

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 25th FEBRUARY 2010

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

[9:39]

PUBLIC BUSINESS – resumption

1. Minimum Wage: revised hourly rate from 1st April 2010 (P.14/2010) - resumption

The Deputy Bailiff:

We return to P.14, the proposition of Deputy Southern which has been proposed. Does any Member wish to speak? The Chief Minister.

1.1 Senator T.A. Le Sueur:

I was reminded when Deputy Gorst spoke yesterday that it was back in 1988 when I was a much younger States Member that I was President of Employment and Social Security and put forward various employment reforms, including that of the minimum wage. I put those forward in principle and they were subsequently brought into law by my successor, Senator Routier. That was, at that stage, quite a controversial issue and even now there are some who would say that a minimum wage is very necessary and beneficial and there are others who would say it has been counter-productive. That argument will no doubt continue to rumble on. For my part, I remain convinced that a minimum wage is sadly still a necessity. Even if there was controversy then and now about the need for minimum wage, there was one matter on which everyone was united and that is that the minimum wage, whatever it might be, should not be fixed or should not be a political football to be knocked around the States Assembly. Any minimum wage needed to be set by an independent body after detailed consultation. That led to the creation of an Employment Forum with a balanced mixture of employees, employers and neutral people. It is they who have spent some months looking in detail about the various factors which lead to a minimum wage of one level or another and 3 of those factors are going to change from one year to another. When they are amended, employers and employees need to have sufficient notice of that change. So, I deplore the thought that we have propositions and amendments to propositions trying to second-guess an Employment Forum who have spent months on this matter. I do urge matters to follow the general principle that was agreed back in 1988, reiterated in the Minimum Wage Law and which has served us well over the years and that is to let the Forum get on with their job and for us, as States Members, to do what we ought to be doing and that is not interfering in that role. So, however well-intentioned the merits of the mover of this proposition or the amendment may be, I believe that we interfere with that process at our peril and I urge all Members to support the Employment Forum and leave them to get on with the job that they have been doing so well these many years now.

1.1.1 Deputy P.J. Rondel of St. John:

The minimum wage. I always maintain when I was an employer that my staff should not have to work more than the working week at that time, which was 42½ hours. I made sure that my staff were paid sufficiently; that they did not need to take on part-time jobs or work on the side because to me it was important that a person could have as much time to relax as they were working so as to be able to get the best out of somebody. In fairness, an 8 hour or an 8½ hour day at that time, if I got a good 6 hours work out of an employee working hard, that is what I expected because he had to have time off for his break and whatever at 10.00 a.m. or at 3.00 p.m. or 4.00 p.m., depending on the hours they were working, or if they were working overnights on shift work. I expected my staff not to have an income from elsewhere. This, in fact, created one or 2 problems at the times when we were extremely busy when you wanted people, members of staff, to work overtime. It was fine if it was coming up to Christmas, they would want to put an extra few shillings aside to buy additional presents for the family and it created one or 2 problems then. On average, it worked very well indeed. I always thought: “Do as you would be done by” to people. Unfortunately, many businesses - and particularly in the agricultural and horticultural sphere, and also the tourism industry - they used to ... and they still do in some respects. You see the owner of these businesses

running around in their 4-by-4s today - and at that time it was Jaguars and whatever - and you think: "Well, their staff are poorly paid at £6-odd an hour."

[9:45]

You think: "Well, that is ..." you go along and you may visit some of these farms and you see people living in portacabins and the like. So, there is really no ... there does not appear to be real justice here. I think: "Well, are we doing the best by the people we employ?" I do not believe we really are. I do not believe we really are. People are working long hours to make a decent wage. Yes, they may get paid overtime at a certain rate above the minimum wage when they do the overtime, but as was said yesterday by Deputy Pitman, £240 a week does not go very far, especially if somebody has to pay rent at £100-odd a week for their accommodation. It does grieve me to think that we cannot do better. I heard this morning on the radio - and I see the Minister for Treasury and Resources is not in here - that we are putting £2.4 million into the finance industry through the stimulus and I see Senator Maclean nodding his head. That is good, but when I read the newspapers and I see that the finance industry across the world have not learnt the lessons of the credit crunch and we are still paying out huge bonuses in the finance industry, in particular in the banking industry, how do the poor people who are only earning the minimum wage really feel? We have to have some feeling for people. We are taking the small amount that they may have been able to save, £1,000 or £2,000, we have taken all their interest away from them that people might get. Yet the finance industry, the top end, the bankers, *et cetera*, are still creaming-off. They have not learnt from the credit crunch, which has created problems - it is still creating problems in 2010 and probably for the next 2 or 3 years - and it does hurt me to think that we cannot do better for our people at the very bottom end. Another area that concerns me, if I go into a restaurant and I tip somebody, on some occasions those tips go into a central box. Now, that box at the end of the year, or whenever they have their share-out, goes from top to bottom, i.e. the directors also have a percentage of those tips. It does not just go to the people who have given me the service: the chef, the kitchen porter and the waiter; it goes from the management down. Now, to me that cannot be right. The directors are getting their fat cheque at the end of every month. I am tipping for the service that I have at that table on that particular day, yet people are creaming-off higher up the ladder. These are the people that I am worried about; the people at the bottom. A few months ago I brought a proposition to give the people, the States employees at the lower end, a pay rise. Unfortunately it did not succeed, but these are the people out in the workplace that I am talking about now, these people on a minimum wage. Yes, and I respect the 7 or 8 people who work on the Employment Forum and I understand where the Chief Minister comes from when he made his comments earlier, but having spoken yesterday to the Minister for Social Security, he told me that we have over 1,000, or 1,107 people, on our - for want of a better word, I suppose - dole queue. It is a worry that we have that many people. A real worry. People who are out of work. It hurts me today to say that I cannot support this part of the proposition because we have got ... 6 months' work has been done on the minimum wage by a group of people who have done an excellent job, but I do not want to see that dole queue grow. That is what will happen, unfortunately, if we push much further because I know a lot of people ... in fact, I know personally of a small business that has gone out of business in the last couple of months and it is just by that little bit extra, having to push out, that it is going to create more problems. I would see the dole queue growing probably by maybe another 20 or 30 people if another one or 2 businesses go to the wall. It is hurtful to say - I am sorry on this occasion - that I cannot support going that little bit further because we are going to be giving a 12 pence an hour increase on the proposal by Social Security, which will be coming along shortly, which I hope everyone will support, but I would have liked to have gone that step further and supported Deputy Southern. It is one of the few occasions I am not going to be able to support Deputy Southern on this and those poor people out there who do need the help. Next year, when they come up for the minimum wage again, if a decent increase is not put in place by the Employment Forum I will be bringing in an amendment myself. Thank you.

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

While I recognise that the Employment Forum does do a good job of work I think it is important that we take this opportunity to express our views about what the final recommendation is that is coming forward so that it can help weigh upon their decisions in the future. Some of the speeches that will be made and have been made then by the Deputy of St. John will give them some flavour as to what the concerns are of politicians for people in the community on minimum wage. We have got enough champions in this Chamber to defend business and they are leaping at the opportunity to do that at every occasion they can, so no doubt that set of the scales is balanced. I am minded that when the Chief Minister gave his speech that he spoke about this balance of employers and employees. Well, there is a far great deal more people that are employees than employers. I remember when we used to get pay rises in the Marines and they were on a percentage level across the Armed Forces and we used to get something paltry like £20 or £30 more a month or something and they would put our food and accommodation up £50 or £60 because they would always be arguing the economics of the fact that: “We have got to keep pace with inflation, property prices, food costs”, *et cetera*. It got to the point where we really were quite fed up with it and because we were given our pay rises in an official military meeting by quite high-ranking officers we very rarely spoke out about how we felt because we knew that would get us into trouble. But on the last occasion when I was given a pay rise I was in the Royal Naval Military Academy for officers down in Dartmouth and I was pretty much finished my time in the Marines. I was getting ready to leave. I commented, because I thought there was no point in me keeping my mouth shut - I could comment because I was on the way out - that the majority of us felt quite annoyed about the fact that this 2 per cent pay rise meant absolutely nothing to us and in fact with the increases in regards to the accommodation and food across the board it was just not even fighting to keep still. It meant a great deal to the generals and the colonels and the majors who were getting significant sums of money; 2 per cent on their pay packets was significant. They certainly were enough to keep above the costs of the housing and above the costs of the food. So, I ended up, in my submission, which quite a few of my friends thought I was quite brave to make, by saying: “Please, please, please stop giving us pay rises; we cannot afford them.” If we do not keep pushing for an increase in the minimum wage and if we do not keep giving due emphasis to a well-paid minimum wage and if we think we can address that in future years, we will be told the need to address it should have been made last year. Any increase the Deputy of St. John may wish to make in 2 years’ time will be seen as a step too far. So I am going to ask him to change his mind and I am going to ask him to reflect upon his own words and think about these people who are paying this minimum wage and ask him to think about the lifestyles that they lead and the lifestyles that their employees lead. In many, many cases the minimum wage represents a job out in the open in the countryside. Far away from home, to save money, working in better conditions than home, but to take that money or to send that money home to help their families, sometimes meaning that they are away from their children or away from their wives or husbands to achieve that minimum wage. In certain respects there are deductions and there are living standards for taking those jobs; either portacabins or food or clothing. I realise that farming is about reduced profit, but all business is about profit. If we go back to the argument of a balanced consideration, what are we going to do with our black hole? How are we going to fill it? Where is it going to come from? Are we going to look to the finance industry to plug that hole? Probably not. Are we going to look to land tax development? Probably not. Are we going to look to capping the rents in this Island? Probably not. Probably not because too many Members represent business or have those interests close to heart themselves. If we have a black hole we will probably have to increase G.S.T (Goods and Services Tax). That is what we have been told. Unless we can find someone else that wants to send us their rubbish to burn. We are not going to address the standards of life in Jersey unless we continue to progress a better standard of life for those on minimum wage. The vast majority of people in Jersey are not having to deal with minimum wage, but the vast majority of people in Jersey are never going to own their own home. We cannot just say: “We have got to leave this to the Employment Forum. We should not meddle in the marketplace” because we do not take the checks and balances in the other end of

the marketplace. We do not effect protection at the other end of the marketplace. We let it run ragged and rampant. So, yes, we do need to stand up and we do need to support this proposition.

1.1.3 Senator A.J.H. Maclean:

Yesterday Deputy Southern, when he made his introduction about raising the minimum wage said, I believe, that he thought it had very little to do with economic conditions. He described the current economic climate - and I think I am quoting him correctly - as: "A little bit of a recession."

Deputy G.P. Southern of St. Helier:

That is incorrect. I then corrected myself and said: "A major recession."

Senator A.J.H. Maclean:

If he did correct himself I misheard that, but I certainly heard the: "Little bit of a recession" element. I think without doubt that Members would appreciate that this is not a little bit of a recession. I was also interested to note the change of position that the Deputy has had compared with last year. If I recall correctly - and I am sure he will correct me if I do not - I believe that Deputy Southern was a supporter last year of the recommendations of the Employment Forum with regard to wages at a time when the economy was in a slightly more robust position than it currently is today. I do find it strange that he has changed his position in that respect. With regard to the state of the economy at the moment, I think that Members will appreciate that most economic commentators describe the current global economic downturn as being the worst for at least a generation; probably the worst since the 1930s. Jersey, as Members will appreciate, is not and has not been immune to the full impact of what has been happening around the world.

[10:00]

Despite that, the facts to date are quite stark. Unemployment, or those described as actively seeking work, number well over 1,000. It is already the highest number that we have seen since the early 1990s downturn. At June 2009, the number of job vacancies was at a 10-year low. A survey of the Chamber of Commerce members in September shows that 60 per cent of employers expected wages to be frozen or to fall in 2010. I have heard first-hand many stories of falling earnings in the private sector. The harsh reality of the current economic climate was described to me by a local businesswoman. She explained how she had been having a discussion with a friend of hers working in the public sector who was complaining about the possibility of a pay freeze. This businesswoman, who runs a small local business, told her friend that is an outcome she would find quite acceptable because in 2009 she took a pay cut of 35 per cent in her business. In fact, she took home less than one of her administrators. These are some of the harsh realities of what is going on not just in Jersey but elsewhere. Indeed, official figures support the example that I have just given. In December 2009 a net balance of 21 per cent of Jersey non-finance businesses reported a decline in business activity. Worse still, 49 per cent reported a decline in profitability over the last quarter of 2009. 20 per cent of non-finance businesses had reduced employment in the last quarter of 2009. I would just comment very briefly at this point on a remark that the Deputy of St. John made a moment ago when he spoke. He, I believe, was being slightly critical perhaps of the investment from stimulus funding in the finance industry that has been announced today. I think it is important to recognise, despite the reputational points that I know the Deputy was raising about bonuses and so on, nevertheless the finance industry - as Members will appreciate - is the major contributor to the success, profitability and tax receipts of the Island. The tax industry in Jersey employs 13,000 people. This move is all about protecting jobs. That is what we are doing. We are looking for new products, new markets and ways in which the industry can be maintained to become even more profitable to support local services, local employment, which is essential and I am sure Members will agree with that aim. Frankly, this is not a time to be raising the cost of employment when businesses are struggling and, in some cases, struggling just to survive. The sectors most impacted by raising the minimum wage are important what one might describe as legacy sectors, such as

tourism and agriculture. Tourism, hospitality, retail and agriculture accounted for approximately 30 per cent of the total employment in Jersey at the end of 2009; 30 per cent of the total employment in Jersey. One Member I know will be rejecting this proposition from Deputy Southern - and he might be surprised to hear this - but it is the Deputy of St. Mary, sitting over there. The reason that I am confident to make that statement is that I recall only last week sitting at a Scrutiny hearing with the Economic Affairs Scrutiny Panel and the good Deputy of St. Mary made it absolutely clear that my department should do more to support the tourism sector and I agree with him. We are always looking to do more to help the tourism sector. Raising the minimum wage will raise the cost base of sectors such as this. Despite the fact that Economic Development already put the largest percentage of our budget into sport and tourism - that is 41 per cent - it is still a sector that is struggling more than most and we have to be very careful raising the cost base by putting up to unreasonable levels the minimum wage. The Deputy of St. Mary was right yesterday when he saw or commented on the fact that I have a drive, and Economic Development has a drive, towards improved productivity. We do and it does appear in a lot of documentation we produce because we believe strongly in it. Unfortunately, he was perhaps confused or frankly wrong when he suggested that raising the minimum wage improves productivity. That is not the case at all. Make no mistake, raising the minimum wage in this difficult economic climate will do 2 things: it will threaten jobs and it will act as a disincentive for businesses to employ young people. Raising the minimum wage will probably harm a new stimulus initiative recently launched by Economic Development in combination with the Jersey Hospitality Association and Careers Jersey. This is a new scheme to help unemployed, young people - that is young people in the age group of 19-25. It is aimed to help them into employment in the hospitality sector. These are young local people currently unemployed and actively seeking work. If successful, the scheme would also reduce the need for local businesses in the tourism sector to import so many staff from off-Island. I have sympathy for Deputy Southern and his desire, which I am sure all Members share, to improve the earnings of the low paid, but the timing is not right at this time. The Employment Forum was set up to independently assess a fair minimum wage and report its recommendations to the Minister for Social Security. In the current climate its recommendations are, in my opinion, fair and the Minister has agreed to them himself. Importantly, the Minister realises that there is no point in having a dog and barking himself. I recall, as I mentioned earlier, that Deputy Southern accepted the Employment Forum's recommendations last year and I really hoped that he would have taken a similar view in these far more difficult economic climates that we are currently facing. I would also add that businesses need certainty, especially in today's uncertain trading conditions. This proposal of an additional increase gives businesses no time to plan; time to plan which is so essential. Finally, I will close by briefly remarking on some comments by Deputy Vallois yesterday concerning red tape and bureaucracy. I am choosing to mention this because I am also committed to sweeping away unnecessary red tape and bureaucracy and I agree with her comments yesterday entirely. After all, to deliver economic growth, Government needs to do its very best to get out of the way and let businesses do what they are best at, which is delivering the economic growth the Island has benefited from in recent years. I urge Members to reject this proposition, to support the views, the independent views, of the Employment Forum and the Minister. Thank you.

The Deputy Bailiff:

I advise Members that although I have put my on glasses, notwithstanding what Senator Maclean has said, I cannot see the Deputy of St. Mary. [Aside] Deputy Tadier?

1.1.4 Deputy M. Tadier of St. Brelade:

I would remind Members first of all about the Strategic Plan and one of the aims that we agreed in the Strategic Plan, albeit after a massive, early long debate, was that equality should be a part of the Strategic Plan, although I think it was not equality at all costs, was it? I think we did not go quite that far. So equality is not a central theme in the Strategic Plan and I think we know why; because

ultimately, at the end of the day, as one journalist quite recently and quite rightly put it, the business party in the States of Jersey ultimately has the say. Now, it is quite appropriate after Senator Maclean has spoken about red tape, which was raised by Deputy Vallois yesterday, and I think that is quite correct, but there are also other factors far more important than the minimum wage, which are factors of life and death for local businesses. In fact, I would suggest that an 8 pence increase in the minimum wage is probably very insignificant compared to red tape, but also things like rent. I would suggest that big businesses have no problems in their turnover covering rents for their properties, whether they rent or, indeed, some of them may own the properties themselves. That is not so much a consideration, but it is a consideration for the smaller businesses. Let us look at how things like rents work because there are unintended consequences of low pay. It is my contention that if we increase pay, if we increase the rate of minimum pay, then what we do is not drive up costs, but we bring a balancing effect; so we bring down costs in other areas because there is only a finite amount of money in the economy. If somebody has got more money in their pocket, presumably other people have less money in their pockets and it works to close the gap. I will explain what I mean with this very simple example. We know that in Jersey rents are very high for accommodation and also for shopkeepers if they do not have big turnovers. So what happens in Jersey, we say we have an income support system, so: "If you do not have enough money to pay your rent we will pay it for you", so there is absolutely no incentive for *rentiers* to drop their prices because we then have a free market. Normally supply and demand is how it works. If you do not have enough money to pay rent, the renter will say: "I have to drop my prices now." But the States love to interfere with this, so they will say: "You have not got enough money; we will pay the rent for you" or: "We will give you the money so you can pay your rent" and this keeps rents very high and that has an affect both in the rental sector for accommodation, but it also has an affect for people renting the shops. This is the irony because people are on low wages this actual system is perpetuated so we are contributing because people do not have enough money to pay their rents; we are supporting the *rentier* classes in keep rents high. This is what is doing a lot more damage than 8 pence will do on the minimum wage. It brings me to my next point that there is an argument to say that businesses that employ workers at the minimum wage are probably not efficient and I would go one step further - it is quite controversial - and they should not be in business at all. If they have to pay the minimum wage in the Jersey context then they are probably not worthwhile. This is the irony of having a monoculture; albeit of maybe finance, but it could be any monoculture that brings a lot of wealth into the Island and it will bring big disparities and big disbalances. So things like agriculture and tourism, for the most part, although there will be exceptions, certainly agriculture and to a certain extent not actually economically viable in Jersey. "That is not where the money is, mate" and that is why it is so difficult for the Minister for Economic Development, and he knows this ultimately. This is why whenever the question of diversification comes up it is always skirted around because you cannot diversify in Jersey. There is no money to be made in agriculture. Agriculture cannot exist in Jersey without subsidisation. The same for tourism, although I hope that we will always have a good tourist market because we have such a beautiful island but certainly these factors are not being made easy by economic conditions, and they are not to do with the minimum wage. They are to do with we are investing in finance, and this has been a policy of the States of Jersey since the 1970s and 1980s. It has not come around by coincidence. Then today we have the cheek to turn around and say: "Well, if we start paying people a living wage" and let us face it, the minimum wage we have here, whether we increase it by the 12p that is proposed, which is purely inflationary, or the additional 8p that is going to make no difference because that is not even a minimum wage. What we need to do is analyse the actual structure in Jersey and this is what is lacking. Sadly, one way or the other, whether we increase the minimum wage by 8p, the ultimate problem will not go away. Nonetheless, I have to stand here and support the increase of 8p on many reasons, partly for what I have outlined, but also because of where I come from. My family itself came from immigrant workers in Jersey. At that time they were Bretons, they came over to Jersey and they were, no doubt ... they did not have minimum wage in those days. It is good that we do have today but they were no doubt subjected to conditions and

working conditions and remuneration which was not adequate, and I know that working people of that class, they die younger, they suffer from illnesses, they have joint problems, and this is the real consequence. If we want to talk about equality in society, I would suggest that we do not sit here sanctimoniously arguing about 8p, whether it is going to bring down the economy because there are far bigger structural problems in society than 8p. I would encourage Deputy Southern, and I would encourage other Members to support this, even if it is just a token gesture, because it is not going to bring down the economy. We can increase the minimum wage. If there are people that are forced out of employment, if businesses have to shut down, then that is because there are other bigger problems in the economy that we need to address and we should not be blaming it on the minimum wage, and we should not be saying it is for the fact of 8p. If there is fat anywhere, it is certainly not down with the workers who are earning the minimum wage. I think I have been very clear, I certainly have to support this. I would encourage other Members to support this. Search their consciences. I think if we met anyone who worked on the minimum wage we would say to them: "I am going to do everything I can to support your lot." I know the argument has been put around it is better for them to be in a job at that price than no job. I would say it is probably not. It is better that any jobs that exist should be at a living wage, and if there are not jobs at a living wage they should not be around.

[10:15]

1.1.5 Deputy D.J.A. Wimberley of St. Mary:

It is nice to be here. Take a slightly different tack from the previous speaker, although I thought his discussion about rents was quite interesting. The only argument that can be seriously raised against this tiny increase on the increase suggested by the Minister for Social Security is the argument that the Employment Forum is a body that is there to do this job for us and should be left to do the job for us. I really do think that that is the only proper argument against the additional 8p, and I hope that the proposer will address that in his summing up, because it is the only thing that has some merit. I am just going to run quickly through a few concepts and then sit down. The idea that this will destroy jobs, I mentioned this yesterday, there is no evidence for this and what damages jobs in the current climate is demand destruction. There are factors far beyond this 8p which impinge on Jersey and have created the problems that businesses face. This recession is not going to be affected one way or the other by 8p an hour in the pockets of the low paid. Can we please remove this canard, it just does not apply. The inflation argument has not been touched on by anybody but it is in the arguments of the Employment Forum and I refer to the document produced by Deputy Southern on page 5: "In making its recommendation the Forum had been influenced by the Economic Adviser's advice regarding the States inflation policy." Now, I just want to compare the likely effect of 8p in the pockets of the low paid with the fact that we have a policy of encouraging 1(1)(k)s to come to the Island with very big pockets which obviously has an effect on inflation, and we are still awaiting the result of the cost benefit analysis that we were promised by the relevant Ministers in a debate some while ago on an issue to do with housing. We are still awaiting that. We do not know what the negative effects are of that additional demand on our economy. So I think we can just ignore the argument about this 8p contributing in any way to inflation. I just want to draw Members' attention to what 8p means in terms of the cost in the shop. I did some sums and if you were running a small business with sales of £100,000, hypothetical, for the sake of the argument, if your sales were £100,000 8p per hour is £166 in the year. The actual effect on a purchase of £100 would be 0.16 penny. It is one-six hundredth of the cost of an item. So when you go into a shop and you buy your £100 worth of plasma T.V. (television) or whatever, the additional cost on the sale will be 0.16 of a penny. If your sales were £200,000 it would be one-twelfth of a penny. So if we go for the additional 8p you are looking at those sorts of figures that the customer will have to find in addition. I really believe that the people of Jersey would be happy to find that extra one-twelfth of a penny for a business with £200,000 sales to... it is effectively redistribution of a very, very small kind. I want to come on to agriculture and tourism. There is an issue with

agriculture which they pointed out in their letter to us, that they cannot adjust the prices in the same way that I have just outlined. A business could, in theory, recoup that twelfth of a penny or sixth of a penny but the export industry is in a different place with the Jersey Royal. I would just say to that, firstly, that again it is a very small amount and if that kills the business then, as Deputy Tadier pointed out, then the business is rocky anyway. But also that the agriculture industry is supported by this House with, I believe... single area payments is the latest name for the support that we give the industry. So, in a sense, that 8p is compensated for already. Coming to tourism, the Minister for Economic Development correctly said that in the Scrutiny hearing I very much queried his commitment to the tourism industry and he reiterated his support for the tourism sector, and he has challenged me in this debate to say how the 8p impinges on the tourism sector. But what we are doing ... I agree there is an issue with competitiveness between Jersey and other destinations, but what has driven that all through the years has been inflation in Jersey being far higher than in other places, in particular the U.K. (United Kingdom) which is the main source market. That inflation, I am sorry; again, it does not come down to 8p in an hour in somebody's pocket. What we are trying to do by saying what the Minister for Economic Development has just said, is to improve the competitive position of Jersey on the backs of the lowest paid. That is what we are saying. They can pay for the increase in competitiveness which would result from not voting the additional 8p, and that is a strange logic. That it is those who are at the bottom of the pay scales who have to somehow be responsible for improving our competitive performance in relation to other jurisdictions. I am sorry, the argument does not wash. I would just say to conclude that Deputy Le Claire has put the moral arguments far better than I can and I just hope that people remember what he said and how he said it, and vote for this increase.

Deputy A.K.F. Green of St. Helier:

Can I seek a point of clarification from the Deputy of St. Mary? I just wonder how many staff this hypothetical shop with a turnover of £100,000 have?

The Deputy of St. Mary:

The question is quite correct, and clearly if there were 3 staff then it would be three-sixths of a penny. I do want to say also, as you have raised that question, that yesterday I did imply that it was £166 when it was £320 with Deputy Pitman's amendment in response to the Constable of St. Peter, and I did not pick that up at the time. But I was making a speech about 2 amendments at one, so the increment was £160 on each amendment.

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

I have to say I am staggered by some of Deputy Wimberley's sense of economics. I have enormous sympathy for Deputy Wimberley but it is unbelievable the elisions in which he has participated. He has smoothly gone from one statement to another. He has used the purchase of plasma T.V.s as the great economic decision that we are faced with everyday, which is preventing payments. He has said - and I will be on the Rural Economic Scrutiny Panel with him, so we will have a good ding dong on this: "Farmers are subsidised so therefore the 8p is covered." We were pummelled for ever on the old Agriculture Committee that this Island had made a promise that subsidies would be on a par or the Chief Adviser, personally apparently, would be on a par with European subsidies. They never were and as a result agriculture would go into decline. They are not subsidised. Some farmers are very good at the property development game, and they use that game and that enables them to drive around in these big vehicles perhaps that the Deputy of St. Mary has cited. But essentially, as an activity, it is economically not possible. It has been cross-subsidised and so forth. So the idea that the one area payments which are environmental payments also... they are not economically driven. We move to this other system which is not that good and we will look at it on Scrutiny. But the notion that these payments just pay is, quite frankly, ridiculous. Like a lot of Members, I have been torn by this. I admired Deputy Le Claire's passion but I will not be able to buy into it. I do not know if Members saw a programme last night called *If the Immigrants Go*

Home. It was about what happens when the immigrants were to pull out and we had to fill their jobs with people basically off the welfare rolls, and they used various examples and there were some incredibly good examples. It was a mixed result obviously, what did happen when these people went into the potato packing plants, an incredibly wonderful case of a young yobbish guy who went into a Bangladeshi restaurant and proved to be the only white employee there but did a sterling job, although he had to pull out half-way through the meal unfortunately as people were being served. In terms of the economics - other than the human side of it which was, I thought, quite excellent - they interviewed, more particularly at the farming end, several farmers and the British asparagus pickers never quite met their quotas, and they interviewed this farmer about this and he said: "Well, I will have to bring their wage up to the minimum wage, but the real issue is the supermarkets. They are driving it." As the Deputy of St. Mary does know, we run a cheap food policy in Britain, which is not sustainable. Dairy farmers have been pushed to the wall yet on the Radio Jersey phone-in we get a procession of people - one of whom I notice is on the advisory panel for the minimum wage - that person is constantly on the radio saying: "Is it not terrible the price of bread and milk in Jersey." Now we know there are elements of the milk price that can be taken out and we hope with the move to the dairy that unfortunate situation will start correcting itself. But they said that. It is because we go into supermarkets we expect cheap food and we put pressure on farmers to produce that food and the British dairy farmer and, to some extent, the Jersey dairy farmer have been pushed to the wall by these economics. They want their employees to earn reasonable money but it is us that are ensuring that they do not, quite frankly, because of this unsustainable cheap food policy. That really came out in the programme last night. I think we have to be very careful of what we wish for because when they asked in the potato packing plant, where there were actually some excellent employees - they were real stars these British chaps who went into that plant, they got on well with the workers, they had a good time and they really put their heart and soul into it... But when they asked the manager there: "If you cannot get immigrants to staff the plant what are you going to do?" He said the classic economic thing: "I will mechanise." So basically jobs will be eliminated. "I will mechanise. I just cannot run the plant." It is a sad situation but those are the economics that people operate under, under this skewed cheap food policy, for example, that we have at the moment. The other issue about economics, I am still going round the constituency and being accused of - although I have no particular interest in the issue, although I do take a broad ... of being accused single handedly of bringing about the demise of the tourist industry because we allegedly allowed people to install showers, en suite facilities in guesthouses, and that this ultimately led to a partial demise of the tourist industry. I notice the Deputy of St. Mary said: "Oh no, it is inflation." The tourist industry went because people can jump on planes to sunny destinations like Spain. [Aside] No, they want - and I would have thought this winter has been a remarkable example - certainty in terms of getting a suntan. We have an excellent example of a market-driven Minister there, or a suntan-driven Minister. [Aside] The Housing Department is engaged, as we know, in long term research on that, but anyway ... I started to make that little point but because of the Deputy of St. Mary's take on economics I thought perhaps we ought to draw attention to other matters. I think be very careful of what you amend with. I do not think there would be Armageddon if we were to give more money but, sadly, I think the economy is poised; it is an unequal economy, we know that. We know it is an utterly imbalanced economy and we know there are all sorts of perverse consequences, good and bad, because of the immense role that finance and its payments pay in this economy. But I do find some of the economics that underpin this debate very strange.

1.1.7 Deputy T.A. Vallois of St. Saviour:

I am struggling to find the balance with this particular amendment because to me it is either one way or the other. You are either helping businesses or you are helping the individuals and there is literally no balance with this. If you help the lower paid then you are affecting businesses. If you help businesses you are affecting the lower paid, and we have to decide one way or the other. But

effectively what this proposition is saying to me is it is agreeing to what the States had already agreed in a plan beforehand, in the past, and asking for us to stand by that plan.

[10:30]

The fact that it keeps on coming up in my head that last year we agreed £44 million for economic stimulus. That is £44 million to help people back into employment. To help businesses, for productivity, for more demand, *et cetera*, how the economy goes. The Business Tendency Survey which is mentioned in the Minister for Economic Development's comments which does not mention how the businesses and I believe, because I do not have the Tendency Survey with me, but I believe it is stated that 29 per cent of, I think, 71 businesses that responded were not aware how the monies were helping the economy. I think Government are partially to blame because we agreed the monies back in May last year to help the economy, to help businesses. The first set of monies I do not believe started going out until about October time and it is just one thing after the other. The Minister for Economic Development, I understand completely where he comes from. He is trying to help businesses. That is his role. But the problem I have is that all the monies that have been allocated with regards to economic development, he mentions about the hospitality industry which he mentions in his comments; tourism and agriculture are the 2 largest industries that would be affected by this change. The hospitality industry we have provided £20,000, I believe, of economic stimulus monies to help people back into work. I do not believe I have seen anything for agriculture. What I would like to say is I heard on the radio this morning that we are willing to pay £2.5 million to help the finance industry. But we have only given £20,000 to help these 2, in particular, industries. That does concern me. That does really, really concern me. I believe there is also monies for Business Incubator, Business Angels, *et cetera*. But where is it? The businesses are not seeing it. The businesses do not feel like they are being helped. The Minister for Economic Development mentioned about unemployment figures, that are roughly around I think 1,100 at the moment. Back in 2003, as I believe, if the Minister for Economic Development looked back on the unemployment figures on the Social Security website, it was over 1,300 people unemployed. That is only roughly 200 people different. Are these stimulus monies actually working? I just feel uncomfortable as to not agreeing to something that the States have already agreed to and planned and also with the fact that we have provided £44 million to help businesses, to help people back in employment. Also the fact that I am yet to see any measurements from the Ministers to say whether there is a benefit to this money being paid out, this is taxpayer's money. Although I understand businesses are finding it difficult, I have to continue and agree with what was agreed previously and I understand we have an Employment Forum that look at things, that do these kind of things for us. But in this particular situation, whereas years ago the last recession I know is nowhere near as bad as the one that we have at the moment, we never had £44 million of stimulus monies. So I think that is where the balance kind of hits for me, where it knocks me over and says 8p an hour extra and the fact that we should be stimulating the economy already. I just have to support Deputy Southern's proposition because knowing that that much money is in the economy and these businesses are still finding it difficult to see where this is going, I think all Ministers have got a lot on their hands to help these businesses not only with stimulus monies but red tape and also the fact that we have provided over the years a false economy with regards to rentals and subsidies. So I am supporting Deputy Southern's proposition.

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

We have heard a debate this morning to let us sort out the supermarkets and we are where we are because everyone in the world wants cheap food. But I would like to bring this back to a bit of reality. If you look on page 6 of P.211 - and I started on the minimum wage in 2005 - up to last year I have improved my income by £1 an hour. £1 an hour. Really, really good incentive. In fact, over that time the income support would have gone up much more than that so for me to work 40 hours a week I am getting my nice bit of minimum wage and I am being subsidised by the State,

which I need. Just to bring the Deputy of St. John into the real world as well, he made an interesting speech but he said out of their monies some people have to pay around £100 rent. It just so happens, and it is a very nice figure on page 10, the minimum wage of £243.20, about 5 years ago was your average fair rent for a 3-bedroom social house. It is now around the £260. So forget your £100. Your minimum wage for your family person does not even cover their rent. Nowhere near in Jersey. We are sitting here arguing today because the Forum did not mention it too much but the comments do. Were they swayed by the people paying the minimum wage? Apparently it did not matter 5 years ago. Was not too interested. Last year it did go up. It went up a little bit more than normal, but it still only brings them up to in 5 years £1 an hour more. I cannot believe we are arguing. I have heard the argument about we do have... and the Deputy of St. Mary wants Deputy Southern to sum it up, why do we have a dog and bark ourselves? Well, I am sorry, I was not elected by that pack. This dog barks for herself. I listen, I see what they have put in their paper and I am very interested to read the comments: "A percentage of the average ..." and average earnings; what is the average earnings to a person earning £240-£300 a week? What does it mean? I talk to ordinary people in the street and they say: "Ooh, the average earnings in Jersey, round £28,000-30,000 a year." They look at me and say: "Where? What does that mean to me? I do not live on that. It is nothing to me. Why base anything I get on that?" I cannot answer them because these are the people ... Deputy Le Hérisier is worried about people who will do these jobs. I have just looked and it is retail and it is hospitality. In between them they have got about 90 jobs on the internet at the moment at Social Security. Why are these not being filled? Because people are not working. It is so much hassle to leave income support, get on to something that might not work out, as that programme showed last night, and then go back on to income support. We need to really look at everything we are doing, not just the minimum wage. Income support, making sure that people can take a job up and maybe it is secure for 2 or 3 months. These are all things that have been rehearsed for years and have not been taken on board. You want to get the Jersey person working in the good old industries, like farming and hospitality. I think it is a great job for some youngsters and it was only reported on the radio and T.V. the other day, the Minister for Economic Development, they cannot get these people even under this new scheme. Everybody interviewed said they do not want to do it. It is unsocial hours for a minimum wage and they either will not go out to work for that or they can do something else at the moment. Will it break the camel's back or will it upset a few employers? I can answer that one. It will upset a few employers. It will not put anybody out of business. Deputy Green asked the Deputy of St. Mary how many employers ... we know, we have the largest small businesses that have one and 2 employees. Most of them are the ... the one employee might be on the minimum wage so if that is going to break their bank they are not managing their business very well. If you do look, go even to I would say some of the lowest paid on the internet, they are already being paid £6.30, £6.28 an hour. They are paying over the £6.08. Not a massive amount but they are. I really cannot see the argument. As I say, I am glad we got the Employment Forum. They do some good work. They do take soundings from everybody and, as I say, my politics is that we have a living wage; we have a minimum wage and our minimum wage goes nowhere near the living wage and nothing else has stopped going up. In those 5 years where I have been lucky enough to earn an extra pound an hour we have also introduced G.S.T. (Goods and Services Tax) on food. We had the Le Fondré proposition and we still have not had the answer to how many people have applied for that rebate. In fact, if you are a single person on the minimum wage you are not allowed to, but you still have to eat. You still have to pay your £200 or whatever rent. I think it is £160 for a one-bedroom social rented house. So it will not leave you much. All I can say is it is a no-brainer, I do not think it will make anybody ... we have had the scaremongering from Economic Development - the people who employ people - the minimum wage if it goes up an extra few pence will be the final nail in the Jersey economy. Do not believe it, very sorry. So I certainly will be supporting this.

The Deputy of St. John:

I did not want to interrupt the speaker when she was speaking, if I might just correct what she said. When I mentioned £100 it was a figure they would probably be paying in rental after rent rebates.

Deputy J.A. Martin:

No, the clarification was you would be paying ... the rent you are asking for is more than the minimum wage a week. Please get that through your head. The rents we charge in Jersey is more than the minimum wage, our hourly rate now for a family home.

The Deputy Bailiff:

We are not going to have a debate about what the Deputy of St. John might or might not have said. Deputy Green.

1.1.9 Deputy A.K.F. Green:

I said yesterday that the words I was going to say yesterday would cover all 3 things, but I cannot sit here today without reminding people that we have got to get into the real world. People are losing their jobs. It is simple economics. I live with one that has had his hours reduced and there are many others out there that are either having their overtime taken away, their bonuses taken away, their hours of work taken away and sometimes employees are given the stark choice - and this is Jersey, not England - the stark choice of reduce your hours or some of you have to be made redundant. That is happening. It will be the most vulnerable in society that will lose their jobs. It is a matter of simple economics. I will make my own hypothetical company. If you have got a company that has a budget of £100,000 for wages and it goes up to £105,000 and the business is not making money then a job will go. It will be the person who is less skilled, who is less capable, who perhaps has been employed in some ways in a charitable sense, some of our less fortunate people, it will be those that will lose their jobs. Once they have lost them they will not return to employment in the market that we have at the moment. I know what I am talking about. I want to see people have as high a minimum wage as is practical. This is not the right time. This is wrong and you are going to put vulnerable people out of jobs and I urge people not to support it.

Deputy M. Tadier:

May I seek a clarification? Like the Deputy of St. John I did not want to interrupt but is the Deputy saying that the jobs that will be lost will be the minimum wage jobs, and how does he know that?

[10:45]

Deputy A.K.F. Green:

In the main it will be, and I do know that because I live with one that has suffered from that.

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

While I respect the Deputy's proposition and its social aspirations, I am quite astounded how commercially naïve some Members are and I was quite refreshed to hear Deputy Green's speech just now. I speak as an employer of many years but would add that the proposition will have no pecuniary effect on me. But one point I pick up from previous speakers; one wonders in fact who this is going to affect. There has been a lot of generalisation and we all know that we have not got the massive industry in this Island that others have. I suspect in family terms there are very, very few or perhaps it is the exception rather than the rule where all parties are on the minimum wage and, as Deputy Martin quite rightly suggests, with a rental cost in excess of the minimum wage quite frankly it could not be afforded. I contend that more likely than not those on the minimum wage are those on secondary jobs or spouses of those who are on higher wages. My philosophy is that government should not interfere in the world of commerce and it should be left to employers to remunerate their staff adequately to enable satisfactory productivity in the nature of the business being operated. I believe that it is of paramount importance that there are as many job opportunities as possibly in the Island and to suit all the different strata of our community. This

will range obviously from youngsters, late teens, early 20s, to families and older people. My feeling is that the late teens and early 20s are particularly vulnerable to increases of the nature proposed in that the jobs will not be offered. Business owners face increasing costs generally and reduced income in the present economic climate and I would hate the possibility that any job opportunities may end up being prejudiced by us today supporting this proposition. We have a great disparity between wages in the finance sector and those in agriculture, hospitality and others in the Island and working on a percentage minimum of the Jersey median I contend is really somewhat false and Members need to be conscious of this. I urge Members to reject this proposition and let commerce look after itself and its staff.

1.1.11 Senator P.F.C. Ozouf:

I am pleased to follow the Constable of St. Brelade and Deputy Green, who I think brought some realism to the debate. I am sorry that Deputy Vallois is not here because I want to respond very briefly to some of the remarks that she made. This is not a fiscal stimulus debate, I need to tell her. This is also not our money in the same way that fiscal stimulus money is. But she has raised the issue of fiscal stimulus and I am surprised that she has criticised or raised questions about the fiscal stimulus programme because she has been, together with the Corporate Affairs Scrutiny Panel, part of 2 reviews on the fiscal stimulus money and, indeed, my reading of the reports that they have issued is that they have been complimentary about the way in which the fiscal stimulus programme has ...

Deputy M. Tadier:

Can I raise a point of order? It is a point of order. As Deputy Vallois is not here I do not ever recall Deputy Vallois criticising the fiscal stimulus package. What she was saying **[Interruption]** ... no, I do not think she was. I think she was saying it is inconsistent. Given that we have given money to the economy... and Deputy Vallois is here for herself so I am sure she can reiterate, but I do not believe that Deputy Vallois necessarily was criticising the fiscal stimulus package, and I am sure she can speak for herself.

The Deputy Bailiff:

What is the point of order, Deputy, you are asking me to adjudicate on?

Deputy M. Tadier:

I am asking you to rule if that is a fair comment.

The Deputy Bailiff:

I am not sure it is a point of order. If it is a point of order I thought Deputy Vallois was drawing a comparison between the fiscal stimulus and the present proposition and therefore it is perfectly appropriate for Senator Ozouf to criticise that comparison.

Senator P.F.C. Ozouf:

I believe that sometimes the Assembly runs the risk of having almost collective amnesia. It seems that we think the political debate nowadays is just about simply adding more money, just simply that every political decision is about a new decision and new money. Life is not quite like that. We have a history of significantly supporting industries and significantly putting money into our economic sectors. We have put significant money already into agriculture, tourism, business enterprise. We have also, for those Members that are absolutely understandably concerned about individual people's incomes, we have put tens of millions of pounds into the income support system that is making a difference. We paid 3 times for the exemption of G.S.T. on food exemptions in the income support system. Political debate is not only about adding more money and portraying ourselves as being Father Christmas, in giving more money away. We have to take decisions mindful of what we have done in the past. The Jersey economy is weathering the downturn well but there is and always was a lag in the way in which downturns affect the Jersey

economy and it is going to be over the next few months that we see that lag effect affecting our economy, and that is why we have calculated that we need to be making the investments in the economy for fiscal stimulus money over the next few months. I am confident that fiscal stimulus is working and will continue to work and will keep a significant number of people in work. I want to revert back to the proposal by Deputy Southern, and I do not really have much to add but to reinforce the comments that have already been made. We have set up an expert group to advise us on minimum wage and I do not believe that having set up a group we should be turning the minimum wage into such a political football which this debate is a good example of. We have an advisory group. We should stick to their advice. Members are well intentioned, however it is not only about the level of wages that matter. It is the number of jobs that matter and raising the minimum wage in the manner in which Deputy Southern is suggesting will cost jobs, and that is the decision that Members have. Do they want less jobs or do they want higher paid jobs? I want more people in jobs. In time the minimum wage will rise, that is inevitable, but it has to be at the right time and now is the wrong time. **[Approbation]**

Deputy T.A. Vallois:

Can I make a point of order? Senator Ozouf pointed out the fact that I was on the Corporate Services Panel and the fact that my speech referred to the fiscal stimulus monies, can I just make a point that what I do on the Corporate Services Panel is separate to what I do as an individual Member in this House. On Corporate Services we have a duty to be objective in our scrutinising of policy and legislation ...

The Deputy Bailiff:

It does not sound like a point of order.

Deputy T.A. Vallois:

Point of clarification then. Sorry, Sir. I just wanted to point that out. That is what I do as an individual Member in the States. I did not stand up to point out that I was a member of Corporate Services, and I just wanted Senator Ozouf to be aware that there is a separation between that.

The Deputy Bailiff:

That you have pointed out.

Senator P.F.C. Ozouf:

Am I entitled to a second speech, to respond to Deputy Vallois? I like Deputy Vallois very much, and I value her words ...

Deputy G.P. Southern:

Surely not a second speech.

Senator P.F.C. Ozouf:

She criticised the fiscal stimulus and I was responding to that.

The Deputy Bailiff:

Can I just say something further from the Chair. I think I used the words a moment ago that it was appropriate for Senator Ozouf to criticise Deputy Vallois in the context of the fiscal stimulus. I meant procedurally appropriate and I did not intend in any sense to say whether his criticisms were valid or not. That is entirely a matter for Members.

1.1.12 Connétable J.L.S. Gallichan of Trinity:

I am pleased to follow Deputy Green and also Connétable Jackson. I visited a couple in my Parish when I saw these amendments coming on and I spoke to them and they said: "Well, I cannot believe they would want to raise the minimum wage again." They said: "Unfortunately because

they are going for this extra height we will not employ any young person as a trainee. We would prefer to pay £8 or £9 to have someone who can do the job in the first place.” This is where I am afraid we are ... I am concerned about the younger generation. I do agree we need a good wage. I totally support that. But if you do not train these young people to pick up a job that can stand them in stead for the rest of their lives, how on earth can we ever get people to take on the employment when we have other jobs needed? I am staggered by Deputy Tadier. He wants to try and be a farmer I think and see the hours that they put in. I will give him a little example. This week what is the weather doing? Raining every day. What is the farmer doing? He may have 30, 40 people employed. He has to pay this staff a minimum of wages, 40 hours, to be sitting most probably in the shed for the week. Now that is wonderful, you may think. But as a business it is very, very hard to suffer. You work it out. Thirty people on the minimum wage who because of the weather conditions... no fault of the farmer, it is no fault of the worker either. I appreciate that. But these costs do add up. You put up the minimum wage, the overtime rate goes up, the double-time rate goes up. It is more than £116 a year. Do not get confused by that. It is a knock-on effect. I think we should keep to the Forum’s recommendation. I totally agree we would all like to earn more but get realistic. The majority of people that have spoken against this have never been ... or want a raise, have never taken a business. If they think there is that money out there in a small retail shop why do they not leave the States, take on a business and try it because they say it is easy to find another 8p. Good luck to them. That is all I say. Stick to the minimum wage.

1.1.13 Deputy T.M. Pitman of St. Helier:

I do not think I have ever raised a point of order since I have been in the House but something that crosses my mind and perhaps you could give your ruling on it. Listening to some of the speakers, if there are any Members in the House who employ people on the minimum wage or near the minimum wage should that be declared as an interest and should they have even removed themselves? Because it is an interest, if there is anyone in that situation. Should you advise on that? Keep the minimum wage down it surely does benefit you if you are an employer. If there is anyone can I have my vote again yesterday, I might only lose by 15.

The Deputy Bailiff:

I am just reminding myself of the provisions of Standing Order 106: “A Member of the States who has an interest in the subject matter of the proposition must, if it is a direct financial interest, declare the interest and withdraw from the Chamber for the duration of the debate and any vote on the proposition. If it is not a direct financial interest but a financial interest which is general, indirect and shared with a large class of persons declare the interest. If it is an interest which is not financial declare the interest.” It seems to me to be quite clear that the matter is not one where it is a direct financial interest. At most it could fall within Standing Order 106(b), that is to say it is not a direct financial interest but a financial interest which is general, indirect and shared with a large class of persons and if Members have such an interest then it might well be desirable for them to declare it but it does not prevent them from speaking and voting on the proposition.

Deputy M. Tadier:

If somebody does employ somebody on the minimum wage surely that is a direct interest, is it not, because that person will have to be putting out more money than they would otherwise. I can see if they are not employing someone then it is an indirect cost they may have to support.

The Deputy Bailiff:

The ruling I have just made is that it is general, indirect and shared with a large class of persons.

Deputy T.M. Pitman:

Thank you for that, Sir. At least it was a real point of order. I think it was the Chief Minister, it seems a long time ago, gave us a little red herring about this being used as a political football. Deputy Southern of course is not doing anything of the sort, as I was not yesterday. What the

Deputy is attempting to do is to ensure that we, as politicians, should ensure that those at the bottom of the employment ladder get the protection they deserve. It is as simple as that. That also means correcting matters when bodies like the Employment Forum get it wrong. It must do if we are to take our job seriously. Get it wrong they have. Perhaps too much listening to financially-stressed law firms - as quoted within the Employment Forum's comments - contribute here. Indeed, I am going back to my lawyer tomorrow to ask if all my future legal correspondence can be handled by one of their minimum wage staff because it might make justice affordable in Jersey. I am not very hopeful at the outcome, I have to say. Too much listening, perhaps; divested interest, people who have lost sight of the need for balance. Balance such as Deputy Southern's proposition would begin to provide. I will say to the Deputy of St. John, he made a really good speech and I do not think we have seen eye to eye much recently but hope that he could change his mind and go for the balance of this proposition because I know that he cares about those people, it came across in his speech. It just disappointed me when he made those points and then said: "But I am not going to vote for it." Perhaps I can persuade him otherwise.

[11:00]

Deputy Le Claire really made this point well about balance. As he pointed out, strange how many in this House will speak about balance at the bottom yet will never ever ensure that we have balance at the top where we allow landlords - let us be honest - to rip people off hand over first. It is a fact and Deputy Martin touched on that as well. Senator Maclean: where to begin. One might be tempted to ask if the Minister for Economic Development would know the difference between profits and profiteering. He gave us another real red herring about the threat to the finance industry. Perhaps I know more finance workers than the Minister does. Indeed we have a couple of them who sit on the J.D.A. (Jersey Democratic Alliance) Council. They might tell him that finding a finance worker on the minimum wage is as difficult as finding a 1(1)(k) resident who pays the full amount of what they should as the figures were proven on Tuesday. Indeed, returning to Deputy Le Claire's points about balance or lack of it. As we saw on Tuesday, there is no commitment to balance from all too many in this House. Deputy Tadier made the point, and very well, about the impact of rent. I am not going to go over that again, other than to say that I agree with the Deputy wholeheartedly. I would also draw Members attention to what the Deputy told us yesterday within the debate on my amendment. Now we are being guided by the Employment Forum who are listening to the Chamber of Commerce. Well, the Deputy got in touch with the Chamber of Commerce, offered them all the chance to give their opinion on how many of them paid to the minimum wage or thought it was justified would have any of their family working on it. The Chamber of Commerce who, I have to say, regularly squeal - is the word I would have to use, I think - about not being talked to yet the Deputy gave him the chance, not one of them could be bothered to answer him. I wonder why that is. Yet these are the sort of people we go to for an independent picture of balance. 8p is what Deputy Southern is asking above the Minister's... I watched the same programme yesterday, as Deputy Le Hérissier, and while I do not share his support for exploiting East European immigrants I too share what he said, that 8p in Jersey will not bring about Armageddon. It will not. But he is right. Again, there are much greater issues at hand here. Greater issues that we should debate and I wonder whether we will get round to debating the fact that the real reason issues like this are such a problem is because the politics of the Minister for Economic Development, the Minister for Treasury and Resources, and their counterparts the world over... their politics have led the world to the brink. It is a fact. The banks are now having to be bailed out by States the world over. We talk about economics; well, it does not seem many bankers really understood economics and yet that is the real reason that we are in this situation. It seems to be some people want to believe that Jersey exists in a little vacuum. Well, it does not. I think it is Deputy Martin who raised the point of just how little this would put in people's pockets. Who could live on £240 a week and will that bring economic collapse? It is nonsense and I think Deputy Martin really brought us back to reality as she does regularly. We need to look at income support

and make it easier for people to provide greater incentive to work at the bottom end of the market - some incentives - and when the Senators over there talk about how they have improved income support, well, it just shows the difference and why some of us have got such huge constituent portfolios, people all with problems, and they are not lazy people. They are not stupid people. They are people who are not being looked after by the State. They are falling through the cracks, and who has made those cracks? We have because all too often all we get is platitudes and lip service and we do not take the action we need. It makes me quite sick to listen to this whining over 8 pence. In this House it seems we always are led to believe we should take the moderate path. We do not go for extremes. We are always hearing we need evolution, not revolution. That is what Deputy Southern is giving us. Evolution, not revolution, and it is an evolution right in line with what the Employment Forum had proposed. What is wrong with stepping back at that? What is wrong with it? Everything is wrong with stepping back from that. I was in retail management for a lot of years before I changed my career and it is hard work and it is not well rewarded work. A lot of people do not want to do it for those very reasons. It is often a thankless task where people are rude to you, your company takes profits and they certainly often do not funnel them back, although there are good employers who would not even dream of paying the minimum wage because, as I said yesterday, they recognise the value of that incentive and of loyalty and what that does for your business. This affects not the majority of people but a small minority and to hear some of the horror stories, the scaremongering from the other side of the House, I think, is disrespectful to those people at the bottom. When we hear about bonuses not being paid; we saw yesterday that is a complete myth. A complete and utter myth. Seeing bonuses continue to be paid, not just in Jersey but throughout the world, it is a fact. There is no balance and balance is what we need. Balance is what Deputy Southern is trying to give us. Nothing more, nothing less. I would like to go on and on about this because I feel so strongly but I will not because Deputy Southern wants some points to go on about. I would urge all Members who care about ordinary working people, do not be swayed by the scaremongering, the shroud waving. This is where we should be with the Employment Forum. It will not put anyone out of business other than some people who perhaps should not be in business because being an employer does have responsibilities and you should be able to manage and you should be able to commit to giving people a decent wage. As for the scare tactics of young people, well, I think I can comment on that. This will not stop young people being employed. Not by any means. I will leave it there because I could get quite angry.

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

I am sorry that my prediction yesterday afternoon has proved so far to be correct, but there we are. The Employment Forum is an independent body. It is made up - I hear unfortunately tutting from the benches - it is an independent body made up of employee and employer representatives. It was set up by this Assembly to ensure that politicking was taken out of the debate around minimum wage. Not politics, politicking. They can be 2 very different things. It might be appealing to think that we have rejected Deputy Trevor Pitman's rather high increase to the minimum wage. We will reject the Employment Forum's lower proposal and we will go with the compromise proposal which is now before us. I say might be appealing, but what would we be doing by going and taking that position? We would be putting aside the recommendation of the independent body that we have specifically tasked with consulting with all parts of our community, and not just a quick consultation, but one which has taken 6 months. They have met with individuals. They have had a forum. They have done 3 different questionnaires and we can see from their recommendation that they have been influenced by that consultation. If we take the youth rate, which they were asked to review, they have quite clearly taken on board the thoughts and those questionnaires that said, no, they felt that there was no need at this time for a youth rate. I personally, if I was politicking, believe that there should be a youth rate but the Forum has suggested and recommended to this Assembly that there should not be one and therefore I have not come forward with one because I have respected their independence, I have respected their skills and said, no, that is their suggestion, that is their recommendation, and I will not be prepared to politick with their recommendation. We

have had what can only be described as an interesting debate. We have had a large amount of amateur economics expanded, we have ranged from what we should do with rent and how they would be the solution to all our ills. We have had showers in guesthouses being the decline of the tourism industry. That was a new one on me; I have not heard that one before. I shall have to go and do a bit of investigation and research on that. Something which I found particularly shocking, we have heard that those businesses which pay the minimum wage do not deserve to be in business and that we should not respect those jobs and that we should be happy to see those people made redundant. I, for one, wish to disassociate myself from those sentiments. I believe that we, as an Assembly, should ensure that to the best of our ability that jobs are available to all and we should be providing ...

The Deputy Bailiff:

A point of order is being raised.

Deputy G.P. Southern:

No words about rejoicing about jobs going were ever mentioned. The Minister is making this up.

Deputy M. Tadier:

Could I add to that because I suspect that the comments may be directed at me, but presumably they cannot be of course, because I never said that any sector deserves to go out of business. It is a case of misrepresentation.

Deputy I.J. Gorst:

I do not believe that I used the word “rejoice”, if I did, I apologise for that. But the statement that was said was that: “Those businesses do not deserve to be in business.” By extrapolation of that fact then those people who are employed by those businesses would become unemployed and would be redundant. Thank you for that point of order. As Deputy Southern would say, it is managed to put me off track anyway as he accuses me of doing with him, so there we are. As I was saying, I, in my position, wish to disassociate myself from those sentiments. I believe that we, as an Assembly, should be doing more to encourage work opportunities and that brings me on to some comments which were made about the economic stimulus package. I cannot obviously speak for other departments but I can assure Deputy Vallois that we have around 100 people on the Advance for Work scheme, well over 10 people have now got employment from that and other people are enjoying training opportunities. So the economic stimulus package is working. We have extra places at Highlands and we have people in those places learning and being trained-up for what we hope will be a better employment market in due course. We also, during our debate, heard someone suggesting that the minimum wage was related to the G.S.T. bonus. That is not the case. The G.S.T. bonus is available for those individuals who fall between ... are not paying tax and therefore it is not related to whether someone is on the minimum wage or not. I will revert now to what I was going to say in the first instance, rather than picking up points that have been touched upon. A number of Members have suggested that I have quoted selectively from the Employment Forum’s recommendation. From the Employment Forum’s paper, yes, of course, I have because it was 10s or 20s of pages long and therefore I would not be able to say everything that they had said, but crucially and vitally important I have not been selective with their recommendations. I have presented to the States today their recommendation. It is not my recommendation, it is not Deputy Southern’s recommendation, it is not Deputy Pitman’s recommendation. I am being told to hurry up, so I will try to speed it up.

[11:15]

It is the Employment Forum’s recommendation and it is very important that we remember that. Comments have been made about the percentage of average wage and I understand that. This is not an easy debate for me as I know it has not been an easy debate for other Members because in effect

by accepting the Employment Forum's recommendation we are reducing that percentage, and that does make it difficult because I believe that the majority of us in this House would like to see the Employment Forum coming forward with recommendations where 45 per cent is their goal. As Deputy Le Claire quite clearly said in his speech, it is important for us as an Assembly to give signals and indications to the Forum when they are doing their consultation, as the Deputy of St. John said as well. He would like to see the wage increased and I fully understand that and I am in agreement with that position but I still cannot get away from the fact that it is an independent body who has done the analysis, who has done the consultation and they are recommending not only to me but to this Assembly a 2 per cent rise and I believe that it would be remiss of us not to accept their recommendation. Something that Deputy Southern said in his opening comments were about timing and were about the way that the proposition is set up. Yes, the proposition, the way that the law works is that I, as Minister, bring forward, changes to the offsets and then I make an Order to increase or not the minimum wage and the previous Minister has done exactly the same and the previous Social Security Committee did the same. That is how it was laid out in the original legislation, which was approved by this Assembly. Should Members wish to change that then of course they are... and I am more than welcome to listen to their concerns and to see if there is a way forward there. But that does not eliminate the fact that it will be very, very difficult for me to go away now and make an Order which is different to the one that I have said that I would make and I approved on 3rd November last year. The Employment Forum came forward with their recommendation at the end of October. I said publicly that I would accept their recommendation and I would submit that it was at that point that Members who disagreed with me, which they are perfectly entitled to do, should have come forward with propositions to say, no, they felt that that was incorrect, and then business and community at large would have had time to recognise that there was perhaps not the certainty that there has been in other years that that recommendation was going to be accepted. That, I believe, is what should have happened, not this late in the day proposition to say: "Actually, no, we do not agree with the Forum's recommendation despite all the work that they have done, despite all the time that has elapsed. Having said that, what is a possible solution? I seem to recall in my speech that this time last year I invited Members to take part in the Employment Forum's recommendation, and I still invite Members to do that again. They will be starting their work for next year's minimum wage in 2 months. I invite every Member who feels that they have got a contribution to make to contact the Forum and make that contribution to the Forum. If they are not happy about the way that the Forum is working, about the timescales that are in place, then what I propose is that those Members bring forward propositions to change the way that we as an Assembly interact with that Forum. Not for us, just now at this late stage to say we do not agree with them and therefore undermine their body of work. There is an appropriate way that we can deal with that, we can bring forward fairly quickly a proposition to say: "No, the way we interact with the Forum should be changed because we do not find that it has been satisfactory." That is what I would encourage Members to do if that is how they feel about this recommendation, not to reject it in the way that we are being asked to today. A number of Members have also said: "Do not talk nonsense, of course going with Deputy Southern's proposition will not bring down the economy." I, nor the Employment Forum, have ever said that it would bring down the economy. What the Employment Forum have said is that if we go with anything other than their recommendation then we risk triggering redundancies and, as I have said earlier - Deputy Southern is nodding his head - I will quote from them at the end of my speech, where they quite clearly say that they are trying to avoid triggering redundancies. That could not be clearer and I for one do not want to be a party to any legislation or proposition coming through this House where I might walk away feeling that I have been responsible for redundancies. We should not take that decision lightly and therefore I ask Members to take that into consideration. I will finish because I recognise that it has been a long debate, and I will finish with the same quote that I finished my speech on the amendment, and it is a direct quote from the Forum: "The Forum believes that unless an increase is applied with great caution on this occasion [which obviously is their recommendation] the Forum would risk damaging jobs in retail, hospitality, agriculture and

possibly other industries. The Forum therefore recommends a 2 per cent increase giving a minimum wage of £6.20. The Forum is aware that this is less than the increase in R.P.I.X. (Retail Price Index excluding mortgage interest payments), however, considers that this caution is essential to protect jobs at this time. In the Forum's view the greatest concern in this year's review is to avoid triggering redundancies." I ask Members in all sincerity to reject this proposition, to accept the Forum's recommendation and to protect the jobs of, yes, what are low paid members and often marginalised members of our society.

The Greffier of the States (in the Chair):

I call on Deputy Southern to reply.

1.1.15 Deputy G.P. Southern:

We have indeed had what the Minister describes as an interesting debate and a full one, which to some extent is part of the position I have taken so that we do do that and we are aware of what we are doing, and we are not just blindly following those scaremongers who suggest in some way that the minimum wage is responsible for the recession or is responsible for job losses, because that is simply not true. But I want to deal firstly with the aspect of timing which the Minister spoke about; that this will be very difficult now to actually do anything, and the relationship between the Employment Forum and the States. The fact is the way we have set up our legislation is the Minister brings minimum wage on an Order and this House cannot amend an order, all it can do is reject it. So we have the *status quo*, the old minimum wage for a longer period. That is a difficult matter to deal with and I am asked to deal with the question of why keep a dog and bark yourself. Why have I brought this to the House? But before I do so, just to go back to the timing matter, I was advised by the Minister, why did I not bring this earlier? This is late in the day. It is late in the day because I had to, first of all - and it took some time - work out whether we could amend the legislation in any way whatsoever. It took some debate between the Bailiff and the Greffe and myself as to how to get a form of words which amend **[Interruption]** ... I am on my feet, the Minister is not. So why have I brought this to the States, what is the relationship between the Economic Forum and this body? It comes back to that single word of "balance". Lots of people have used it today, in particular Deputy Pitman. The minimum wage is not just an economic decision. Setting the minimum wage is undoubtedly a political decision. We took that decision that it was a political decision when we decided to set up minimum wage back in 2005. It says there must be a political input into the minimum wage. The Economic Forum is - I have nothing against the Economic Forum and the members, their integrity and their independence - undoubtedly is a valid contributor to the argument, but they are requested to assess the economic arguments as distinct from the political. So we are here today because there is a political element into that. What that fiscal element is, we as a body have committed ourselves to protect those who are the least well paid in our society. The question before us today is despite the recession, do we want to maintain our commitment to that protection? The Minister for Treasury and Resources accused many Members of forgetting what has been said. I think some Members have forgotten what this House has said in terms of its own priorities and its own aims in the Strategic Plan earlier in the year. For example, we agreed, not long ago, that in the application of these priorities due attention must be paid to the creation of greater equality. We also agreed in our priorities rate, to increase social inclusion by encouraging and supporting people to help themselves. Not to be dependent upon income support, but to go out to work. Further on into that, in detail, the government's role should be to facilitate and encourage people to discourage dependency. It also says current trends will, if not checked, result in unprecedented dependency and demand for social protection. What is that saying? That is saying, for example, every penny that we take off the minimum wage will increase dependency because where will that be? It will be in income support. How do we best stimulate the economy? How do we best respond to recession? It is legitimately linked to the argument about fiscal stimulus; Deputy Vallois was quite correct to do so because of the following which comes from the fiscal stimulus plan: "We should be supporting employment in the Island by

assisting individuals affected by the economic downturn”, like the minimum wage. Supporting them with the minimum wage: “Policy targeted on those affected by the downturn and the less well-off scores well in terms of economic stimulus, scores well in terms of economic impact by being timely and targeted.” Minimum wage does exactly that, straight from the fiscal plan. These are the less well off. So, our own priorities say we should be protecting, we should be defending the minimum wage and the Minister himself admits that the advisory body, and note “advisory” body, has recommended, not that we maintain our support for these people on minimum wage, but that we reduce it in times of recession. I was reminded by the Minister for Economic Development that last year I did support the recommendations, and I remind Members today before they vote why I did so. Because at last the Economic Forum had hit on a method which they said was going to do something about minimum wage which met our political aim of improving the lot, improving equality, improving the minimum wage over a period of time.

[11:30]

Why am I here today? I remind Members, because they have resiled from that and stepped back, reduced the relative value of the minimum wage and I am saying: “No, that is a political decision, we must take that and if we want to, we can do that or we can commit ourselves once more to defending these low-paid people.” Let us all first then deal with this argument, that we have heard time and time again and we heard it yesterday from many people, that an increase in the minimum wage of 8p, £3.20 a week, £166 a year in total, just let those sink in, those figures ... will cause further job losses. I was accused yesterday, when I opened my speech, by the Minister of producing no evidence that a rise in the minimum wage would do that, and that my figure £6.28 would do that. The facts are otherwise. When the minimum wage was introduced in 2005, employers said: “Oh, careful. You will cause job losses” and every rise since then employers have said: “Careful, you will produce job losses.” Yet, the evidence is otherwise. Back in 2005, the economic adviser at the time examined the process. The Stats. Department examined the process and said: “We can find no evidence of job losses,” and that still applies. That still applies and I am on my feet, I remind the Minister, no evidence of job losses produced by the minimum wage. All I am asking for is that we maintain the level which was safe in 2005, the relative position of that minimum wage compared to average wages, and that is what my proposition does. It maintains the *status quo*, the relative value of the minimum wage. I must turn to the Deputy of St. John who, I agree, gave a wonderful speech about the principles of the minimum wage. Absolutely solid and he talked about, effectively, the quality of life of workers. He talked about justice. He said doing the best by those we employ and he was absolutely right, but he then said he believed this argument that a rise of 8p in the pound to £6.28, which maintains the level we have always had, would grow the dole queue as he put it. That argument does not gain validity by repetition, by however many people, Deputy Fox, Deputy Green, Deputy... I cannot-remember who was sitting between the 2. **[Laughter]** Yesterday they all brought up the spectre of this £6.28 will produce increased dole queues. The reality is, as Deputy Vallois has already said, back in 2003 before the minimum wage we had unemployment around the 1,200-1,300 mark, worse than it is today. No minimum wage then. The minimum wage is not responsible for increasing dole queues and will not, nor will this 8p. That is the reality, so I urge the Deputy to go with his trusted principles and to vote for this. He will not be seeing increases in the dole queue. I repeat again, and many Members have pointed to it, every penny that we take off the minimum wage will end up on the Income Support bill. What we are doing is not supporting people on the minimum wage, the employees. We are supporting the employers, indirectly, and the landlords, indirectly, with their rents. Before I finish with the Deputy, it is perhaps a repeat of a point that is similar to the point made by Deputy Martin, whose speech was extremely valid and appropriate, when she talked about looking at costs. Are we saying that £236 take home pay is a living wage? No, we are not but that is the amount we are talking about, £236 a week that my £6.28 will give. It reminds me of ... and again the Constable of St. Brelade said: “I think all these minimum wage jobs just employ people who are second-earners.

A secondary income is pin money.” Absolutely not true. I can assure the Constable of St. Brelade that there are many families where both are working, sometimes part-time, sometimes full-time, sometimes on zero-hours contracts which are a nightmare, but lots of families where both are on, effectively, minimum wage and all members of the family, dependent upon income support in order to survive, in order to pay the rent. That is the reality in Jersey today. It is not pin money. He talked about paying £100 a week after after-rent rebate, but I met somebody only yesterday, in tears because she was threatened with eviction by the end of the month, because she is 3 weeks behind with her rent. This woman lives in a single room. It is a bedsit. She has a shared toilet. She has a daughter in that room with her who is 8. She pays £150 a week for that. When she is in work, she is a cleaner, she earns around the minimum wage so she is effectively living off £80 a week for everything, on top of her rent. That is the reality of life today, so that 8p may not sound like much to you or me, but £3.20, that £166 a year neither here nor there, but it is vital to this person. Finally, I am accused of turning the minimum wage into a political football. It is not a political football but it is a political decision, quite rightly in the realm of politics and not politicking. I agree, it should not be in the business of politicking and I am full of praise for the Economic Forum and the work they do, however, I believe they have made a mistake this time. They make this mistake, because with the best will in the world, how can they produce a balanced report? One examines the work they have done, and the consultation that they have done, and they are making progress. In 2008 they heard from a total of 3 written contributions from trade unions and employees. In 2008 they heard from 13 employers and employer associations in coming to their view point, strictly on the economics, not on the politics, but 13 to 3. This year they tried again with 3 types of survey and they managed to get written submissions from 7 employees or trade union representatives, and they heard from 12 employer associations or employers. Again, the balance, it was an increase and they are doing better but the balance is still skewed towards the employer. They also managed to contact or get responses from 80 students, apparently most of them at Highlands, but there is no evidence that they have regarded those. There is nothing from the students in the document whatsoever. So, with the best will in the world, their fairness, their impartiality, they are balanced but their access to information and their lobbying and the consultation is always, and they are doing better, but it is always skewed. The balance, I believe, lies with £6.28 and not £6.20. I urge Members to recommit themselves to their promise in the Strategic Plan to defend those on low incomes, those lowest paid in our society, and to reduce dependency wherever possible and increase equality. Please vote for this proposition.

Deputy I.J. Gorst:

Sir, just for a point of clarification, could I ask the proposer to withdraw the allegation, I am not sure if allegation is the word, but he inferred that, while he kindly said that they were honourable people he tried to say that their consultation was skewed. I do not think that that really is an appropriate thing to say about the Forum, bearing in mind that they are made up of employee and employer representatives.

The Greffier of the States (in the Chair):

I am not sure I heard the word “skewed”, but do you wish to reply, briefly?

Deputy G.P. Southern:

I may well have used the work “skewed” and it is almost inevitable when one goes to consult in this Island that employer associations and employers, who are better organised apparently than employee representatives and employees, always dominate any consultation. I do not imply any bias in that. I am saying that is a fact of life.

The Greffier of the States (in the Chair):

Very well, you have made the clarification. I assume you want the appel? Very well, Members appear to be in their designated seats and the Greffier will open the voting for or against the proposition.

POUR: 12		CONTRE: 29		ABSTAIN: 0
Senator A. Breckon		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator B.E. Shenton		
Deputy J.A. Martin (H)		Senator F.E. Cohen		
Deputy G.P. Southern (H)		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy P.V.F. Le Claire (H)		Senator B.I. Le Marquand		
Deputy S. Pitman (H)		Connétable of Trinity		
Deputy M. Tadier (B)		Connétable of St. Brelade		
Deputy of St. Mary		Connétable of St. Martin		
Deputy T.M. Pitman (H)		Connétable of St. Saviour		
Deputy T.A. Vallois (S)		Connétable of St. Clement		
Deputy D. De Sousa (H)		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

2. Draft Employment (Minimum Wage) (Amendment No. 6) (Jersey) Regulations 201-(P.211/2009)

The Greffier of the States (in the Chair):

Very well, the Assembly comes now to the Draft Employment (Minimum Wage) (Amendment No. 6) (Jersey) Regulations, P.211/2009 and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Employment (Minimum Wage) (Amendment No. 6) (Jersey) Regulations 201-. The States, in pursuance of Article 17 and 104 of the Employment (Jersey) Law 2003, have made the following Regulations.

2.1 Deputy I.J. Gorst (The Minister for Social Security):

This, as Deputy Southern pointed out in his opening speech, is not the minimum wage Order but it is, in effect, the offset which results from the Forum's recommendation. They have previously and they have maintained the recommendation that a small increase in the offset should be approved in line with the increase in the minimum wage itself and that is what these Regulations do. I recommend them to the Assembly.

The Greffier of the States (in the Chair):

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?
Deputy Maçon.

2.1.1 Deputy J.M. Maçon of St. Saviour:

In my speech on the amendment of Deputy Trevor Pitman, I did say that I had a further point that I wanted to put to the Minister. May I ask the Minister to explain what a person who is not earning the minimum wage at the moment can do, as there are those who find themselves in that situation, particularly at the moment, as some people who need to earn a wage will take any job that is going, and therefore not speak out because of fear of losing their job and possibly their co-workers jobs as well?

[11:45]

In other words, how does the department enforce the minimum wage? As I understand it, there is no one who proactively goes out and checks, because what good is a minimum wage for those who need it but are not receiving it? Thank you.

2.1.2 The Connétable of St. Brelade:

It concerns me a little bit, looking at the appendix, that the responses to the Employment Forum are somewhat limited and skewing was mentioned earlier on and the other large student figure. I just wondered if the Minister would comment in his reply over the fact that only 24 written responses were received, and does he consider that the Employment Forum is providing an adequate service?

2.1.3 Deputy P.V.F. Le Claire:

I just wondered if numbers are kept updated and ongoing in relation to those people that are on minimum wage; whether or not we need to identify how many people are on minimum wage, and whether or not the Employment Forum is given a transcript of these sorts of debates to have that borne in mind in relation to their considerations?

2.1.4 Deputy G.P. Southern:

Indeed, a further question, again not directly related to this piece of legislation but, as it has been pointed out, since we are to receive the minimum wage on an Order and cannot really question that at the time. Further to Deputy Le Claire's question about how many people are on the minimum wage, the question would be what sum is spent on people in work at or near the minimum wage? So, what is the level of support we are putting into employers who pay the minimum wage, which results in their workers and their families not being able to survive and requiring income support in order to do so?

2.1.5 The Deputy of St. John:

Will the Minister give us an assurance that he will pass on the views of this Chamber to the Forum at the next meeting he has with the Forum, given that I raised a number of concerns and others did also? I hope that he can pass those views on and most strongly that we would like to see something more substantial as we come out of this recession. Thank you.

2.1.6 Deputy T.A. Vallois:

Just one question. Could the Minister explain why it was that there was a student questionnaire sent out at this particular time and not the last in 2008? I see there was 80 responses for students and if we are talking about youth representative and discrimination, *et cetera*, then why is it only 2009 we have a questionnaire going out and in 2008 there was no responses from students whatsoever?

2.1.7 Deputy D.J. De Sousa of St. Helier:

Following on from Deputy Vallois' question, was it not the case that students were questioned this time because they were helped with the Stimulus Package and that, therefore, would give an unbalanced approach to this research?

The Greffier of the States (in the Chair):

Very well, I now call upon the Minister to reply.

2.1.8 Deputy I.J. Gorst:

I will try and take those questions in order. Deputy Maçon, I believe first asked me about compliance. It is a difficult area and we, he and I, had a very brief conversation about it yesterday, and I certainly would not want to use this opportunity to tip anyone off, but we do have a Compliance Department and they do undertake compliance visits, and together Economic Development also gather data about what businesses are doing and around the wage levels. But if Members do have concerns, or are approached - which we as politicians in the department are from time to time - about individuals and companies that may not be operating in compliance with a particular piece of legislation, then we do undertake and we can undertake compliance visits to ensure that they are complying. You will from time-to-time, see that we do have cases brought to court where individuals and companies are not compliant with various pieces of legislation.

Deputy J.M. Maçon:

If I may just briefly ask the Minister, he probably does not have it on him now, but can he circulate the amount of prosecutions that have happened in this area?

Deputy I.J. Gorst:

Yes, I do not have that information with me. I shall go away and see if that is possible. The Connétable of St. Brelade asked about the consultation. I think we must remember that this body itself is made up of representatives of both employees and employers, and they obviously come with a history of opinions on various issues, and that helps to inform their deliberation and their consultation. Of course, they do not have the level of responses that they would like. As with all official consultation, it is difficult to engage people. I was pleased last year that certain Members of the Assembly seemed to want to be engaged in the process. I am not certain whether Members did avail themselves of that opportunity, but I would encourage them to do so again. As I said, they will be starting their work for 2011 in another couple of months and I know that they would find it extremely useful to be engaged with Members to get a political perspective, which is only right and proper. I did not deny that earlier. What I did feel was inappropriate was politicking. I have got to say that I think that Deputy Le Claire's suggestion is an excellent one. I know that members of the Forum will have been listening to this debate. I know that their secretary will have been listening to this debate and always takes a keen interest in Members opinions on these issues and will relay them back, but I will certainly ensure that a printout of the Hansard of both these debates are given to the Forum so they can have it and at their leisure consider it. I think that is an excellent suggestion and I will be doing that and that really ties into the comments of the Deputy of St. John...

Deputy P.V.F. Le Claire:

May I ask the Minister to give way for a second? I did ask whether or not there were numbers the department had, I beg your pardon?

The Greffier of the States (in the Chair):

He may be coming to that, Deputy. I think you ...

Deputy I.J. Gorst:

Yes, I was coming to that, sorry. I was trying to tie-in where I could, rather than addressing necessarily individually. As I tried to say, and I hope it was clear in my response to Deputy

Southern's main proposition, from my perspective it has been a difficult decision. It was difficult for me to bring forward requesting approval for the recommendation because it was, as we all acknowledged, a slight step back from the percentage of the previous year, and I strongly believe that they should be bringing forward recommendations which increase the level towards the 45. Obviously Deputy Pitman has said that he would prefer to see it around the 50. I have yet to be convinced of that argument and I know that many Members have yet to be convinced that it should be moving towards 45. The agriculture industry gave us a very strong representation to say that they did not believe there should be any formula at all. I am afraid I cannot necessarily go along with that. I believe that it should be, and that we should over time see it moving up, and I have got to say, sometimes this Assembly has not always felt able to make difficult decisions in time of good, when we should have done. It is difficult to put extra cost pressures on business in times of economic downturn, particularly when I, as a Minister, have seen people coming into my department, being made redundant. We, as an Assembly, put in place a temporary insolvency scheme, so we should be only too aware that we really do not want to wish that upon anyone, but in times of good, we ... I am afraid part of the role of government is to put pressure on businesses to do the right thing and therefore I have, I believe, made it clear to the Forum that when we come out of recession - and I do hope that that will be later this year - that they will have the courage to come forward with increases, because it is only right and proper that they do so. If I move then on to numbers; I do not have the numbers with me. We do not have the numbers at the department. There are numbers that arise out of the social survey and my understanding is that there are not many people on the minimum wage, but we do not have the numbers in black and white. That then, I think, leaves Deputy Southern ... no, there are 2 other comments. Deputy Southern wanted to know what the amount was that we were paying to individuals on the minimum wage, or just above the minimum wage, in the income support system; i.e. what was the governmental support? He tried to say that that was governmental support towards businesses rather than to those individuals. I suppose it depends which way you look down the telescope as to how you want to describe that. However, I have got to say from a political perspective, I would much rather help people through Income Support topping-up the work that they are doing, through the level at Income Support, rather than seeing people out of work, so I do not necessarily believe that it is a bad thing that we have a system in place that helps people if they do not have the number of working hours that they might want to; if they are what we would call under-employed. So, I am sure he would not have expected me to have those numbers on the top of my head, nor ... I am not certain that the department would collate numbers in such a way as to satisfy him anyway. Deputy Vallois asked a very interesting question about students and the student rights, and that was picked up by Deputy De Sousa. The reason that students were asked questionnaires in this consultation period was because I took an interest, and have taken an interest in youth and employment. I do not believe it is acceptable to see so many young people unemployed and I think it is critical that we do all that we can to encourage them into employment. I was of the opinion, politically, that perhaps a youth rate would help reduce the level of youth unemployment in the Island. I have got to say that the Employment Forum were previously of that opinion as well and they have made recommendations about a youth rate. Deputy Southern brought a proposition to this Assembly and it was approved by this Assembly. On that day I was riding the charge in the opposite direction and I think I had 16 votes and he won that. The Assembly were persuaded that a youth rate was not appropriate. I asked the Forum if they could consult on that to see what evidence there was behind that and that is why students were consulted in this consultation rather than previously because they had not been previously consulted about that particular issue. It is my understanding that virtually all the consultation came back, as one might expect, saying, no, they do not think it is a good thing and, as I said in my earlier speech, that is why the Forum have not brought forward that recommendation. I suspect Deputy Southern will be pleased to know that I shall certainly be letting that lie and we will be taking forward just the adult rate and the trainee rate. So, I hope that I have answered all the questions, even if some of them I have not been able to answer with numbers, but I do ask Members to maintain the proposition.

The Greffier of the States (in the Chair):

The appel is called for on the principles to the Regulations. If Members are in their designated seats the Greffier will open the voting.

POUR: 12	CONTRE: 29	ABSTAIN: 0
Senator A. Breckon	Senator P.F.C. Ozouf	
Connétable of St. Helier	Senator B.E. Shenton	
Deputy J.A. Martin (H)	Senator F.E. Cohen	
Deputy G.P. Southern (H)	Senator S.C. Ferguson	
Deputy J.A. Hilton (H)	Senator A.J.D. Maclean	
Deputy P.V.F. Le Claire (H)	Senator B.I. Le Marquand	
Deputy S. Pitman (H)	Connétable of Trinity	
Deputy M. Tadier (B)	Connétable of St. Brelade	
Deputy of St. Mary	Connétable of St. Martin	
Deputy T.M. Pitman (H)	Connétable of St. Saviour	
Deputy T.A. Vallois (S)	Connétable of St. Clement	
Deputy D. De Sousa (H)	Connétable of St. Peter	
	Connétable of St. Lawrence	
	Connétable of St. Mary	
	Deputy R.C. Duhamel (S)	
	Deputy of St. Martin	
	Deputy R.G. Le Hérisier (S)	
	Deputy J.B. Fox (H)	
	Deputy of St. Ouen	
	Deputy of Grouville	
	Deputy of St. Peter	
	Deputy K.C. Lewis (S)	
	Deputy I.J. Gorst (C)	
	Deputy of St. John	
	Deputy A.E. Jeune (B)	
	Deputy A.T. Dupré (C)	
	Deputy E.J. Noel (L)	
	Deputy A.K.F. Green (H)	
	Deputy J.M. Maçon (S)	

The Greffier of the States (in the Chair):

Senator Breckon, this matter falls within the remit of your panel, you do not wish to scrutinise it? Minister, do you propose Regulations 1 and 2 together?

2.2 Deputy I.J. Gorst:

Yes, if I could, Sir. They are straightforward, just an increase in the amount that is allowable for the offsets for the 2 allowable offsets.

The Greffier of the States (in the Chair):

Very well, the Regulations are seconded? **[Seconded]** Does anyone wish to speak? I put Regulations 1 and 2, those Members in favour of adopting them kindly show. Any against? They are adopted. Do you propose the Regulations in Third Reading, Minister?

Deputy I.J. Gorst:

Yes, if I could, thank you.

Deputy M. Tadier:

Could I ask for the appel, please?

The Greffier of the States (in the Chair):

We have not seconded it yet, Deputy, Members may wish to speak. Is that seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Very well, Deputy Tadier has called for the appel in third reading. If Members are in their designated seats the Greffier will open the voting.

POUR: 12		CONTRE: 29		ABSTAIN: 0
Senator A. Breckon		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator B.E. Shenton		
Deputy J.A. Martin (H)		Senator F.E. Cohen		
Deputy G.P. Southern (H)		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy P.V.F. Le Claire (H)		Senator B.I. Le Marquand		
Deputy S. Pitman (H)		Connétable of Trinity		
Deputy M. Tadier (B)		Connétable of St. Brelade		
Deputy of St. Mary		Connétable of St. Martin		
Deputy T.M. Pitman (H)		Connétable of St. Saviour		
Deputy T.A. Vallois (S)		Connétable of St. Clement		
Deputy D. De Sousa (H)		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

[12:00]

Deputy I.J. Gorst:

Sorry, during my answering of questions there I said that I would ensure that Forum members received transcripts of the debate. I can assure Members that that is already in place and they have historically received transcripts of debates. I just wanted to confirm that to Members.

3. Public Holidays and Bank Holidays: designation of 7th May 2010 (P.15/2010)**The Greffier of the States (in the Chair):**

Thank you, Minister. Very well, the Assembly comes finally under Public Business to the proposition of Deputy Tadier relating to “Public Holidays: designation of 7th May.” I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that Friday, 7th May 2010 should be designated as an extra public and bank holiday for 2010; and (b) to request the Chief

Minister to bring forward for approval the necessary Act under the Public Holidays and Bank Holidays (Jersey) Law 1951 to give effect to the decision.

3.1 Deputy M. Tadier:

Before I start, I know we have finished the last proposition but I just wanted to say although we may all disagree politically I think it is important that as an Assembly we all appreciate the work that the Forum has done, even if we draw different conclusions. I just wanted that to be clear. **[Approbation]** Now, first of all, I want to thank the Greffier for printing out the notes and also putting my name at the top, I had not already put that but that has been done. So the notes that you have got are from me and it is to do with the background information of the events that are going on over the bank holiday weekend - sorry, it is not a bank holiday weekend, but over the Liberation Day weekend because the events do start on the Friday. It looks like there is a very good programme of events and it is relevant as background information to this debate. Okay, I do not think it needs to be a particularly long debate and I will certainly do my part not to draw it out any more than it needs to be. First of all, I would like to acknowledge the fact that this is a controversial issue. I have certainly been lobbied on both sides. I have had phone calls. When I got home late at night there had been answer machine messages from a certain section of society who were quite adamant that Liberation Day should not be touched and I take that on board. Also I have had lots of correspondence with the business community and it has been very useful. But, nonetheless, I think it is still important to bring this proposition because I think there is an underlying problem with Liberation Day and I have had lots of time to consider the issue, not simply of Liberation Day when it falls on a Saturday or a Sunday, but also to have a look at bank holidays and how they are treated in general. I know other Members have and I think it is also symptomatic that Deputy Le Hérissier has also lodged a proposition seeking general clarification of what happens. The reason I raise this is there seems to be a certain amount of misunderstanding, even among States Members and, by extension, with the public, as to what Liberation Day is in terms of a bank holiday. So I will take this point to clarify because even I, over the last few weeks, have learned things which I did not necessarily know during the first debate and I know that is the case for other Members in here. The problem, as I see it, with Liberation Day and also with the bank holiday of Liberation Day, and I think it is important to draw a distinction there because there is Liberation Day, which is obviously 9th May, and that is beyond dispute. There is also the less tangible concept of Liberation Day being a public holiday. Looking at the 1952 Law, which I did in liaising with the Greffier, it becomes apparent that the issue is that Liberation Day is only a public holiday if it falls on a week day. To drill down even further, the issue with the week day definition is that a week day is only termed as a week day if it falls on a Monday to Saturday, it is not if it falls on a Monday to Friday, as maybe certain members of the public think. The issue is with the Saturday which is that most people do not tend to work on a Saturday and that is where the confusion arises. I also looked at what happened last year in 2009 when Liberation Day fell on a Saturday which was a work day. So Liberation Day was a public holiday in 2009. No substitute day was given for Liberation Day, so the Friday or the Monday was not given off. But certainly as regards States employees, all States employees were given a lieu day in their allowance in their normal entitlement which they took either on the Monday or whenever they wanted to. So that was safeguarded. It is also important to point out that last year and this year, in fact, some businesses, but not all, certainly the bigger companies and, depending on contractual obligations of the smaller companies, they do allow for Liberation Day as a lieu day whether or not it falls on a Saturday, Sunday or a different day of the week. This is the kind of hinterland, if you like, which I am coming from trying to bring consistency. I think all Members will agree that there is an element of inconsistency here with the Saturday and the Sunday. Like last year, next year the public will have a day off but this year they will not. That is where I am coming from and I want to make that fairly clear. Now, there are 2 solutions, as I see it, to make the system fairer. The first one is what we have on the table today, that we either make the Friday a public holiday because the Sunday is not a public holiday, or, in 2 weeks time if this does not go through there is an alternative proposition,

first of all, to make the Sunday a public holiday and also to make it for the future so if ever Liberation Day falls on a Sunday again, it could be seen as a public holiday in its own right. These are the 2 options on the table. If Members do not like the one today they may like the one in 2 weeks' time, they may like neither, but that is, I think, where we are. I hope that helps to set the background from where I am coming from.

The Greffier of the States (in the Chair):

I think it is in 4 weeks' time, is it not, Deputy?

Deputy M. Tadier:

Will it be 4 weeks? Is the next meeting on the 2nd?

The Greffier of the States (in the Chair):

It is 9th March.

Deputy M. Tadier:

Yes, in that case I am out of the Island on States business so it will be the subsequent one. I know one of the arguments, and it is a fairly strong argument, to reject this proposition even for people who would be minded to have given the Monday off because of the short notice for businesses. We are getting closer and closer to Liberation Day and there is an argument put around that businesses should have adequate time to prepare. I think that is a valid one but what I would like to say in response to that is I have been as quick as I can lodging this proposition. I was under the delusion, if you like, that the Monday would be designated as a bank holiday, that is why I did not even think twice about needing to bring this proposition and I brought this as quickly as I can. I think it is not a case of laying blame but if anyone has been slow in this it has been the Chief Minister's Department. We have known for years ... the calendar is set in stone but this year, as in the year 2021, Liberation Day will fall on a Sunday so there is absolutely no excuse for the tardy bringing of that last proposition, which was unsuccessful. Nonetheless, I am here to fight for working people to have a day off which they would normally get in an ordinary year so I think the proposition should still stand. What I would like to reiterate here is we are not talking about creating an extra bank holiday, what we are talking about is creating a bank holiday which you would normally have 6 out of 7 years and it is a question of when we do that. As I have said, P.15 or P.18, Members can take their pick. What I want to start off with and I will start in the middle of my proposition, effectively, as it has been written out. It is to look at what happens elsewhere when a bank holiday falls on a Sunday. This is where a lot of comments from the last debate... which was in some way similar although not the same, of course, because we know we cannot debate the same proposition or a similar proposition within 3 months due to Standing Orders. One of the main arguments put forward is that other countries would never dream of tampering with their national holiday, if we can call Liberation Day our national holiday; it is certainly seen as that by some. We were given comments from various individuals about what happens in other countries. Let us look at what happens in certain other jurisdictions. Both Senator Ferguson and Deputy Power talked about Independence Day in the U.S. (United States) and I will quote Senator Ferguson. She said: "I think it makes it very clear [this is following Deputy Power's comments] that you fiddle with Independence Day in the U.S. and 14 Juillet in France at your peril." In saying this she is implying that when the 4th July happens on a Sunday in the U.S. if you were to move it ..." someone, I think Deputy Power, went on later to say; "You would have civil unrest." In fact there is no civil unrest. It is written in law that when 4th July falls on a Sunday the Monday is given off as a statutory bank holiday. Interestingly, if it falls on a Saturday the Friday is given off as a bank holiday. They see no problem giving a Friday off or a Monday, after all, they are just days. Indeed, in the same vein Deputy Power said: "I must be on a different planet to Deputy Tadier." Well, he is not on a different planet; certainly on a different continent. Then he went on to say: "If I were to say to an American that you would move 4th July from 4th July you would have civil unrest ..." well clearly

that is completely misleading. He went on to say: "... and if you move St. Patrick's Day from 17th March you would also have civil unrest." Deputy Power has obviously been out of Ireland for too long because he should know that last year they did have to move St. Patrick's Day from the 17th to the 15th to be celebrated because if St. Patrick's Day falls during Holy Week then they will move it automatically to the nearest day either side. So it is either, I believe, the Friday or the Monday and, indeed, last year I believe it was 15th March. So even in Ireland they can move St. Patrick's Day. There is nothing so sacred and sacrosanct about 4th July or 17th March, as the Deputy and the Senator have suggested, that we cannot move it. I am sure that they also managed to celebrate in a dignified way and I am sure in the U.S. that celebrations still go on on 4th July and I am sure that people also appreciate having their day off which they are entitled to either side of the weekend. It is not an either or; if we want to be a "can do" government we can safeguard workers' interests, ensure their statutory entitlement to holidays and celebrate our Liberation Day, the 2 are not mutually exclusive. Then I go on to give examples about what happens in Canada. Canada is not in there, sorry, but Victoria Day in Canada is exactly the same principle. Australia Day is on 26th January and if it falls on a Saturday or Sunday: "A holiday in lieu thereof shall be observed on the next Monday", another Commonwealth area. Interestingly, I discovered there is a small place called Guernsey. Guernsey is a small self-governing island in the English Channel. In 1945 it was liberated from Nazi occupation and consequently every year it celebrates Liberation Day, effectively it is a national holiday on 8th May - as I believe they were liberated on that day. This year the Liberation Day falls on a Saturday and the States of Guernsey - that is the name for the Island's government - have decided to make the Monday a public holiday in lieu - what a jolly good idea. **[Laughter]** I was happy to discover and learn of this small jurisdiction because it seems to bear a very similar makeup to our own Island and I thought that would be a good idea but unfortunately we cannot debate it for the Monday so why not let us try the Friday instead. There is a good reason to have the Friday, I believe, as a bank holiday. Members will be aware that I have circulated some information that I mentioned a while ago. First of all, it should be noted that this year Liberation Day is no ordinary Liberation Day, apart from the fact it falls on a Sunday, but it is also the 65th anniversary of the day that our Island was freed from Nazi occupation and as such there has been a programme of events which has been prepared, not only for the 9th May but also for the 2 days preceding it. What I contend is that this proposition if successful will not prevent the celebrations of Liberation Day on 9th May as some have claimed but, rather by spreading the celebrations over a 3-day period, starting on Friday, 7th May and culminating with the 65th anniversary on 9th May, the event will be given even greater significance as is appropriate for such a landmark anniversary. Friday, 7th May is the date of the opening of Liberation and that is the Jersey International Music Festival. Before I carry on can I say I do not know if the E.S.C. (Education, Sport and Culture) has had any input, I presume they have somewhere along the line, but I would like to commend the department and also anybody who has been involved in organising this process because it looks like a really great programme of events starting off at 12.30 p.m. in the Royal Square.

[12:15]

There is a particularly interesting event that I am keen to go to in the evening at the Opera House, which is the music of Schubert and Tchaikovsky which will feature the Trout Quintet, one of my favourite pieces. I will certainly be willing to celebrate that as part of the Liberation festivities, even though it does not fall on the 9th.

Deputy R.G. Le Hérisier:

Will the Minister be singing the National Anthem?

Deputy M. Tadier:

Is this the Minister for Liberation Day? I hope he will. To return to the agenda of what is planned, the events start for Liberation Day on Friday, 7th at 12.30 p.m. with a fanfare in the Royal Square. Now for some people this will fall on the lunch break and that is probably why it has been planned, but not for everyone. We know that at 12.45 p.m. there is an event at the War Tunnels with, again, poems readings and some music, Bach music - again another one of my favourite composers - composed for the cello. I am sure there will be many Islanders, even people who were not here during the Occupation, who would like to go along to that event. At 4.00 p.m. there is a keynote speech, I am not completely clear who the speaker is but it will be someone like Sir Nicholas Young of the Red Cross, or a distinguished speaker, to talk about freedom and Liberation Day. That is from 4.00 p.m. until 5.00 p.m., again a time that people would normally work. Then you have got a whole series of events that go on into the weekend and that effectively culminates on the Sunday. What I would suggest is maybe we have been slightly serendipitous in rejecting the Monday as a bank holiday because, in fact, there do not seem to be that many public events on the Monday. I know that the Parish Halls will certainly be organising events for elderly residents who were here during the Occupation and that is quite good and quite proper and there may even be some accordion music at those events from a young accordion player who was not even here during the Occupation. I am sure he will have no problem playing tunes from the Occupation or from a whole host of times and that the folk there will be happy to listen to it even though the day will not be Liberation Day. This is really what I am getting at. I think there has been a lot of convolution and argument here. There is a suggestion that Liberation can only be celebrated on the 9th. I think in one sense that is true but we already know that we have got a programme of events and I do not think anyone would begrudge the E.S.C. Department or Tourism or the Opera House or the Arts Centre for putting on these events. I think it is absolutely quite right that we do have a build-up to the Sunday, starting off quietly and working into the crescendo, so to speak, on the Sunday. I think it is also quite right that for the 65th anniversary we give a day off and we give it off on the Friday. Now, I am going to try and pre-empt some of the arguments that are going to come back. I have heard the argument said: "Well, I voted for the Monday off and that seemed logical but I cannot vote for the Friday off because it is a little bit complicated, is it not?" Well, I would suggest it is just another day. One of the arguments that comes back is: "Oh, but businesses are going to have to open on the Thursday, close on the Friday, open on the Saturday and close on the Sunday." Yes, that is correct but presumably when you close on the Thursday you have to close anyway and all it means is that rather than opening on the Friday you open on the Saturday. This is obviously not unprecedented; we have bank holidays either side of Easter on the Friday and on the Monday. Presumably shops have to shut Thursday night, do not reopen until Saturday morning, shut Saturday night because, presumably, they want people to get into their shop, and then leave it shut Sunday and come back on the Monday. That is not really an insurmountable problem, I would suggest. We have seen that there are precedents for moving bank holidays if they fall on a Sunday. The problem here, of course, is that the Sunday is not a public holiday as a Saturday, Monday or a Friday would be. So what we are doing is saying to the public: "Yes, we know that you have been short-changed this year, we cannot give you a bank holiday on the Monday." Many Members in here and I know Senator Ozouf believes that was a mistake that we did not vote for the Monday off. I do not see any reason for Members to change their mind about the Friday. If we think a bank holiday is worth giving off it is worth giving off, whether it is a Friday or a Monday. I do not think I need to carry on. I think I have put out the basic reasons why we need a bank holiday, why we need it on the Friday - so that the public can attend these great events. I make the proposition, Sir.

The Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Senator Ozouf.

3.1.1 Senator P.F.C. Ozouf:

I was very sorry that the Assembly did reject the proposition for an extra day's holiday on the Monday. I realise that public opinion on this issue has been divided and perhaps continues to be

divided. There has been a lot of comment about the designation of a Monday as a holiday, in terms of devaluing Liberation Day. I do not believe that is right at all and any suggestion because I was the one that was the rapporteur for the Chief Minister on the day in suggesting another holiday when Liberation Day falls on a Saturday or Sunday, I do not believe that is the case. We do not say that an extra day is devaluing Christmas. We celebrate Christmas Day on Christmas Day and we will continue to celebrate for ever Liberation Day on Liberation Day, it is 2 separate issues. Maybe it is the reason that there has only been 10 occasions since 1945 when Liberation Day has fallen on a Sunday, 1948, 1954, 1965, 1971, 1976, 1982, 1987, 1993, 1999 and 2004, and another 10 occasions that it fell on a Saturday. It is the case that throughout the past 65 years there has not been a move to designate an additional day. It is perfectly true to say it was the catalyst of Guernsey designating Liberation Day a holiday and on the Monday that catalysed the discussion, as I understand it, in the Chief Minister's Department to move for the Monday. The fact is we have had that debate and the States, for better or for worse, has made a decision to reject it and we cannot revisit that and I understand and respect that. What I need to say to Deputy Tadier though is that Liberation Day is not, I do not think, a political football. I do not think that we should be debating this issue. I think it would be unconscionable at this stage in the calendar at the end of February to be discussing and to be considering an extra and public holiday in what is effectively 12 weeks' time. No self-respecting nation state would be debating in their national parliament the addition of a holiday at such late stage. Also, what is the logic? The only reason why Deputy Tadier has come forward with the Friday is because the debate was unfortunately lost and there was no alternative to revisit it. There is no logic at all in having a Friday as a holiday when the actual holiday falls on a Sunday. The established arrangements within the British Isles are that holidays that fall over a weekend move to a Monday. There is absolutely no logic and there would be chaos emerging. We live in a world which has air links, which has companies which are trading, with trading desks and all the rest of it, and asking them, with employment rotas, everything organised months in advance ... to suggest at this late stage that we are going to add a day on a Friday, where it is not the case, to say that there was simply a decision to move the original day on a Monday on the date on which we had the debate ... the issue was published and discussed some months ago and I thought it was going to be a decision that was clear. I am afraid that we cannot and we should not designate a Friday because we made a mistake originally, in my view, in rejecting the Monday. Members have had their say on that and I respect that. I am afraid that 2 wrongs do not make a right.

Deputy J.M. Maçon:

On a point of clarification, if I may. The Minister commented that no self-respecting national assembly would bring such a proposition at such short notice. May I ask when the Council of Ministers brought their Boxing Day proposal, how many weeks were given then?

Senator P.F.C. Ozouf:

If I am able to respond, clearly there is an issue that we need to sort out in relation to giving certainty in relation to public holidays and bank holidays. We need to sort this out, there are another 6 occasions in the next 35 years when Liberation day falls on a Saturday or a Sunday and when there are other Boxing Days and other days and we need to sort this out that there be an automatic statutory provision, not this chaos.

3.1.2 Senator S.C. Ferguson:

I think I have been lost in the points of clarification. I am confused by this habit of suddenly thinking: "Let us have an extra duvet day." I think it is something that seems to have come upon the population in general over recent years. The Deputy said it is the 65th anniversary, well, why not the 64th? Why did we not do this for the 64th or the 66th? Every year we celebrate Liberation Day is important because every year we remember. His comments apropos the U.S.: I certainly did not intend to mislead the House but I can certainly assure the Deputy and the House that we did not

get an extra day when I lived in America. Again, it must be a fairly recent thing because when I lived in New York we celebrated the day on the day and that was it, there was no extra holiday. My constituents have been anxious to tell me that Liberation Day... they go back to 3 Sundays over the last 20 years, so I am grateful for the work of the Minister for Treasury and Resources in identifying quite how many dates we have had Sundays. But certainly their point was that we did not have an extra day's holiday and they really did not understand what the kerfuffle was about. I have also been lobbied by a number of constituents recommending that the Assembly reject this proposition. A variety of people from all corners of the population, but interestingly they are all people whose families or they themselves were here during the Occupation. The point made to me was that if businesses want to give their staff an extra day then they are entirely at liberty to do so. We have seen a precedent set with this with Battle of Flowers or the Air Display. Companies offer their employees either the afternoon of Battle of Flowers or of the Air Display day and they can take one or the other off as an extra day's holiday. I mean, that is the right of any business. The Deputy mentions Easter but perhaps he could tell us as to when this all started because it is certainly historic, as far as I am concerned, because I have always known Easter as Good Friday, which is a religious festival, and the Monday bank holiday I have no idea when that started but it has been going all my life so that is quite a long time. I ask Members to reject this proposition which is really very well-meaning and I understand the Deputy's enthusiasm in bringing this but it makes life too disjointed and it is too much just sort of legislating on the hoof. I am sorry, it is not right.

3.1.3 Connétable L. Norman of St. Clement:

I think the Senator who has just spoken is far too kind when she says this proposition is well-meaning. I do not think it is well-meaning at all because I do not think it is about Liberation Day and it is certainly not about celebrating Liberation Day. It is a physical fact that we can only celebrate the anniversary of the most important day in Jersey's modern history on one day and that is 9th May. We have done that, we have celebrated that day properly, fully and more enthusiastically in recent years on one day only. You cannot celebrate that day on any other day. So it is not about Liberation Day, it is not about celebrating Liberation Day. What it is about is creating an additional public holiday and I do not know why those people who want this additional public holiday cannot be honest about it and say that is what they want to achieve. Now, if we were to have an additional public holiday, fine, bring the proposition, bring the *raison d'être* for it, make the argument, but certainly do not do it in May, we have already got 2, sometimes 3, public holidays in that month. Let us perhaps have it on another day which is pertinent to Jersey's history, perhaps 6th January. As Senator Ferguson intimated, perhaps we could have it in August when the weather is likely to be better and would coincide with the Battle of Flowers, or even September with the Battle of Britain Day if that is what the debate or the argument is really about - having an additional holiday. Let us talk about that at the appropriate time and fix it for an appropriate time. But whatever we do we must not and should not belittle or dilute the importance of 9th May, the celebration of 9th May 1945. **[Approbation]**

3.1.4 Deputy R.G. Le Hérisier:

Yes, I have to support the 2 - I did support Senator Ozouf's proposition. I would beseech Deputy Tadier to withdraw this because I think it is bringing **[Approbation]** not because of his undoubted sincerity and so forth, although I do not think the reading of a list of musical events was in itself, quite frankly, a justification. I think it is bringing this Assembly into disrepute, our inability to decide these matters that we need to take a much more annualised view of this, which I will be putting forward, and I would really say it is bringing us into utter disrepute and it will carry on. I know he is doing it as an alternative to that which was lost but we are looking utterly foolish.

[12:30]

3.1.5 Deputy C.H. Egré of St. Peter:

This debate has been well rehearsed, not only has it been well rehearsed it has been had. I voted against on the last occasion on the Monday. I have been lobbied since then - "lobbied" is the wrong word - I have been told how pleased my parishioners were that I voted against it. We as it happens in St. Peter are having a very good celebration on the Sunday at the Living Legend and people are really looking forward to that day. This must be rejected.

3.1.6 The Deputy of St. John:

Like the previous speaker I voted against on the previous occasion and I will again on this occasion. We in St. John will also be holding a street party on the day, 9th May, not the 8th, not the 10th but the 9th. As the Connétable of St. Clement rightly said, if we need another bank holiday then let us be honest, let us choose 16th June, my birthday **[Laughter]**, it is as good a day as any. The Plumber from St. John's Day. But getting back, this is a day that stands out in history for our Island, a day that we must all cherish. I do not want to move days around at all on this day because it is a day that people fought and lost their lives for and a lot of suffering was had by the people of Jersey who were here under the Occupation. I spoke to a number of people after the last vote, the majority were quite happy the way I had voted. The 2 people who were not were youngsters who wanted a day off ... no, there were 3 people, a third person was a person who had been in the Island for about 15 years who was an elderly person. I asked if they were here during the Occupation and they were not, and if they had been in the Forces during the Occupation and they were not. I said: "Well, this is a Jersey day; whatever happens where you came from it is for your own town or country to arrange those celebrations." But as far as I am concerned, it is a day that we should cherish, a day to be respected. It is a bank holiday of sorts but, in fact, it is more than a bank holiday, it is a day that will go down in my family's history as a day that we must cherish, a day that Jersey got its freedom back. Not just a bank holiday, it is a lot more than that.

3.1.7 Connétable D.J. Murphy of Grouville:

I think I made my feelings pretty well known the last time we had this debate about the Monday and they have not changed. I am not going to vote for this. I think the Deputy of St. John summed it up quite rightly in saying this is not anything to do with Liberation Day it is just for another holiday and I really think it is using Liberation Day for the wrong purposes. The only thing I would just like to say which is new and that is that having read the proposition I notice he has missed out quoting France again. Well, I did some research in France; the French have a Liberation Day on 8th May, I think it is Victoire Day, or something like that. They do not have a day in lieu if it falls on a Sunday and even in France Bastille Day, which is the sacred day in France, if that falls on a Saturday or Sunday they do not have an extra day for that either. I am quite happy to say that if the French are happy with having Bastille Day on a Saturday or a Sunday and no extra holiday, I am certainly happy to have it in Jersey as Liberation Day.

3.1.8 Deputy T.M. Pitman:

Someone had better put the counter view. The only points I really wish to focus on and comment upon revolve around the confusion that seemed to be generated last time this debate was had. I personally congratulate the proposer for exposing some of the bunkum that is regularly spun as fact in this House as a means of swaying people. Indeed, he highlights the reality of the situation around Independence Day and St. Patrick's Day a great deal because this sort of thing happens in the Assembly all the time. Most of us, let us be honest, are quite willing to believe what someone else tells us in the House is fact and we probably do not question it as much as we should. More importantly, though, is this nonsense spun that granting the Island people a holiday on the Monday, or now the Friday, would in some way undermine or devalue Liberation Day because it is utter nonsense. It is really wrong to confuse the 2. I can only imagine it is done deliberately because it makes no sense. You know, I am really loath to go down the route of playing the old patriotism game because it is meant to be the last resort of a scoundrel, is it not? We have all got relatives

who fought, died, or whatever, in the war and no one, I am sure, among us would try and undermine, devalue, lessen that importance in any way. I have got elderly people who absolutely applaud what Deputy Tadier is trying to do. So I think it is really wrong when some people stand up and say this case is quite clear, my constituents have told me this. Well, as we really hear, we all seem to have very different constituents and we have got to accept that, I suppose. It is just like apparently income support is not a problem for some representatives in this House. Well, if they had my constituents, Deputy Martin's constituents, Deputy De Sousa's, Deputy Pitman's, Deputy Southern's, Deputy Le Claire's, Deputy Hilton's, *et cetera*, they might get a different perspective. People will obviously have to vote on this on their conscience but please let us not vote for the wrong reasons; let us not go with this utter bunkum, as I say, that in some way Deputy Tadier is disrespecting or devaluing Liberation Day. Liberation Day will remain the 9th whatever we do and I do find it very odd how the Council of Ministers can make the decision they did on Boxing Day while they are all happy to lie in their beds that day while they were sending people to work or to be sacked if they were not there at 5.00 a.m. But again, the business party; that is the reality of Jersey, is it not? I know this proposition is coming and, if nothing else, what Deputy Tadier has done for us is ensured that this malaise is sorted out in future because it is quite ridiculous. We are for ever hearing what we cannot do - 8 pence is going to bring Armageddon. I am scared to go home to my bed now knowing that there is going to be chaos if there is a holiday in 12 weeks - scaremongering. I will come up to the Deputy of St. John's party. I hope it does not mean I will be devaluing Liberation Day by supporting Deputy Tadier. You know, I wish we would not go down this route. I have had no one ... I can say this honestly, nobody phoned me up, emailed me to tell me that Deputy Tadier and what he is proposing is wrong, it is an outrage, it is ridiculous, it will cost the Chamber of Commerce £5 million. Again, we come back to these tactics all the time - scaremongering. I think Senator Ozouf is right; we should have followed the route of the Monday. What Deputy Tadier is just trying to do is give us another option for something that is quite desirable, I think. Are we a nation that enjoys holidays every other week? No, I think we get fewer than just about anywhere in Europe. Maybe that is something that could be looked at. Maybe we should have a national holiday on the Deputy of St. John's birthday, perhaps later in the year. I am going to support this because I have had absolutely no opposition to it and I think the principle that Deputy Tadier is motivated by is a good one and I really think some people should almost be apologising to him for suggesting that he is playing politics, using Liberation Day as a political football. We have heard that tactic used today already and it is nonsense. We have all got different politics, we have all got different backgrounds but, as I say, we have also all probably got relatives who fought and played a part or just suffered in the Occupation during the War and certainly none of mine, and I have got some, have any objection to what Deputy Tadier is proposing. I accept that some people feel differently but I wish we could depersonalise these types of propositions because it is really wrong. I applaud Deputy Tadier for bringing it and if this does not get through I will be supporting his subsequent one.

3.1.9 Deputy J.A. Martin:

Yes, just briefly, very much along the sentiments of Deputy Trevor Pitman. I do not think Deputy Tadier in any way ... in fact, I think, as he says, he will be participating. Even though he was not here and he is very young and he does not remember the Occupation, he comes to all our old people's lunches and he plays his accordion for them and he knows all the tunes. I think Constable Norman did hit this on the head, if you want me to be honest, I am being honest. We have just had the debate on the minimum wage about workers. What we are doing this year we are cutting down every year - all but when it falls on a Sunday - we give a family day. Now, most people on Liberation Day want to spend that day celebrating, many thousands do not, they spend it as a family day doing whatever, but it is because it is a bank holiday they have the day off work. What we have done this year, even being much meaner, because I think we had the debate last time on saving the £1.5 million that Guernsey were. So let us not get ... let us not be doubly-hypocritical here when we stand up and say this is Liberation Day. The majority of us thought when Senator

Ozouf brought his proposition was: “Oh, we are going to spend another £1.5 million on our workers.” That is what the argument was ... that is what the argument was and why should they have another day off. They are not getting another day off it is keeping the *status quo* where Liberation Day has always fallen, Monday to Saturday, and I think somebody should come back ... I mean, I have just downloaded ... this is a minimum wage payer and in the contract it says: “We offer 9 bank holidays a year and 21 days annual leave.” That is in the contract of a minimum ... I will not say who they are but they pay the minimum wage to quite a lot of earners. But in the contract they have given 9 days. Just as an aside, Senator Ozouf stood up and said it would create chaos with our air and sea links. They do not even recognise ... go on the internet today and look on 9th May, there is no difference in the flights or the sailings, there is no difference at all. When I spoke to my mum on Liberation Day in the U.K. she does not understand why I have got a holiday. I have to tell her every year because they do not get that one. That is fair enough, it is special to Jersey, I understand. But if I fly in or out of Jersey around that time or go on the boats there is no difference. Please believe me, that is a red herring that Senator Ozouf has sent flying and he is acknowledging that. It is special to Jersey, nothing stops in the rest of the world because we celebrate Liberation Day and it will not stop if we have another holiday on the Friday. So, I am being honest, I want to give it to the people. I think every year they get 9 bank holidays, why is this year different, and do not be saying that it is not to do money because that was the majority of the talk before. Liberation Day: we are sitting on Liberation Day, we always do, we sit on 9th May. That only started 10 years ago, exactly 10 years ago. It was my first sitting and it was on Liberation Day and that is when it started. We did not sit before that. So short memories, some people, very, very short memories. We did celebrate it. It used to be more of a celebration, it is now more of a States sitting and a religious service and a memorial down at Liberation Square and it must be kept going. But to argue about people who do the work, you have taken a holiday off them and nobody seems to be wanting to give it back. I am sorry, it is totally unfair and that is why this should be supported. If you think it is a sheep dressed in some other sort of clothing, whatever, I have been approached and some people - because I spoke one way in the debate before but I voted because I knew it would affect a lot of workers - have said to me (these are working people): “It will affect me.” It obviously will not affect people who are retired who were here in the Occupation, they are elderly; they are already off.

[12:45]

I appreciate the sentiment but it will affect our very, very loyal workers and people have it already written into the contract. So they are going to have a day off but it will not be a family day and it will not be everyone together, which I think we should honour and most of our workers want. We also support families in Jersey, not just money.

The Greffier of the States (in the Chair):

Do I take it Members wish to continue this debate? Yes, that seems to be the consensus. Deputy Southern.

3.1.10 Deputy G.P. Southern:

Hopefully not going too far into lunchtime. Briefly, I do not know of any rational argument against this proposition. In a normal year, i.e. 5 or 6 times out of 7, that is exactly what happens, we get the day off, we get a holiday. That should happen every time. There is no logical argument against it. It is not disrespecting the nature of the 9th, it is not devaluing in any way the 9th, it is celebrating in terms of a holiday - 9 holidays a year, let us vote for this.

3.1.11 Deputy D.J. De Sousa

I was not on the Island at the time of the liberation but I do know how important it is and it is important to each and every one of us. Senator Ferguson mentioned last year ... sorry, last year was different, it was on a Saturday. The Constable of Grouville said it is not an extra holiday ...

sorry, he said it is an extra holiday. It is not an extra holiday. If it was on a Saturday or a Monday, Tuesday, Wednesday, Thursday, Friday, they would be getting a holiday. Because it is on a Sunday it is not an official holiday because most people are off. Shops and businesses will go on as normal as they do on a Sunday. I am happy to follow Deputy Martin; she more or less said it all. One thing I will say, as years go on we are now coming up to the 65th anniversary of the Liberation. If we cannot keep this going now how in the world are we going to keep it going in the future? The children are the future that are going to be continuing Liberation when we are all gone and it is important that it does go on. I can see the Connétable of St. Peter shaking his head. This is part of the Island's history and the children are the future and we need to include them and they have said in the press, on this site, that they would like an extra holiday. The youngsters would but I am saying it is not an extra holiday. We are failing. We need to get through to them that it is not an extra holiday, it is the holiday they would have normally had, 6 out of 7 years.

3.1.12 The Connétable of St. Brelade:

I would ask the Deputy in summing up just to clarify a couple of points on the financial and manpower implications. I just feel that he has lost sight of the fact that the reason an employer employs someone, whether it be States or private sector, is that they want them to do a job and if an additional day off is given work does not get done. In addition, from my department's point of view, the question always arises in these situations, do we run the buses or not? This is exactly what happened at Christmas and you end up with some shops opening, some not, and it leads to confusion. So, do we run a Sunday service on the Friday and I am sorry but it is very difficult to establish what the public want. So I would ask Members when voting on this to consider these little details which do cost quite a lot of money.

3.1.13 The Deputy of St. Mary:

Very briefly, if an extra day belittles Liberation Day then Boxing Day belittles Christmas. I think that is more or less what I have to say. I hope you will support Deputy Le Hérissier's proposition at the next sitting because this whole business of holidays, bank holidays and Saturdays and Sundays and Mondays is shambolic and should have been sorted out long ago and I hope that proposition sails through and we sort this once and for all because it is awful.

3.1.14 Deputy A.K.F. Green:

I am pleased to follow the Deputy of St. Mary because I am old enough to remember when Liberation Day was a normal working day and the States, I think it was the 40th, it may have been around that time, decided to make it something special and to make it a holiday.

The Greffier of the States (in the Chair):

1951.

Deputy A.K.F. Green:

No, it was not a holiday, until ... sorry, Sir, but I remember working. But anyway [**Aside**] [**Laughter**] ... we will check. I tried to check on the records but I could not find it either. Maybe Senator Shenton can put us right, I have a funny feeling that making Liberation Day special was the work of his father. Senator Shenton is nodding. I am pretty certain we worked until some time into the celebrations. My understanding when this was brought in was that it would never be moved. If it fell on a Saturday and Sunday it would be celebrated on that day and not moved and I do recall that quite clearly. I was not born until 1952 so I am pretty certain I recall that quite clearly. I remember working Liberation, I remember it being made a holiday and I remember the agreement being that it would never ever be moved.

3.1.15 Connétable J.M. Refault of St. Peter:

I would just really like come back to my very dear friend Deputy De Sousa and say that I only look back over 10 years, in 2004 9th May fell on a Sunday, there was not a public holiday on that date.

1999 was the one before that and that was also not a public holiday when it fell on a Sunday. I do not want to see Liberation Day moved from 9th May. My family - my mother and my older brother- were here, and lived through the experience and I think we should respect their memories, if not the people that are living here now, and keep that long in our Island calendar. Coming back to the debate, I have to say I have been quite disturbed about the amount of waffle - sorry if that is unparliamentary language - that we have heard here today. This is not about Liberation Day, we have already had that debate, it is over; this is about giving somebody a day off. This is all this proposition is for and I do not think it is the time or the place to do that.

3.1.16 Deputy P.V.F. Le Claire:

I was not here during the Occupation; I just wish I could say the same for some of these debates.

3.1.17 Senator B.E. Shenton:

I was not going to speak but it was indeed my father who fought very hard to make Liberation Day a special day on 9th May. The background to that was that many years ago there was a move by the Chamber to move Liberation Day to the May Day bank holiday so that the first bank holiday in May became Liberation Day and that way the Island would save a bank holiday every year. In fact, my father fought very hard to make sure that workers during the week on Liberation Day got a day off and Liberation Day for that reason and that reason primarily is 9th May. You do run the risk of making another bank holiday that in years to come it will just get diluted and moved to become another May bank holiday because you have got to remember that we have to remember we have 2 other bank holidays in May. I do think the Deputy Tadier's proposition does devalue Liberation Day and it does devalue it in the eyes of Channel Islanders and in the eyes of Jersey people. Certainly no one has contacted me to say that we were wrong in our choice when we made the decision to keep 9th May safe as Liberation Day. If people of Jersey want an extra bank holiday that is a totally different issue and as we face a recession and an economic downturn it is a very naïve view of the world. 9th May is Liberation Day; I believe that we should put this to the vote fairly quickly and then move on.

3.1.18 Senator T.J. Le Main:

I am just going to say a few words as probably the only Member in this Assembly who was born in the 1930s and saw right through to the Liberation and during the Occupation. I have vivid memories. I have to concur wholeheartedly with the last speaker. I did support his father in the proposition he brought over this some years ago and I can only concur, it is very, very special indeed to us that saw the liberation, took part in the liberation and all the issues and the tragedies that betook a lot of the Jersey families.

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

I just wanted to explain that when I support Deputy Tadier it is not because, as Members sometimes think, to avoid the block vote of the Constables. I was quite impressed with Deputy Martin's speech. I think she reminded me that for many Islanders Liberation is a long weekend with the families and I think it is sad that we did not get the Monday but certainly, as far as the 350 staff at the Parish of St. Helier, I have not been lobbied by ratepayers that they should not have the holiday that many of my staff are looking forward to and, indeed, has been budgeted for. So I think it would be churlish of me to vote against the proposition.

The Greffier of the States (in the Chair):

Does anyone wish to speak? I call on Deputy Tadier to reply.

3.1.20 Deputy M. Tadier:

I am not completely disheartened by this turn of events because listening to the arguments that have been put forward there is absolutely no reason that the proposition that will come before the House in 4 weeks then should be rejected because we cannot have it both ways. Either States Members

agree that Liberation Day should be a public holiday, because that is what it is 6 years out of 7, and if it should be it should be a public holiday every year even if it falls on a Sunday, or it should be a holiday no years. That is the first thing I want to take on board. There have been so many convoluted arguments here it beggars belief. To take on Deputy Le Hérissier's point first, if this House is held in disrepute it is because of arguments like this. It is not because of the debates that come back, necessarily, I think it is because people hold the States in disrepute anyway because we do not represent the people. First of all, I think that we are held in disrepute - there is a vast swathe of the population. Here is what I want to come to, there were lots of people in the Assembly as has been said before who represent the interests of business. There are also lots of people who represent the interests of the older generation and that is quite right, in the past I have done that myself. I have brought propositions here to fight for a T.V. licence for over-75s, for example. So to reduce this to an ageist argument is unfortunate. But if we only listen to the voices that phone in to the Phone-In then, of course, these are the people who, by their very nature, are not at work for whatever reason and I do not belittle them because I am sure they have done a hard day's work in their own life. But to ignore the masses of people ... there is an excellent quote from the Constable of St. Clement which he came out with in the last debate that basically said, and I can quote it: "I have detected no public demand for this additional holiday, no public appetite for this additional public holiday." I did a search on Facebook and I noticed that the Constable does have a Facebook account but he has presumably not managed to get himself on to the Facebook group asking for a public holiday as in normal years, which I believe is over 2,600 people on that site. Now there are always 2 sides to the argument, I appreciate that, but this House is here to be representative and to say that this proposition should not have been brought today is disrespectful to the largely silent majority, if you like, or certainly a significant amount of people who, for whatever reason, are not politically vocal, and we know that in this Island these are people working from day to day who pay for the days off and the pensions of the people of the people who are currently retired. There is nothing wrong with that and I am not criticising the elderly generation because they in turn have also paid their contributions. But I think it is completely disrespectful when Members call it a duvet day or question what any individual is going to do on their day off. We do not do this in a normal year; we do not say that because Wednesday is a bank holiday or a Friday is a bank holiday that we are not going to give it to that person unless they come down to Liberation Square. By the very nature we are not just celebrating the liberation of the Island; we are celebrating what that means, time to spend with your family, leisure time. We have been freed from the Occupation and you can, therefore, spend your free time as you wish. I seem to think from the Constable of Grouville that he would like anyone who wants the day off to give him a list of things so that he can approve it, so: "No, you cannot go to the beach", I think. This is the gist of his T.V. interview, he said: "Oh, they just want a day off so they can go to the beach." Well they may want to do that. It is interesting to note that during the Occupation Islanders probably could not go to the beach because there were restrictions. I know my father and grandfather could not go to the beach to collect ormers or limpets, as they were probably eating in those days, because they would get shot at above their heads and I resent the fact that it has been brought to this base nationalism of: "Oh, my father was from Jersey, I was here during the Second World War."

[13:00]

Yes, purely because of the accident of your birth. Let us get real here; it is only because of modesty that I have not mentioned my family up until now. We all have parents who have been here and the point is, I make no bones about it, there were 3 reasons why I brought this proposition. The first is for consistency and if this does not get through - which does not look like it - I hope that certainly in the next proposition it will get through because that is all about bringing consistency. If Liberation Day is worth having off it is worth having off every year not just 6 years in 7. I make no bones about it; I am here to fight for the rights of the workers. They are entitled to a day off. They got one last year, indeed, States employees got a lieu day. This year in the private sector there will

be people who contractually get their 9 days a year but not in the States sector. So it is the ironic thing - usually it is the other way round - but in this case there will be people in the private sector who are better protected for their entitlement than people in the public sector. I could go on there have been so many spurious arguments about it, but I would ask is anybody here not going to celebrate the events on the 7th? I know that Constables in certain Parishes are putting on events on the Monday, I believe, that is what I have heard. But if that is not the case I know that there are other events that are going on on the Monday for Liberation Day. I know that there will be people here from the Occupation who will go along on the Monday. They will have absolutely no problem eating their piece of cake on the Monday and good luck to them, they should do that, they should celebrate it at the weekend. I expect none of the Constables or anybody who is here, apart from, perhaps, the Constable of St. Helier, to attend the events for Liberation Day on the Friday. I expect nobody to be here for the speech on the Friday because that is not Liberation Day and we cannot celebrate those events on the Friday. This is what brings our States into disrepute; it is the complete inherent lack of logic that is used in arguments. Why do we not say we do not want to do it because it is too inconvenient? We know that this debate was deliberately brought late, it was sabotaged. The Chief Minister himself was not even in the Island, he was at a prayer meeting. He lodged the proposition far too late. We know that the Minister for Treasury and Resources, I would contend, gave a half-hearted speech. He is very happy that the Liberation Day has not been given. He has done his job ... [**Members: Oh!**]

Senator P.F.C Ozouf:

Can I ask the Deputy to withdraw that?

The Greffier of the States (in the Chair):

I think you must withdraw that, Deputy.

Deputy M. Tadier:

I will say that if I was Machiavelli what I would have done personally I would have given a half-hearted speech while the Chief Minister who lodged the proposition ... I do withdraw my comment. But what I am saying is that I would have done that and it would have been a good Machiavellian trick if I were in the position of the Minister for Treasury and Resources, which I am not, so completely hypothetical.

The Greffier of the States (in the Chair):

The Deputy has withdrawn his comment.

Deputy M. Tadier:

I have withdrawn my comment. As for the comment on France, I will concede that France do ... I never ever mentioned what happens in France on their Liberation Day. What I do know in France is that the 14th is held with respect. It can be celebrated on the 14th but they have such strong unions over there that I know that the contractual obligations certainly ensure that any French person who has to work on 14th July, be it in the public or private sector, will be given a lieu day. I am really going to leave it there. I do not like the tone that this debate has taken in being divisive in the sense that it has become: "Oh, we were here during the Occupation." We can safeguard ... I can stand here and be a supporter of Liberation Day, I can also stand here and be a champion, if you like, for workers in trying to ensure their rights are not diminished because this is not about an extra day off, it is about a day that they get every year. So I leave it to Members, you can vote for this proposition and if not I would ask you to really consider the second proposition which I think is perhaps more acceptable to more Members for more reasons. I make the proposition and I do ask for the appel.

The Greffier of the States (in the Chair):

Very well, the appel is called for. If it assists the Assembly - well it is not likely there will be a public dispute between the presiding officer and the Deputy on the Deputies Benches - the minutes of the States from 23rd January 1951 declare that 9th May was to be observed as a public holiday.
[Approbation]

Deputy A.K.F. Green:

I bow to your greater knowledge, Sir. The only thing I would say is that perhaps what was happening was that people were ignoring it and all the shops were opening and then we put a greater emphasis ... but I do bow to your greater knowledge, Sir.

The Greffier of the States (in the Chair):

I assure you it was not knowledge, Deputy, but somebody, coincidentally, in the circumstances asked for the same information very recently and we did the research. Very well, the appel has been called for. If Members are in their designated seats the Greffier will open the voting.

POUR: 12		CONTRE: 29		ABSTAIN: 0
Senator A. Breckon		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator B.E. Shenton		
Deputy J.A. Martin (H)		Senator F.E. Cohen		
Deputy G.P. Southern (H)		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.D. Maclean		
Deputy P.V.F. Le Claire (H)		Senator B.I. Le Marquand		
Deputy S. Pitman (H)		Connétable of Trinity		
Deputy M. Tadier (B)		Connétable of St. Brelade		
Deputy of St. Mary		Connétable of St. Martin		
Deputy T.M. Pitman (H)		Connétable of St. Saviour		
Deputy T.A. Vallois (S)		Connétable of St. Clement		
Deputy D. De Sousa (H)		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

The Greffier of the States (in the Chair):

Very well, that concludes Public Business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Greffier of the States (in the Chair):

We now come to the arrangement of Business for Future Meetings. I call the Chairman of P.P.C. (Privileges and Procedures Committee).

4. Connétable J. Gallichan of St. Mary (Chairman, Privileges and Procedures Committee):

Taking the lavender sheet as a starting point, the arrangements for business for 9th March is as stated, with the removal of P.197, the “Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others” in the name of Deputy Higgins, which is moved to 20th April. Deputy Higgins is not here today but he did ask me to arrange that before he left after his consultation with the Minister for Home Affairs. Also the addition of P.19, which is the “Public Holidays falling at the weekend: review” in the name of Deputy Le Hérissier. For 23rd March we have the addition of P.18, which is the “Public Holidays: designation of May 9th if on a Sunday” in the name of Deputy Tadier. On 20th April we have to add, apart from “Operation Blast” - P.197 - as I have mentioned, 2 new lodgings: P.20, which is the “Draft Sea Fisheries (Fisheries) (Jersey) Regulations 201-“ in the name of the Minister for Economic Development and P.21, the “Draft The Law Society of Jersey (Amendment No. 2) Law 201-“ in the name of the Chief Minister. Also then we have on 11th May P.10, “Island Plan 2002: H3 Site No. 8, Field 1248 and Channel Television Site” in the name of Deputy Hilton which has been moved from today’s sitting.

The Greffier of the States (in the Chair):

Thank you, Chairman, you beat me to it in notifying Members of the 2 lodgings, quite rightly as you mentioned P.20, the “Draft Sea Fisheries (Fisheries) (Jersey) Regulations 201-“ and the “Draft The Law Society of Jersey (Amendment No. 2) Law 201-“ to the Members’ pigeonholes. Are there any comments or observations on the Arrangements of Business?

4.1 Deputy P.V.F. Le Claire:

I apologise to the Chairman of P.P.C., I have not had a chance to speak to her personally about this. I was in discussion with the Minister for Planning this morning about half an hour ago and we discussed my proposition P.156, “Carbon Intensity of Imported Electricity.” Showing some goodwill where I think it is due, I would like to bow to the Minister and give him some time on this. His department is engaged with the fuel companies in looking at this issue and I would like to give him some more room to manoeuvre, if possible, given his goodwill this week. So I would like to request that we move this back to 20th May, if that is the correct date that we are sitting, if it does not move it out of time from when it was first lodged or, at least, back a little to give him some more room, with the acceptance of the Assembly.

The Greffier of the States (in the Chair):

I think, Deputy, unfortunately it will be out of time but the alternative clearly is to withdraw it and relodge it if you wish to proceed at a later date. It will only require a 2-week lodging to relodge it. You can only go as far as 23rd March, which perhaps does not give the Minister the time.

Deputy P.V.F. Le Claire:

Well, I had better relodge it then, thank you.

The Greffier of the States (in the Chair):

Very well. If there are no other matters to raise, the Arrangement of Business is approved and the meeting is closed. The Assembly will reconvene on 9th March.

ADJOURNMENT

[13:09]