterday and listening to the debate regarding the incentives to work and the issues raised by the Panel, it underlines, I think, some of the concerns perhaps that Members have regarding the aims of promoting work and greater independence within our individuals because when I look at the comments made by the Minister regarding the proposal by the Panel, it suggests that people, if you set the bar lower, will choose to work less. Now, if we have, as we have been told within the income support scheme, the right incentives to work and a greater emphasis on dependence of the individual, then what is the problem with setting the bar at 25 rather than 35 or does it highlight the fact that the work incentives that are there are not going to be sufficient to encourage those individuals to take the first step and take more or greater responsibility for their lives? The other issue that was raised earlier by Senator Kinnard was regarding the guidance notes. I would like to ask why the guidance notes cannot reflect or emphasise the healthy individuals that have been spoken about that should and could work 35 hours and those being identified rather than the opposite way round? Perhaps the Assistant Minister or others will deal with those 2 issues, thank you.

4.1.104.11 Deputy A. Breckon of St. Saviour:

I think the amendments, as proposed, are commonsense to me. It does give some flexibility. Other Members have touched on the type of work, and the Connétable of St. Martin mentioned a real situation where somebody is, in fact, going back to work and there is a sort of reintroduction there. Other Members have mentioned looking after kids under 5, and when they are over 5, they just do everything for themselves. You know, they just clean their rooms and do their own washing and cook their own food and it is absolutely stupid to draw a line there. Somebody once said to me that kids do not depend on you so much when they reach the age of 40. They do not have so many problems but they are bigger. The relationship has broken down, the finances have gone kaput,

whatever else. It is back to mum and dad to sort it out. I would dispute any line being drawn at the age of 5.

Senator P.F. Routier:

Does the Deputy recognise that children of 5 are at school for quite a number of hours?

Deputy A. Breckon:

I would remind the Minister that school hours do not fit with most friendly workplaces. Again we have talked about family friendly work practices. Where are they? They are coming later. If we had them first, then perhaps we could agree to some of this. If you think again, the Connétable of St. Martin had some wise words there. The reality for many working women, if their children are sick, have to, in fact, tell lies to the employer to get round that. That is a reality because some employers would take a dim view of people taking time off because their kids are not well. That is reality. It is not in any regulation. It is happening out there every day. Also in this, there is an element of unpaid work, especially women in the home looking after elderly relatives or kids. There is always something to do. Senator Kinnard mentioned if we have teenagers, we have perhaps some emerging problems and some now problems. What are you going to do? Ignore it; draw a line and say: "Your kids are over 5. Sorry, this is what you have to do." My real fear is that somebody someday is going to hit somebody else over the head with this. These are the rRegulations. Do it. I think if we set the bar a little bit lower there is no harm in that whatsoever. It recognises the problems that people have out there in society and in doing 2 and 3 jobs. They will make a contribution and, as the Deputy of St. Ouen said, if the safeguards are in the system, whether it is 15 hours, 20, 25, if people are doing their best in any set of circumstances, that is as much as any of us could ask of them. I do not think what we should do is put undue pressure on by putting a limit that perhaps, for some people, indeed for many people, may well be unrealistic. I think the amendment is more realistic. It is commonsense and I think if Members think outside the box for a bit and think of real life situations that they know of themselves, family or people that they know, then perhaps they can tailor the way they vote on this to a real life situation rather than one that is written down on a bit of paper.

4.1.14.12 Deputy P.N. Troy of St. Brelade:

Firstly, I want to deal with the lone parent issue. We, at the department, do not want children being dropped off at school and then the mother going out, the lone parent going out to work and then not being there when the child comes back from school. It is obvious that we, at the department, would want the parent to work only while the child is in school and consequently lone parents are not subject to the 35 hour limit. If you had a lone parent with 2 children aged 8, even 8 and 11, we would not require them to work 9 to 5. That would be totally out of step with, as it was said earlier, family policies. So let me make that quite clear. The 35 hour limit also does not mean that under 35 hours excludes you from income support. It sets a target. This sets a target for healthy individuals to work and the problem with the amendment is that some of these healthy individuals, some of these healthy applicants, would point to the amended law and dictate to the department: "There is only a requirement for me to work a 25 hour week. I am meeting my obligations; give me my income support." That is not what we should be doing. People who can work the full working week should but we, at the department, have the option to look at people's circumstances and assess as to whether they are required to work that 35 hours. Of course, the department has, at all times, the ability to agree that someone can work less than 35 hours and it might be based on job market conditions or on their personal circumstances. The department can have and does have that flexibility and the Minister has already outlined those that would be exempt. Of and of those not exempt, if we had knowledge of an offer for a client to have 28 hours of work in that week, if it is the only offer on the table, the department, in helping that person to get into work, would very likely say: "Take that job. Let us get you into work and once you are in work, if you do a good job, the employer might offer you a few more hours." I think that some Members, going back to these 25 hours, are not viewing how the department can operate and the flexibility that we have. We will

have statistics on the labour market and on labour ability, job ability, job availability in the market and we have trained personnel at the department who can help people get into work, so we will be working with people to get them into work. We will be assisting them. We will be helping them. We will not be obstructing them and I think that Members really must recognise that the 25 hour limit is too low and if you are a job seeker and can find part-time work, you will still get income support, but it all will be based around agreement with the department based on the job availability for you, on your skills base and so on. I do ask Members today to reject this amendment. I would take Members to the comment on page 3 of the amended 2 comments, the very last paragraph which states that about a quarter of income support households include a full time employee. If they all cut their hours from full time, 35 hours to 25 hours a week, the loss in earnings would cost the income support scheme approximately £5 million per annum, per year. It would also have a significant impact on the cost of supplementation and then says: "The Minister strongly opposes the amendment." We do strongly oppose this amendment and I do hope that Members in this Assembly will vote against the amendment.

4.1.4.132 Deputy G.C.L. Baudains:

Could I just seek some clarification on the previous speaker, Sir? He referred to the fact that if a person worked less hours, it would have an affect on supplementation. Surely that is quite irrelevant. It is really determined by how much per hour the person is earning. The person could be working 20 hours and earning £20 an hour or somebody could be working 35 hours a week and earning merely £6 an hour.

Deputy P.N. Troy:

It is clearly there in black and white that it would have an affect on supplementation. If someone were on part-time work at the lower end of the income scale, it would still have an affect.

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

As the Assistant Minister has mentioned, the elephant in the room is the cost. I think there are a number of other subsidiary measures that might be useful. As an aside, as a working mother and single parent, I would have welcomed more homework clubs at school which would have kept the kids until about 6.30 p.m. or 6.00 p.m. To get back to the topic, 25 hours at the market rate gives you a much better income than 35 hours at the minimum wage and I think people should bear this in mind. I welcomed the comments of the Assistant Minister that partial exemptions will be available for people who because they have children in school under 16, they would only be able to work for 25 hours. I, in a previous life, to quote one my colleagues, employed a granny sitter while I was at work and she worked 25 hours. With reference to Deputy Breckon's comments on sick days, I will agree. Sick days and holidays required some fairly nimble footwork but we coped. In view of the comments on partial exemptions, I have not yet been convinced why this particular amendment is necessary. Yes, we do need to provide a sufficient incentive to get people back into work but 25 hours at a market rate is better than the 35 hours at the minimum wage. The partial exemptions exist. I am not yet convinced, Sir.

4.1.14.15 Connétable A.S. Crowcroft of St. Helier:

One of the ongoing concerns of the Connétables has been the affordability of income support and we are well aware of some of the problems of the current system as administered by the parishes but one of the things that it is good at doing is bearing down on unnecessary payments. The argument used by the Minister, the hypothetical argument that a quarter of householders could reduce their hours from 35 to 25 if the amendment is accepted is, of course, rather over-egging the pudding because one accepts that most people want to work as much as possible. So the worse case scenario, £5 million a year would be unlikely to happen. Having said that, anyone who has dealt with people in these situations, knows that there are some people out there, and it is only a minority, who want to do as little as possible for as much support as possible. My concern about the

amendment, if approved, is it takes away the discretion the Minister will have with the Regulation unamended. The Minister will be unable to raise the work that has to be done by a particular individual who, in the opinion of his staff, is clearly trying to get away with maximum support from the taxpayer at minimum personal investment of time. I accept there is a minority of people doing this but, the fact is, they do exist and the public out there know they exist and they frequently are on the phone to the Connétable saying: "Have you heard about Mr. so and so or Mrs. so and so who is taking us for a ride?" and I am sorry, but unless I am missing something, if the amendment goes through those calls are going to get more frequent. If the cost of income support goes up, how are we going to pay for it? Well, if GST (Goods and Services Tax) goes through, which I know a lot of Members are confident it will, then presumably after the 3 year cap is past, the cost of GST will go up to pay for these increases. So I certainly am unlikely to support the amendment. I think we have to give the Minister the ability to ask a person to do a full time job if the Minister believes that person is capable of doing it and if the work is out there.

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

Wise words there, I think, from the Connétable of St. Helier who, like the Minister, has practical experience of these issues and I think that is a very necessary requirement. I looked at this initially just from the point of view of the Treasury and Resources Minister and looked at the comments on the amendment which said there are no financial and manpower implications. I then looked at the comments of the Social Security Minister which said that if they all cut their hours, it would be a loss of £5 million a year. Now, as the Connétable of St. Helier says, they probably will not all do that but certainly some, perhaps many, will. So there will be a loss of revenue of up to £5 million a year. When I looked at these Regulations, I tried to relate them to the policy issues that we discussed yesterday and one of the policy issues was to target benefits, to target the money we have on the income support system to those most in need and it strikes me that if people able to work 35 hours a week or more can get a benefit by just working 25 hours a week, we are not achieving our objective or targeting those most in need. We are going to pass those resources to some other area and if one area gains, inevitably another area has to lose. That is a financial aspect and we also have to look at the human aspect of the people themselves. I think when I look at regulations, and having just lodged some income tax regulations which are pretty incomprehensible to most people, regulations as a whole tend to be incomprehensible to people other than law draftsmen and the people directly concerned. I think it is helpful to look at the comments that the Minister makes in relation to this amendment because I think one of the other policy issues that we have to look at is that of encouraging those people able to do so, to work full time, whatever full time may mean. I think we are getting too tied down by trying to be barrack room lawyers because if one reads the comments of the Minister, he says in terms of the exemptions that there are all sorts of exemptions. One of the issues that I think some people might have concern about is does the Minister, does the department, have flexibility? Have sufficient room for applying commonsense? When one reads the Minister's comments, for those with caring responsibilities for children at school, for those with medical conditions which restrict their capabilities, for those undertaking training, is that this may make part-time work impractical. The availability of suitable work will also make it impractical but, wherever possible, we should be trying to encourage people to work full time. There is a clear understanding that there will be cases where full time is not appropriate but it goes on. The people we are really looking at are those perfectly fit and able to work a 35 hour week and should we be really effectively allowing them a benefit to the detriment of other people whose needs in different directions may be greater. I think this amendment from the Panel might have been well meaning but I think, in reality, it is misguided and should be rejected.

4.1.4.167 Deputy C.J. Scott Warren:

We have been assured that there will be a degree of flexibility in this provision, so I will not be supporting the amendment but we do need to know that a sensible and flexible approach will be adhered to once income support is in operation. I think, Sir, that 35 hours a week would be

appropriate and possible for many people but not for all for a variety of reasons. We need to know that individual circumstances will always be fully taken into account and that reasonableness will always prevail. I trust that the Minister will report back on the 35 hour provision to States Members within the first year.

4.1.4.187 Deputy R.G. Le Hérisssier:

I was very struck by certain speeches and I thought the Connétable of St. Helier summed it up well and Senator Kinnard took a very brave stand in suggesting that full time work could have positive consequences and it was not just an over aspersionsonerous burden. I am of a mind, like Deputy Scott Warren, Sir. I am worried that what is being put forward as non-prescriptive will, in fact, end up as the norm. I think that is always the problem and I know it sounds punitive to say to people: "You have got to work full time." But I do not think, as Deputy Breckon is indicating, that this is going to compel people to play all sorts of games and so forth and so on. In fact, the real issue with the very real issues that Deputy Breckon raised, Sir, is that family friendly policies need to be introduced across the board. Our workforce is a highly pressurised workforce either for reasons of no choice, really high mortgages and rents, or for reasons of wanting to live at a certain level of status and materialism and so forth. People get themselves locked into almost impossibly stressful work situations. Some of it is self-induced. Some of it is social pressure and some of it is economic pressure. That has to be dealt with on a social level. So I, Sir, would be quite reluctant, following what the Connétable of St. Helier and Deputy Scott Warren said, I am assuming that this will be applied as has been stressed by the Minister, with commonsense and that we are not, which is my fear and it makes me sound quite punitive, that this is not going to be imposed inflexibly and people are going to be pushed into full working weeks who quite patently have social situations that do not allow it. Sir, I thought one of the better speeches, which has got lost in the subsequent debate, was Deputy Le Claire's. I thought he raised some very good issues that we really need this whole strategy, which is going to be the real long-term struggle, backed up by proper training support. There is no doubt that is the big, big issue and you only have to look to Britain, which may or may not be a good example, if you combine all the various benefits in Britain, you have nearly 5 million people on benefits of one kind or another in Britain at the moment. Some of it, like disability in certain parts of the country, is disguised unemployment benefit - in the old mining areas, for example - but the one issue about it, Sir, is they have lamentably failed, despite 20 initiatives a week or a year, to deal with the training issue. The way the British economy deals with it is quite simple, which may be the right way, they deal with it through immigration and Chinese manufacturing. That is how the British cost of living is kept cheap, quite bluntly. When you contrast it to that massive benefit take-up, that is how those 2 systems operate at the moment. It is not a socially just way of doing it. It puts pressure and we do rely on other people's cheap labour, quite bluntly, to keep the system going and also I would not follow the total logic of Deputy Le Claire that we end up in a totally - well, we could end up in a xenophobic, totally ring fenced, anti-globalisation kind of society which is going to be very hard to live in, although a lot of us do dream of that in our wackier moments. I think he raised some excellent points about the nature of training, how we train people who, for various reasons, have not been in the workforce for a long time and how we, without being xenophobic about it, make sure that the local labour force has a really decent chance to get moving. I totally agree with him; I do not think the people in charge of policy have ever taken that seriously and I think they have relied entirely on the UK's U.K.'s approach, immigration, as the is an easy answer.

4.1.4.189 Deputy J.J. Huet of St. Helier:

I think my Connétable might have a bit of shock but I am going to say that I agree with him but it could have well been because I did do his Welfare Board for about 10 years. I have always thought that the parishes have always done an excellent job when they used to handle it. They really knew their people but, Sir, I honestly believe it is a proven point that if you keep encouraging and trying to help people to find work, which is what I think we used to do on the Welfare Board, that when

the person has found work, the change in them was unbelievable. They suddenly had a pride that they had a job and they were better off once they did and you know, Sir, I now know of many, many women that have now gone back to work, just shortly, and the reason being because they want to buy their own house. They have had the chance to buy their own house; that has been the encouragement that they are thinking this is going to be fantastic and that has been the good thing. They will think: "Well, we will go back to work" and so what we have to say, I really believe that if we can make life better for people and show them that it will be better if they work, that has got to be an accomplishment and that is what I think the Minister is attempting to do and I think we should be backing him all the way. Thank you, Sir.

4.1.4.1920 Senator F.H. Walker (The Chief Minister):

I think we need, to a certain extent, to refocus on why this amendment has been brought in the first place because the entire justification for it is the workload on the department. It has nothing to do with whether a proper working week should be 25 or 35. The Scrutiny Panel have themselves said that they have no objection to a 35 hour week and indeed, in their amendment, they say and I quote: "This would allow the Minister to return to the States with a future amendment to increase the limit to 35 hours or other appropriate level when he can show that the department has the capacity to provide sufficient services to support it." So the only reason for the amendment is the Scrutiny Panel's concern about the workload of the department, and we have heard from the Minister and his Assistant Minister that the department is well aware of what the workload is going to be and absolutely convinced that they can cope with it. So the basic reason for the amendment falls away. It does seem to me that we have gone off on a little bit of a tangent looking at other areas which are not the reason for the amendment and Senator Le Sueur and others have referred to the numerous exemptions which seem to be the cause of some concern for some Members but I will not go through those again, but the bottom line is that no adult caring for a child will have to work 35 hours a week under the proposed income support system which seems to me to, and I hope does, address the concerns of at least some Members. Just like Deputy Huet, I find myself in the unusual position these days as well of agreeing with the Constable of St. Helier. I thought he made a very good speech indeed and the bottom line is do we really want to be supporting people who choose, as they could under the amendment, to work only 20 or 25 hours a week? Do we really want to be in a position where we are supporting people who choose only to work those hours? It has nothing to do with people caring for children or whatever, they are exempt. These are normal, fit, healthy people who choose, for whatever reason, to work a relatively few number of hours a week and who, under the amendment, we would be forced to support; forced to support at a cost. Now again, I agree with the Connétable of St. Helier that the £5 million scenario quoted in the Social Security's Minister's comments, is unlikely to happen. There, nevertheless, will be a cost. Now who is going to bear that cost? Do we take it out of other beneficiaries of income support or do we add it to States' expenditure and, therefore, add it to our tax requirements? It is for that reason I was astonished, I have to say, to hear that the Deputy of St. Ouen is supporting the amendment. The Deputy of St. Ouen has made his views on States' expenditure more than clearly known in not just recent debates but over a sustained period and I was astonished that he feels able to support this amendment which will inevitably have a cost, but that, of course, is a matter for him. I hope he has changed his mind by now but we will wait and see. Sir, I go back to the point, there is a cost to this amendment and the only reason it is being brought, according to the Scrutiny Panel's own amendment, their own wording, is because of fears about the workload within the Social Security Department; fears which we are assured are not justified. Sir, I repeat what others have said; it may be a well meaning amendment. I do not believe though it is a good amendment. I do not believe it moves things forward. I believe it weakens the system at a cost and I hope Members will reject it on that basis.

The Greffier of the States (in the Chair):

I call on Deputy Martin to reply.

4.1.4.210 Deputy J.A. Martin:

I think I will start at the end and just a few comments to the Chief Minister. It is not just the workload. As I said in my opening speech, we are concerned obviously about the workload. We do not feel that they can cope but we are also concerned that many people have said that they do not even know what the skill base of the people that need to work are, even the ones who need to work 25 or 35 or part-time hours, whatever the decision will be on the hours. They do not know the jobs out there. There has been no discussion as yet with the Economic Minister and again, the training as Deputy Le Hérisier has said. He talks about the cost. People choose to work. It is not about choosing to work 25 hours. It is about matching people and their skills to the jobs that are available and the majority of jobs that are available at the moment are under 35 hours. Will we be asking people to take 25? They settle in and you keep calling them back and then you find them a job for 35 hours and they have to leave. Possibly that is how it will work. Now, let me go back to these assurances. In the Social Security Department - and we have not seen them, Sir, we have begged and we have grovelled - and we have asked to see the internal policy guidelines. There are 350 to 400 pages on discretion; how this will work. But I am quite disappointed that Senator Kinnard cannot support this. I would have thought she would err on the side of caution but let me read, it is in our P.90 amendments and it is on page 8, starting at the top, but this is not our wording. This wording is in an email from the department: "In the first few months of income support, the department will not be enforcing the job seeking requirement rigorously on all claimants. They will target groups that need particular help; youngsters, people made redundant et cetera, and continue to provide help with anyone who requests it." They are not going to target in the first few months. They know they have not got the resources to do that but listen in the next one who they are going to target: "As the system settles down, the department will write to the other groups; parents of older children." They are your teenagers; they are your 11 year-olds, anyone who is in secondary school: "Individuals with less serious medical conditions, et cetera." Now, you have already heard all the assurances from the Minister and the Assistant Minister. These people will not be forced back to work. I will go back with the Minister's comments. I think he basically repeated everything I said but then reversed it and said: "But we can cope." I have just said his department has told us: "We cannot cope." I think yesterday we passed the biggest amendment to delivering benefits in Jersey. Yes, I voted against it but the Chief Minister, I love his comment: "We are where we are", and all I ask under this amendment is to act with a bit of caution. Let the system settle in. We say, when you have proven your case, why is the Minister worried? He knows he is not going to get that many more people back into full time work in one year. They cannot do it and they will not target them so why not go for the 25, as the Connétable of St. Martin has said. I think what he said was complete commonsense. My own Connétable, I normally agree with him entirely, Sir, and I am sorry, he is using a sledgehammer to crack a nut, talking about people. I think he described people who may have certain other problems, could be a drink problem. He did not say this today, Sir, but he said round the table meeting with the Minister of Social Security. We know we are never going to get them really into work but you have to keep trying because people out there say: "They are getting a benefit and I am working." What do you do? Do you not give them any money? I mean, these people are never going to work one hour, 2 hours, 25 hours. Deputy Baudains, again he said: "It is prescriptive, this 35 hours." That was what our advisor said you do not do. Call it full time work, call it remunerative work, but do not set an hourly limit to it. We could not then have no hours. We tried and we are trying to reduce it to 25 hours. Deputy Le Claire and Deputy Le Hérisier agreed with him; there needs to be a lot of work with the Economic Development Department. They need to be enforcing funds and they should be now identified, as I said in my opening speech, where they can cut the under 5-year workers because they have got the people here. There are 700 people in Social Security claiming family allowance for children between 5 and 16. Even if you forget the 5 to 10 year-olds or at secondary school, you still have about 400 workers there who could start part-time work tomorrow or in January under income support, but have they done this? Is the Minister for Economic Development going to be rigorous and say to the big employers: "I am going to cut your under 5-year workers by 200. They can come from the

local people who are now claiming income support”? I doubt it very much but when I see it, when it has been done, do it in the next year and come back to the House and say: “We have got jobs out there and we have got people crying out for jobs, part-time or even 35 hours, locally qualified; our own workforce; people who have lived here all their lives.” He has not done it. They have not talked about doing it. Deputy Fox thinks 25 hours is probably okay and again, I say it is a starting point and I think it is a more reasonable, acceptable and realistic starting point than Social Security will have you believe. Of course, then we had Senator Vibert saying - and he had to repeat a lot that was in the comments of the Social Security Minister - he said: “There is all this discretion. Do we not worry about it?” As I have already said, according to the department there is no discretion and if we could have seen, which would have been helpful - when I asked the department if I could only see the internal policy guidelines for your determining of this officers, telling people across the table who can work what hours, we might not have needed this amendment. I have not seen them and to me, discretion, as somebody said to me the other day - which is a very, very sensible comment - discretion on one day if you are in a very good mood might be one thing and discretion on another day is slightly jaded. Now, this is what people are faced with. If it stays the same, 35 hours, everything from one to 34 hours is discretion and I do not think there are a lot of people that will be forced and the Minister said: “We set it at 35 hours.” This was one of their officer’s comments, Sir, earlier on where we were even arguing then over 32 or 35. “No, we want 35. We want to be able to keep calling people back to the department and asking them: “Why are you not working? Go for that job.” What job? Make 4 job applications a week. That is part of their jobseekers’ agreement, this healthy fit person. With their skills, Sir, 4 jobs where? What are their skills? Do not know. The Deputy of St. Ouen - I hope the Chief Minister has not changed his mind because I thought he made again, a very sensible, but precautionary comeback: “when you have got your system bedded in, come back and ask this House and I will probably be one of the first to support it”. Of anyone here, the Deputy of St. Ouen Huet seems to think that I do not think work is good for people. I have been a single mum. I have been a single parent twice. I have always worked and do not go there. I have always worked. I have had friends who have been single parents. For some reason or another, their confidence is shattered straightaway. They are out of the workplace for a few years and then they need retraining and skills, but I would always say work is best. It gives you a focus but you do not stretch yourself too far. You do not get the accusation of: “You have got 2 children but when you were doing 20 hours a week, they were 8 and 11.” Like the Assistant Minister says: “They are now 14 and 16. I want you to work 35 hours a week.” “Yes but my 15 year-old, if I am not there to take him to school or pick him up, there is trouble.” “It is not my problem.” Now, I hope that is not what a determining officer would say but these are the people who will next be asked to work full time and their full time is 35 hours. As I say, I am not convinced that they have made the case for 35 hours. They keep telling us they have the staff. Their department would disagree. Before that, if you read the comments on page 7, they tell you exactly who they had. They had a trainer in-house; a work zone will be increased by 2 full time staff to cater for the extra 2,000 people which, again, the Social Security Minister will say is a figment of my imagination. It is in black and white and that was, as I say - I must base that on the 5,000 claimants that our advisor had to put through the models at the time. Social Security have now got 8,000 clean data, so I would imagine that has gone up. That is why they know they cannot cope. I am sorry if I have missed anybody on the 35 hours but I would just like to, as we are taking it together, mention the 20 hours of people who have established a 20 hour job and they have been working there for over a year. At this moment in time, we say leave them alone. Again, this is not set in stone. It is a regulation. We are trying to bring in a regulation that says this and the Social Security Minister can come back within 12 months, hopefully with my full backing, because once I have seen these guidelines, once I have seen how the determination and the discretion is used on actual real people in real circumstances, I will support him. I commend this amendment to the House and I ask for the appel, Sir, thank you.

Senator P.F.C. Ozouf (The Minister for Economic Development):

Very briefly, Sir. I did not want to interrupt the Deputy. She said we do not have details of vacancies. We do in the manpower return. It is in the manpower return, 6 monthly, and it is there in the manpower return. I will give it to the Deputy now.

Deputy J.A. Martin:

Sorry, Sir. What I said was they have not got the details of the people who can work. Now, can any of the people who go in to claim income support do the jobs that the Minister has just suggested? They are not talking, Sir. Get talking.

The Greffier of the States (in the Chair):

The appel has been called for. If Members are in their designated seats, the vote is for or against the amendments to Regulation 2. The Greffier will open the voting. If all members who wish to do so have cast their votes. The Greffier will close the voting. The amendments have been rejected; 12 votes were cast in favour, 34 votes against and one Member abstained from voting.

Deputy G.P. Southern:

Can we hear the 12 and the one, please, Sir?

The Deputy Greffier of the States:

The 12 Members who voted in favour; Senators Syvret and Shenton, the Connétable of St. Martin, Deputies Breckon, St. Martin, Fox, Martin, Southern, St. Ouen, Grouville, Le Claire and Pitman and the abstention was Deputy Baudains.

POUR: 12

Senator S. Syvret
Senator B.E. Shenton
Connétable of St. Martin
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)

CONTRE: 34

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
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 Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. John
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)
Deputy S.C. Ferguson (B)
Deputy of St. Peter

ABSTAIN: 1

Deputy G.C.L. Baudains (C)

Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

The Greffier of the States (in the Chair):

Very well; the debate resumes and on Regulation 2, in its original form; does any Member wish to speak on Regulation 2? No, so I put Regulation 2. Those Members in favour of adopting it, kindly show. Regulation 2 is adopted. I invite you to propose Regulation 3, Minister.

5. Draft Income Support (Jersey) Regulations (P.90/2007) (continued)

1.5.1 Senator P.F. Routier:

Regulation 3 describes the remunerative work in relation to the minimum wage and the hours worked and I propose the regulation.

The Greffier of the States (in the Chair):

Is it seconded? [Seconded] Does anyone wish to speak on Regulation 3? I put Regulation 3. Those Members in favour of adopting it, kindly show. Regulation 3 is adopted. Do you propose Regulation 4, Minister.

Senator P.F. Routier:

Should I propose 4 and 5 together because they work together?

The Greffier of the States (in the Chair):

Yes, if you wish, Minister.

1.65.2 Senator P.F. Routier:

The reason I propose them is they are about the same subject, about the availability of the work and actively seeking work. There are amendments to both which I will be accepting. The first amendment is really just a minor drafting point which to me, makes --

The Greffier of the States (in the Chair):

We will get there.

Senator P.F. Routier:

I will be accepting. I propose them, Sir.

The Greffier of the States (in the Chair):

Are Regulations 4 and 5 seconded? [Seconded] There are amendments in the name of the Scrutiny Panel. I will ask the Greffier to read the amendments.

16.7 Draft Income Support (Jersey) Regulations (P.90/2007) - second amendment (amendment to Regulations 4 and 5)

The Deputy Greffier of the States:

For Regulation 4; for the word “immediately”, substitute the words “as soon as reasonably practicable.” Regulation 5: “(a) renumber the existing text as paragraph (1); (b) in paragraph (1)(b), delete the word ‘and’; (c) in paragraph (1)(c), for the full stop, substitute the word “and”; (d) after paragraph (1)(c), insert the following sub-paragraph: ‘(d) either not received a written notice from the Minister in the form specified in paragraph (2) or if the person has received such a notice, has during the 28 days since receiving it, complied with sub-paragraphs (a), (b) and (c)’; (e) after paragraph (1), insert the following paragraph: ‘(2) The notice mentioned in paragraph (1)(d) shall warn the person that in the opinion of the Minister, the person has not, during the past 28 days, been actively seeking work and unless he or she does so during the next 28 days, he or she will be treated as not actively seeking work and will be liable to lose entitlements to income support.’”

The Greffier of the States (in the Chair):

Deputy Martin, do you wish to make any brief comments?

1.76.1 Deputy J.A. Martin:

Not really, Sir. I think the first one was just probably an oversight with the word “immediately”. We would all like to do things immediately but sometimes we cannot and the actively seeking work notice is basically in their own policy guidelines, but I will extend on that when we get to P.91 which is an extension of that one, thank you, Sir.

The Greffier of the States (in the Chair):

Are the amendments seconded? [Seconded] I put the amendments. Those Members in favour of adopting them kindly show. The amendments are adopted. Does anyone wish to speak on Regulations 4 or 5 as amended? No; I put those 2 regulations. Those Members in favour of adopting them, kindly show. Regulations 4 and 5 are amended.

7. Draft Income Support (Jersey) Regulations (P.90/2007) (continued)

The Bailiff:

We come now to Regulation 6 which hangs with Schedules 1 and 2. Minister, do you wish to seek leave to propose those as amended by your own amendments?

Senator P.F. Routier:

If I may, Sir.

The Greffier of the States (in the Chair):

Is the Assembly content to take the regulations and the Minister’s amendments? Very well. I call on the Minister to propose Regulation 6 and Schedule 1 and 2 as amended by your own amendments, Minister.

7.1.8 Senator P.F. Routier:

Regulation 6 with the Schedule brings together the criteria for the components and the rates. In paragraph one of the Schedule, we described the circumstances when someone is not entitled to the basic components which cover the cost of expenses such as food, clothing and transport for the individual. They include times when Education are providing grants for these items, when people are in hospital for a period longer than 4 weeks and when they are out of the Island. There is an amendment from Scrutiny trying to extend the 4 weeks I am proposing when people can both have the cost of their food, clothing and transport continued to be paid while they are already being provided with their food in hospital and when they will have little need of clothing or food or to travel. Their family, of course, continue to receive their own basic benefits and their rent and other costs continue to be paid. I propose Regulation 6 and paragraph one of Schedule one.

The Greffier of the States (in the Chair):

I thought you were proposing all of the Schedule.

Senator P.F. Routier:

I am happy to do that, Sir.

The Greffier of the States (in the Chair):

Thank you. Is that seconded? [Seconded] There are a number of amendments to Schedule 1 in the name of the Scrutiny Panel. I believe they probably need to be taken individually. These are on page 3, starting about halfway down. I will ask the Greffier to read the first amendment which is to paragraph one.

18.9 Draft Income Support (Jersey) Regulations (P.90/2007) - second amendment (amendment to Schedule 1)

The Deputy Greffier of the States:

Page 50, Schedule 1, paragraph 1: after sub-paragraph (1) insert the following sub-paragraph and renumber the remaining sub-paragraphs and internal cross-references accordingly: “(2) However, a household shall continue to be entitled to that component in respect of a member of the household who comes within sub-paragraph 1(c) or (d) only on account of needing medical treatment.”

1.98.1 Deputy J.A. Martin:

I apologise for this and it is certainly not the Llaw Ddraftsman’s fault because I checked her instructions to us. What we were trying to amend, and I will be withdrawing this amendment, is because we did not intend for people to keep their basic component in hospital in Jersey. What we were trying to amend would be on the fifth week if they were going to be receiving medical treatment outside the Island and we thought that taking the basic component away from that person or household and being that they were off Island, it would probably increase the cost to the family. We failed to do that, Sir, so I am going to have to withdraw this amendment because it is not what we wanted to do.

The Greffier of the States (in the Chair):

Very well. Are Members content that the Ppanel should be permitted to withdraw the amendment?

8.1.9.21 Senator P.F. Routier:

Yes, Sir. Perhaps I could I just add, I am pleased and obviously I understand the reason for that. If there was a family circumstance which required people to have additional support, discretionary powers would be there for them to be supported.

The Greffier of the States (in the Chair):

Very well; that amendment is withdrawn. We come next to an amendment of the panel to paragraph 3 and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

In sub-paragraph 2(a), for the words “age 25” substitute the words “age 21.”

1.108.2 Deputy J.A. Martin:

As the Minister was making his opening speech yesterday, he noted this amendment and he said that, yes, up until even June or July this year, they had intended to pay the rent component to all people over 21 and basically, when we asked the department why they had changed their mind, they say that it would not fit into their budget. Even on their own calculations, if everybody who could take it up did take it up, at most it would add 0.5 per cent to the whole budget. We have also said that it could be contrary to human rights. The Minister disputes this and says he has taken legal

advice and he may be right; I may be right. As he says, legal advice or it is just an opinion until it is tested in court. We hope that we will not have to have a 22 year-old taking the States of Jersey to court because they cannot get the rent component but that is where it will be tested. What they have is their opinion and we have our opinion which has been given partially legally. Is it human rights? We did not pay for it [laughter] but then again, that does not make the advice, as I say, it is only an opinion. I would say, is it totally unfair? We have gone back to the old housing. You cannot get your housing component until you are 21. Social Security would agree it is unfair because over 2 years while working with them they agreed it should go down to 21. I will tell you why I feel it is unfair. Who are the people who are able to get the rent component? It is anyone who has been here for 5 years who is over age 25. I agree with this. I have no idea, nor do the Social Security Department, of the cost of this. The Social Security Department have no idea of the cost of this and I will say to the Housing Minister, Sir, the Housing Minister will take no responsibility to go out and assess under unqualified accommodation what is the rent going to be, so what can the rent be paid as a subsidy? Nobody knows. This is another big part of income support that has not been explored thoroughly but they do not know. Even if they do know, is it fair that somebody who has been here 5 years, is 26, can get the rent component and somebody who has lived here all their life and is 21, 22, 23, 24, cannot? No, Sir, it is not fair. Who else can get the rent component? Anyone who has been here for a consecutive 10 years; now that could be from birth to 10, from 2 to 12, 4 to 14 and so on and none of them has made one contribution in the Island of Jersey or on the Island of Jersey. So does that make it fair? I think not. So if this amendment is not accepted we will be saying to the young person: "You have paid your Social Security, you have paid income tax [because for a single person, male or female, it kicks in around £11,000] but we will not help you." It might only be for a few months. They have been established; they have been living in their flat. Maybe their relationship breaks down, their hours are cut slightly, or they have become unemployed. We will not help them. I do not think it is fair. I think we are giving it to other people; we are bringing in new people who are getting the rent component but we are taking it away from people who have paid into the system and have probably been here all their lives. This is a sensible amendment, it is a fair amendment and I really do hope, I would have hoped, the Minister could have even supported this one. Thank you, Sir. I ask the Assembly to accept it and I will take any questions.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Secoded]

Deputy R.G. Le Hérissier:

I wonder before we launch into a discussion, if the Attorney General might wish to make a few comments on the whole issue of human rights compliance.

The Greffier of the States (in the Chair):

Do you wish to have notice to of that question, Mr. Attorney?

Mr. W.J. Bailhache Q.C., H.M. Attorney General:

I am very grateful for the invitation, Sir, but not particularly. If there is a particular question that the Member would want to put to me, I will certainly try and address it.

Deputy R.G. Le Hérissier:

Is it human rights compliance, Sir, to put this into effect at 25 as opposed to 21?

The Attorney General:

I think it is capable of being justified and these human rights arguments can be tested in a court if they need to be. As far as I am concerned, I am not going to advise the Assembly that it is not human rights compliant.

Deputy P.V.F. Le Claire:

Could I ask a question of the Attorney General, please, Sir? If somebody is currently of in receipt of this benefit and the law comes into place and their age, where they can currently get it now,

suddenly finds that they are below that level, will that be taken off them and then once having received it, is that compliant?

The Attorney General:

I think it is unlikely that that would give rise to a legitimate challenge on human rights grounds but, in any event, these sorts of cases, I imagine, will be tackled by the Minister using his discretion under Article 8(2) of the legislation. If there looks like being a problem on the facts of a particular case, no doubt the Minister will want to take advice from the Law Officers at that time.

Deputy G.P. Southern:

May I change the question while I have the AG (Attorney General) on his feet? Thank you, Minister. Could I ask whether it is open to challenge for a 22 year-old to challenge a ruling in the courts on human rights grounds if we proceed with the 25 rule?

The Attorney General:

Under the Human Rights Law, it is open to any person, including a 22 year-old, to bring an action in the court to challenge a regulation which he considers, or she considers, may be in breach of the Human Rights Law. The court has the power, under the Human Rights Law, to make a declaration. It goes further than a declaration in this case because this is secondary legislation. The court would have the power to strike down this aspect of the regulation if the court thinks that that is so.

The Greffier of the States (in the Chair):

Just before I call the first speaker on, if I could draw Members attention to a very distinguished visitor in the Private Gallery who is Her Excellency, Dr. Gabrielle Matzner-Holzer, the Ambassador of Austria, in the presence of His Excellency and the Bailiff, who is visiting the Island today. I am sure Members welcome Her Excellency to the Chambers.

1.108.2.1 Senator P.F. Routier:

As we all know, the current housing subsidy provides support to adults who have reached the age of 25 and that has obviously been in place for quite some time. Deputy Martin did suggest, and quite rightly, that during our early discussions we did discuss the possibility of bringing it down to 21 years. After a lot of thought and a lot of consideration, and with the possibility of the additional cost that this would bring into place, it was decided to err on the side of caution to continue with 25. It is not unfair. It is what exists at the present time. The exceptions that we already have for circumstances which the Housing Department already have in place and which we will continue, for anybody under 25, is that if they have the responsibility for the care of a child, we will support them and provide income support if they need it. Those who have been assessed by the Social Services Department as being at risk from living with their own family circumstances, people do get in family circumstances and are unable to continue to live with their parents and Social Services advise of that, we will support them with the rent element with regard to their income support. There are even circumstances - I think, probably which Deputy Le Claire was concerned about - perhaps somebody was already receiving rental subsidy at an age because they are being supported in some of the ways in which I was talking about, with moving to income support, whether they would be badly affected. We will continue to provide the rental subsidy which people are currently having. If the Housing Department have recognised the circumstances of somebody who is under the age of 25 and they are supporting them, income support will continue to do that. Certainly that is our intention and whoever is Minister in the future will have that discretion to be able to carry that out in a reasonable way. It was suggested that we have no idea of the costs of reducing that down. Well, we have done a lot of work on that because we wanted to be sure we were making the right decision. We got the Statistics Unit to look at the cross-section of the community who would be within that age group and we asked them to do a judgment about the incomes of those people within that group.

Deputy J.A. Martin:

Sorry, a point of clarification. I did not suggest that you did not have the cost from reducing 21 to 25; I said you did not have the cost for the other new element of rent which is for people who have only been here 5 years. I do not disagree. I have seen your figures from your department.

Senator P.F. Routier:

We do have both of those costs and if we get to discuss that at a later stage, certainly we will discuss that, but with regard to this element it is very evident that it could be something in the region of £230,000 to £300,000 additional cost to income support and that is money we just do not have. I think we have touched on the issue of the guidance that the Attorney General has given regarding human rights. I have asked for advice and the view that I have from having that advice is that the income support system will not contravene human rights legislation. I think it is quite logical that anybody could make a challenge to anything. They could make a challenge to 21. They can make a challenge to 22; they can make it to whatever. It could be challenged, so just to say: "It could be challenged", does not mean anything really. It is just that that is the situation. We have been advised that what we are bringing forward does not contravene human rights legislation. I urge Members to reject the amendment.

1,108.2.2 Senator T.J. Le Main (The Minister for Housing):

I would like to follow the Minister because I concur with everything he said. I have to say to Members that this rent rebate not payable to under-25s has been in operation virtually since the word go with the rent rebate scheme; many, many years. It is very, very rare that any appeals would come to me. I can recollect one or 2 over the last 6 or 7 years because the officers of the department have recognised that there are cases, as highlighted by the Minister, that will always deserve help and assistance. We have very many that come in that, for one reason or another, a youngster has to leave home, has fallen out with various issues or there is a child, and they are looked after and they are picked up. I give you that cast iron guarantee that is what has been happening and they are all dealt with sympathetically. I have, Sir, brought up some youngsters, gone through the difficult stages of teenagers and what have you and I know that teenagers can be very difficult sometimes, particularly when there is a marriage break-up and there is a new partner and they sometimes cannot get on, and those cases are dealt with case for case on their merits. The reason why, for many years, that the Housing Department has resisted many calls over the years to reduce it from 25, lower, is because we still believe in the home life and that young people should not be encouraged to move out of home until a certain time. We believe that if we can maintain home life where young people can stay home as long as possible, the better and to drop it down at a considerable cost, as highlighted by the Minister, something like £200,000 to £300,000, money that is not in the pot at the moment, money that is better directed in other areas for low income, then I believe, Sir, that with the discretionary issues and the working of the Housing Department officers, our social security is far better targeted as presently done. I urge Members that, in the best interest of everyone, we do not want to encourage young people of the age of 21 and knowing they are going to get a housing component, are going to willingly want to move out of home for the sake of their girlfriend or boyfriend or whatever the case. So I urge Members on what we know is working very, very well, to err on the side of caution. We cannot give it all away. We have to be careful. I urge Members to support the Minister of Employment and Social Security.

1.108.2.3 Senator B.E. Shenton (The Minister for Health and Social Services):

I will be supporting this amendment. At the age of 16, you can leave school and take up a trade and you can even vote at 16 these days or will be able to going forward. That means by the age of 24, you could have been paying into the system for a considerable number of years. You could have a nice flat, nice trade, steady girlfriend, even be married or whatever and yet, if you fell on hard times, if the rug was pulled from under you and you lost your job through no fault of your own, you would not be entitled to income support.

Senator P.F. Routier:

The Minister has got that wrong. If they have made their own way in life and started out in supporting themselves quite legitimately, they would be supported under 25.

Deputy G.P. Southern:

Could the Minister clarify; with or without children?

Senator P.F. Routier:

With or without, certainly; either way.

Deputy G.P. Southern:

A single person under 25 will automatically receive housing benefit and not be asked to move back in with his parents.

Senator P.F. Routier:

If they have been in that position and made their own way for at least 12 months and they have established their own accommodation and they then fall on hard times, they will be supported by income support. It is very clear in the policy guidelines which you have had 2 weeks ago.

The Attorney General:

I wonder if I might just assist the Assembly on that. The Regulation Schedule one, paragraph 3(2) says that if the member of the household is aged 25 or over or (b) none of the members of the household can reasonably be expected to live with his or her parents or any other person occupying the position of the parent in relation to the claimant. It does seem to me that if a person under the age of 25 has set up his own flat and the circumstances that the Health Minister has just described, that it would be open to him to say that he cannot reasonably be expected to give up that flat and go back to live with his parents.

The Greffier of the States (in the Chair):

Senator Shenton, you were interrupted mid-flow.

Senator B.E. Shenton:

I probably had time to go and have a coffee actually. It was quite interesting on the radio this morning. I think the Citizens' Advice Bureau also support this amendment and the fact that the Minister says that it will cost £300,000 says shows that the demand will be there. I think where we are missing the point here is Senator Le Main mentioned the Rent Rebate Scheme and said it works well at the moment, but I think this is the whole point; we are meant to be moving away from a welfare-based system and if you are starting to use the Rent Rebate Scheme as your benchmark then for goodness sake, help us all. Yes, they are picked up. We are going back to the old welfare, the old system of case-by-case basis. We are not treating them as adults and this 25 year-old figure is purely arbitrary. It is ageist and it is based on what the pot will take. This meant to be a new system for a new age. It is not meant to be a sort of muddle of old systems and I think if you do have training a trade and if you have been paying into the system at the ages of 22, 23, and 24, i. If you fall on hard times it should be automatic. It should not be at discretion because it is at discretion at the moment and as I say I will be supporting the amendment.

1.108.2.4 Deputy P.V.F. Le Claire:

I struggle with a lot of the theory behind the Rent Rebate Scheme, Rent Abatement Scheme and the D.T.A. (Disabled Transport Allowances) that Jersey States has decided to introduce, rather than tackling the issue which is never-ending, the shortage of housing. The reason why there is always a

shortage of housing is because we do not take care of the ones that are already here first and that is not xenophobic, that is any race, any nationality, just individuals and families living here. I think Senator Shenton hit the right note for me when he said it should be an automatic right and what slightly disappointed me with the Housing Minister's view, because I am quite a strong supporter of his in what he is trying to do most of the time, but on this occasion I find it a little bit strange that the reason why they do not support the drop to 21 is because they want to encourage home life and it just does not seem to me to be - I have a 21 year-old son living with me at the moment on sort of sabbatical from college in Canada and while I love the fact that he is with me at the moment, 21; when he is 25 would I still want him around the house in 4 years' time? I think I would need my computer back before then. So, although he is not going to be staying here because he cannot get a job because he does not have qualifications, home life has to be more when one looks at it than one would normally attribute home life to be because Jersey is not normally attributable to a normal life. In Jersey people live in flats. They live in bed sits. They live in accommodation. They do not necessarily all have a home to live in. I remember being approached by one girl, and maybe she was picked up, maybe she was not picked up, but the fact was that she was in the situation sleeping on the floor of the bedroom with her mother in the bed, while her father, who is dying of cancer in the next room, kept her awake all night screaming. She could not get rent abatement and she came to me and asked me for help. I do not recall her getting help. I would have to go back and look up my files and ask her if she ever did get help because when I asked at the time I do not believe she did get it.

Senator T.J. Le Main:

You did not come and see me.

Deputy P.V.F. Le Claire:

No. I do not believe you were taking those calls at the time, Senator Le Main, because you were not willing to look at hardship cases because they weare too distressing. Rent rebate and the whole shift towards an income support scheme needs further work in its entirety. Is it right to give component rates for people - where was I reading somewhere, rent rebate for home owners of £10? Component rates. I do not understand it. It is very difficult to understand, but the premise is, do we let people that are 21 go out there and start their own life? Or do we say to them, no, you cannot afford to do that until you are 25. If we are going to be that rigorous and say to them: "No, you cannot do it unless you are willing to make it on your own back" then we have to cut them some slack at the other end of the scale and we have to start saying, more in the minimum wage, more guarantees in the workplace, better education, better re-skilling, fewer opportunities for newcomers, more opportunities for existing people that have gone through the education process and a review of the businesses, including the States' businesses, that have vacancies that are unfilled. If we are capping limits to businesses on how many people they can have because we identify that many in the sector, if they are not being filled, if those jobs are not occupied, if they have some slack, then where they have been granted in the initial stages maybe 300 licences at a go, maybe those do need to be reviewed and maybe they need to be reduced if they are not being used. So we can bring people up to the ability where they can walk out of the house and afford the rent themselves, because my personal view is a lot of people do not want benefits. A lot of people just want the ability to work and pay their own way. A lot of Jersey people, or people that are born in Jersey that have family relations from outside of Jersey, have a natural dislike to asking for a handout. It is not the done thing. There is lots of work out there, get off your rear and get out there and look and work. I was working most of the hours that I had in school holidays from the age of 9. I was in the Marines at the age of 16. I certainly did want to work. I certainly did want to better myself. Our family did not have any money but we had our own house. It was a very, very small house but it was our own. We did not go to the States and ask for States' housing. We tried to make it on our own. We did not make a lot of money but we tried on our own. We did not ask for handouts. We did not have much, but what we had was ours and we paid for it and that is what I think people want. They do not want

benefits. They do not want rent abatements. They want reasonable rents. They want reasonable opportunities to purchase homes and they want real opportunities to get jobs that pay good money and train them and re-skill them to keep those jobs so they can pay themselves. All of this debate, in my view, about it being 25 or 21 is founded on an incorrect premise. There should not be rent abatement. It is a tragedy that there needs to be. I will be supporting this because I think there are a number of people, unless I see evidence of otherwise, that are in situations at the age of 21 that they really do need to get out and get some assistance from the States of Jersey in trying to get themselves on their feet and getting into the world where they are away from their families that they have maybe been forced to live with in difficult circumstances for over a decade, perhaps in some cases living in one room. They need a fresh start to life and I think 25 is just a little bit too far down the tracks. Home life may have been 25, 20 or 30 years ago when Senator Le Main was my age, it certainly is not home life now.

Senator T.J. Le Main:
20 years ago.

Deputy P.V.C. Le Claire:

Sorry, 30 or 40 years ago when he was my age. 25 is not home life in a modern world. It is unbearable for parents and children to be living in close proximity to each other which they do at the moment in Jersey in many circumstances at these ages. Members shake their heads. Well, they live in big houses. They do not know. Try living in 2 rooms with 3 kids for 10 years and come back and tell me different.

1.108.2.5 Deputy G.C.L. Baudains:

It is becoming increasingly clear to me during this debate that we have basically a problem and that is if these regulations are in fact applied rigidly difficulties are going to occur all over the place, however on the other hand if the regulations are going to be regularly overridden by discretion then the other side of the coin is no one will ever know really where they are and I can see many complaints from applicants for assistance arising out of such a situation. It is a result of this tension between rigidity and flexibility which makes it perfectly clear where these amendments are coming from; amendments which I have to say probably would not be necessary if the discretion is applied the way we are told it is going to be. This is a thread that has been running through this debate and obviously will continue to do so, but it does make it difficult for me, and I presume other Members, to know which side to go to. We are told Minister's discretion. We have been told many times this morning Minister's discretion will address all the issues arising out of the attempt to fit people into criteria boxes laid down by the regulations before us and it occurs to me as a result that the Minister is going to need the discretion of 12 Constables and I cannot see how he can possibly hope to discharge such an onerous duty, and it does occur to me that what will happen in practice is that the discretion that the Minister would have exercised, the query will revert back to the department and departments work in the way they do and, without the Minister's discretion, will simply put people back into those boxes and say: "No, you do not comply with this. No you do not comply with that. Therefore I am sorry, go away." I do not want to find that we have numbers of really deserving people suddenly finding themselves disadvantaged by such a process, but of course on the other hand I do not want to find that we are creating a scrounger's charter. It really is a difficult balance. So, what I am looking for, Sir, is some convincing that the discretion which really this whole new scheme we are now realising relies so heavily on, that this discretion can cope because if it does not then we will have to support these amendments.

1.108.2.6 Deputy G.P. Southern:

CIf I can I return us back to the basic question, 25 or 21, for the moment. Imagine, if you will, and just illustrated by who will be eligible and who will not be eligible. Okay, so Johnny is working on the Island and he has been here since he was 16 and he is now 23. He has been here for 5 years. No,

25, oh, right, 25. He has no family here. He has been here for 5 years. He applies for income support in order to support him with his rent. He is not in an enormously well-paid job and he needs some rental support. He gets that, does he not? Yes. He has been here 5 years. He qualifies. No family here. You are not going to say: "You can live with your family." He is going to get income support to help him with his rent. Another 23 year-old has been here all their life, has family on the Island and says: "I am in work. I am in stable work. It is not the best paid job in the world but nonetheless I am 23. I want to leave my parents' home. I want to set up on my own but I will need to apply for rent rebate because it is going to be tight to afford my rent." I apply and: "Oh, no, you are not eligible. You can live with your parents. That is what we expect of you. You have to stay there for another 2 years." Is that not the case? The Minister is looking puzzled. Is that not the case? If you can live with your family we will not support you.

Senator P.F. Routier:

The first example the Deputy gave talked about a 23 year-old who had been here 5 years. He would not be able to claim income support until he was 25.

Deputy G.P. Southern:

Say a 26 year-old.Ok.

The Greffier of the States (in the Chair):

It is not question time, Deputy. Make your example. There is an Assistant Minister who has yet to speak.

Deputy G.P. Southern:

But the 23 year-old who has lived here all their life and has family here will not get that because they can live with their family. The one who has been away and out independently for 12 months will, because they have established themselves and when they apply they will get that. It is unreasonable to ask them to go back with their parents. Okay. That is clear. That is clear. How come then, and I am dealing with a family at this very moment; let us suppose that that family, the family unit, the one with the son who has been here for 23 years, born here, part of the family unit, suppose they get thrown out, they get evicted and they go to Housing. They have an adult child in the family and they say: "We want to be housed in this sort of unit. We are a family with one adult child." My understanding is Housing Department policy would be: "No, you are not a family unit because you have adult children with you and they do not count. We will house you, if necessary." I was dealing with this today, so perhaps someone can clarify it.

Senator T.J. Le Main:

I can clarify that, Sir. It is all according to the kind of accommodation they require. An adult child with a couple would be offered a 2-bed but they would not be offered a 3-bed. This is the issue. Some of the demands are for accommodation that we cannot supply.

Deputy G.P. Southern.

Hang on. The family unit is, or is not, someone with adult children under 25? Let us imagine, we have 3 children. We want a 4-bed. We have 2 children and want a 3-bed: "Well, we cannot do that. We will give you a one-bed or a 2-bed, as the parents, but your children have to look after themselves. They are separate units." That is what the Housing Department's policy says, as I understand it. So, this stuff about treating units as a family unit is guff. It is nonsense. It is completely contradicted by Housing Department current policy. I know because I am dealing with one such case at this moment and that is what they are being told: "No, we cannot re-house you as a family unit. You have adult children. You have to be treated separately. That is our policy." I have heard it from an officer last week. So, the whole justification for this is on very, very dodgy ground altogether. It is not consistent and then we are told up until June/July of this year the Social

Security Department had it on board to say: "Now is the opportunity to move this 25-year rule to 21. Let us modernise what we are doing. Let us not just take on board the old stuff with all its bits of regulation, one of which is 25. Let us take the opportunity to do it." Until recently that is what they wanted to do. The only constraint is that having devised their scheme, and I suggested yesterday that their scheme is not all it is cracked up to be and will not deliver what it could, having devised a scheme they say: "Oh, no, well hang on, this would add on an extra £200,000 to £300,000" - their own estimate - in a budget of almost £60 million. Think about it. Therefore this opportunity that we have to get rid of this anomaly which does not relate to modern family life and life on this Island with its high rents in any way whatsoever, we are going to let slip this opportunity for the sake of £200,000. How much adjustment does it make to adjust a budget of £60 million to accommodate £200,000? I would argue that anybody in this room, if you take the £1 million out of it, we could probably do it for ourselves. It is not a great deal and yet this opportunity is going to go begging; an opportunity to modernise and an opportunity to create a scheme that works. Finally, I just come back to the issue of challenge. The Housing Department has a scheme it devised before human rights not were quite invented but were certainly legislated for on the Island. The Social Security Department and the Minister want to take on board that aspect of a scheme devised some time ago in a context of human rights legislation and one that we have adopted. All I can say is it is very easy for the Minister to say: "Oh, it could be challenged, but do not worry about it, it is not going to be." I would suggest because it could be challenged, sure as eggs are eggs, at some stage it will be challenged because some 23 year-old, some 24 year-old will sit on his rights and say: "Hang on, this is not right. You are interfering with my right to family life. You are interfering with my rights and I will take that challenge." We cannot prejudge at this stage what the courts will rule, however, depending on the circumstances, that challenge might be upheld. So, it is not a case of it will never happen. That challenge will happen, as sure as eggs are eggs and that is the recipe we are building into this legislation. Support this amendment. It makes sense. It costs relatively very little and it can be afforded and this is a progressive move.

1.108.2.7 Senator M.E. Vibert:

I think with this it is very much a question of judgment. Should it be 25? Should it be 21? Should it be 18? Should it be 16? Of course people can leave school at 16 and they will shortly want to vote at 16. As for the human rights part, well, presumably they could issue a challenge at 18 against 21, but we would have to mount the same defence and again I am sorry Deputy Martin seemed to think I should not be looking at the papers that had been provided for us, but I go back again to the comments of the Minister. To Deputy Baudains I say it is not all discretion that you were concerned about because, as I read it, on page 5 of the amendment 2 comments there are policy guidelines which have been given to the Sub-Panel about how this part would operate. Why 25, not 21, but what would happen to those under 25? The policy guidelines in the main rule to be able to claim the housing components claimed is aged at least 25, but there are some exceptions. This is not discretion, this is guidelines. So, who are we talking about who are exempted from these exceptions? So, anybody who is under 25 who has responsibilities for a child, it can be the parent, or someone else, an older brother or sister as main responsibility. They are exempted from having to be 25. They can get it before. You wondered about vulnerable people, a young person referred by Social Services as needing to live away from the family home, either someone leaving care or being removed from an abusive family situation. They do not have to be 25. It goes on to say that a young person cannot be expected to return to the previous family home because either their parents, or people looking after them, are in prison or occupying unsuitable accommodation. So, if the accommodation of the parents or somebody who is left is not suitable for the young person to go back to they are exempt as well. They are the exception. Also, and I think it is an important exception, a young person who has been living independently for at least one year and had reasonable prospects of remaining independent, so the reason for claiming income support is an unexpected change in circumstances, illness, suddenly losing their job, they are an exception as well. They do not have to be 25. So, who is left between the ages of 21 and 25 who we are looking

at? Those are people who, I am afraid when we really get down to it, want to live separately but cannot afford to do so. They do not have a job that enables them to do so. What the amendment is proposing is that those young people who do not have a job that enables them to live on their own, the taxpayer should support them and they should be able to move out and live on their own. I worry that if we go down to 21 at this stage we are almost encouraging young people who cannot support themselves to leave home and live on income support. Is that the right thing we should be doing? I am sorry Deputy Le Claire is no longer in the Chamber but he referred to having a 21 year-old back with him and wondering about getting his computer back. Well, I have a 24 year-old still living at home, showing no signs of moving out and nor would I with the hotel services of food and washing that is provided. I very much miss my 26 year-old who has just moved to London to work who was living at home. I know all circumstances are different but I do not think we should be encouraging people to leave home if they cannot support themselves. If they can support themselves they are perfectly free to leave home, set up on their own, and then if through some unexpected circumstance, losing their job and so on, then income support will support them and they will not be forced to go back to their home. I think we need to re-look at what this is trying to achieve. If a young person has a good job, decides can afford to, wishes to live separately, wonderful they can do so and like I said, they would be supported if they fall on hard times. But are we really saying if someone between 21 and 25 cannot support themselves, and there is no good reason for them to have to leave home, there is space at the family home, there are no problems at the family home, are we really saying we should support them to move out and be supported by the taxpayer to live on their own, or independently, when they can live at home in the family unit? I am not sure that the argument has been made that we should reduce it to 21. I think the danger is that it will encourage young people who cannot afford to look after themselves to leave home because they will get this support and I think we should err on the side of caution, particularly when setting this up, and match the housing at 25, Sir.

The Greffier of the States (in the Chair):
Does any other Members wish to speak?

1.108.2.8 Deputy P.N. Troy:

I would just like to say that Senator Vibert has just very clearly outlined how the department will be able to assist claimants under the age of 25. So, there is no real need for me to deal with that now, but I do need to say that what he said was very clear. He was taking information from the guidelines. We will not be leaving young people under the age of 25 destitute at all. We will always be looking at their circumstances sympathetically and ensuring that they have somewhere to live and if they do not have valid reasons for staying with their parent, if there are very good reasons why they should be housed elsewhere, we will very seriously consider that and implement housing for them, just as Housing have done in the past.

The Greffier of the States (in the Chair):
I call on Deputy Martin to reply.

1.108.2.9 Deputy J.A. Martin:

We started on a big debate about human rights and I think we have done the full circle on that and, as I think the Attorney General said, he could not tell us it is not human rights compliant but it could be open to challenge, so we have to interpret that either way, or any way we like. Senator Routier said it is not unfair, 25 is the age now. So, it is not unfair that we are keeping it at 25. Well, I think I said in my opening speech that it is unfair because you are giving rent rebate to a lot more people than you did under the old system and whatever age, as long as they are over 25, but they might have only been here 5 years. I think Deputy Southern made the case, he just missed it out by a few years. Somebody arrives in Jersey aged 20, they have done their 5-year residency, they are 25, they are entitled to everything, but not somebody who has been here all their life and paid social

security. I would really like to know, Sir, and I am not going to get the answer today but hopefully the Senator will provide me with it, how they persuaded Deputy Le Main that they had costed this unqualified rent because I know he was very, very concerned a few months back but now seems to say it will not cost anything. Well, it will not cost that much and it is budgeted for. We will wait and see. I also go on to just emphasise I applaud the Minister for Housing trying to keep children at home because that is what you want to do, that is their home life, but it is a shame that in his own housing policy it is okay if you are living in a house and your children are growing up in that house, it is when circumstances change. If you have to move for a reason they do not look at adult children as part of the family then. They are not interested in the home life. I have dealt with people, like Deputy Southern has, single parents who have brought up one child being evicted. They have refused to put those 2 people together. In fact, in the end the person had to go into the private sector, totally would not hear of not living with her son because she felt he was still vulnerable and he needed what Senator Vibert said, her care, her laundry services and her cooking, but under the policies of Housing they could not be catered for together. So, again, we have a mismatch. Senator Shenton made a very good point and I am glad he feels he can support us and Deputy Le Claire the same. It is not an automatic right that people will leave their home. They will make their decision on different reasons but they will not get the help and I do not advocate they do get the help necessarily straight away. I am talking about people who have left home and it might not be a full year, it might only be for a few months. But they will not get the help. Deputy Baudains again he talks about why we have brought this amendment, 21, 25, discretion. Then we had Senator Vibert who said: "Let us have a look at the policy guidelines." Policy Guidelines. Discretionary again. But let us look at between (a): "A young person referred by Social Services as needing to live away from the family home." Now, again, Social Services having to prove that someone needs to live away from the family home and somebody who is having absolutely terrible rows with their 22 year-old, they are causing problems with the siblings and they are making life unbearable. Again, I totally agree with Deputy Le Claire. These people probably are living in accommodation that is far too small because once they are that age they are adults, adult children. They take up more space than me. My son sits on my settee and it is practically taken up because his feet are up and he is very comfortable, thank you very much.

Senator P.F. Routier:

The example the Deputy just gave with regard to people in cramped accommodation and family circumstances being unreasonable would be a very good reason for us to support them for income support and that is what we would do.

Deputy J.A. Martin:

Well, again, Sir, that is reading between the lines; exactly where Deputy Baudains is coming from. It is not written there. It might be in the guidelines to the officers. We do not know. I really think this; we are encouraging people to become scroungers, encouraging young people to leave home. I think Senator Vibert made a very good point. Young people will not leave home when they are very happy and they are getting their washing and cooking and go out into the real world and have a look around at the rents they are asking, then they have their electricity bills and then they have to do their own washing. These are people for some reason or another find it, but they do not fall into these bullet points and probably can afford the full rent when they do it but they might just need a little bit of help and they are 22, 23, 24, and under this law which has just been extracted straight down - even the guidelines are exactly the same that you will find under the housing scheme, have not changed - has been put into our new far-seeing, much better - and I heard that word yesterday from the Senator himself - income support scheme. So, I say, Sir, I really hope people can support this because unless anyone is going to question the actual housing component itself and who you are all going to agree to give it to, it is not fair. I have no dispute with people being here 5 years getting a housing component. I have no dispute about people born here, done 10 years, go away for 10 years or 15 years and they would be 25, getting the full component and that is exactly what this

new scheme does, but it does not give rent components to children born here who are between 21 and 25. If we really do believe all these exemptions and these people are already catered for, and the fact that the Senator himself was so supportive of bringing it down to 21 up until June or July this year, I do wonder if it is not this element of rent component that is worrying him, but it is other elements in the whole scheme that is worrying him but he thought this is an easy target. It is 25 now and we will keep it at 25. It is not good enough. It is certainly not equitable and it is totally unfair on the young Jersey person. So, I really do hope people can at least support this amendment.

The Greffier of the States (in the Chair):

The appel is called for. Members are in their designated seats. The Greffier will open the voting for or against the amendment. All Members who wish to do so cast their votes. The Greffier will close the voting. The amendment has been rejected; 17 votes were cast in favour, 25 votes against.

Deputy G.P. Southern:

Can we hear the 17?

The Greffier of the States (in the Chair):

The 17 in favour please, Greffier.

The Deputy Greffier of the States:

Those voting in favour, Senator Syvret, Senator Shenton, The Connétable of St. Mary, Deputies Duhamel, Breckon, St. Martin, Baudains, Scott Warren, Le Hérissier, Fox, Martin, Southern, Le Claire, Mezbourian, Power, Pitman and Lewis.

POUR: 17

Senator S. Syvret
Senator B.E. Shenton
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
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 P.V.F. Le Claire (H)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

CONTRE: 25

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy J.J. Huet (H)
Deputy P.N. Troy (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy A.J.D. Maclean (H)
Deputy I.J. Gorst (C)
Deputy of St. Mary

ABSTAIN: 0

The Greffier of the States (in the Chair):

Very well. There is a second amendment in the name of the panel to paragraph 3 of schedule 1. I will ask The Greffier to read that amendment.

The Deputy Greffier of the States:

In subparagraph 2(b) for the words: “Whether in Jersey or elsewhere” substitute the words: “And the parent or other person lives in Jersey.”

1.118.3 Deputy J.A. Martin:

I really thought this amendment would be accepted because I thought maybe it was a drafting mistake or there was something wrong, but I think it goes far enough. The Attorney General has already said if somebody cannot be reasonably expected to live with his or her parent, and we go back to all the same arguments we have just had, they should live independently. But the comments of Senator Routier say this is unfair because we will be letting people who have a perfectly good home in the UK U.K. come to Jersey and live and also then be able to get the rent rebate. We, as a panel, never ever dreamt of that. We thought Jersey family, lived here for years and years, may not be born here but local family, children grow up, parents want to move on. They want to sell up, they want to go and live in France, Spain, wherever. We have all known people who do this. Children do not want to move. They have made their life here. So, we thought to say you have a perfectly good home, and that is basically what the Senator is saying: “No sorry, your parents are going, they are going to buy a 3 or 4-bedroom villa in France, you have to go with them. We are not going to support you.” He has turned it around and saying we will be bringing people in from the UKU.K. I do not believe that for one minute. I do not think it is reasonable that somebody should be expected to leave the Island and go and live - and it is not just their parents. If you read; it is a parent or other persons occupying that position of a parent in relation to the claimant, either formally or informally. It is like: “Well, did you not live with Uncle Charlie for a few years when your parents were working abroad?” Senator Vibert, Sir, shakes his head. That is exactly what it means because I asked the law draftsman and it is formally or informally, somebody you have lived with over the years. That is how wide this is, but not wide enough. They want to make it whether in Jersey or not, or elsewhere. Sorry, we want to keep it to Jersey. It might be they can live with their uncle in Jersey or their aunty, or whatever, but at least they will be able to stay in Jersey if their main home goes, and that is the parents leaving the Island. That is all I can say on this amendment, Sir, and I really do hope at least this one could be supported.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Seconded] Does anybody wish to speak on the amendment?

1.118.3.1 Senator P.F. Routier:

Unfortunately this amendment is flawed. The Deputy said she had never dreamt of the effect that we had turned on to it. The reality of what is being proposed in this amendment is it would create unfairness for Jersey people. That is the reality of it. The Deputy mentioned that if, for instance, local parents decided to go off and live in France and the child, their offspring, was left in Jersey they would be expected to go off to live in France. That is not the case. If the parents left the Island and the offspring was left in Jersey to fend for themselves and they needed income support they would be standing on their own 2 feet and they would be supported.

Deputy J.A. Martin:

I am sorry, Sir, would you please give way? I am sorry, is the Attorney General around? Because obviously we are misinterpreting the actual wording of the whole paragraph.

Senator P.F. Routier:

If an individual was left in the Island by themselves, if they are in circumstances that they are by themselves, in the Island they could stand as an own separate income support claimant. Those are

the basic facts of it. If the parents had left the Island they would be supported if they had no one else to live with. If there is no one they can reasonably be expected to live with, that is the wording: "With his or her parents or another relative" they would be supported. Everybody is shaking their heads, but they do not seem to be able to get their head around it. The effect of what is happening with this amendment is that, for instance, if this amendment was successful it would require the department to pay the housing component to a fit, healthy, 20 year-old arriving back in Jersey, having left when they were 10 years old, yet the fit and healthy 20 year-old who had lived all their life in Jersey would be denied that support because they have somewhere to live. This is the effect of the amendment. It is the effect of the amendment. So, I really think there needs to be a lot more work put in if you are trying to achieve something. It does not achieve what the Scrutiny Panel are trying to achieve at all and I would suggest that it is withdrawn.

Deputy J.A. Martin C.J. Scott Warren:

On a point of clarification, if there was a 21 year-old in Jersey with parents and the parents decided to go and live in Carteret, say, and they bought a nice house there, my reading of this is that the young person would have to go because you could say: "There is room for you to live in France. You have to go." That is where it looks from reading this.

Deputy P.V.F. Le Claire:

Could I ask the Attorney General if he would be able at this stage to give us a clear understanding as to what the effect would be if we adopted the amendment and a clear understanding if we rejected the amendment and went with the law as it is, so that we fully understand what the implications are of supporting this amendment or not supporting it.

The Greffier of the States (in the Chair):

I am not sure if the question is clear to you, Mr. Attorney. I am not sure who is the best person to clarify the question to you. Minister, possibly are you able to?

Deputy J.A. Martin:

Well, I did ask for the Attorney. It is schedule 1, paragraph 3. The Attorney General has already referred to this, talking about people and rents being reasonably expected to live with. Our amendment changes the last wording in: "whether in Jersey or elsewhere" to: "living in Jersey" assuming that it is not unreasonable that there is a household, their parents' household, may just have moved to France. We seem to be just in disagreement with what the actual (b) means, so we would like you to interpret it, Sir.

The Attorney General:

Could I have just a moment please, Sir?

Senator F.H. Walker:

Clearly we need the opinion of the Attorney General, but there seems to be a genuine misunderstanding here. Would it help if we moved on to other amendments so the Minister and the Scrutiny Panel got together, say, in the lunch break to try and resolve it? There seems to be a genuine misunderstanding.

Deputy P.V.F. Le Claire:

Could I support that suggestion, but also add that I would like the Attorney General to consider my concern from an ordinary Member listening to the debate; that there is a suggestion that if their family has moved out of Jersey, unless they go to wherever they are, or unless they go and live with their aunt, wherever they were from, there is no support mechanism. I am just concerned and if we could have that explained to us please.

The Greffier of the States (in the Chair):

I am sure Members would agree the Chief Minister has made a helpful suggestion, possibly the Rapporteur and the Minister, with the assistance of the Attorney General, could look at this amendment and then perhaps after lunch the Assembly can revert to it. Perhaps in the circumstances it appears possible to move on to the next amendment, to paragraph 4, which is agreed I think by the Minister but I will nevertheless ask the Greffier to read the amendment.

The Deputy Greffier of the States:

For subparagraph 5 substitute the following paragraph: “(5) In this paragraph a dwelling is appropriate to the needs of the household - (a) if it is no larger than is reasonably necessary for that household; (b) if, having regard to all the circumstances, it would be unreasonable to expect the household to move from that dwelling; or (c) where - (i) it has become larger than reasonably necessary for the household because the household has become smaller within the last 12 months, and (ii) the household is taking all reasonable steps to find alternative accommodation that is appropriate to the needs of the household.”

The Greffier of the States (in the Chair):

Does the Rapporteur wish to speak briefly?

81.12.4 Deputy J.A. Martin:

No, this was in the policy guidelines but we would have preferred it in the regulations and I am glad it has been accepted.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Seconded] I put the amendment. Those Members in favour of adopting it kindly show. Against? The amendment is adopted. We come then to an amendment to paragraph 7 of schedule 1 and I will ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Delete sub-paragraph (2) and renumber the remaining sub-paragraph and internal cross-references accordingly.

1.138.5 Deputy J.A. Martin:

This is looking at the mobility element under the new scheme. Under the new scheme a household is not entitled to a mobility element in respect of a member of the household who is receiving residential care. In the Minister's comments he tells us that if this is passed then people will receive 2 payments; one transitional for DTA and the new mobility allowance. We dispute this because of time constraints the forms that need to be filled in on the medical components in P.90 will not happen before income support is introduced. So, it will happen within the first 3, 4, 5 months of the new income support system so all disabilities, whatever, DTA, any form of disability, partial, any attendance allowance you are getting now will automatically transfer until the department gets around to addressing all these people and the benefits and the forms are filled in. We felt that this was the only place we could bring this. We know that the DTA was maybe not best thought through and we have heard lots of horror stories of how people saved it up and had a holiday. I think somebody said that could even be fraud because it was given to him for a Disabled Transport Allowance but they used it for another thing. But we have moved on from there and we are now introducing a mobility allowance to people in work which is around £40 and out of work about £20 a week. We would argue that if you blanket this now across all of residential care you will be affecting people who live in residential care but they have quite a bit of mobility. They have mobility scooters. They run these and you will be denying these people an allowance. Also, the Minister tells us that residential care will be sorted out and I wish him the best of luck, so I think with the Health Minister and many of the parish Connétables who have been trying to sort it out

and get decent contracts with residential care homes for years. The Social Security Minister will sort it out by October 2008 and I really hope he can do that. They tell us, under that, there will be in the contract a transport element for the residential home to take the person out. This is what they tell us. Again, blind faith, have not seen a contract, do not know if it will work, but let us just say anybody in residential care cannot have the mobility amendment. I do not think it is fair. I do not think it is considered and I certainly do not think, until the Minister does sort out residential care and what they will provide to the customer, he should ask us to take mobility allowance away or not introduce mobility allowance into residential homes that people live in. So, I maintain the amendment, Sir, and I will answer any questions.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Seconded] Does anyone wish to speak on the amendment?

1.138.5.1 Senator P.F. Routier:

I want to make it very clear that the work that is going on with regard to the contracts for people in residential care is quite a considerable piece of work which needs to happen. We do not deny that and that will be happening over the coming year. While that is happening we feel it is appropriate, and that is what we are proposing, that people continue to receive their mobility allowance. It is not going to be taken away from them. They are going to get exactly the same amount of money to ensure that they are able to get around this Island and that will be the case. Just because the element in the legislation is being removed we are continuing to pay people the full amount that they currently get to cover mobility until the contracts are in place, and within that contract there will be an element for mobility and it will be discussed on a case-by-case basis to ensure that the appropriate amount of mobility is allowed for each individual, and it is obviously a piece of work which needs to happen and we will be doing that. If the amendment is successful it will create a double payment because people would get their mobility element within income support plus they would get the amount which is already within their residential care amount. So, we would be double-paying them for that period which is, I have to say, wasteful and unnecessary. The contracts will be worked upon and we will continue with that process. The people will eventually have sufficient money to move around the Island; either way they will have it now until the new contracts are in place and in the future they will have sufficient money to move around the Island. But in the meantime if we accept the amendment they will be being paid double which is, as I say, wasteful. I think Members should recognise that this is an inappropriate amendment and reject it.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the amendment? I call on Deputy Martin to reply.

1.138.5.2 Deputy J.A. Martin:

Well, the Minister seemed to repeat much of what I said, that there is a lot of work to be done with the contracts and residential homes. He maintains that the people will get the mobility allowance after they have been assessed. They will get it, as long as they are not a household who is receiving residential care. He also says that again they will be paid twice. I am told that the forms have not been filled in. All the medical components that are now being received by everybody will continue until they are reassessed under the new forms and until the new forms have been filled in mobility allowance does not come in, so I cannot see how they will be getting 2 payments. I probably disagree, but I will ask Members to take into account, even if for a short time, some people are getting double payments, if you do not support this amendment no member of a household who is receiving residential care will be entitled to the mobility allowance under the new scheme.

Senator P.F. Routier:

I am sorry, Sir, but that is incorrect. If people move into a home they will get the same as the other people who are in the homes.

The Greffier of the States (in the Chair):

The appel is called for. The vote is for or against the amendment to paragraph 7 and the Greffier will open the voting. All Members in the Chamber who wish to do so have cast their votes. The Greffier will close the voting. The amendment has been rejected; 7 votes were cast in favour, 32 votes against.

Deputy G.P. Southern:

May we hear the 7, Sir, please?

The Greffier of the States (in the Chair):

The 7 in favour please, Greffier.

The Deputy Greffier of the States:

Those in favour: the Connétable of St. John, Deputies Breckon, St. Martin, Baudains, Martin, Southern and Pitman.

POUR: 7

Connétable of St. John
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 S. Pitman (H)

CONTRE: 32

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. Martin
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 Hérisier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)

ABSTAIN: 0

The Greffier of the States (in the Chair):

We come now to amendment 2, paragraph 9 of schedule 1. I ask the Greffier to read that amendment.

The Attorney General:

I wonder, before we get on to this, whether I might deal with the legal advice that is outstanding. I say that because although the Chief Minister suggested we deal with it after lunch, I am due to be with the Austrian Ambassador at 2.30 p.m. and I would like to give the advice to the Assembly now.

The Greffier of the States (in the Chair):

It seems an opportune moment.

The Attorney General:

The housing component criteria, set out in schedule 1, regulation 3, are these; under paragraph 3(1) a household is entitled to a housing component if a number of conditions are satisfied, and the fourth of those conditions, is paragraph (2) satisfied. So, paragraph (2) provides 2 options for satisfying this housing component. They are either that the member of the household is 25 or over, or has main responsibility for the physical care of a child, or none of the members can reasonably be expected to live with his parents, or any other person occupying the position of parent, whether in Jersey or elsewhere. So, wherever that parent is living. The amendment proposes removing those words: "whether in Jersey or elsewhere" with language that says: "And the parent or other parent person is living in Jersey." So, the effect of the amendment, as I read it, is that you cannot satisfy paragraph 3(1)(d) i.e. paragraph (2) if the parent has moved away from the Island. So, the result is, in practical terms, that if the parent has moved away from the Island it would not be possible to say that reasonably the young person, the under-25 year-old ought to go and live with them. To put that another way, if the parent leaves the Island it would not be grounds to disqualify the applicant from housing component, whereas the way the regulation is framed at the moment, if the parent leaves the Island and it would be reasonable to expect the young person to continue living with the parent then it would be possible not to pay the housing component. So, the issue is, the way the regulation is framed, whether it is reasonable for the young person to be living with his or her parent if they leave the Island and there will be a wide range of factors that would go into that question. As the Minister has proposed the regulation it may be that the young person had not been in the Island very long, it may be that he or she may be perhaps 17 years old, it may be that he has no other ties here, it may be that he or she is going to be at university in America for half the year but has some good chums in Jersey and wants to come back and apply for a housing component and in those circumstances, the way the regulation is framed, it would be open to the determining officer to say: "Well, it would be reasonable for this person to live with his parent in America rather than come back here for 4 months of the year and claim the housing component at that time." In other factual circumstances it may well not be reasonable for a determining officer to take that view but the young person may be doing a temporary course in the United Kingdom, or may be doing a course at Highlands, may have a partner here without children. In other words, it is very much going to be fact-based, circumstances-based, as to whether it would be reasonable or unreasonable to take the view that the person under the age of 25 could reasonably be expected to live with his or her parent. That is as I understand the way the regulation is framed at the moment. The effect of the amendment is to say that it can never be reasonable to require a person under the age of 25 to go and live with a parent outside the Island.

Deputy G.P. Southern:

Can I seek clarification? I am trying to work out what the question is exactly. So, a person under 25 but who would otherwise qualify, I think that is the key question. It is possible to not grant them this component on these grounds alone. It could be deemed reasonable to say: "No, your parents

have left. You must go and live with your parents, despite the fact that you otherwise would have qualified.”

The Attorney General:

You qualify under 3(2)(b) if you cannot reasonably be expected to live with your parent, wherever that person might be, as things are drafted at the moment. The effect of the amendment is to say that you qualify under 3(2)(b) if you cannot reasonably be expected to live with your parent in Jersey. So, it removes that ability to say that you do not qualify because you should be living with your parent in America or Australia, or something like that.

Senator P.F. Routier:

Could the Attorney General perhaps give me a view on my understanding of what the amendment would do with regard to ... I believe it creates an unfairness which could be challenged really as being unfair to Jersey people.

The Attorney General:

I am not sure I understand that point sufficiently to be able to give Members a proper answer to it.

Senator P.F. Routier:

The point I was making, Sir, the example which I gave earlier was that a Jersey person would not be able to claim a rent component but somebody who had been away from the Island and come back, who does not have the local connection, could come back to Jersey and claim rent rebate because their parent lives in Jersey.

The Attorney General:

I am very pleased that I volunteered to deal with this before lunch. I think it would be better to deal with it after lunch. [Laughter] Looking at it again I can see some further difficulties with it. I think I would prefer to deal with it this afternoon, but I wonder if Members would be prepared to allow it to wait open until perhaps 3.45 p.m. or so. I dare say the debate will still be going by then.

Deputy P.V.F. Le Claire:

Could I ask the Attorney General to consider a question I would have put to him at this stage, which he can consider and maybe answer? I am trying to read between the lines here and I was thinking that if the amendment is accepted then there is no consideration by the department. It is automatic. Am I able to ask the Attorney General if that is a correct interpretation or not, and then maybe hear back later? My view was if the amendment was accepted there would be no consideration in the department about wherever the parents were living.

Deputy R.G. Le Hérissier:

I wonder if I could suggest to the Minister, given the problems in interpreting it and the excellent work the Attorney General has done so far in a sense sewing the seed of doubt, could the Minister withdraw it at this stage for reconsideration? Is it possible to do that without the whole edifice collapsing?

The Attorney General:

If I may say so, Sir, there is no doubt about the regulation as it is drafted. There is a doubt about the amendment.

LUNCHEON ADJOURNMENT PROPOSED

The Greffier of the States (in the Chair):

Just before the adjournment I draw Members' attention to a proposition lodged this morning by Deputy Breckon of St. Saviour, Senator Frank Harrison Walker, Chief Minister, vote of censure P.158/2007. The Assembly stands adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS (continued)

18.14 Draft Income Support (Jersey) Regulations (P.90/2007) - second amendment (amendment to Schedule 1) (continued)

The Greffier of the States (in the Chair):

Just before we call the next amendment I understand, Deputy Martin, that discussions have taken place about the amendment to paragraph 3.

Deputy J.A. Martin:

Yes, Sir, and apparently we were both right so we are going to agree to pull that amendment.

The Greffier of the States (in the Chair):

You are seeking to withdraw the amendment. Are Members content the Scrutiny Panel should be able to withdraw the amendment? Very well, the amendment is withdrawn.

Connétable G.W. Fisher of St. Lawrence:

On that particular point, to be fair to the Attorney General, if he is busy swatting it up at the moment I think we ought to - [Interruption] he does know. Okay, fair enough.

The Greffier of the States (in the Chair):

We come now to an the first amendment by the Scrutiny Panel to paragraph 9 and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

In subparagraph (b) (ii) delete the words: “if the education or training being undertaken is likely to result in an increase in the member’s earning capacity.”

81.614.1 Deputy J.A. Martin:

When we first read the Rregulations we never spotted this and it was pointed out to us by the Chairman of the Child Care Trust and he seemed to think it was very prescriptive, narrow-minded and probably would not achieve what it wanted to do. We give an example, Sir, in our amendment and I apologise for anybody out there called Jenny because we use Jenny and so do Social Security. Jenny from the Block, so we say Jenny works in the finance industry and earns £30,000 a year and then has a couple of children, leaves work for 5 years while raising them and under income support does not need to work but then when they are 5 and they are at school not only does Jenny want to return to work, she will probably be encouraged to do so. But does finance still suit Jenny? She has a husband. She did not really like her job much anyway and she is 5 years out of finance so she might even need a good deal of retraining to get back into there the way systems move on. We say that Jenny might want to go into childcare or the caring industry, even catering. We do not know where there will be a need for people to work in a few years and we do not know that these jobs and the certain hours - I mean, Jenny could be a care assistant and work nights and probably double what she earns in finance. We do not know. That is why we think it is very prescriptive and also I would just read you the comments from the Minister. It says: “The Scrutiny Panel provides an example of Jenny who has finance industry skills and wishes to retrain in childcare or catering.” I have just said that was a narrow example. It could be anything. The department – and this is all under discretion and very caring and of course it will always err on the side of caution - would

prefer to help Jenny find a flexible part-time job in the finance industry to maintain her existing skills, not retraining to a lower skill base.” I think that is telling Jenny that she cannot retrain to do something else and who is to say that a carer or someone in childcare is of less value? It is called a lower skill base and the Social Security Minister seems to think she will earn less money. I totally disagree with this but I will also point out, talk about Ministers who want their cake and eat it, in their policy guidelines, page 17, Sir, they talk about suitable work and I will quote: “Suitable work. What is appropriate to a person’s skills, qualifications and abilities.” This means that when an individual starts to look for a job he or she can look for suitable work. This would allow a trained carpenter to look for work as a carpenter, for example. The definition also includes a time limit so that after an individual has been out of work for some time, he or she should start to look for other jobs which do not make full use of his or her training experience. For example, the carpenter may need to take work as a labourer if he or she cannot find a job as a carpenter and thus reducing their earning capacity. This person cannot train, either. He is already trained for one profession. It may well be a profession that the Minister argues, Sir, they do not want to be paying for people who cannot use their skills. They may well have paid for - well, he has not got a name but I will give you Jenny’s husband’s name, could be John, and he has been paid to train as a carpenter. He is given exactly 13 weeks to find a suitable job as a carpenter. After that, any work will do. I say I really think this amendment is too narrow, too prescriptive and who is to say retraining, you may earn more money, you may not. The argument about the finance industry is one that we could go on with for ever. They are always paid more in the finance industry. I cannot agree with that and you must always take into - if the Minister does stand up and says: “But of course we will take into individual circumstances.” He has already said he would rather keep Jenny working part-time in the finance industry but Jenny’s kids do not want her to. They want her there and her husband says he would like her to work evenings. Sir, I maintain this amendment. I think it is very sensible and I hope and I would like the Minister to accept this one.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Seconded] Does any Member wish to speak on the amendment?
Senator Routier.

18.6.14.2 Senator P.F. Routier:

I was looking for someone else to speak, Sir. My response to this amendment is really based around the cost of extending what is already the provision we give for child care. The valid reasons which people have for child care and for people being able to retrain is, obviously I support, Sir, all those very good reasons. Training is very good for everyone and needing child care to be able to achieve that is important and that is available for people. Income support is about supporting people financially. It is not necessarily about being able for people to increase their skills to do other functions within the community. It is vitally important that we ensure the money we do have available for income support is used wisely and not wildly, as I nearly said. I can understand the Jersey Child Care Trust have identified this an issue which they would like to see, and they approached us on several occasions on wanting to extend the availability of child care. All these things have a cost to them. They all have a cost. What we are saying, and what we have said to the Child Care Trust directly, is that the potential for making it available for people who are not going to be improving their earning capacity so they have less reliance on income support is important to consider that matter. What we need to do is to ensure those people who are relying on income support for their living should be in a position where they are trying to support themselves financially to the best possibility. That is really all we are saying. As I said, I do understand the very valid reasons for retraining. I do support the aims of the JCCT (Jersey Child Care Trust) but what I said to them is that once income support has settled down we will monitor the situation and at a later stage we may be able to look to see if we can increase the extra availability of child care to wider groups. You have to recognise that extending it to people who may not be in a position to increase their own income is an additional cost to income support and it was felt a secondary level

of importance rather than giving it to people who are more in need of financial support. I do not think it is an appropriate use of income support money to support people in changes that are not going to improve their financial position. I leave it to Members and I suggest that the amendment is rejected.

8.61.14.32 Deputy G.P. Southern:

I believe this is an extension of something that is already in existence. I think it was about 2 years ago, I believe, that I persuaded the Minister to extend the Child Care Allowance to those in training and now it appears he was reluctant to do that and he wants to claw back that concession.

Senator P.F. Routier:

The system does allow for people to have child care support in training. It is just the issue of making it available to people in training.

Deputy G.P. Southern:

I never said otherwise. Thank you. I am still on my feet. Now we are saying, and I really cannot believe we are arguing the toss about this one, that the Minister or the determining officer can say whether it is appropriate that you should choose to go back and train, say, in child care or in geriatric care, in order to return to work after a certain length of time. What sort of a state are we living in? How many powers does the Minister want to take to himself? Are we living in some sort of Russian command economy? We say where you will be best placed? That is what it appears that the Minister wants. This absolutely ridiculous statement that only if it will be clear to the determining officer that it will improve your financial situation, not that there is a need or not that it is what you think is your vocation and that is what you want to do, but we decide what is appropriate for you and then we will or will not allow you child care allowance. It is an absolutely absurd position for the Minister to be taking. I wish he would accept this amendment. It will do little harm and may do some good.

1.148.6.43 Deputy C.J. Scott Warren:

I think a sensible approach is again necessary here. You cannot force someone to return to his or her former area of employment some years ago if the person no longer wishes to do the same type of work as they did previously. I can, Sir, understand a time limit on training or, perhaps, a limit on the number of training courses someone does before obtaining employment. But, Sir, I will be supporting this amendment.

The Greffier of the States (in the Chair):

Does any Member wish to speak on the amendment? I call on Deputy Martin to reply.

8.61.14.54 Deputy J.A. Martin:

I listened closely to what the Minister said and to me he did not make the case. He says it is about child care and people training but he is willing to send people on training courses, people who have no skills at the moment. Will they pass that course? Because they are earning nothing, if they go on a course, presuming they pass the course, their earning capacity will increase. He adds nothing to the argument. I totally agree with Deputy Southern. Who are we telling? Where are the jobs? You can take a horse to water but you cannot make Jenny drink. I am very sorry, Sir, that the Minister could not meet us even on this and even with a letter from the Child Care Trust to say this is sensible. Nobody knows what will improve somebody's money. As I have already said, once somebody has been out of work for 13 weeks, the Minister does not care if they are going to increase their wages. He tells the carpenter: "Go and find a labourer's job. Do not retrain." You cannot have it both ways. I think, as Deputy Scott Warren said, it is a very sensible amendment. It will not cost any more because they will be sending people on courses and more people on courses and the more people that fail the courses - at least Jenny has obtained a job of 30 hours in the finance industry and would be expected to pass a course in child care or for the elderly so she could then go out to work. I maintain the amendment, Sir, and I ask for the appel.

The Greffier of the States (in the Chair):

The appel is called for. Members to return to their seats and the Greffier will open the voting for or against the amendment to paragraph 9. Would all Members who wish to do so, cast their votes. The Greffier will close the voting. The amendment has been adopted. 23 votes were cast in favour, 16 votes against.

Deputy J.A. Martin:

I thank all the 23 voters. Thank you, Sir. Thank you.

POUR: 23

Senator L. Norman
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy A. Breckon (S)
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.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy of St. Peter
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. Mary

CONTRE: 16

Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator J.L. Perchard
Connétable of St. Ouen
Deputy R.C. Duhamel (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy A.J.D. Maclean (H)
Deputy I.J. Gorst (C)

ABSTAIN: 0

The Greffier of the States (in the Chair):

We come now to the final Scrutiny matter, to Schedule 1, touching on both paragraphs 9 and 10. I will ask the Greffier to read that amendment.

The Assistant Greffier of the States:

(a) In paragraph 9(b): (i) in clause (i), delete the word “or”; (ii) in clause (ii) for the full stop substitute the word: “; or”; (iii) after clause (ii), add the following clause, clause: “(iii) Article 3(1)(g) of the (Jersey) Law. (b) in paragraph 10(2)(b) for the words “or education or training commitments” substitute the words “education or training commitments or job seeking commitments.”

1.158.7 Deputy J.A. Martin:

This slightly follows on from the other amendment but it is to do with child care. As we have already, I think, had the debate, most people, or lots of people even with children and school-aged children, will be under the new system called a job seeker. There will be certain functions that the job seeker will have to carry out and that will be in their agreement. They will have to have interviews, not just with the Department, or t of Training and interviews with possible employers, they will have to do all this, and the Minister seems to think that they can do this all around the time that their child is in school. Sometimes that is not suitable and we are only asking that a job

seeker who has children, who would need child care for 2 reasons; if that person is really seeking work, and I am talking about someone who really might be pushing it and wants to go to all the interviews and she wants to do 3 or 4 in one week. But you are not going to be wanting to sit in the room thinking: "I have to rush here. I have to fill in a form. How long does an interview take? No, I cannot." The first time the person says: "Can you come for an interview at 2.30?" "Well, will you be finished by 3.00 p.m. because I have to pick up my children?" Goes down very well with your prospective employer. What we are asking is a couple of hours when they are job seeking and they have proven that they are on an interview, they might have to attend an interview within the department and that could probably be worked around school times if they are not too busy at the department. Really, Sir, the Minister says he can make discretionary payments but this just puts it in the regulations. We do not think it is too hard and it will not cost a lot. The Minister also makes the point about: "It must be noted, however, that it remains to be seen whether such a job seeker will be able to obtain the odd hour of child care here and there from a registered child care provider." Sir, that is the whole idea. When you are going out to work and you need a child carer that is what you look for first. Anybody in child care, that is what the Child Care Trust will tell you, is to ease that child in slowly. An hour here, an hour there, then a couple more hours is ideal. It is not always possible but if you are seeking work, that is ideal. That is all we are asking for, Sir. I maintain the amendment and I hope the Minister could accept this one.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Seconded] Does any Member wish to speak on the amendment?
Senator Routier?

1.158.7.1 Senator P.F. Routier:

Unfortunately, I am unable to accept this amendment mainly because it just opens up the door far too wide. What it achieves is that any job seeker, that is anybody who is out of work, can have full time carer's components. That is what this amendment achieves. It goes a lot further than what the Deputy is trying to achieve, to give that extra support to people who are wanting to work to enable them to have a couple of hours of care. We can achieve that within the special payments section. Unfortunately it just takes it far too wide, this amendment, so it would just be available to anybody who was seeking a job and it would be full time care allowance. It would be the whole package available to them and, obviously, when they obtain a full time job, they would then be able to obtain the full carer's package. It is just that step process. We believe certainly we can support them to have the child care they need in a gradual way and we will help them and support them financially to obtain that child care if they can find it. To obtain the odd hour here and there is quite difficult. If you speak to the Jersey Child Care Trust, those odd hours, although they might recommend it to take people gradually into it, the practicalities of the matter is that to arrange with the child care provider: "Have you an hour here? Have you an hour there, or a couple of hours there?" Practically, that is not possible. I give Members an assurance that if there are job seekers who need assistance with care and care costs, we will provide that if they can find the care. But to open it up as wide as what this amendment does to make it possible for any job seeker to have a full child care component I believe is going too far and it would be an additional cost for which we do not have the money.

1.158.7.2 Deputy G.P. Southern:

The Minister talked about the practicalities of the issue and I believe he, thereby, demonstrated how out of touch he is with the practicalities on the ground of job seeking. The fact is, if you are a carer for a child of no matter what age, as the rapporteur has already stated, in order to be confident about attending interviews, you have to have your child care set up and ready so that you can go to the interviews. You cannot be making excuses about the kids as you are applying for jobs. All we are asking is that this is set in the regulation so that people can, when they are asked: "Can you come tomorrow? Can you come in 2 days' time for an interview at X time?" that they have their child

care. That is the hardest thing to set up. Getting a job, if you a carer, is the easy part. It is far easier than getting your child care arranged. What we need is them to have the confidence to say: "If I have my child care arranged so I can attend interviews and so that I can say: 'I will be there.' Okay, then I am halfway to getting the job and, maybe, I will be in work rather than not in work." So, the practicalities of getting a job and job seeking - and for anybody job seeking they know how hard it is. Do not make it any harder. Put this in the regulation. It is workable. It is practical and what is reasonable can be decided as reasonable all over this legislation. What is reasonable is not full time care because you are job seeking. What is reasonable is: "I have an arrangement. I have fixed it up. Will you cover it for my job interview?" The answer has to be yes. The assumption must be yes. Do not worry about it. Get on with job seeking. That is what we are asking and what I do believe our amendment does.

1.158.7.3 Senator T.A. Le Sueur:

Maybe I was a bit slow on the last amendment but just thinking about this from the Treasury Minister's point of view, I had always understood that Scrutiny has tried to be a rigorous process but it was something that the proposer said a few moments ago when she said: "This amendment should not cost too much." The comments in the proposition say there are no financial indications. Now we have it changed to: "should not cost too much." Maybe it will not? Maybe it will? I have no idea. The Minister for Social Security gives the indication it could cost quite a bit. I go back to the old argument that if we are trying to make the best use of this money, should we necessarily be adopting uncoded, uncertain amendments such as this one?

The Greffier of the States (in the Chair):

I call on Deputy Martin to reply.

1.158.7.4 Deputy J.A. Martin:

I have just checked my amendment and I do not understand where the Minister says it is too wide. It is very prescriptive. It is only asking for child care where the person is available for and actively seeking remunerative work and it will only be for a few hours. I am reading it and it does say that, Sir. The remarks from the Minister address that. He says that he would provide the few hours that I am asking for but he does not really want them in the regulations. I may have made a slip up and said: "This may not cost much." In fact, it may cost a hell of a lot because if you do not provide child care for somebody who is actively seeking work and they do not have the right child care for their children, they will not be working. So, I can assure you it will cost a lot. I maintain the amendment, Sir, and I ask for the appel.

The Greffier of the States (in the Chair):

If Members are in their designated seats. The vote is for or against the amendments to paragraphs 9 and 10. The Greffier will open the voting. Will all of you who wish to do so cast your vote? The Greffier will close the voting. The amendment has been rejected 10 votes were cast in favour, 31 votes against. The 10 pour, Greffier, please?

The Deputy Greffier of the States:

Pour, the Connétable of St. Mary, the Connétable of St. Martin, Deputies Breckon, St. Martin, Martin, Southern, St. Peter, Le Claire, Power and Pitman.

POUR: 10

Connétable of St. Mary
Connétable of St. Martin
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy J.A. Martin (H)

CONTRE: 31

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf

ABSTAIN: 0

Deputy G.P. Southern (H)	Senator T.J. Le Main
Deputy of St. Peter	Senator J.L. Perchard
Deputy P.V.F. Le Claire (H)	Connétable of St. Ouen
Deputy S.S.P.A. Power (B)	Connétable of St. Clement
Deputy S. Pitman (H)	Connétable of St. Helier
	Connétable of Trinity
	Connétable of St. Lawrence
	Connétable of St. Brelade
	Connétable of St. John
	Deputy R.C. Duhamel (S)
	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 S.C. Ferguson (B)
	Deputy of St. Ouen
	Deputy of Grouville
	Deputy G.W.J. de Faye (H)
	Deputy J.A.N. Le Fondré (L)
	Deputy D.W. Mezbourian (L)
	Deputy A.J.D. Maclean (H)
	Deputy K.C. Lewis (S)
	Deputy of St. John
	Deputy I.J. Gorst (C)
	Deputy of St. Mary

9. Draft Income Support (Jersey) Regulations (P.90/2007) (continued)

The Greffier of the States (in the Chair):

The debate now resumes on Regulation 6 and Schedules 1 and 2 as amended. Does any Member wish to speak on any of those matters? No? I put Regulations 6 and Schedules 1 and 2 as amended. Would those Members in favour of adopting kindly show. Any against? They are adopted. I invite you to propose Regulation 7, Minister.

19.16 Senator P.F. Routier:

Sorry, Sir. We are going rather quick today, are we not? Sorry, Sir. I propose Regulation 7, Sir. [Laughter] It includes another slight amendment to enable when somebody is in prison to be - it allows for the remainder of the family to be considered for income support. I propose that regulation, Sir.

The Greffier of the States (in the Chair):

Is the Regulation 7 seconded? [Seconded] There is an amendment to Regulation 7 which, I understand, is accepted by the Minister. I think it is largely consequential on an earlier amendment.

Senator P.F. Routier:

Yes, Sir, it is.

The Greffier of the States (in the Chair):

I will then ask the Greffier to read the amendment. This is on page 3 of the Scrutiny Panel amendments.

The Deputy Greffier of the States:

After Regulation 7, insert the following regulation: (8) Article 5 of Law amended. In Article 5(3)(c) of the Law, after the word “household” there shall be inserted the words: “or employing a nanny accredited by the Jersey Child Care Trust to look after that child.”

The Greffier of the States (in the Chair):

Rapporteur, is there anything you wish to add anything to the proposed amendment?

1.16.1 Deputy J.A. Martin:

No, I would just like to thank the Minister. Thank you, Sir.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Seconded] Does any Member wish to speak? I put the amendment. Would those Members in favour of adopting it kindly show. Against? The amendment is adopted. Does anyone wish to speak on Regulation 7 as proposed? I put Regulation 7. Would those Members in favour of adopting it kindly show. Any against? Regulation 7 is adopted. We come now to Regulation 8. Minister, as you are proposing the regulations as amended, what you are effectively proposing here, I understand, is the Regulation 8 and new Regulation 9 and new Schedule 3 which as is set out in your amendment which is P.90 Amendments. I invite you to make that proposition.

1.17 Senator P.F. Routier:

I make the proposition, Sir.

The Greffier of the States (in the Chair):

Seconded? [Seconded] Does any Member wish to speak on Regulation 8, new Regulation 9, or Schedule 3? I put those regulations and schedule. Would those Member is favour kindly show. Those against? They are adopted. The regulations are, therefore, adopted in the Ssecond Rreading. Do you propose them in Tthird Rreading, Minister?

Senator P.F. Routier:

Yes, Sir.

The Greffier of the States (in the Chair):

Seconded? [Seconded] Does any Member wish to speak?

1.179.12 Deputy P.V.F. Le Claire:

Just briefly, Sir. I think it would be remiss of us not to recognise the work that the Scrutiny Panel has done in all of this and I would like to congratulate them and also, conversely, it has also been a mammoth task for the Minister, his Assistant Minister and for his officers as well. Hopefully this will lead - I had better sit down while I am ahead.

1.179.23 Senator T.J. Le Main:

I certainly would like to congratulate Deputy Martin, the way she presented her case today. Excellent work. Very well done. While we do not always agree, I think she has done an excellent job. Very valuable work.

The Greffier of the States (in the Chair):

She has not finished yet, Senator.

1.179.34 The Deputy of St. Martin:

Yes, I was going to say what Deputy Le Claire has said but I will just add to it. One of the things that is interesting is that today we have had quite a considerable time of asking the Attorney General, who is quite interested in the Article 16 of Human Rights. It says that before any legislation must come before the States it must have a signature or a registration of compatibility

with the human rights. It is interesting that it says for Loi but not for regulations. It may well be a time we have to consider that we look for a suitable endorsement when deliberations like we have had today come before the States. It may well save a lot of time that we would save in having to debate or asking the Attorney General for something which really should have been done before we came to the States. But just add to that little bit and also add my congratulations to the Scrutiny Panel for a job well done.

1.179.45 Senator P.F.C. Ozouf:

Very briefly. At various different points in the debate, the debate strayed into, effectively, areas of migration and a number of Members, including Deputy Le Claire, raised issues about the work of Economic Development. What I wanted to say is that I do recognise that there is a job of work to be done to bring the universe of job seekers to the world of employers. We are doing work. I think that regulation undertaken regulation of undertakings is being strengthened in a number of different respects and Members will see from the numbers of locally qualified people in work. But there is more to be done and that is going to be done under the remit of the triumvirate of Ministers of Education, Social Security and Economic Development. But Deputy Martin's comments about the need to do more are not lost on us.

1.179.56 Deputy C.J. Scott Warren:

I think this has been an interesting debate and to see how Scrutiny and the department and the whole way of that it has worked. There are areas where there is still some disagreement but I think we can perhaps learn from this ever further in future debates. Sir, I understand that in the UK U.K. there has recently been an extended payment provision for people who are long-term incapacity claimants in the UK U.K. It is if they have been claiming for over 6 months and then if they get a permanent job they are now allowed to keep one month's benefit which is, obviously, an incentive after being out of work for so long to go back into the workplace. I realise this has financial implications but I would ask if and when the Minister is reviewing the provisions over the coming year, whether he might look at this as an incentive because obviously the first month of a person working, they do not always have the money, the cheque until the end of the month. It is an incentive for somebody to return to work who has been off a long time and I congratulate the department and the Scrutiny Panel. Thank you, Sir.

The Greffier of the States (in the Chair):

I call on the Minister to reply if you wish, Minister?

19.17.6 Senator P.F. Routier:

I will save my thanks and congratulations to everybody when we finish the rest of the debate, Sir.

The Greffier of the States (in the Chair):

I put the regulations in Tthird Rreading. Would those Members in favour of adopting them kindly show? Those against? The regulations are adopted in the Tthird Rreading.

210. Draft Income Support (Special Payments) (Jersey) Regulations 200- (P.91/2007)

The Greffier of the States (in the Chair):

We come now to the next item which is the Draft Income Support (Special Payments) (Jersey) Regulations 200-. I ask the Greffier to read the citations to the Regulations.

The Deputy Greffier of the States:

Draft Income Support (Special Payments) (Jersey) Regulations. The States, in pursuance of Articles 8 and 18 of the Income Support (Jersey) Law 2007 have made the following regulations.

The Greffier of the States (in the Chair):

Would the Minister like to propose the principles of the regulations?

210.1 Senator P.F. Routier:

The Income Support Regulations that we have just finished cater for the regular, every day costs that every household has to meet. From a very early stage in the development of income support, it was clear that while regular payments formed the bulk of many income support schemes, there was always the need for a mechanism to deliver one-off, lump-sum payments which cater for irregular and finite costs. The existing system in Jersey has the discretionary parish welfare system which meet such costs which range from children's shoes to high value, essential dental costs. At this point I would like to thank those parish officers who have helped us with this part of the development, notably those in St. Helier and St. Saviour who have been able to provide us with valuable past experience on this issue. The States agreed in 2005 that there was a need to have a fund to which people could apply to help with exceptional, one-off expenses that are difficult to budget for within a relatively low income. As such, a separate fund has not been set up but the estimates for the special payments have been incorporated into the overall income support budget. I believe that this is one area where the system needs to start with strict limits and then be monitored as time goes by. I am also proposing that special payments be available to categories of people just outside the income support population. My reasoning for this is quite simple. Large expenses, perhaps during a crisis, may push some people with limited income into financial difficulty and, perhaps, into poverty. By providing a special payment which may even be a loan to be paid when circumstances allow, some of these particular households could be protected from falling into poverty and greater debt. Finally, I would make a couple of points. Special payments are there for urgent and necessary expenses. I am not advocating that they should be paid for luxury or wish-list goods or services. They will be directed at genuine need. Secondly, costs should be reasonable and the household should not have any other reasonable means of meeting the cost. I would suggest that a claim for the cost of a new mattress under the special payments regulations should not be awarded to a household with capital assets of £20,000. This would seem to be unfair to the general body of taxpayers who, themselves, may not have capital assets to this value. In proposing the regulations, I am conscious that this is one area of expenditure that will need to be monitored and controlled very tightly. As I said earlier, I have been grateful for the expertise and knowledge of the parishes in developing the guidelines for this part of the income support system. I propose the preamble.

The Greffier of the States (in the Chair):

Are the principles seconded? [Seconded]

210.1.1 Deputy P.N. Troy:

Yes, and can I speak at the same time, Sir? Can I just say, Sir, that this reflects a lot of the work that the Constables have been doing for many years through the welfare system and I think I would like to extend our thanks to all the Connétables for all the input that they have had in bringing all of this forward. I think everyone will recognise the work that they have done in the past and the fact that they have worked with the department to bring this whole issue through has involved a lot of consultation with the Connétables and it has been very important and very useful and I thank them for it.

210.1.2 Deputy J.B. Fox:

I have listened to the Minister going through the various regulations and that one would be covered under special payments and I can quite accept the fact that you cannot cover everything in regulations and things will need to be covered in special payments. But monitored and has to be obviously stringently kept within limits is what he has just said regarding these special payments. But what concerns me is there is a limited budget and many of these things can be foreseen but if you suddenly have a crisis, and I suppose one could be a very severe winter, for argument's sake, or

something like that where extra fuel allowances are required. Does he have to come back to the House to ask for any special funding or is there another facility which is not included in this particular regulation?

210.1.3 Deputy P.V.F. Le Claire:

I had one question for the Minister who I spoke to before the debate a couple of days ago and that was, although within the special payments proposition it identifies the particular areas, was there the catch-all still in place whereby if something out of the blue came and what if it was not in writing, would there still be the safety net of the Minister? The Minister assured me, and I am just seeking a reassurance today in the States, that he has absolute discretion in relation to an extraordinary circumstantial payment. If for example, something comes along in 5 years' time that did not exist before and they need money for that and there is a special circumstance, he has that ability as a Minister to determine that. I just wanted to make that quite clear because I think there are opportunities - I gave an earlier indication to a situation of circumstance when a lady was being helped so much it was helping her to her detriment. I want to make sure there is this catch-all thing, that the Minister will retain absolute discretion and, more importantly, have that written into these guidelines that the department will operate under so that in special circumstances, if the department wants to help, as it did want to help me, it is able to. The department previously found it was unable to help me even though it wanted to and we ended up having to go back to the Connétable and sorting it out through that mechanism. So, an assurance on that would be great, if he could give it to me, thank you.

210.1.4 Deputy R.G. Le Hérissier:

I was a bit surprised. If a matter was sprung upon the Minister who would make that decision? I found that very difficult, the way that the Minister totally moved against that particular suggestion. Who would make a decision? Or would he go away and sleep on the issue? I find it all very arbitrary, Sir. Could he tell us whether a definitive list does exist or whether it does not exist and, if so, who is making the decision about things that are on the boundary of that list?

210.1.5 The Deputy of St. Ouen:

Could the Minister confirm first of all roughly what sum of money has been allocated for special payments and also how he intends to monitor those payments?

The Greffier of the States (in the Chair):

I call on the Minister to reply.

210.1.6 Senator P.F. Routier:

Deputy Fox asked about the funding. He is concerned about whether we had sufficient funds and having to come back to the States if we do run out of funds. I will tie it up, obviously, with the question that was asked by the Deputy of St. Ouen who asked the vital question about how much money we have in that available fund. We have set aside £1 million. We have worked with the parishes and we have also taken advice from some research that was carried out in the UK U.K. about their social fund. We have, obviously, had to make an estimate and for the first year we have estimated £1 million needs to be put aside for these types of payments. Obviously, it will have to be monitored as we go and we will have to keep a very strict eye on how those funds are used and how they are allocated. That is why we have to have guidelines which are very clear to the public of the sorts of things that they can and cannot apply for. That leads me on to what Deputy Le Hérissier was asking about why a mattress and why not other things. What we are saying is, for health and safety reasons there are new things that could be bought. Things like electrical, mattresses, that would be new. Mattresses would be new and carpets would be new because they are all soft things which for health and safety reasons they really need to be new. Other things could be second hand, and we are saying they should be second hand because there is a good second hand market within

the Island and a lot of people buy second hand things like wardrobes, tables and chairs, and for recycling and those sort of things. There is a good second hand market for those hard furniture things. I am not sure whether the Deputy was relating to who was going to make the decision about who pays and when. The example I gave at the beginning about somebody who has £20,000 and we would not be prepared to pay for a mattress of £200. You will see in the guidelines that we have produced that we would expect people to use their money if they have it down to a limit. It is a third of what the savings limits are. So, if somebody has savings and they are down to a third of what the savings limits are in the regulations, we would not expect them to pay if they were below that level. If they were above that level we would expect them to be making a contribution or paying for those items. It has to be fair on the whole of the community, the taxpayers. How can it be right that, for instance, somebody has a reasonable sum of money in the bank and is asking the taxpayer, or the States, to be paying for an item when there are other people in the community who may not have the same amount of savings? We have to be reasonable about this and allow people to - we will support people and we have set the rates at a third of what the savings limits are. So, that is how we would make that judgment. If there are things that they need, we will obviously have to assess the particular items that they need at that time. If it is an urgent item that is relating to their health and safety; their house will not stop intruders, if it is not wind and weather proof. We will ensure that all those things - there is a very valid reason for doing it. It is not going to be an opportunity for people to come with wish-lists, if they want a new flat-screen TV or that sort of thing and we will build on experience as we go. We have the experience of what the Connétables have been used to and they have been very helpful in giving us the information on how they deal with it. Deputy Le Claire was asking about the process with regards to discretion. We will have published guidelines which people will know the sorts of things they can and cannot apply for. If they are unsatisfied with the decision that they are given they can appeal to a second officer. Then if they are not satisfied with that then they can go to a tribunal and then I can have the final decision on that matter. I think I have covered all the points. I maintain the preamble, Sir?

The Bailiff:

I put the principles of the regulations. Would those Members in favour of adopting it kindly show? Against? The principles are adopted. You move Regulation 1, Minister?

Senator P.F. Routier:

Yes, Sir, I do.

The Bailiff:

Regulation 1 is proposed and seconded. [Seconded] Does any Member wish to speak on Regulation 1? You wish the appel? Very well. I ask any Member in the precinct who wishes to vote upon Regulation 1 to return to his or her seat. I ask the Greffier to open the voting which is for or against Regulation 1. All Members who wish to vote have done so, I will ask the Greffier to close the poll. I can announce that Regulation 1 has been adopted 39 votes were cast in favour, no votes against.

POUR: 39

CONTRE: 0

ABSTAIN: 0

Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence

Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
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
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
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

The Bailiff:

You'll move Regulations 2 to 4?

10.2.2 Senator P.F. Routier:

Yes, Sir. Regulations 2 to 4(1). Regulation 2 sets out the households who can claim a special payment. I think it is obvious that households already in receipt of income support should be able to claim but clearly this does not mean that any award is automatic for them. I mentioned previously that special payments would be available to categories of people outside of income support. There are 2 circumstances where this might happen. Firstly, households that are within 6 months of qualifying for the resident's condition for income support which is 5 years and, secondly, those households with an income that is no more than 10 per cent above the total component rates for income support in their particular circumstances. Regulation 3 defines the expenses that can be met by income support special payments and, as I said previously, these are urgent and necessary expenses that cannot be met reasonably in any other way. I do not propose to go through each of the list of goods and services in the paragraph but the overall categories of assistance are based on those items already covered through the parish welfare system. I would like, however, to comment on a few items. I am told there are instances where a person has moved voluntarily - this is the experience the Connétables have told me about, that when somebody has moved voluntarily into a new flat without having sufficient money to support them in the new accommodation and then visited the welfare authorities for assistance. Special payments in the circumstances of moving to a new property will not be retrospective. Sub-paragraph (5) sets out the provision I mentioned previously about no other reasonable means of meeting the cost. I believe this is a very important matter both to avoid frivolous claims and also to provide some comfort to the taxpayer. Regulation 4 looks at the amount of the special payment and introduces a test of reasonableness. Examples

from the experience of the parish welfare system were considered in drawing up this provision, including things like tenders, preferential goods and service providers and those who were able to arrange repairs and renewals themselves at a lower cost. We will use all these options. The question of second hand furniture, as I raised earlier, is something we have been advised by the welfare officers that there is plenty of good stock of good quality second hand furniture in Jersey and that should not be ignored. Clearly, there has to be some safeguard on quality for matters of health and safety. Therefore, electrical items, mattresses and carpets should be supplied new. I propose paragraphs 2 to 4, Sir.

The Bailiff:

Seconded? [Seconded] Rapporteur, there are a number of amendments to Regulations 3 and 4. Do you wish to take them all together or one by one?

2.311. Draft Income Support (Special Payments) (Jersey) Regulations 200- (P.91/2007) - amendments

Deputy J.A. Martin:

Sorry, Sir, and I am always accusing other people of doing that. I apologise. I think I would prefer to take them one by one unless I could take them all together and vote on them separately?

The Bailiff:

Yes, of course, if you would like to do that.

Deputy J.A. Martin:

Yes, because the Minister has just covered the most - I was wondering where I came in, being quite new to this game but I am getting quite used to it now.

The Bailiff:

Deputy, there are technically 4 different amendments. You can have a different vote on each one of those 4, if you like.

Deputy J.A. Martin:

Yes, please. But talk to all of them? Speak to all of them now. Yes, the first one is the for repairs.

The Bailiff:

I am sorry, there are 5. I beg your pardon. If Members would like them read out, they can be. There is a whole page of amendments.

Senator M.E. Vibert:

Well as long as they are explained individually please, so that we know what we are voting on.

The Bailiff:

That is what the rapporteur is about to do, I think.

2.311.1 Deputy J.A. Martin:

The first amendment is to Regulation 3 and it is about repairs. Regulation 3(2) tells us: "A special payment may be made to defray the expenses payable by the claimant that are necessary to prevent a serious risk to health, safety or welfare of the claimant or a member of the claimant's household." The Minister's comments quotes that provision and says that: "Under this provision the department will meet repairs of costs to keep a property wind, weather and intruder proof." I think the special payment in P.91 is quite wider than that. So, we have asked for all repairs that will prevent serious risk of health or safety of the welfare claimant to be covered under special payments. Secondly,

there is the question of insulation. It is not in the Articles that are covered and we have not made it an urgent payment.

The Bailiff:

Deputy, I am sorry to interrupt you, but I think it might be helpful to Members if you were to say you are now moving to the amendment to paragraph 4 so every Member will know precisely which one you are speaking to.

Deputy J.A. Martin:

Yes, Sir, I will do that.

The Bailiff:

You are moving to the second one now?

Deputy J.A. Martin:

Yes, I am moving to the second one. "After paragraph 4, insert the following paragraph" and it is talking about a payment for insulation. We have put it after paragraph 4, so it will not be urgent and we feel it can be then tested on each merit, the merit of each person's home. Will the cost of insulating the house benefit the people who live there? Will it cut their electricity bills? Will it help overall? We think in this environmentally conscious age this has been an oversight and we would like to see this included in special payments. Then I am moving on to the next amendment which is reasonable means. This is where myself and the Senator again disagree. He says that people who have already passed the test for income support will not necessarily receive a special payment if they have X amount of savings in the bank and we heard the £100 mattress. My problem, again, is we will only be helping those people who really refuse to help themselves and have no savings. They have already met the test of income support. You have already allowed disregards for disabilities, age and singles and couples under 65, but if they need quite a large - yes, £100 mattress, I do not think many people who have hundreds in the bank would go to the Minister but there are other things. I know people whose pipes have burst, tanks have burst, no fault of their own and, unfortunately, they have not had house insurance and it has caused thousands of pounds worth of damage. Completely, everything is ruined. If somebody in the Minister's terms has a quarter of the monies in the bank, they should meet that. But what if this family has been saving that money up for something? It could be a deposit to better themselves into their own home. It could be a holiday. One in 10 years. So, it could be a holiday, it could be savings for low earners for a holiday that they probably only could take, all right, every 5 years if the Minister wants to be picky. But this is where I disagree that the person has already met the test of income support. They will go to special payments and the one that will come back and bite the Minister - I have quoted the things that could happen to people, but the one that will come back and bite the Minister because of the poorly designed health component and dental and the way the elderly are treated, the £1 million, I think, we are not looking at enough money. The next one, Sir, I am moving on, is to ask for a mortgage payment to be put into special payments. This was a question, Sir, put to Senator Routier at St. Pauls at a presentation by Deputy Hilton. She asked if a family lived in a 3-bedroom house and something happens to them, they own the house - the Senator gives examples that he would pay the mortgage if the main wage earner had a major accident, illness or unexpected redundancy. He fails to mention the most common of people not having somebody in the mortgage is the breakdown in a relationship. It may be covered but I would say that is the most common. All this is asking, Sir, is to put into the schedule under special payments that somebody will have their mortgage met at the same amount as they would if they lived in a 3-bedroom house. The rate at the moment is £236 a week or £1,022 per calendar month. The Minister says that this money probably would not meet a mortgage. It might not. But if you are given 12 months, and you might even be able to take in a lodger, but there are lots of things and you would want to keep your family home, the house you have bought into. You may have been buying it for X amount of years with your

partner and any of what the Senator says could have happened. It could be a death. It could be a serious injury and it could be a break up. We think it is reasonable that the mortgage is met for 12 months. Yes, obviously, there will be people from day one who do not want this. The alternative will then be, sell your house. There may not be much equity in the house. The parent left with the 2 or 3 children will fall back into income support, fall back into, probably, States' housing, and then we will have that exact same amount of money in rent component. I do not think what we are asking under mortgage payments, Sir, is unreasonable. This Minister says he does have discretion to do this but he says in a letter to me that it would be repayments for a limited period of time and that limited period of time he has now stretched to 4 months. I do not think 4 months to get yourself sorted out is a reasonable time. I think 12 months is much better. So, that is that one. Second hand goods. Yes, I feel like second hand Rose at the moment and I hope I am not reselling the whole story. Why, in Jersey, have we written into our law second hand goods. Well, we have been told that is the way it has always been done. I am not saying do not buy. People cannot buy second hand goods. I am just not saying write it into the law. What makes it worse, Sir, we pointed out when we had this discussion about second hand goods over many months - and the Minister would not move on it and is still not moving on it - we pointed out second hand goods can be some very fine antique bureaus so he has covered that as well, that they are available to purchase second hand goods. The special payment shall only cover the actual or reasonable price of obtaining the item of second hand goods because, as I say, what is a second hand good? I cannot really go on about this. It is going to be a decision for everyone. Do we want second hand goods written into a Jersey law? I think it is absolutely - I cannot even find the word for it, Sir. It makes me ashamed. Yes, let people, if they find a better second hand good and there are so many exceptions. But one of the exceptions is mattresses but another, not exempt, is a soft chair or couch. Well, I am sorry, a soft chair or couch in what condition? Nobody knows, so I am saying there may be a place for second hand goods but do not write it into the law and, as I say, there is so many exemptions, we do not really need it. There is reasonable good new furniture around and I think people in need should be allowed to go and buy that, Sir. The next one has been accepted, delivery and installation. This was a problem we had with white goods, but the Minister has kindly accepted that if someone needs a cooker, of course it needs delivering and, of course, they will pay for a qualified electrician to install it because it would not be very cheap if it was not installed by a qualified electrician who blew the house up and then the whole family need rehousing. Quite sensible to accept that. I think I have covered the 5 in that regulation until we move on to Regulation 5.

The Bailiff:

There are 6 but you have covered them.

Deputy J.A. Martin:

I commend the amendments and I will take any questions, Sir.

The Bailiff:

Those 6 amendments are proposed and seconded? [Seconded]. Does any Member wish to speak?

211.31.21 Senator P.F. Routier:

Firstly, regarding repairs, I believe it is obviously appropriate, Sir, that house owners, home owners, without the reasonable needs of meeting the costs keeping their properties wind, weather and intruder proof, should be given support. There is no doubt about that and income support does exactly that. Regulation 3(2) requires special payments to cover the costs to prevent serious risks to the health, safety and welfare of claimants. This most certainly includes meeting the costs of keeping properties secure against all those threats. I am at a loss to understand why the Scrutiny Panel felt the need to propose this particular amendment. The panel's amendment would require the cost of absolutely any repairs to be met where there is an urgent need. The requirements for claimants to fund their own repairs where they have reasonable means of doing so will stand, that is

of course providing the other amendment is not successful, but think about it if it is successful. If we interpret repairs as only being necessary when faced with keeping property secure against the elements and intruders, then this amendment would replace unnecessarily the existing provision which we are putting in place. But it could be that the panel intends that the term “urgent need” be interpreted wider than it is. If it is their intention, it will significantly add to the cost and I do not believe that the income support scheme should be turned into a building and decorative grants fund. As our proposals cover keeping the property secure against the elements and against intruders, I believe what we are proposing is sufficient. Having an open to any repairs concept will cause unnecessary risk and pressure on the very limited funds that we have and that particular amendment, I urge Members to strongly resist. Moving on to insulation, in the long term, provided insulation for properties and to reduce the cost of energy has to have some environmental benefits. There is no doubt about that. If homes stayed in the ownership of income support households, then ultimately the income support budget could be reduced through long-term energy savings, but would it really achieve that? I am not sure. Firstly, what guarantee do we have that those homes will remain in the ownership of those on income support? The answer is that we cannot. We cannot be sure of that at all. Secondly, how does this help the majority of those on income support who are tenants? The answer is, it does not. Unlike with the previous amendments, this question about why it does not help tenants, the income support system is not there to support private landlords in achieving better properties for them. We are there to support the individual to ensure that this property improvement is aimed at property owners who are on income support, not on tenants.

Deputy J.A. Martin:

Can I just ask on a point of clarification? Surely that would help lessen heating bills and there must be an effect on costs while a person is living in that property?

Senator P.F. Routier:

The open-ended nature of this amendment, I agree entirely it would be. As I said in my opening remarks, it would certainly reduce heating costs but for it to be part of an income support measure, I think is inappropriate. If we want to encourage the Environment Committee to support grants for insulation, fair enough, but it is not really a thing for income support to be doing.

Deputy G.P. Southern:

Can I ask a point of clarification of the Minister? The Minister has just referred to tenants and landlords when the amendment says: “A special payment made to defray the cost of insulating a dwelling owned by the claimant and occupied as his or her principal residence.” Nothing to do with tenants, nothing to do with landlords. It is about those pensioners mainly who own their own home.

Senator P.F. Routier:

Exactly the point I was trying to make. The overall emphasis of how we spend money on income support is predominantly people who are tenants. We will support home owners, to an extent, to make sure their properties are wind and water tight and intruder proof, but to take us that step further when we do not know that the ownership is going to stay within an income support family, that it could change, I am not sure whether that is a wise method of using income support money. It may well, as I said, that environmental funds could be set up to do that, but not income support. So, however desirable the long term aspiration of this amendment, unless it is backed by additional resources, it is naïve to expect a benefit system to be able to accommodate such an additional cost. We have made an estimate. It could be about 450 households that could want that sort of expense spent on them but also then there is the cost of the installation and also decorative repairs afterwards. Sometimes when you are putting in insulation, there are incidental other costs. So, I really do not think this is a priority for income support. As I say, it could be for environmental reasons to do that, but not income support. I would recommend to Members that, because of the very open-ended nature and the lack of focus on supporting people with low incomes in what they

really need is the basics of human life, I am sure what we are doing with ensuring their homes are wind and water tight, that is sufficient for the income support measures. Moving on to the reasonable means aspect of the amendments, income support is a means-tested benefit targeted at real need. If you have the means to meet your own needs, then you should meet them with your own means. That is what a means-tested benefit achieves. If you do not follow those principles, it is moving away from what income support is about. The special payment provision allows for goods and services to be paid for when there is an urgent need and where the claimant has no reasonable means of meeting the costs themselves. The amendments of the Scrutiny Panel will require the taxpayer to meet these expenses regardless of the expense of the item and the assets of the claimant. As I say in my comments, which Members have to the amendment, if approved, this amendment would require the department - and when I say the department I mean taxpayers, they will be paying the bill - to pay. If successful, there would be a demand on the department to pay for a mattress of, say, £100 to a claimant who has £20,000 or more in the bank. That is the effect of the amendment. The comments I have provided show the level below which no one will be expected to fund their own one-off costs. The budget available for special payments is based upon the budgets and rules for similar expenditure currently funded by parish welfare. The income support budgets will not be sufficient to meet the significant, but unknown, and open-ended costs that would arise if this amendment is successful. I strongly urge Members to oppose that amendment, Sir. Moving on to mortgage support, while income support is not intended to be a mortgage guarantee scheme, there will be events in families' lives when keeping them in the homes for the long term can be achieved through support in the short term or perhaps we can avoid further stress to already stressful times by providing a breathing space for those home owners or families faced with traumatic times. I have proposed guidelines that will allow the department to respond quickly to helping home owners faced with difficult times such as the death of a breadwinner or sudden and serious illness or injury, which decimates the earnings of the family. Initially, the department would be able to respond by meeting interest costs for up to 4 months. Because it is within the discretionary powers, I can extend that period, if need be. The Scrutiny amendment approaches this differently by placing in regulations the requirements that a family in urgent need would have their mortgage payments met for up to 12 months at a rate equivalent to the housing rental component appropriate to the property. In many cases, this rental component may not even cover mortgage interest payments so what would happen then, we ask ourselves? The family could approach the department to seek through discretionary powers. All in all, this makes for a very, very complicated process to help these people. Of course, sometimes the payment suggested by the Scrutiny will exceed the mortgage interest payments and then be too generous to some home owners. I believe that the system I propose is much more flexible and will meet the needs in a more effective way. I urge Members to reject the amendment. Finally, Sir, on the section, second hand goods, as I said in my opening comments, there is a healthy, thriving market in quality second hand furniture in Jersey which is accessed by many, including people on high incomes, to provide furniture at a fraction of the cost of buying new, but obviously on safety and health grounds, income support payments will, as with the parish welfare, provide for essential goods to be provided brand new such as mattresses, as we spoke about, carpets and electrical goods. However, I do not believe there is a need to be paying for new furniture such as wardrobes, tables and chairs when such value for money, quality second hand goods is available. There may be a case that somebody could demonstrate to us that they have found a very, very cheap new item. Fair enough. If they can demonstrate that, we would probably consider that but if it was very, very cheap. But while there is a very good second hand market around which a lot of people use, it is more appropriate, and perhaps even on environmental grounds as well, to use good quality second hand furniture. I would rather target our funding wisely to real needs rather than this proposal. If the amendments were adopted, significant costs would be added to the scheme which would not be afforded from within the existing budget. I also oppose this amendment, Sir.

112.31.32 Deputy A. Breckon:

I would just like to make some general comments on what the Minister has said. I do really wonder sometimes if we have any joined up government and joined up policies. We talk sometimes about the elderly and lifetime homes and care in the community and this sort of thing and it is about really their physical wellbeing, and that includes stress, and I do not think many old people will be knocking on his door to get a few pounds for the mattress or something like that. They would rather go without, many people. They have their pride and I do not think that would happen at all but some of these amendments, Sir, look at things about people's health. If they are cold and damp and in that sort of environment, then there is another cost. So, by spending some money, there is also tremendous benefit for the people who may be unfortunate to be in these circumstances. We are not talking about giving money away to everyone and I am not saying that money should be given away lightly without some accountability, but I think there is a balance between penny pinching and saying that we cannot do that and whatever else and doing something positive that would give some comfort and some care to people in the community. It is all right blaming somebody else and saying: "Environment will look at this" but will any of us live to see it, that is the question I would ask and with some of this, Sir, to me it makes commonsense by just hanging these things together, and it could well be that somebody has a particular problem on a temporary basis and that could well be because, as Deputy Martin said, of an accident in the home with a tank bursting or perhaps a storm of something like that and that really could fit in with some of this. I think it also would encourage, or could encourage, people in these situations to think about doing some of the things themselves and it is something perhaps the Minister could work with, with his colleagues, rather than just saying: "Well, shut the door. It is somebody else's. It is just over the line." There is a balance between spending the money and doing the things, and the general policies that we are supposed to be addressing which, if some of these things do, and I could certainly touch on, say the elderly, then perhaps, you know, we should be doing it and, as the Minister mentioned before, some of this stuff could be set against a loan. It is not unknown for this to happen, but it will give that person, sometimes in difficult and stressful circumstances, some comfort and, hopefully, we can go there with a degree of compassion, not with a load of regulations that say: "No, I am sorry. I have to draw the line here" because although there might have been some criticisms in the past, the Connétables are accountable and have been able to touch on some of these areas in the past and I think we should build and develop on that and not shut it out, Sir. So, in general terms, these amendments, I think, are there for a reason and I hope Members will give them due consideration.

211.1.3.4 Deputy G.P. Southern:

Once again, the Minister takes a case and exaggerates it to the point of absurdity to try and ridicule the case for the amendments. I point out to the Minister that in Article 2 it says: "A special payment may be made." Not, must be made. There is discretion all the way through this legislation. In 3: "May be made", in 3(2): "May be made." It is discretionary, following the circumstances. So, we are not talking about all 400 people, who might be in this situation, coming along and saying: "You have got to pay me." That is not the case. That is not going to be happening so we are not talking about these large sums that the Minister is scare-mongering about. Okay, so (b): "The cost of repairs to a dwelling owned by the claimant and occupied as his or her principal residence." Not tenants, not landlords, but the owners. The owners, possibly pensioners, possibly asset rich, income poor, on income support and the hot water cylinder goes. Okay, well equipment, yes. We will replace it. No assets, no savings, to speak of. Of course we will, as a special payment, replace your hot water cylinder. You cannot do without hot water for very long. We will, of course, replace the bed and the carpet that have been ruined by the leaking. Okay, that is probable. But the fact that they took the bedroom ceiling down: "Oh, we cannot touch that. No, no there is no regulation to say we can help you with that." So, you cannot do without the bedroom ceiling. It is not wind, water. That is what the regulations say. I am hearing, I am seeing people, they say: "Well, of course that is completely unreasonable." Well, why not put it in the regulations? The cost of repairs. Your ceiling has gone. Of course we will help you, Mrs. so and so, with a brand new ceiling. You cannot live without a bedroom ceiling, can you? No. That is all this asks. Not in every case. Discretionary. Can

you help me with your ceiling? Certainly. Now, Regulation 3, moving on to insulation and one has to ask where the joined up thinking is but one has to ask also where the Minister for the Environment is here? So that here he is, circulating his energy policy just recently. We are all supposed to be consulting about it. It is an energy policy which includes the saving of energy, wherever possible. That includes possibilities about insulating homes, especially for the elderly who are particularly susceptible to cold weather and often live in houses that are badly insulated but, for these people: "Oh no, do not come knocking on our door." Yes, the fact is that if we do insulate your home properly, if you take those sort of measures, yes your heating bills will go down, yes your welfare will be a lot better. You will need to live in one room with the 3 cardigans and your coat on all the time. You may improve your quality of life tremendously. You can apply and we may, we may, help you with it. Discretionary, not must. We may help you with it. Let us open that door. Let us open that door. Let us get some joined up thinking. Do we want to save energy? Do we want to better insulate old people's homes? I do believe we do. Then, of course, we go on to mortgage payments. Now, here again the Minister exaggerates. Of course, the payment could be greater than the mortgage payment and we would be shelling out money for nothing. It does not say that. The amendment does not say that, do not be silly. The law draftsmen know what they are doing. Despite paragraph (1) the maximum amount of specialist payment shall be a sum equivalent to what you would have paid were they renting. That is all it says. Not must be, may be. Maximum. The maximum payment. So, of course, we will cover your interest payments. We will make sure you do not have to leave your home with disruption to the family, for whatever reasons, and we are saying that the appropriate length of time is 12 months. Three to 4 months following a separation, a nasty, messy separation, where it is still not clear who is going to get what and what the financial arrangements are going to be and who is to blame, and the stuff is going through the court, and the kids are upset. Oh, by the way, kids, you are going to have to move home as well because we cannot afford to eat after 3 months. All discretionary. We put more certainty into the situation, and a more effective way of doing it, surely, is to say the regulations say up to 12 months and that is what you have got. Now, sort your affairs out. Get on with it, get on with the rest of your life. At least you will not have that worry, that stress, hanging over you for the next 12 months and in 12 months, we can probably rest assured that people will be sorted out and able, I hope, to take care of themselves and not falling back on the good services of the Minister of Housing because they have had to leave their home. The eligibility one is one I leave to Members. It strikes us that if you have a low income support scheme and you say you are allowed this amount of savings, then that is the amount of savings that is regarded and that we will consider helping you through special payments. Again, it is "may" and not "must" and that we can negotiate with you over what is reasonable to expect the special payments to pay for and what is reasonable to expect you to pay for. Again, the exaggeration involved in somebody with £20,000 of savings going for a £100 mattress. Please. Give the intelligence of Members some respect, Minister. Delivery and insulation has been accepted. Finally, second hand goods. Again it is a question of - I am not sure if it is already covered. If Members will bear with me, it is in 4(1): "The amount of special payments shall be the full cost of defraying the expense concerned and such amount as represents a reasonable price for the goods or service being provided whichever is lower." Reasonable price. Does that not include second hand goods, if the value is appropriate? I believe it does. There is no need to then hammer that home in the regulations by sticking first recourse will be second hand goods in a piece of legislation that we are passing but I will leave that one to Members. We believe it is inappropriate there. It is already covered by paragraph (1): "Reasonable cost, whatever is lower." At which point, let us get on with it.

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

I am happy to support the Minister in the face of most of these amendments but I have to say I do part company with him on the subject of insulation and I do welcome, therefore, the amendment put forward by the Scrutiny Panel. It seems to me that there really cannot be many things much more miserable than being on income support in the middle of winter on a freezing cold day, living

in premises where you are worried about the heating, where your insulation is poor and energy is just seeping out of the room or rooms that you are in. Not a happy pre-Christmas prospect, frankly, for anyone, and indeed, the Minister does recognise that the Scrutiny Panel's amendment is laudable in its intentions, but says there is a problem here in that there would be funding to install insulation regardless of urgency. What I do have to say to the Minister, I think anyone on income support, living in poorly insulated premises, is a subject of urgency and the States, I regret, has taken a rather unusual approach to this problem. If we reflect on how we do things, via the winter fuel allowance, in effect what we are saying is, if you have poorly insulated premises, just chuck some more logs on the fire and we will pay for them, irrespective of the fact that, by the very act of doing so, one is simply pouring yet more energy out through the poorly insulated premises into the atmosphere. I believe that the Minister is really dealing with this on the basis of a false economy. It makes absolute sense to progress matters of insulation in this Island where poor insulation exists. There is no better place to start than people who are on income support. Clearly, the rich can afford it anyway. Now, I take and I am sympathetic with the Minister about the fact that he may not see this as a role for income support. It perhaps should not be in his budget. Perhaps it should come out of a special environment fund. So, I simply say to the Minister: "Get down and chat to your very good friend, Senator Cohen, Minister of Planning and Environment and get their fund sorted out", if that is how things should turn out to be in the long run. But right now, I see an opportunity, an opportunity for this Assembly, to do something positive. It may, initially, fall at the wrong door but that is for Ministers to sort out in due course, but right now here is an opportunity presented to us by Scrutiny to do something positive that is environmentally friendly, that in the short to medium and long term will cut down on energy bills, will reduce the requirements for a winter fuel bonus, will reduce the requirement within the Minister's own welfare payouts for the money needed for central heating and fuel, and I simply say again to Members: "Take this opportunity." Not to take this opportunity is, quite frankly, a false economy.

2.3.611.1.5 Deputy S.C. Ferguson:

One of the strengths of the native Jersey man is the underlying ethos of personal responsibility and self-support. It does strike me that instead of a handout, a number of these amendments refer to people who own their own houses. So, why are we not looking for an equity release type scheme whereby the capital sums are offset against the value of the property on sale or death? This allows the retention of self-esteem by the claimant, they are not cap in hand, and supports the community. Deputy de Faye talks about oldies and hypothermia. Having lived with an oldie with 10 years, I can quite understand that. You know, she had 3 sweaters on and I was wearing an open necked shirt and, well, I would have worn shorts but it was not a pretty sight. But basically, yes, hypothermia is a problem but, you know, I think it is Ireland, they are not paying a winter fuel allowance. They are providing an allowance for people to put towards insulation of their homes and again, perhaps it is an area where we should be - you know, we are not just handing out for fuel. Perhaps we should be looking at something more constructive. As for second hand furniture, there are a number of - I see nothing wrong with second hand furniture. In fact, the second hand furniture market is incredibly good value because there are - I think there is a tendency for people to want to buy new and there is a lot of almost new stuff going very reasonably. The parishes used to work a system whereby if you were getting rid of furniture, which was in good condition, it would go into store and then when somebody cropped up who needed new furniture or extra furniture, there was a supply and you could have a super selection down in the parish stall. There is also the alternative, which is slightly off the point, Sir, and I hope you will forgive me on this, but there are growing up in the UK U.K. a number of little charities really called Furniture Exchange and these people take in good quality furniture and restore it to an as new condition and sell it very, very reasonably and this is, perhaps, something that we, too, should be looking at. I really do not feel I can go with the amendments as they stand, but I would ask the Minister and his colleagues in related areas to look at the ideas that I have thrown out and perhaps bring those into effect.

2.3.711.1.6 Deputy P.V.F. Le Claire:

I think Deputy Ferguson's suggestion of an equity release scheme, where people have a need perhaps for insulation, can be factored into the comments that the Environment Minister is seeking in relation to his policy consultation document as a very good suggestion in how to achieve what we are all trying to achieve, which is providing for people when they are in need and making sure that when we provide for those people, they are, indeed, in need. Within the policy itself, it talks about reducing energy waste, et cetera, but one particular thing says: "Policies will aim to ensure the highest standards of demand of management and energy use are vigorously pursued in order to promote environmental sustainability, avoid the cost of energy infrastructure [which is the winter fuel allowance that we have been speaking about] and reduce exposure to international energy prices" which is obviously something that is more appropriate for the energy consultation document. But that is why I cannot support the laudable suggestion that we become environmentally conscious under these regulations, because I think that these are not the right places for the environmental mechanisms in policy to exist. I think those mechanisms need to be placed within the energy policy and then provision for those policies needs to take into account suggestions like Deputy Ferguson's, which was a very good one, where you have got somebody that has got a really nice house, might be selling it in 12 months' time, decides that they want insulation because the fuel bill is going through the roof and fine, put in the insulation. When you sell your house, we will have that £1,200 back, thanks very much. So, that is a good suggestion, I think. I would just like to ask, Sir, I do not know if I can get maybe an indication from the Assistant Minister who is yet to speak, I think in relation to the first amendment, the suggestion that in supporting it, we would be covering instances where ceilings come in and I have had personal experience of this in our house where our ceiling came in and it was one of those slap mortar type old, you know, really heavy things when they fall on your head. Anyway, totally devastated the largest room we had in the house and forced us out of that room for many months. The subsequent deterioration in the living standards and the health of our family, until we got it sorted out, was quite noticeable so I am hoping that maybe the Assistant Minister can tell me that there is provision for those kinds of occurrences. Under those circumstances, there would be the facility for the regulations the Minister is proposing to cover that need. Now, if there is not, and if the Assistant Minister or the Minister cannot assure me that there is, then I will support that amendment and I will support that amendment because I do believe that there are a number of houses like that and when it comes down, it totally devastates not only the existing rooms that it happens in but also the lifestyles and the health of individuals. Mould starts to occur, et cetera, et cetera. I think the issues in relation to wind and weather tight exist, although I could stand to be corrected by most people in the House I guess, in relation to leases because I believe the landlords are required to keep a premise, in relation to a lease, wind and water tight under their conditions. So, that probably extends to a number of the properties that we are looking at in these schemes and a number in, perhaps, Housing as well who are - Housing are obliged to keep their properties wind and water tight. That leads me to this mortgage payment for 12 months. I appreciate that there are times where people go through divorces and there are times when people get separated. I have been divorced and I know what it means when you have to move out and I know what it means when you have to lose your house and I know what it means because I have seen it myself, and I have also seen it happening to other people as well. I remember going down to the Housing Minister's house one evening about 4 years ago with a lady that was desperately in a situation. One has got qualities, one has not got qualities, they got the house, the situation is going on. I do not need to go into the details of it. Thank God, the Housing Minister does not close his doors at 5.30 p.m. because this was about 8.00 p.m. You will remember it well when I brought the lady down with me. She was crying her eyes out.

Senator T.J. Le Main:

Open 24 hours a day.

Deputy P.V.F. Le Claire:

24 hours a day. More is the pity. [Laughter] Open all hours. He did a great thing and he looked after her and he made sure that the family could stay in the house they were in and everything else and the situation was looked after. I just think personally, you know, I have got quite a big heart really but I just think 12 months for a mortgage is just a bit - it is too much, I think. I do not have a house. I will probably never have a mortgage but I really do not think that 12 months - I do not think it is going to go down well with the rest of the States' Members knowing them. Up to 4 months, with the Minister's discretion on interest payments. I think that that makes sense because you want to cover the ability to meet the house but, at the end of the day, it is an asset. You do take that situation into account when you get married. When you go to purchase a house in a relationship, you are putting equity into that house and when that house is sold, you get equity out of it and it might be that you get more than the other one. I mean I walked away from my first marriage and said: "Right, whatever I can get in the car is mine. You can keep whatever is left" and she had the house and everything else that was in it. I was fine to drive down the road in a car. Well, I thought I was getting the better deal, to be honest. [Laughter] But we were only renting. That brings me on to the second thing and - what we were renting was a very nice house and she has stayed there but in that very nice house we had a large collection of antique second hand furniture. Now, in that large collection of second hand antique furniture, she kept all of that and that was worth quite a lot.

The Bailiff:

Deputy, this is all very interesting but I think we must come back to the point please.

Deputy K.C. Lewis of St. Saviour:

Sorry, Sir. Are we quoretquorate? I beg your pardon.

The Bailiff:

I will count while the Deputy continues.

Deputy P.V.F. Le Claire:

I have obviously gone off the track. The point is, Sir, in specific relation to these amendments, I think 12 months is too much and I am sorry I cannot support the Scrutiny Panel on that for the mortgage payments. I think it is too much. In relation to second hand goods, I have experienced purchasing second hand goods. We have still got second hand goods. Nothing wrong with second hand stuff. So, I need a little bit more persuading on that one. I am not certain about that one. So, out of the 5, I need reassurance, if possible, from the Assistant Minister that the cover is there for the ceilings coming down. I think the insulation should go in the energy policy. Not talking about the other one. 12 months is too much. Sorry, cannot support that and I do not know what the fuss is about second hand goods. We have got second hand goods now. I have them in the past. Some of them are quite valuable and I do not see the problem.

11.1.72.3.8 Senator P.F.C. Ozouf:

Just a few brief remarks in the absence of the Planning and Environment Minister and Assistant Minister, but as a member of the Energy Policy Group, but before addressing the energy issue, Deputy Ferguson raised the issue of lifetime homes and she is absolutely right that we need to put in other mechanisms to get senior citizens with homes, some of the equity release out of them and the use of planning obligations will be used for that. But that is a separate issue. Deputy de Faye, unfortunately, appears to suffer a bit of double amnesia. I think he has forgotten that the actual basic entitlement of income support does have a winter fuel element within it, so I think he was slightly misguiding himself when he said that there was not a winter fuel element in the income support system. Secondly, he also appears to have forgotten that the Council of Ministers discussed, only last week, the fact that there would be a standalone report and proposition on environmental taxes which would raise money potentially for environmentally energy efficient saving proposals,

and that the Council of Ministers has promised to bring in the first quarter of next year. I agree with him, and many other Members agree, that insulation would be a top priority. Saving energy saves money, but we need a scheme which is far wider than just the income support system and I would be against simply using the income support system but rather the standalone environmental taxes proposition which will come forward in the first quarter of next year.

2.311.1.89 Senator T.J. Le Main:

This Assembly has a very visionary and understanding Housing Minister at the moment who, Sir, when he was Housing President came across this problem of insulation and the need for insulation and we had a block on a 99-year lease in the east of the Island that was sold off as first time buyers, 30, 40, 50 years ago, 40 some odd years ago, predominantly occupied by very elderly people now. Most of them are still original purchasers and many of them just surviving on their pensions. Then we have this huge problem of the property, the block of apartments, needing insulation, waterproofing and what have you. Sir, what we did was instead of going down, just giving the money away we have done what we are proposing to do, possibly a little like the project property plan suggests, is that we did the work, Sir, and we insulated to a very high standard. We made the homes lovely and comfortable and warm, insulated and then those who could not afford to pay for their shares of the repairs, we have put it on a resale, inheritance or otherwise and I think Deputy St. Ouen was on the committee and, in fact, now half of them have paid for the work, but the others will do so, Sir, when they resell the properties or when it is inherited or passed on to someone else. Now, that is not just giving the money away. That is what I would suspect, Sir, that most people would accept as a reasonable way forward. I totally, totally agree with Deputy of St. Brelade. I totally agree with what she is saying. We just cannot continue with these open-ended giveaways all the time. There has got to be some responsibility for people to accept that, at the end of the day, someone has got to pay for it and they must take some responsibility. There is a way forward and I totally agree with Senator Ozouf on the environmental tax, but this is another way that we could achieve the aims of the Transport and Technical Services Minister. But to go out, open-ended, and just give these sort of things away, including assistance on mortgage, quite honestly is just plain, plain daft. I urge this Assembly not to support these amendments but let us target those in real need and assist them in every way possible. In fact, if the time came that we needed more money to assist those in need I have got no problem, but to give away money such as insulation costs to property owners and all that, without some sort of repayment, quite honestly, is silly.

2.311.1.910 Deputy P.N. Troy:

Deputy Southern said: "Well, of course, the special payment may be made." We have used the terminology: "May be made" so that is all right, you can decide whom you want to give it. Well, of course, that is not strictly true. Once someone qualifies for something, if they say: "I need insulation" and Mrs. Smith comes in and needs insulation, then Mrs. Jones, then when you are down to the 30th person who needs insulation, you cannot suddenly say to the 31st, 32nd, 33rd person: "Sorry, we are not giving your insulation." They will say: "Well, what about the fact that you have given it to those other 30 people" and so it is not that simple. You cannot just start suddenly giving it to some that you want to give it to and not giving it to others. If they qualify to make the claim, then we are highly likely to have to give them funding for it. Now, all of these items here have a significant cost to them. I mean, the insulation alone on a property, the insulation costs for replacement costs could be £1,000, £2,000, £3,000 depending on the size of the house. Some could be massive costs, colossal. We have 400 to 500 persons in their own homes who are eligible for income support and if we had 400 people claim £1,000, that would be £400,000. £500,000, if we had 500 people. Our budget is £1 million. It would wipe out half of our budget. This could have a colossal cost in the system. Do we need to be picking up insulation costs for these properties? Some of the homes that we are talking about might be worth £400,000 or £500,000. If you had insulation problems and they were not urgent, you could probably go to your bank and organise a loan against your £500,000 home. Senator Le Main was saying that the best

way that housing have found to deal with these things is to give loans against the property and have an agreement that, in the future, that those funds are recovered and that might be something that Scrutiny might want to take into account. There is an experience there at the Housing Department already as to how they can deal with these sort of issues. If you do start spending all of this money on people's homes, as has been said previously, if the house is then sold, you have done a nice job of insulation but for the new owner as well, and that may not be the most desirable thing for us to do. Someone mentioned the ceiling falling down. Well, of course, if the ceiling did fall down and needed urgent repair, well that would be covered by health, safety and welfare issues which is Regulation 3(2). I think also that the problem with number 5, as has been said by the Minister in the amendment to 3(5), that by inserting the terminology used by the Scrutiny Panel, it means then that those people have no other means of meeting the cost held within income support, but those who do have funds, as the Minister has said, you have now excluded that - no other means of meeting the costs so that someone who does have large sums of money in the bank still become eligible to claim some of these things. It is just the cost, from our point of view, in designing the system. We cannot put everything in that Scrutiny want us to put in. If we had to put some of these things in, we would have to go to the Treasury Minister, in all likelihood, and say that we are going to need more funding and, as far as I am aware at the moment, the Treasury Minister is not inclined to hand out money freely at the moment in time. Deputy Le Claire is saying that he is closed 24 hours a day at the moment [Laughter] but honestly the thing is we have to work within our budget and while some of these things are very nice has it is just not possible to do this. It is just not possible and we should not be supporting, certainly when we get to mortgages, when we are talking about going out mortgages for 12 months that really just would have a colossal cost. Can you imagine paying the mortgage of 30, 40 people for 12 months? That amendment, although well intentioned, is not possible and I do ask Members to reject these amendments.

Deputy D.W. Mezbourian of St. Lawrence:

May I just ask Deputy Troy for a point of clarification? He mentioned regarding the insulation amendment that if there were 400 home owners, it could cost so much. If there were 500 home owners, it could cost more, but I wonder if he is able to advise the House, how many house owners there are who may be eligible please?

Deputy P.N. Troy:

There are between 400 and 500. That is why I was using those figures and I mean the costs of insulating a property could be colossal.

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

Just briefly, I wonder if Members are aware that it is generally a prerequisite of having a mortgage that householders carry insurance? Now, that leads me to the first item and the repair question. The rapporteur brought up the point about what I interpret as consequential damage which could occur in a property in which she wished the Social Security Department to cover. Now, I would consider that to be, in general terms, an insurance matter and any responsible householder would certainly be carrying insurance. On the point of insulation, Sir, I wonder if Members are absolutely clear about the definition of insulation. Insulation can mean a lot of things. Now, are we talking about insulation up to current day standard, are we taking about 6 inches of fibreglass or are we talking about improvements, or are we talking about double glazing? Are we talking about ceilings, walls or what? I think the whole thing is far too open-ended and it would be a very dangerous precedent. Thank you, Sir.

2.311.1.121 Deputy G.C.L. Baudains:

Just in relation to the comments from the last speaker, Sir, and/or previously the comments from Deputy Troy, certainly the cost of insulation could be horrendous. I was just thinking, and whispering to my fellow Deputy alongside me here, you could spend £40,000 insulating a house, if

it is a single block old property. But drawing on what the Connétable is saying, Sir, I think we need to be mindful. While most of these issues could be an insurance matter, there are probably a number of people who are not insured because they cannot afford it.

The Bailiff:

I call on Deputy Martin, the rapporteur, to reply.

11.12.3.123 Deputy J.A. Martin:

I wish I had never taken 5 together now. You learn, Sir. The main focus seems to have been on insulation and most people have spoken against it for various reasons. Obviously the main one being the expense. We are told that we give people winter fuel allowances but to me, that sort of puts a lot of hot air into the hHouse and it goes straight out of the roof. A bit like other places that reminds me of. [Laughter]

Male SpeakerDeputy G.P. Southern:

Name that place.

Deputy J.A. Martin:

No, I could not possibly name that place. I did have one very good speech in support of the insulation from Deputy de Faye and I thank him very much and his pint will be on the bar after we finish here. [Laughter] I will go through them in order, Sir. I have just mentioned that one. That is the second one. The first one about repairs, the Connétable of St. Brelade has just mentioned people with mortgages probably do have to have insurance. These people are elderly and already paid for their houses and I do think that the Minister himself has misinterpreted exactly what the Assistant Minister has interpreted totally correctly. Under 3(2), they will have to basically meet any repair. Our problem was that they have now said these repairs will only be to keep a property wind, weather and intruder proof. How much could we cost in intruder proof? Let us not go there because we cannot cost insulation but I think some houses, old rickety, in the sticks, could cost a lot of money to be intruder proof and we do not have a figure for that either. I think, as I say, I have covered the insulation and I thank all the people. I think there was a very good comment by Deputy Ferguson and I hope someone takes it up. We are told this is already in the Planning Minister's agenda to look at this because it is obviously not just about cost, it is about environment. We have heard we might pay for some houses to be insulated and then they sell it. Well, that is the cost factor, but what about the environmental factor? We are just wasting energy that is going out of these roofs and out of walls and wherever. Number 3, reasonable means. I still maintain that if you have passed the test for income support, you have your disregard, r. Really, should you be tested again? I mean, we have had the example, £20,000 and £100 mattress. No disregard does go up to £20,000 but it will, as I say, again hit most of the people who are trying to save for something. They might have £5,000. Dental work £2,000. They can only have £3,000 because they are a single couple under 65 and a quarter of £12,000 is £3,000. So, their £5,000 is diminished straightaway to £3,000 and that holiday for that family that year or whatever it was, maybe trying to save for a deposit for a house, has gone. But as I say, it is obviously down to Members. Apparently, we are not targeting people in real need, if we do this. Now, the mortgage. I am very surprised. Well, I say I am very surprised. I am also surprised and disappointed. I think it is very short-sighted. I am told by Deputy Le Claire, he has a big heart but he sees where the House would go on this. Could you really support somebody who is in urgent need to meet their mortgage for up to 12 months, we do not say it has to be, but up to, no longer, and the maximum of the rent they will get. But where I say it is short-sighted, I know because I know the people and I have met the people and so have most of you. This person will fall straight back, removed from the family home, straight on to the benefit system and straight away in a 3-bedroom house will be entitled to that £236 a week rent rebate. So, where is this big heart, Senator Le Claire? Oh, I am calling him Senator now. Sorry, Sir. Deputy Le Claire. I think all the comments on mortgage, again it is very disappointing. You are putting people

back into benefits that could, with a little bit of help, and we point out no more than they would get under the rent rebate assistance, they could be given 12 months to keep their home and I really hope people could support that one. Amendment 5, Sir, again we have had the second hand goods. I just wonder, Sir - I mean, Deputy Southern covered it in amounts of special payments. It is there in (1). It does not stipulate it has to be second hand. It does not stipulate it cannot be second hand. It says: "Reasonable cost of defraying the expense." What I object to is in the affluent Island of Jersey we have to put, written into a regulation, second hand goods and I just feel - as I say, my amendment would not stop anybody having second hand goods, but I just do not think that we need it in regulations. I hope I have answered everybody's questions and covered the 5 parts of this regulation which I maintain the amendment, Sir, and as you said, I would like the appel on each one separately, thank you.

The Bailiff:

Very well. I ask any Member in the precinct to return to his or her seat and the first vote is on first amendment, page 10, Regulation 3: "After paragraph (1)(a), insert the following sub-paragraph." I invite the Greffier to open the voting.

Senator P.F. Routier:

It may be worthwhile to remind Members exactly what that is.

The Bailiff:

I am hoping that Members will have the amendments in front of them so that they will be able to see precisely what they are voting on.

Senator P.F. Routier:

Very briefly, that is any repairs.

The Bailiff:

Yes. All Members who wish to vote have done so. I ask the Greffier to close the voting and I can announce that this amendment has been lost; 7 votes were cast in favour, 37 votes against.

Deputy J.A. Martin:

Can we have the 7 please?

The Greffier of the States:

The following Members voted pour, Senator Syvret, Deputy Breckon, Deputy of St. Martin, Deputies Scott Warren, Martin, Southern and Pitman.

POUR: 7

Senator S. Syvret
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy C.J. Scott Warren (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S. Pitman (H)

CONTRE: 37

Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier

ABSTAIN: 0

Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Senator P.F. Routier:

If it would help, Sir, the next one is insulations.

The Bailiff:

Very well. This is now page 10, Regulation 3: “After paragraph 4 insert the following paragraph.”
As the Minister says, insulation. All Members who wish to vote have done so. I will ask the Greffier to close the voting and I can announce that this amendment has been lost; 8 votes were cast in favour, 36 votes against.

POUR: 8

Senator S. Syvret
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy G.W.J. de Faye (H)
Deputy D.W. Mezbourian (L)
Deputy S. Pitman (H)

CONTRE: 36

Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
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 Trinity
Connétable of St. Lawrence
Connétable of St. Brelade

ABSTAIN: 0

Connétable of St. Martin
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren (S)
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S.S.P.A. Power (B)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

Senator P.F. Routier:

The next one, Sir, is reasonable means of being able to pay oneself.

The Bailiff:

Third amendment, page 10, Regulation 3. I ask the Greffier to open the voting. All Members have now voted. I ask the Greffier to close the poll and I can announce that this amendment has been lost; 6 votes were cast in favour, 38 votes against.

POUR: 6

Senator S. Syvret
 Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)

CONTRE: 38

Senator L. Norman
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 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 Trinity
 Connétable of St. Lawrence
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren (S)

ABSTAIN: 0

Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy G.W.J. de Faye (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy D.W. Mezbourian (L)
 Deputy S.S.P.A. Power (B)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

The Bailiff:

The fourth amendment is page 10, Regulations 3 and 4, mortgage payments in a nutshell. I ask the Greffier to open the voting.

All Members who wish to vote have done so. I ask the Greffier to close the poll and I can announce that this amendment has been lost; 9 votes were cast in favour, 35 votes against.

Deputy G.P. Southern:
 Can we hear the 9 please?

The Greffier of the States:

The following Members voted pour, Senator Syvret, Deputy Breckon, Deputy of St. Martin, Deputies Baudains, Martin, Southern, the Deputy of Grouville, Deputy Pitman and the Deputy of St. John.

POUR: 9

Senator S. Syvret
 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 of Grouville
 Deputy S. Pitman (H)
 Deputy of St. John

CONTRE: 35

Senator L. Norman
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 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 Trinity
 Connétable of St. Lawrence
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren (S)

ABSTAIN: 0

Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy G.W.J. de Faye (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy D.W. Mezbourian (L)
 Deputy S.S.P.A. Power (B)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

The Bailiff:

Yes. We come now to fifth amendment, page 10, Regulation 4, second hand goods. I ask the Greffier to open the voting. All Members who wish to vote have done so. I ask the Greffier to close the poll and I can announce that this amendment has been lost; 13 votes were cast in favour, 31 votes against.

Deputy G.P. Southern:

Can we hear the 13 please?

The Greffier of the States:

Senators Syvret and Kinnard, Deputy Breckon, Deputy of St. Martin, Deputies Scott Warren, Le Hérissier, Martin, Southern, the Deputy of Grouville, Deputies Mezbourian, Pitman, Lewis and the Deputy of St. John.

POUR: 13

Senator S. Syvret
 Senator W. Kinnard
 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 of Grouville
 Deputy D.W. Mezbourian (L)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John

CONTRE: 31

Senator L. Norman
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 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 Trinity
 Connétable of St. Lawrence
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)

ABSTAIN: 0

Deputy of St. Ouen
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy I.J. Gorst (C)
Deputy of St. Mary

The Bailiff:

Finally, may we take this on a standing vote? I think this is accepted, Minister, is it?

Senator P.F. Routier:

Yes, certainly, Sir. Yes.

The Bailiff:

The amendment then, page 10, Regulation 4, Members in favour of adopting that amendment kindly show. Those against? The amendment is adopted. We return now to Regulations 2 and 4. Does any other Member wish to speak on the Regulations as amended? I put Regulations 2 and 4 as amended. Those Members in favour of adopting them kindly show. Those against? They are adopted. Minister, you move Regulations 5 and 6?

12. Draft Income Support (Special Payments) (Jersey) Regulations 200- (P.91/2007) (continued)

2.31.142.1 Senator P.F. Routier:

Yes, Sir. Yes. As described in my introduction to part 2, part 2 contains provisions which tackle specific circumstances where individuals can find themselves outside of the household with regard to claiming income support. Regulation 5 with the situation of an individual who continues not to be seeking work and this regulation deals with somebody who continues to not seek work. In such a situation, the whole household could be penalised by becoming ineligible for income support. This special payment clause maintains the income support payment for the rest of the household while gradually reducing the basic component for the individual over a 4-week period. I was interested in the debates we have had about incentives to work over the last day or so. The Scrutiny Panel were obviously calling for incentives to work. This provision creates an incentive, an incentive which they are looking for. So, I am at a loss to understand why Scrutiny want to reduce the incentive to work because their amendment will dilute the incentives which are being put in place. Regulation 6 is a necessary provision to deal with the situation of clinical confidentiality within a household. I am informed that it is rare but, on occasions, a person within a household may be suffering from a clinical condition that remains unknown to the rest of the household. In such circumstance, applying for a clinical cost element within income support may reveal the information which that person would rather be treated as confidential. Income support can get around this problem by making a special payment to defray any cost of medical services up to the level of the appropriate clinical cost element. Sir, I propose part 2 paragraphs 5 and 6.

The Bailiff:

Are those regulations seconded? [Seconded] There is an amendment to Regulation 5 and again it is a fairly long amendment. I do not know whether, rapporteur, you are content to take this as read? Are you?

2.313.15 Draft Income Support (Special Payments) (Jersey) Regulations 200- (P.91/2007) - amendments (amendment to Regulation 5)

Deputy J.A. Martin:

I am, Sir, if everyone has got their papers in front of them.

The Bailiff:

Page 3 of the Scrutiny Panel amendments will reveal Regulation 5 amendments and Members are content to take it as read, I call upon the rapporteur to propose it.

2.31.163.1 Deputy J.A. Martin:

I would just like to deal with the criticism that we were looking for some incentives to work in the new income support system and Senator Routier has just told us this is the incentive we are looking for. No, Sir, this is not. This is the biggest stick that the department has come up with. I will explain their version first. We are not a million miles away. In fact, I think we have put some structure into it. Basically you have to be actively seeking work. It does not mean you have to work. You have to be fulfilling actively seeking work. Now, it is probably you, your partner and a couple of children. Now, either or both of you might need to be actively seeking work. One of you may be fulfilling that. One of you may be working a few hours. If the second member fails their test of actively seeking work, and now with our amendment, that is, if they have not fulfilled it for 28 days - this amendment has already been accepted, Sir, in P.90 - the household will get a written notice telling them that if they do not start actively seeking work, come into the department, doing all that is asked of them in their job agreement, they will lose entitlement to income support. Not just the person actively seeking work, the whole household will lose entitlement. We were quite shocked when we saw this Regulation 5 because it had been silent to us on what they would do and how they would penalise people. We found this is very strong. So, there you are. One of you - you might not even know, especially if you are the head of the household that the letter has been sent to and you are the one whose bank account the money goes into, your partner is working away or trying to seek work, doing everything the department has asked, and then she is told: "There is no money this week. You have got to come and you have got to apply for a special payment." Again, this is, as we have already discovered, subject to much more test of means. But it goes further than that, Sir. What they want to do, in the first week for the claimant who is not actively seeking work, they want to reduce the basic component for that adult by 25 per cent. In monetary terms, that is roughly £20 in the first week. Now, even if that person then realises they mean business they cannot get that £20 back. So the person then decides they will actively seek work. They will go to the department, they will make a CV (curriculum vitae), they will go for an interview. They are still not working but they are actively seeking work. Even if they do that in the second week, the basic component for the adult stays reduced by £20 for the next 4 weeks. If, in the second week they are still not actively seeking work, the household unit loses another 25 per cent on top of the first, which is £40. Again, in the third week, it is £60, until the element is completely gone, the basic component of the adult not seeking work, £80. That is how Social Security have described it. If you add it up it is £20 the first week, £40 the second week, £60 the third week and £80 the fourth week. That unit, these very low - the people who are the less well off, who you are all wanting to help, you have made that household worse off by £200. Now, all we do, Sir, we get to this point but it takes exactly 12 weeks. They get to this point, I would say, roughly in about 12 weeks but not as structured as us. We also put in some little extra safety nets. We say, if the unit falls out of income support, and obviously in that first week they lose that £20, we say: "Well then, they are actively seeking work." They may even have an interview and a job to start at the end of the month. Under Income Support Regulations they still cannot get that £20 back. Our amendment allows them to go back to the level, straight away, of the basic component for the next 3 weeks until the person starts work or is actively seeking work. Then if they are still not doing this, on the second month, on the eighth week, we say, if the adult member is not actively seeking work, you take 25 per cent of their basic unit for 4 weeks, of their basic component for 4 weeks. So they lose £20 a week, £20 the next week and that adds up to £80. I hope the Minister has got the first one now. It is £200: £20, £40, £60,

£80. It did take me a while but Deputy Southern sat me down. It is £200 under these Income Support Regulations. We get there in week 12. We get there in 12 weeks exactly where the Social Security Minister takes to get there, I would say, probably in 8 weeks. So we are giving someone an extra 4 weeks so they can comply with actively seeking work until the household loses all the basic component for the adult who is not actively seeking work. It could be a single parent adult, which the component will be bigger, it could be both adults who are not actively seeking work. Now, I think the decision that has to be made is: is this an incentive to work? I think it is something that penalises people that we have not discussed yet in this House. How far do we want to go? How far do we want to take people's benefits away? I think the people that know how to play, let us say, play the game; they may be a bit work shy. They will be actively seeking work. I worry about people who do receive the Minister's letter and maybe cannot even read it, Sir, the weak in our society. There are a lot of people out there, Sir, they come to me and I am slightly embarrassed. They call me Judy but I call myself Deputy Martin. But: "Could you help me fill in this form?" Now, this is what Social Security is trying to do. This is what Social Security will do. They will hit the weakest first, people who are actively seeking work. If they lose the £20 or they get the letter - have maybe mucked about for the first 4 weeks, then they get the 4 weeks' notice. They will be straight down there. They will say: "Oh, I am actively seeking work but you do know I have got this problem. I cannot get the kids looked after. I had this problem years ago and if I am put under too much stress it will come back." They can play the game. I agree with the Senator. If you want to make sanctions and penalise people, make sure you are aiming it at the right people. But do not try and tell this House you are only taking away the basic component of the adult who is not actively seeking work. It is a lot of money. In their regulation it is £200 and after that it is £80 a week so it is more than that if they carry on. IT (information technology) will affect everyone else in that household. Even the lowest incomes work on a budget. Some have HP (hire purchase) payments. They might not be very big payments but they are monthly payments that must be met. Now, if you take that money away, do you really believe that the children of the family will not get the food that they had the week before? Or they might not get their shoes that they were promised, that were budgeted for? Because straight away £20 has gone. This is what Social Security are trying to do. The sub-panel has only moved it slightly. But I think we have made it fairer. As soon as someone is trying, they go back up to income support. It takes a little longer. But I really want people to fully understand. Please remember, the Minister of Social Security told us yesterday: "We are now these people's - the most poorest people in Jersey. We are their safety net." I look at all the Connétables. All the parish help has gone. So once you start taking money - as I say, we have never had this discussion in this House: is this what we wanted to do? I am not completely doing away with it personally. I will state this in the House, Sir. I asked the Minister to withdraw this for the first year until people really understood and got used to what is actively seeking work. What are their commitments? We have been all through that. They refused to do it. So I could not just try and take away this regulation because then if they take people off income support, I had nowhere else to go. So this is all I was left with. I did not want to see it introduced for at least the first year. I think there was some comment about incentive to work. People said: "What incentive is there to work?" I said: "You are not listening to the people that I am talking about. When was the decision made that we take money away from the most needy in Jersey?" The Minister for Social Security is now the final safety net. Income support, special payments, that is the Minister of Social Security. There is nowhere else to go, Sir, and I really, really ask Members to think about this seriously. Is that what you intended? I am not saying do not do it. I am saying, take a bit longer and let people really know what it means. So I make the amendment, Sir, and I will answer any questions. Thank you.

The Bailiff:

Are the amendments seconded? [Seconded]

2.31.173.1.1 Senator P.F. Routier:

Can I make it very, very clear that the option for having this mechanism in place is a last resort? It is when we have tried, tried and tried and spoken to people to help them to get work. Some may think that the difference between what I am proposing and the amendments of the Scrutiny Panel is fairly similar. But there is a big, big difference and it is quite pronounced. The Scrutiny amendment will allow those abusing the system to easily continue to do so. I can reassure Members that we are not talking about those vulnerable people that the Deputy was thinking about, those people who cannot write. If people have learning disabilities or cannot write, we will be assisting them to find work. We will not be putting sanctions on them. [Interruption] I beg your pardon? I think the Deputy was saying that I would be putting sanctions on people with learning disabilities and I can assure him I certainly would not be. We are talking about those who are quite capable of work but who do not want to work but instead continue to live on benefits. After having provided advice and assistance, then warning job seekers of their obligations and then finally issuing a notice over what could be 2 or 3 months or longer, those persistently abusing the system would be deemed to fail the job seeker's obligations. This would render them and their family ineligible for income support. However, the department would continue to pay all the components for the household and its members, all of the components for all the household and its members except for the person failing in their job-seeking duties. Under our proposals, just the personal component, and only would it be reduced by £20 for one week. Were the job seeker concerned to fulfil their job-seeking obligations for that week, their personal component would remain at £20 below the full rate of £80 for a further 3 weeks. If, throughout those 3 weeks, the job seeker continued to fulfil their obligations, then their benefit would be upped to the full rate again. However, if, over the 4-week period they continue to fail to meet their obligations to seek work, their personal component would be reduced by £20 for each week until it fell to zero. I believe that this will act as a proportionate deterrent and penalty against those determined and those who are determined to abuse the system. Very importantly, at the same time, any other members of the household would continue to receive all their benefit entitlement. Their benefits would not be affected at all. So the Deputy, in proposing this, has said that money for the children in the family would be affected. The money for children in the family, their personal components, their rent has been paid and everything else will continue. I know the Deputy has a view that this £20 a week off the job seeker is all part of the family income. I agree it is part of the income but there is a duty on the person who is losing that money to have some compassion for his own family, to understand that the money that the family are entitled to, the children and perhaps the other partner, their money should be safeguarded. They are due that money. The Scrutiny amendments allow the individual, despite having abused the system for months, to have their benefit restored by meeting their obligations for just one week. What could ensue would be a week by week see-sawing as the individual concerned played the system and the department is being forced to waste more and more time, week in and week out being led up the garden path. Let us remember here, withdrawal of a benefit is a serious matter. It is not something the department will enter into lightly, as this is the Island's financial safety net. I will say it again and I still believe that. The loss of benefit is the last resort. But as such, it needs to have teeth. This amendment would remove those teeth. As I said earlier, Scrutiny wanted incentives and this does create incentives to encourage people to carry out their duties and to try and support themselves. If this amendment was successful it would dilute that incentive and that encouragement to get back to work. I oppose the amendment.

2.31.183.1.2 Deputy G.P. Southern:

The Minister's speech reveals how little he knows of his brief, if he is referring to a stick, which this is, as an incentive. Incentives are about carrots. We have already demonstrated yesterday that, in fact, there are very few incentives in terms of carrots, i.e. advantages, financial advantages, to getting back into work, maintaining work or increasing hours at work. So the incentive is not there. This is not about the carrot. This is about the stick and the proportionateness, sense of proportion that one has over the size of that stick. There is, despite the Minister's words, very little difference between the 2 schemes. One says after you receive your warning letter saying you are not actively

seeking work, we are not satisfied, you will then get income support withdrawn from the household. You will have to apply for special payments. Both say that. Under the Minister's scheme, the miscreant, the person not actively seeking work will get their personal component docked, 20 per cent of it docked, £20, 25 per cent, sorry, £20. Whether or not that person returns to actively seeking work, i.e. co-operates and gets on with it, they will lose that 25 per cent, that £20 a week for the full month. Now, talk about incentives, sticks, whatever you like. Okay, so I notice that my personal component has been docked by £20. I go in and say: "What are you doing?" You say: "You are not actively seeking work." I say: "Well, if I start seeking work now can I have it back in the next payment?" The officer will say: "No. You will not get it back for a month." In which case the person not actively seeking work, this miscreant, is going to say: "Well, I will see you in a month because I do not have to do anything. You are going to dock it anyway." Under our scheme, the person wises up, comes in and says: "Oh, well, if I knew you were taking it that seriously, oh, I might have considered otherwise. Yeah, okay. What do I have to do to actively seek work? Come on, let us get on with it." The next week they get their money back. Instant reward. Short term, but, okay, it is likely to work. If they do not, and, as Deputy Martin says, over the month that income support unit, that family, that household, will lose a total of £20, £20, £20, £20: £80 over the month. If that person does not co-operate in actively seek work, come the second month, both schemes then say: "We will take 25 per cent more out of your personal component [both schemes say this] until we reduce yours to zero." But at any stage when you start feeling the pinch, ours says: "The aim is to get you back actively seeking work." If in the sixth, seventh, eighth, ninth, tenth week you finally submit and say: "I give up; I have got to start looking for work; I cannot live on this" then we restore your benefit to what you are entitled to because you are actively seeking work. The Minister's version says: "Whatever you do in that second month, you wise up, you start seeking work, we are docking your pay for the full month." Potential loss of income for that household of £200 over the month. What are families going to do about that? The Minister says: "Of course, this will be only affecting the miscreant, the person who does not actively seek work. It will not affect the family." Over a period of 2 months, you take £280 out of a family's income, what are they going to do? Well, I know what they are going to do. They are going to borrow off friends, family, to survive. You will shove them further and further into poverty. Or alternatively - and let us look at incentives - we built in a great big incentive. As I mentioned yesterday, we have awarded additional amounts to single parents. So the couple here, let us say the partner, the male is playing up, what is to stop the second partner, the person who is co-operating, holding the family together, saying: "Right, looking at the figures, I am going to be better off as a single parent. This bloke is playing up. His benefit is getting docked. We are having to exist on less than we ought to. I will kick him out. The motivation, the incentive is there because as a single parent I will then be better off." Who will then suffer? Why? Income support will suffer. Because there will then be 2 households to support, 2 households with house components and rental components. Single parents bringing up the kids on income support and now the partner kicked out. So with additional monies, because there is now a single parent, it is going to cost more in the long run. So what we are trying to say is: make a system. Yes it is punitive and people, if they do not co-operate, will get their individual adult component withdrawn. But build in the factor that as soon as you toe the line, as soon as you come back into line you know that next week your income support will be restored. You are not committed to a month at a time of loss of income support because that is not a motivator to get into line. It says: "Well, for the next month I am not going to bother because there is no benefit to me. You are going to do that anyway. I will see you in 3 weeks' time and then maybe I will co-operate." That is what the Minister's system risks doing. Then, finally, although the Minister says what we are after is collaring the skivers, the evidence universally from around the world is that the person that sticks hit, as distinct from incentives to go back to work, the people that the sticks hit, that the sanctions hit, are not the skivers. They know how to work the system. It is those who are not quite bright enough to work out what is going on and fall foul of the system, not through malice but through ignorance. The evidence from around the world, from the UK U.K. and Europe is that that is who sanctions hit. So it is all very well for the Minister to say:

“No, we are only after the skivers. We are not after the people who have not quite grasped what is happening and are not maybe the brightest button in the bunch.” But the evidence is that is who you end up hitting. You do not end up hitting the skivers. So both methods could be made to work. One rewards return to job seeking more readily than the other one does, which just leaves a sanction there for a month. “Go away. Do not bother.” I believe ours is the better version and more likely to work and I urge Members to support it.

2.313.19.3 Deputy G.C.L. Baudains:

Having attempted to wrap my head around both options, it seems to me, Sir, that both of them are flawed, both the order proposed and the amendment. Both, essentially, though not exactly, do the same thing. It is really a matter of timing. In both cases, Sir, the stick is applied. I have been interested to hear about sticks and carrots and teeth and I suppose we will have false teeth next. But never mind. In both cases, Sir, it is not the lazy person who refuses to work who is going to suffer. It is going to be the family. It always is. It is the children who will go without proper clothes and there will not be proper heating in the home. It is the wife or gardener who will not get their housekeeping. Then, Sir, we were told by the proposer of the amendment that those who cannot manage their own affairs - and, having served on the Housing Committee, I am well aware that families like this do exist and also there are even those, yes, who cannot read and do not understand and cannot fill the forms in - they will be affected by the amendment similarly as they would by the main proposition. Sir, what I am looking at is: which is the least worst option, the sort of cleanest dirty shirt, as it were. Sir, I am concerned, and I was following with interest what the Minister was saying, I am concerned that, as it has been all the way through the entire debate of P.90 and P.91, both options have merit. Which one is it? I am concerned that the amendment will allow the work shy to work the system more easily because the part which I latched on to that the Minister was saying was to do with the fact that the person can work for a week or seek work for a week and then bounce back again. So he is going to be on a roller coaster. He is going to be in and out of the system, only losing a little bit of money. That will suit him fine. A week down the pub, a week seeking work, a week down the pub. I do not believe that, as we call it - I think we are splitting hairs talking about incentives or sticks. It is the same thing. We are trying to force those who will not work into work. I really think that the unamended version is that one that will achieve that. Both will hurt if they are applied and I think in similar measure. Unfortunately, as I said, the person who is refusing to work is not really the one who is going to suffer. He is not going to go without his beer money or she or whichever. It is going to be the family. Whichever way the damage will be the same. I do think we run the risk, if we adopt the amendment, of allowing the work shy to work the system more than they would.

2.313.201.4 The Connétable of St. Martin:

I just want to pick up a few points, Sir. Deputy Southern was quite right when he said the person who gets hit with the stick is not generally the clever guy. It is the person who cannot look after his own needs. But it is not quite like that in the real world. In the real world I interview a job seeker and I say: “What have you got on your green card this week?” I look at the green card and I make an assessment from the green card. There might be a dozen telephone calls made after jobs. You make your assessment from that. It is not quite as complicated as Deputy Southern was making it out. It is discretion. This morning I was extremely happy, I was almost ecstatic because I was getting sounds of flexibility, discretion and commonsense from the Social Security Minister. I thought: “Yes, I think we can understand where he is going.” This afternoon’s amendments seem to be curbing discretion. You are putting bars into the Social Security Minister’s discretion. I think, quite frankly, if you ascribe what you have got to do, what the Social Security Minister had got to do, you might better leave him with his discretion. I really think that we have got to get on with this job. I was assured this morning that the Social Security Department and the determining officers will have a discretion. They will have a framework of regulation to guide their work. I would suggest we get on with it, Sir. Thank you.

2.313.21.5 Senator M.E. Vibert:

Briefly, Sir, very briefly, thank you. I would be even briefer if Senator Le Main stopped interrupting. It was just to say that what I looked at was: what is the definition of “actively seeking work”? It is on page 48 of proposition 90. Is this so onerous that over 2 or 3 months people could not do this? All this is, is that a person is actively seeking work if the person has, during the past 28 days:, taken all reasonable steps to obtain suitable work, such as the phone calls that the Constable of St. Martin was talking about;, not unreasonably turned down any offer of suitable work - t. That seems reasonable; a. And attended every interview with an officer of the Social Security Department to which he or she has been invited, unless he or she had a reasonable excuse for not so attending. I do not think those are too onerous things to put on people that we are supporting and trying to get back into the job market. I think that if, after, as a last resort, people have not been doing that, then there has to be some sanction or incentive to ensure that they do that. I think those put forward by the Minister for Social Security will ensure that this is done and I agree with Deputy Baudains that the amendment put forward by the Scrutiny Panel could have this bouncing up and down effect where one week somebody will be doing it, the next week they will not, then back again. I think it needs to be a more secure incentive than that. I think this is a well-intentioned amendment but misguided, Sir.

The Bailiff:

I call upon the rapporteur to reply.

2.313.221.6 Deputy J.A. Martin:

I will deal with the comments from the Minister first. He said it will only be the adult who is not actively seeking work that will lose the basic component. Then he said it is the duty for that family to safeguard that money for the children and their partner in that family, or words to that effect. I have already said it could be 2 adults who fall out of the system. I think it is already said by Deputy Baudains that, of course, it will be the gas bill that will not be paid, the electric key that will not be topped up. If they are paying rent to a private landlord, will all the rent get there? They will suffer and the children will suffer the most. I do not see this family of someone not even bothering, as Senator Vibert has just said: “Is it too onerous to actively seek work?” We are not saying it is. We are saying the sanctions that the Social Security Minister wants to put in are too hard and too fast. The Minister also mentioned, Sir, that he would not be applying this to people with learning difficulties. In my opening remarks, Sir, I mentioned somebody who could not read. Now, some people are absolutely so intelligent they hold down jobs or they do other things and you would never know they cannot read until they tell you. I am not talking about people with learning difficulties. I am talking about the vulnerable. I think everybody has misunderstood that our one is putting a rigid sanction in where I have already explained I did not want to see any of these sanctions for the first year until everybody understood it was different to welfare, there was no green card, different job seeking, different things they have to do. People may fall out of this unintentionally. But under Social Security they will stay out, they will lose money and it will take a lot longer to regain that money. As I have already said, even £20 per week for 4 weeks is a lot of money to someone on a very low income. I do not understand why Deputy Baudains feels that ours is the worst proposition. Yes, the Minister put it into the minds of people that people are going to play the system, yo-yo in and out. Well, if someone is intelligent enough to play the system, once they yo-yo out and have lost their £20 and they straight away yo-yo back in, they will fulfil the actively job-seeking arrangements. Why will they not? It does not mean they are going to get a job. If the jobs are out there they have to prove they have gone through an interview or made a few phone calls. The Constable of St. Martin seems to feel that we are taking away discretion of the Minister. Please believe me, this sanction is not discretionary. The Connétable tells me it is. It is quite clear, even in the guidelines we have been given: a job seeker who fails after repeated warnings from the department over a period of 28 days, then income support provided to the

household may cease. It does say “may cease”. But when I asked if they would take this out, they said they could not do that. So, to me it is rigid. It is not discretionary, and, as I said, we have not had a proper debate on: do we want to take money from the least well off in the society, hoping that it will not affect the children, it will not affect the other members of the family? I do not want to do it at all. I had no other option to try and make it over a longer period and a fairer period. The Minister did not agree to that. He said one minute it is an incentive and then he said it is a deterrent. I do not know which one to believe. But I still do think it is too much, too soon and I really do hope people can support the amendment, which will give families just a little bit longer before they lose all their money. Thank you, Sir, and I maintain the amendment and I ask for the appel.

The Bailiff:

I ask any Members in the precinct to return to their seats and I ask the Greffier to open the voting, which is for or against the amendment to regulation 5. If all the Members who wish to vote have done so I will ask the Greffier to close the voting. I can announce that the amendment has been lost; 6 votes were cast in favour, 37 votes against.

Deputy J.A. Martin:

Can we have the 6, please, Sir?

The Greffier of the States:

Deputy Breckon, the Deputy of St. Martin and Deputies Scott Warren, Martin, Southern and Pitman voted for.

POUR: 6

Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy C.J. Scott Warren (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)

CONTRE: 37

Senator L. Norman
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 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 Trinity
 Connétable of St. Lawrence
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy G.W.J. de Faye (H)
 Deputy P.V.F. Le Claire (H)

ABSTAIN: 0

Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

14. Draft Income Support (Special Payments) (Jersey) Regulations 200- (P.91/2007) (continued)

The Bailiff:

The debate now returns to regulations 5 and 6. Do any Members wish to speak on regulations 5 or 6? I put the regulations. Those Members in favour of the document, kindly - yes, Deputy. I ask the Greffier to open the voting, which is for or against Regulations 5 and 6 of the regulations. All Members who wish to vote have done so. I ask the Greffier to close the voting. I can announce that the regulations have been carried; 38 votes in favour, 5 votes against.

POUR: 38

Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
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 Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy R.C. Duhamel (S)
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 S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)

CONTRE: 5

Deputy A. Breckon (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy G.W.J. de Faye (H)
Deputy S. Pitman (H)

ABSTAIN: 0

Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Now we come to Regulations 7 and 8, Minister.

2.3.2314.1 Senator P.F. Routier:

Part 3, the principal law allows us a special payment to be made to a person who may temporarily be in Jersey. Generally this allows a person temporarily in Jersey to be helped financially when there is no other means of temporary support. It is often termed in the parlance as “a shipwrecked mariner provision” where a limited amount of money is paid to help a person stranded in Jersey to travel back home. I am told that, although very rare, a shipwrecked mariner did appear in Jersey several months ago. I propose the part 3, Sir.

The Bailiff:

Part 3 is seconded? [Seconded] Does any Member wish to speak on the shipwrecked mariner provisions? I put Regulations 7 and 8. Those Members in favour of adopting them kindly show. Those against. They are adopted. Do you move the regulations in Third Reading?

Senator P.F. Routier:
I certainly do, Sir.

The Bailiff:

Seconded? [Seconded] Does any Member wish to speak? I put the regulations in Third Reading. Those Members in favour of adopting them kindly show. Against. They are adopted in Third Reading.

315.. Draft Income Support (Consequential) (Jersey) Regulations 200- (P.102/2007)

The Bailiff:

We come to the Draft Income Support (Consequential Amendments) (Jersey) Regulations, Project 102. I ask the Greffier to read the long title.

The Greffier of the States:

Income Support (Consequential Amendments) (Jersey) Regulations 200-; the States, in pursuance of Article 22 of the Income Support (Jersey) Law 2007 have made the following regulations.

315.1 Senator P.F. Routier:

I will not keep Members longer than necessary, Sir, on the subject of income support. But its introduction causes some knock-on effects to other pieces of legislation. Some of the items have been approved by the States already and there are 2 that spring to mind. Firstly, the health insurance system has been turned into a system based around the individual. This allows much better targeting of financial support to those with chronic illness and is essential for income support and for chronic disease managements and preventive treatment, which features largely in the New Directions agenda. Secondly, large parts of the invalid care and disability benefits have been removed to leave just one benefit. The invalid care allowance, which has, unlike the other benefits in the law, not been subsumed into the income support mechanism. These regulations are minor and merely co-ordinate the existing laws with the new income support system. I propose the regulations, Sir.

The Bailiff:

The principles are proposed. [Seconded] Does any Member wish to speak on the principles of the regulations? I put the principles. Those Members in favour of adopting them kindly show. Those against. They are adopted.

Senator P.F. Routier:
I propose them all en bloc, Sir.

The Bailiff:
Propose the regulations 1 to 7 en bloc. They are proposed. [Seconded] Does any Member wish to speak on any of the regulations? I put the regulations. Those Members in favour of adopting them kindly show. Those against. They are adopted in Ssecond rReading. Do you move the regulations in Tthird Rreading?

Senator P.F. Routier:
Yes, Sir.

The Bailiff:
Seconded? [Seconded] Does any Member wish to speak on the regulations in Tthe third Rreading?

3.1.1 Deputy C.J. Scott Warren:
CSir, could I just ask for clarification regarding the Christmas Bonus Law? There were changes made within the last few months. Is it still in line with this provision?

The Bailiff:
Technically, that is a bit late for the Tthird rReading debate, Deputy, but if the Minister is willing to answer.

3.1.2 Senator P.F. Routier:
The Christmas bonus used to align with several of the benefits which have been eliminated now. It now relates to income support benefits, so people on income support will receive the Christmas bonus.

The Bailiff:
I put the regulations in Tthe third Rreading. Those Members in favour of adopting them kindly show. Against. The regulations are adopted in Tthird Rreading.

416. Draft Income Support (Jersey) Law 2007 (Appointed Day Act) 200- (P.140/2007)

The Bailiff:
We come to the final matter of Public Business; Draft Income Support (Jersey) Law 2007 (Appointed Day) Act. I ask the Greffier to read the long title.

The Greffier of the States:
Draft Income Support (Jersey) Law 2007 (Appointed Day) Act 200-. The States in pursuance of Article 23 of the Income Support (Jersey) Law 2007 have made the following Act.

416.1 Senator P.F. Routier:
Thank you, Sir. We finally come to the Appointed Day Act. Now that we have agreed the law and the regulations, we are approving this appointed day. It will enable us and my department to proceed to contact all the existing claimants and publicise the scheme over the next few months. This will be done on a gradual basis in time for people to be fully aware of their situation prior to the first payment being made on 28th January. Before I propose the date, Sir, I would just like to

express my feelings about what has been a long and very satisfying experience. Being able to meet so many people over the years, whether it has been in the early road shows we had around the Island or in the more recent focus groups and individual meetings with the representatives of so many organisations. It has been a real privilege to meet with them and hear their aspirations. So many people in the community have contributed to the development of income support. I cannot thank them enough for their advice and guidance. I would like to recognise the tremendous support I have had from my previous committee, and, more recently, my Assistant Minister and fellow Ministers. The real hard work behind the scenes had been carried out by my previous Chief Officer and followed ably by my new Chief Officer. I must also mention the 2 policy officers who have worked behind the scenes. They have worked beyond the call of duty. They have been an absolute inspiration. The Island owes them a great debt of gratitude. Of course, my department has been able to call on the expert guidance and support of the law officers, the law draftsmen, which I thank, and the Greffier and his team. I thank them all. I could not forget the input of Deputy Martin and her sub-panel and I thank her for her support. Finally, I would like to thank all Members who have supported the progress of this major change to the way we support people in Jersey on low incomes. I am convinced we have an income support system which reflects the needs of our community. I propose 28th January as the day income support starts.

The Bailiff:

Is the proposition seconded? [Seconded]

416.1.1 Deputy P.N. Troy:

Can I speak, Sir? I think all Members will recognise the tremendous amount of input that Senator Routier has put into this, bringing this proposition to the States. We can see and feel the emotion that he has regarding the people of this Island who are on low incomes and who desperately need our help. I would ask the States to congratulate him on his achievement on bringing this forward and taking the system through to 2008. We anticipate that this will be of great benefit to the people of the Island and I think that we owe Senator Routier our thanks.

416.1.2 Deputy J.A. Martin:

Yes, I would just like to say that although we got there and we had a fight on our hands, I would also like to thank, especially the officers in the department working with the Social Security Department, I would not say unlike others, but the officers - we have had to in the last probably couple of months we were all working to a tight timetable and every time, except for the one on the policy guidelines, which I will not dwell on, they stopped what they were doing and tried to give us as much - or did give us all the information that we needed and a lot of that was repeated in our report. So I would like to thank them. Obviously we did work well with Senator Routier and his Deputy Assistant, Deputy Troy. I would like to thank him for the amendments he did support and I would like to thank everyone else for the one amendment that they supported. [Laughter] But I would also say, Sir, that I hope that we can continue and we will keep shadowing the new system and I hope a lot of my fears do not come to realisation. I hope the system beds in and it does achieve everything that the Social Security Minister has promised us. Thank you, Sir.

416.1.3 Senator M.E. The Connétable of St. Ouen Vibert:

Today the acceptance of these regulations and now the Appointed Day Act brings the final demise of the old parish welfare system one step closer. The system has been much maligned by certain Members of this Chamber. But I feel that we need to recognise and thank the parishes and all their staff, the various welfare boards and all those many individuals who have given of their time to help make the welfare system work. It has worked, Sir, for many years and has helped very many people who have fallen on hard times. Now, Sir, is the time to move on with a new system, hopefully a system which will now bring everyone in need into the net, something which the critics of the old system so wanted to see. But I do give a word of warning to the Minister and his

department. Dealing with people and their problems is not simply a matter of ticking boxes on a form, no matter how many questions you ask. The discretion which was allowed to Connétables in the old welfare system was the basis of its success. Now the staff who will be dealing with, admittedly, a small percentage of total claims, will need to be able to make decisions which may fall outside the rules and regulations of the systems. Those decisions will be vital if the new system is not to be abused. I am certain that early days are not going to be straightforward. The experience of the Connétables in the past leads us to think that the Minister and his team will get a lot of complaints. But I sincerely believe that the transition period when those currently on support will not lose out, will ease the introduction of the new system. Sir, I would like to take this opportunity to thank the Minister and his officials for all the consideration which they have given to the views of the Comité des Connétables and wish them every success with the implementation of the new low income support system.

416.1.4 Deputy G.P. Southern:

If I may just briefly, Sir, sweep up after my Chairman. She unfortunately forgot to mention our officers and our advisor, who, I think, particularly we owe a vote of thanks to, and, in particular, the assistance of the law draftsmen, who was invariably helpful in our deliberations and we would like to thank them very much indeed.

416.1.5 Deputy A. Breckon:

It is a bit like end of term speeches. I would like to add a bit to that. I should declare an interest, Sir. I was a member of the last Social Security Committee so I did see some of this in draft. In draft we had about 9, I think, in 18 months. It was a regular agenda item, Sir. I know some of the tremendous amount of work that has gone in to get this far. One of the problems of changing a system, Sir, is, yes, it must change but when you make the suggestions people say: "Well, but I would not do that." I think we have been fortunate, Sir, the Minister, I think, has led an able team of officers from the department and would like to thank him for the courtesy that he has shown the Scrutiny Sub-Panel. I think as a result of that, Sir, we have gone through a useful exercise. We have had a debate, albeit on some of the detail. If there has been tension, Sir, I would like to think it is a positive tension and we are still on this learning curve. I think it has been done in a professional manner and it is a way that we can perhaps all learn for the future. So I will just, Sir, close by adding again congratulations to all concerned. For those people who will be the beneficiaries it must work and if it needs to be adjusted as we go along then I think we have the flexibility in the system to do that, Sir. 28th January sounds a long way off but there is still a lot of work to do before this Appointed Day Act comes in. I think there will still be some tension there and things that we need to work with. On behalf of the panel, they are still in existence, Sir, and they will be looking to see and to assist with that process. Thank you, Sir.

416.1.6 Senator P.F. Routier:

I would like to thank everybody for congratulating my team for getting where we are today and I maintain the proposition, Sir.

The Bailiff:

I put the proposition. Those Members in favour of adopting it kindly show. Against. I ask the Greffier to open the voting, which is for or against the adoption of the Appointed Day Act. Every Member who wishes to vote has done so. I will ask the Greffier to close the voting and I can announce that the Appointed Day Act has been passed, 41 votes were cast in favour, 2 votes against. Deputy Southern and Pitman voted against.

POUR: 41
Senator L. Norman

CONTRE: 2
Deputy G.P. Southern (H)

ABSTAIN: 0

Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 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 Trinity
 Connétable of St. Lawrence
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 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 S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy G.W.J. de Faye (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy D.W. Mezbourian (L)
 Deputy S.S.P.A. Power (B)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

Deputy S. Pitman (H)

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Now we come to future business, Mr. President.

5. The Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee): I would like to propose the items outlined on the pink consolidated sheet under "M" with the additions of 5 items and these are the dates. 23rd October for P.154, the Draft Employment Relations (Appointed Day) Act and P.155 the Draft Employment Relations (Amendment No. 2) (Appointed Day) Act. On 6th November P.158, Senator Walker, Vote in Absentia of Censure. On

20th November, P.156, the Draft Income Tax (Amendment No. 29) and P.157, the Draft Income Tax (Deemed Dividends). They are the 5 items, Sir, in addition.

The Bailiff:

Are Members content to adopt all those arrangements?

5.1 Senator P.F.C. Ozouf:

I have lodged the Price Marking Law or rather re-lodged the Price Marking Law, P.149. As Members will know, this law is identical to that which has previously been lodged but has been the subject of a Scrutiny Panel review. Sir, this is an enabling law and it does not deal with the issue of the date of the introduction of inclusive pricing. That has to follow in regulations. For that reason, I would ask the Assembly if they would agree or they would wish, rather, to bring forward the P.149 to follow the petition debate P.125. If the States deals with the enabling issue of price marking, I am in a position to then lodge the regulations, subject to the petition not being passed, and subject to the States giving the indication of wanting to finally implement GST (Goods and Services Tax), then I can then lodge the regulations and then deal with that in the earliest possible course. That was, I understand, the underlying wish of Senator Norman, and is, I think, the view of the Scrutiny Panel that includes the pricing and the date needs to be agreed. But I cannot do so until the enabling law has been agreed. I am fully aware of the Standing Order, Sir, which says that a matter can only be reduced in terms of its lodging period if it is prejudicial to Jersey, if it is not debated. I know you are looking at your Standing Orders, Sir. I would beg the indulgence of the Assembly on 2 matters. I think that it is absolutely vital that we deal with the issue of price marking, that there is certainty. The Scrutiny Panel has looked at it and I would say, in mitigation, that this law, while technically has been laying before the Assembly for less than 6 weeks, an identical version has been lodged for a significant period of time.

The Bailiff:

A matter for Members: the Minister has quite correctly drawn attention to the Standing Order.

5.1.1 Deputy G.P. Southern:

I only received notice of this some few minutes ago, and while I have no objection - in principle, I agree, as part of my report, that the sooner we get on with making a decision the better, I have to reserve any objections I might have until I have consulted with my officers about what we need to do in preparation for the Regs. or in preparation for the law.

5.1.2 Deputy A. Breckon:

Can I ask the Minister what consultation has taken place on this and if there has been any feedback from the community?

5.1.3 Senator T.A. Le Sueur:

I was going to suggest for 6th November. If Deputy Southern has any concerns maybe we can pencil it in for 6th November at this stage and should it transpire that he has any real difficulties with that date he can make those clear on 25th October when we debate that. But at this stage we put it down metaphorically in pencil.

The Bailiff:

Are Members content to proceed in that way?

5.1.4 Senator P.F.C. Ozouf:

Can I just answer Deputy Southern? Certainly on the issue of the regulations there will be full consultation and I will immediately consult the panel with the draft regulations. I am sure that his concerns will be allayed.

The Bailiff:

Very well. If Members are content with all those arrangements... –

Senator M.E. Vibert:

Can I just ask, Sir, just wondering. I thought votes of censure like votes of no confidence were taken at the next possible meeting and I wondered if there was any reason that it was not being taken on 23rd October?

The Bailiff:

I do not think there is any provision in Standing Orders. The Greffier reminds me it has not been lodged long enough. It has only been lodged on a Wednesday today and therefore it was out of time. So if Members are content with arrangements, we stand adjourned until 23rd October.

ADJOURNMENT