

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 16th SEPTEMBER 2021

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[14:17]

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

Deputy M. Tadier of St. Helier:

Sir, could I raise a point of order? I do not want to raise an objection to the excuse from the Constable of St. John but I do think it needs to be looked into as to what constitutes a valid reason because while I know the Constables have a dual role in the Assembly, which in itself is controversial, our oath of office does say that the States should take priority. So in future I think we need clarity as to whether ... I think Parish responsibility should be secondary. If I could just note that for the record and ask P.P.C. (Privileges and Procedures Committee) to look at it or yourself.

The Bailiff:

Deputy, that is not a point of order because a point of order requires the Chair to make a ruling. There is no ruling to be made because the Assembly has already accepted the Connétable as défaut excuse. That is a matter I think properly raised with P.P.C. to be carried forward for future occasions.

Deputy M. Tadier:

Thank you.

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Tribute to former Deputy Robert Duhamel

Before we move on with Public Business, Members would have noted the sad news of the death of former Deputy Rob Duhamel 2 nights ago. Robert Duhamel was the eldest of 5 children and he was born and raised in his beloved St. Saviour and educated at St. Luke's and then De La Salle College, having gained a scholarship at the age of 11. After he successfully completed college and his A-levels he was the first member of his family to go to university, gaining a degree in mathematics at University College London. He was a keen scholar and went on to add a Masters and a further degree in science through later studies. It was at U.C.L. (University College London) that he met his wife, Sue, and they were married in 1978, and they returned after that to Jersey to live. Robert worked as a self-employed computer consultant undertaking work in the then new field of analysis and programming in the early 1980s. He was also a private mathematics teacher. He joined the States in December 1993, elected as Deputy of St. Saviour No. 1, and he was subsequently re-elected 6 times to this position until 2014. During the committee system Rob served on a variety of committees, including I.D.C. (Island Development Committee), as it then was, Telecoms, Housing, Public Services and Shadow Scrutiny. His real focus though was always the environment and he was the first chairman of the Environment Scrutiny Panel from 2005 to 2008, and the first president of the Scrutiny Chairmen's Committee from 2005 to 2007. He was appointed as Assistant Minister for Planning to Senator Cohen in May 2009 and took over from him in July 2011 as Minister. He will be remembered for his innovative views, particularly on green issues, campaigning strongly against the purchase of the Energy from Waste plant when he believed greener solutions could be found. Many people made fun at times at some of his seemingly outlandish ideas but as time has moved on many of his proposed initiatives have gained traction and he can now be seen as having been at the vanguard of modern views on ecological matters. A man ahead of his time in some ways. He will be remembered for being a man of principles who was not afraid to speak his mind and while this often saw him out of steps with his Council of Minister colleagues his commitment to his Island and its long-term future was unquestionable. He also possessed a great sense of humour and a quick wit and his approach to Christmas Greetings, when he was senior Deputy, will be remembered by many. It was particularly memorable his homage one year to the Christmas songs of Cliff Richard. He was also a keen and expert exponent of the pun. Following his time in the States, Robert wrote a regular

column in the *Jersey Evening Post* and regularly received plaudits for the views he expressed. A dedicated and a loving family man, he leaves behind his wife Sue, 4 children, Nicole, Emile, Simone and Dion and 2 much adored grandchildren, and our thoughts at this time are with them. I would ask Members to rise and observe a minute's silence. **[Silence]**

[14:30]

May he rest in peace.

PUBLIC BUSINESS - resumption

1. Social Security (Amendment of Law - Minimum Earnings Threshold) (Jersey) Regulations 202- (P.79/2021) - resumption

The Bailiff:

We now resume the debate on the principles of P.79, which we broke when we stopped yesterday evening. Deputy Ward had indicated he had not finished his speech and therefore, following the rejection of a reference back proposition, he is entitled to continue it.

1.1 Deputy R.J. Ward of St. Helier:

I will continue as best I can. Forgive me if I may repeat something from yesterday. There seems to be quite a gap. My concerns over this proposition were made clear yesterday and it is the reason I brought the reference back. I remind Members that there was not a clear majority in the Assembly to not have that reference back, so there is obviously doubt among Members' minds. I note a couple of other points that were made. One is that we have received emails overnight from an officer trying to alleviate some of those issues, which first of all I think again highlights the lack of clarity that came with the proposition, but also from some of the replies of those I know they have not alleviated the problems that were raised and may have raised more. I remain unable to support this proposition in the way it has been produced. I just want to reiterate very quickly the reasons why. I think there is a real concern about the reality of who this will target and affect most. I asked in the reference back about knowing more about the demographic and one positive about not having that is that I can raise more about the demographic here. I am very concerned that this will hit the lowest paid workers, those working just a few hours a week, or those who necessarily are trying to improve their income by having a second job. That is not the best thing for our economy anyway, to have people have to work in second jobs just to get by. But if they do, to draw them into social security on those second jobs as well, simply because of the amount of money, which is very low. It seems to be targeting those least able to pay or it is targeting yet again the lowest and the middle-income earners in Jersey, who seem to really have a target on their back from this Government in terms of taxation. That concerns me. I recognise that in my opposition to this and my concerns in expressing this, I am sure there will be a vociferous defence of it from Government Ministers and probably some quite personal comments made, et cetera, but I am willing to take that on board. I feel perhaps it is a good learning thing for me and toughens me up a little, so carry on. But I think we really need to address this proposition as it is. If you have an additional weekend job and you work a living wage you are not required to pay social security because it is below 8 hours. If this goes through you will have to pay social security unless your employer pays you under the minimum wage. What this seems to be doing is encouraging employers to say: "Look, you will not have to do any admin if you pay under the minimum wage or if you pay below these targets." It is going to be putting exactly the type of cap on those who need it most, which is completely counter-productive for what is needed by so many people in our society. I cannot believe that this has been thought through carefully enough and the implications have been understood. I had some conversations outside the Assembly. It seemed to be said: "Deputy, do you really think that we are going to target the least able to pay?" I am sorry, but that is not the way to conduct a proposition. It is not about: "Oh come on, trust us, it will all be okay." What we need in this Assembly is precise detail to really know who this is going to affect,

particularly, and I mention again - and I am sorry if I repeat but I think for once I may be forgiven, given the gap that we have had - we have a real issue, particularly in hospitality, in getting people to fill places. We have an issue due to Brexit and COVID and so many industries on this Island. In my early morning dog walk this morning along the bay - not on the beach because it is covered in green seaweed, but that is for another debate I am sure - there is a restaurant along there that has a sign up saying: "We will be closing at 4.00 on a Sunday because we cannot get staff." I wonder whether this will help to improve that situation or simply make it worse. The other issue that really concerns me is that what this will do is encourage cash-in-hand work so as not to declare and put people at risk therefore of exploitation that comes from that. If there is no contract it is exactly the opposite of suddenly people will have sick pay. We do not know and we have not seen that. We have no evidence for that either. It seems to be encouraging employers to pay the minimum wage or below to keep people below these thresholds so that they do not have to make the contributions that we are talking about. I look again at the comments paper, and which I have read; I just make that clear. On the comments paper from the panel, which was certainly not supportive in any way, it says there will be: "A clear disparity between the monetary value requiring people to pay class 1 contributions however the change could impact an increased number of individuals at the lower end of the wage spectrum." This is a tax targeted at those at the lowest end of the spectrum. At the time when the Government is trying to say to us that we are going to bring a new minimum wage through, although it is objecting it too often but again that is for another debate. It is counterproductive. I think an opportunity was missed yesterday to reference this back and say: "Please go away, come back with something that we understand the full implications of." Now what we are left with is the only option is to reject this and say: "Come back with something on a longer timescale that may actually work." I urge those Members who voted for the reference back yesterday to vote again against this proposition because nothing has changed overnight. I would urge Members who are unsure but did not vote for a reference back to ask themselves this question: "Is this going to negatively impact on your constituents?" Those who are taking on second jobs to make ends meet. Young people, first entry in the market working part-time. Those who are only working a few hours a week. Will it disproportionately affect one part of the population? I do not know if this is the case because we do not know. Is this going to have a greater impact on women workers who tend to work more part-time jobs. If that is the case, it drives a coach and horses through our antidiscrimination and equality changes, which we seem to be wanting to make, which is a very positive thing in my view. I am concerned that what will happen in this debate is that we will have the usual anecdotal stories about somebody is tutoring and earning a squillion pounds an hour, they will not pay any social security on it. The problem with this proposition is it is about ... there is so much hearsay and inconsistency in it that I do not think that this Assembly can vote for something of such poor quality and be certain that it is not having a negative impact on workers on this Island. It is very difficult to pick up a second half of a speech like this but I think I have made most of the points I wanted to make. I would urge Members to reject this proposition. The Minister needs to come back with something that is much clearer in terms of its impact. If the intention is to say: "Yes, it may affect low-income workers but we are going to do it anyway", be honest about it. Be straight about that. Then people like myself, and I know a lot of Members in this Assembly will be able to say: "No, that is not what we need to do on this Island." We need to be doing the opposite of that. We need a high-wage, high-scale economy so that people are given the dignity that they deserve in terms of the work that they do. Not to target people as they start to work a few extra hours, drawing them into social security and take more of the money off them that they have earned. I urge people to reject this. I will finish my speech there and I hope that Members will consider following those points.

The Bailiff:

Going by my list from yesterday, next listed to speak was Deputy Southern. If you would like to speak now, Deputy Southern, because you indicated to speak after Deputy Ward yesterday.

Deputy G.P. Southern of St. Helier:

Is it now my turn to speak?

The Bailiff:

Yes. I then have after you Deputy Morel and the Connétable of St. Mary.

Deputy G.P. Southern:

I thought we had them first.

The Bailiff:

No, I am going by my list that I wrote down of those entitled to speak and you asked to speak immediately after Deputy Ward.

1.1.1 Deputy G.P. Southern:

A man with dignified recordkeeping. Wish I could do it. The issue here is we need answers and clarity to questions. Some of those questions are just repeats here and I would ... I say ask but I demand that the Minister tries to address them at least. Will this change bring more revenue into the Social Security Fund? If so, how much? Where will that money be coming from? The previous speaker strongly suggested, and indeed I think he met with agreement that this was going to come out of the pockets of those people who are the least well-off in our society dependent on income support. So how much money is coming in? Unless we get a figure of that, I cannot possibly vote for this proposition. Secondly, the whole thing seems to be devised for the convenience of the employer and the computer, as if a computer cannot be reprogrammed to deal with what you want. It does not, in any way shape or form, appear to have been discussed, debated, consulted on with anybody who might be paying some of the extra money. Why not? I need an answer on this one as well. Has the Minister consulted with Unite or other representatives of low-paid sector workers on what the impact will be on them? And what impact it will mean, from their point of view, in terms of you say this amount but I work out that they will be losing so much money. Has it been properly consulted on with the people it is affecting? I think the answer again - I do not know - is no. I have not seen any extensive consultation at all on this particular issue. Then the third question we need to answer, and I asked it on the reference back, was about something to do with why the minimum wage and not a living wage. The answer I got from the Minister was confused and completely unclear, so I would like her to readdress the issue of why not the living wage, why the minimum wage, as she sums up. So that is 3 areas. Is this producing more revenue, if so, how much? Have you talked to Unite and other representatives? Why not the living wage? I want to just finish with that.

[14:45]

1.1.2 Deputy K.F. Morel of St Lawrence:

Before I get going quite straightaway, can I just confirm, I was not in the Assembly at the end of yesterday. Are we still on the First Reading of this paper and will there be a second and third?

The Bailiff:

Yes, this is the First Reading. These are the principles.

Deputy K.F. Morel:

I was quite surprised, and I apologise to the Assembly and to Islanders, I had not really taken in this proposition. But when I did look at it and I saw that we were changing from an hourly threshold, 8 hours a week, to a minimum wage effectively, a minimum earnings threshold, the thing that struck me was that the Minister had chosen the minimum wage as the threshold because by choosing that threshold the Minister has chosen to maximise the number of people who will have to pay social security. It is that simple. The Minister could have chosen a higher threshold, £15 an hour perhaps, £20 an hour, £12 an hour but, no, the Minister chose the minimum wage, which at the moment is

£8.37, something like this, and will move to £9.22 next year. It struck me that why is the Minister trying to capture 100 per cent of people effectively in the Island, or pretty much 100 per cent of people. It could only be, in my mind, because she wanted to maximise earnings to the Social Security Fund, which is fine. Nothing directly wrong with it. But it immediately raised alarm bells in my head because I could not understand why would the Minister want to be making people who are struggling the most in the Island pay more. Remember this is also set against the fact that we do have a maximum earnings limit in terms of social security payments. There is an amount you can earn - I think it is £250,000 a year - beyond which you do not pay social security. There are a number of people who do not pay social security on parts of their wages. This is also - I think it is really important to say - set against a context of the Island having a matter of affordability crisis and now serious staff shortages, which are affecting our Island economically, and in particular in areas like hospitality and the retail sectors, which are, by coincidence, those areas which are more likely to pay the lower wages. So from my perspective, as someone who likes to question things, I really wanted to understand, okay, how will this new system affect not just low-income families but very much those families who are really just working extremely hard, particularly those families who are above the income support levels but are still, because Jersey is an incredibly expensive place to live, struggling to make ends meet. Because it is those families who are often one of the parents, if they have children, is working the 8 hours a week free of social security just to top up the family wage. I was really concerned about those people because I know how hard they work and I know that they are not swanning around in limousines and very wealthy places and eating at restaurants, they are just struggling to get by. They get no help because they are above the income support limits. So this ability to work without paying social security is really important to them. Over the years I have had many conversations with people who do a particular job for 8 hours a week precisely because they are not paying social security on it. It helps them. It makes it worthwhile doing that job. So my concern, when I saw this, was how many people are we now going to be pushing out of the working population precisely because we are trying to get a bit more social security from them, or a bit of social security from them. Because I have a real concern that this, in its present form, could increase staff shortages in the Island, particularly in those areas already hit by staff shortages. Of course I would expect the report to the proposition to be able to answer some of these questions. The report from the proposition does not even begin to go there. The report on the proposition is a couple of hundred words, says almost nothing in it. So it does not help me as a States Member. I turn then to Scrutiny to see their comments paper because surely that will give me more information, and indeed it does. It tells me things like we believe, according to the Social Security Department's own estimations, which is not based on very good evidence, that there are 600 people whose main job is less than 8 hours a week - fair enough. But the people I am particularly concerned about are those 1,400 people who are employed in an extra job or jobs for 8 hours or less a week. It is those people I believe that this is going to harm the most. It really concerns me that the Social Security Department, when writing their report, do not even talk about it. The Minister for Social Security, who previously had been so well-known for worrying and concerned about working people and their wages, does not seem concerned because it is not even mentioned in the report. She has left it to Scrutiny to mention that. Then I ask, where does Scrutiny get this data from? It is the Social Security Department. What is the data based on? It is based on data from June 2018. So this data that we are being told about is pre-COVID, pre-pandemic, it is 3 years old. It is not current data at all. It does not take into account. That also tells me that this was a project that was in train back in 2018, put on hold for the sake of COVID, et cetera, and then brought back out of the cupboard and brought into the Assembly today. Not really thinking about whether it is going to have harms or effects on the working population, both on the employer side, people being perhaps unable to get more people to fill those holes in their staffing levels, or on the employee side, people who just think: "Who know what, it is not worth me working now because I am having to pay this social security. I am not going to do those extra 8 hours a week for that employer. I am not going to top up by partner's wage." These are all questions and it may well be that the Social Security Department have all the answers.

As States Members we saw today an email going round. We saw Deputy Young had enquired about the effects of this change, if it is brought in, and the response from the department was, in my view, poor. Considering we talk about social security, which is all about figures, the response received from the department was a narrative. There were no figures. It was a narrative of carefully crafted examples of people who will not be affected by this. It does not talk about people who will be affected by it. I, as a States Member, who is concerned about middle Jersey, who is concerned about people who are just trying to get by in this Island, on their own 2 feet, who are not picking up income support, who are not supported by the States in any way, who work incredibly hard and just try to get by and do their best for their children and their families. There is nothing here to tell me how much extra they are going to be paying. Nothing. It is just a silence. As far as I can see from this very tiny report to the proposition, there has been no consultation with people. I do not think, in the same way that I had not really spotted this proposition, anyone out there knows about this. This is why I asked at the very beginning are these the principles; I am not against the principle here. What I am concerned about is the threshold that is being set. That the Minister has just jumped for the minimum wage because it is an easy threshold from her perspective and it captures the maximum number of people possible. To me, if you have a paucity of data, which it is clear the department does, you should therefore take a conservative approach. So you would say: "Right, we are not going to go for minimum wage because that is going to capture everybody. Those who are struggling will be hit harder. We will set it at a more conservative £15 an hour, even £12 an hour, something which gives people wiggle room." There has been none of that. It has just been straight down to the minimum wage as the threshold. I am able to vote for the principles because I am not against the principles, I am against the lack of data, the lack of consultation and the vacuum of information that the department seems to be bringing these regulations into law with. They are working on a complete lack of evidence. But what I will be doing is asking very strongly that Scrutiny call this in. They have done a comments paper; that is fine. But the comments paper does not look at everything in the round. They need to be finding out what will people be paying if they are earning £15 an hour. I was just looking, someone who is earning £12.25 an hour, that is £100 a week. They will now be losing £6.50 or thereabouts of that £100 a week so therefore it will go down to £94. Of course they will also have to pay tax on that because if they are topping up the family wages they will be having to pay tax on that as well. So they are going to be looking at perhaps £80 a week. They will think: "You know what, it is not worth it. I will stay with my children" and we lose somebody else in the labour force. I have real concerns. I can vote for the principles. I ask Scrutiny sincerely that they please do call this in, do a little bit of consultation, do some of those scenarios to see how much different types of families, different types of people are going to pay on this, so we, as a States Assembly, can vote on the Articles and the level of that minimum earnings element. So we can choose. We can bring an amendment to say £15 an hour is where the minimum earnings are going to be or however it works because I think that information is missing. Nothing, in my view, should be brought to the Assembly with such vital information missing. The Minister has missed that and I think it is really sad that that is the case. Yes, I call on the Health and Social Security Scrutiny Panel to please call this in.

1.1.3 Connétable J. Le Bailly of St. Mary:

There is another problem here, regardless of this proposition's intentions. Not only are employees who work for 8 hours now, soon to be 7 hours, who are unwilling to do the work unless they are paid cash. These people are probably uninsured. How would they know? Are they able to get proof of this? What is the penalty for an employer who employs someone for 8 hours or less who does not have that person insured for accident during work? That is far more important at this stage as an issue.

1.1.4 Deputy M. Tadier:

First of all I think this should be a wake-up call for the Minister for Social Security, who I know shares at heart many of the same concerns that are being put forward by a broad cross-section of the Assembly. I know because I worked with her on Scrutiny, I think it was on the affordable housing panel, on one of those related areas. I know she understands the issues for low-income families and the fact that many families in Jersey are on a marginal assistance, who may well be on income support for example, who may well be in social housing, who are often in full-time work but are still struggling to get by. Small changes in their allowances or what they have to pay in taxation or, indeed in this case, in social security contributions, can make a very big difference in terms of their day-to-day living and providing for their families. That is why I think I would be wary, as a Minister, if I were one, to put forward something with so many valid objections and where there is clearly a great deal of concern and a lack of consensus for a policy which does not seem that urgent. Deputy Southern asked: is this done to raise money for the Social Security Fund? Is that the main driver here? If so, can we see the detail about who is going to be affected? A number of Members have asked that, including the Assistant Minister for Economic Development, Tourism, Sport and Culture, no less, who has raised serious concerns and I know who retains his independence of thought and who is also concerned about not just detail but how people will be affected on the ground and how those living on low income will be affected. I have circulated a document, which I wanted to quote from, which I know another Minister, when he was on Scrutiny, led this panel called Living on Low Income.

[15:00]

Although this is a slightly different area, there is a synergy that needs to be tied in because none of these changes happen in isolation. Just one of the points on page 38, under paragraph 100, albeit this is with the former disregards of 23 per cent rather than 26 per cent, as I think they are currently are at Social Security. It says: "For someone in Jersey on the minimum wage who increase their hours from 30 to 40 they would just keep £16 of that additional £70 earnings." It would be slightly higher now if it is 26. It would be £18. So they would just be keeping £1.80 an hour on that. It is showing again how marginal it is for people, even people who want to try and get out of the benefits trap, which is a theme of this Scrutiny report. It talks about how difficult it is to do that. Interestingly one of the recommendations - the final recommendation, I think - certainly recommendation paragraph 110, it talks about introducing an annual earnings allowance, which does not affect income support entitlement, which we do not currently have. As I said, if you are on a low income and you go out and do an additional 7, 8 hours in paid work, the vast majority of that is clawed back from you, even though you might only literally be doing 7 or 8 hours a week. As Deputy Morel said, and maybe others, is that where is the incentive to go out there and better yourself if the vast majority is going to be clawed back. On top of that of course, you have all the bureaucracy of dealing with a department which is I think very well intentioned but is becoming increasingly bureaucratic and faceless. People simple will think: "Actually I do not think I want to go out there and earn this little bit of extra money to be a few pounds, £16, £18 better off a week for doing an extra 10 hours just to engage with this behemoth of a department." As I get older I think I am becoming slightly less ideological and dogmatic, although my core values remain unchanged, and I am more interested in outcomes. When I see a proposition coming to the Assembly like this, I can understand, okay, it makes logical and mathematical sense that of course if somebody is going out and earning a vast amount in 8 hours and they are super-rich, we might want to make sure that we charge for that and it adds to their own social security contributions for their pension and sick pay. But we know the reality of it is that those who are working a few hours here, a few hours there tend to be, by and large, in the vast majority, in the lower quarter of income in Jersey. With this recommendation, it is saying: "Look, let people do a few hours of work each week. Let people earn a certain amount of money without bothering them, without breathing down their neck and saying to them: 'You have got to report this to the man. You have got to report it to the States so they know what you are doing'." In that sense, I suppose, there is a synergy here between those of us - hopefully it is all of us - who want to try and help people

living on low incomes better themselves and those who want to see small government. What does this do? Is it a sledgehammer to crack a nut? It is not small government, it smacks of big government intervening here with its size 12s saying: "If you go out and work, even now 5 hours, if you are earning more than the minimum of £66 a week and even if you are only doing 5 hours, we are going to come and tax you on that." I call it "tax"; Social Security. I am not saying that I am a small government person and I am not a big government person either. I think that all intervention from the Government needs to be justified and in this case I cannot see that it is justified. What I am trying to say is that give people a chance to get out of the benefits trap. They may ultimately need some kind of income support or housing for the rest of their lives, and there is no shame in that at all, but at least let them try and earn a bit of extra money, not to mention the onerous requirements that it will put on employers. Now the second point, which I do not think has been mentioned yet, and this could be one of those unintended consequences that Senator Ferguson often refers to, is the idea that a perverse consequence could be that somebody paying slightly above the living wage, let us say for 6 or 7 hours a week, might think to themselves: "Well, by paying a living wage this person is going to now be put into the social security system. Now I want to pay a good wage, a reasonable living wage", perhaps it could be the student who is working in the ice cream van along the north coast or parks up at Le Braye or alongside St. Brelade's Bay, they might be getting £9, £10 an hour, and it is not a lot but it is probably not too bad for them for the work that they are doing. The employer might look at that and say: "Well, I am better off paying them the minimum wage for 8 hours a week rather than paying the living wage for 6 hours a week, so I am going to pay them the same or slightly less." You are going to get people possibly, it is entirely likely they may do that to save on the bureaucracy, so paying people less than the living wage because it means less bureaucracy for them. Now has all this been looked into? I do not think it has and I would expect a better job because the principle of it, as Deputy Morel said, is not necessarily problematic but we really do not know how this is going to pan out and that is why I think we missed a chance yesterday with the reference back. If we had had our full quota in the Assembly, who knows, it may well have been referred back. I think that by not passing this today, we would be just putting the ball back in the Minister's court saying: "Look, if you think this is really a goer, then show us more detail and then once we have seen that detail, once we have seen exactly who is affected by it, then if you can convince us we will support it." But as it currently stands, I am afraid, this needs to be sent back to the drawing board.

The Bailiff:

Deputy Morel, you have indicated you wish to correct something you said so that you do not mislead the Assembly. If you can do so extremely briefly, now will be a good time.

Deputy K.F. Morel:

Yes, I said that the data provided to Scrutiny was from 2018. The data was from 2016 from the Jersey Opinions and Lifestyle Survey, and even older than that, it was also from the 2011 Census. The data that I referred to was much older than 2018; it is 2016, 2011. Thank you.

1.1.5 Deputy J.H. Young of St. Brelade:

Like Deputy Morel I want to begin briefly with an apology for having woken up to, if you like, the full consequences of what seems to be a very, very benign piece of legislative change, and I apologise to the Minister as well. But I think there are important principles here that I think we need to follow through and get to the bottom of. Now I absolutely see the sense of having what is clearly a change away from a system, which is hard to administer, of contributions based on the number of hours working compared with a wage. I can see that that is a convenient system that will work for all of us really - employers, employees - and particularly lends itself to I.T. (information technology) solutions. But obviously the key questions are: what are the effects of those changes on people, principally at the lower earnings point? In our paper today our acting interim chief executive highlighted absolutely correctly - and it is music to my ears that he has done so - the scourge of

income inequality that has happened in our Island. We all know that people struggling at the margins with families have to do numerous jobs in order to be able to make ends meet. Of course in the time of high inflation it gets even worse with the effects on rental, so it really is a crucial thing this issue about what is the effect on low-income people of the change. Of course we have the comments on that which indicate that is absolutely so. Now yesterday I found myself taken by surprise and I did raise questions - and I particularly asked a simple question - about people doing second jobs at the lower end of the scale. I got some very helpful answers, and I am grateful for the Minister and I am grateful for her officers in providing emails, setting out some illustrations really of the effect and it certainly helped my thinking. Initially, of course, I thought: "This should be okay." But as one starts to ferret in the detail, you look at the small print, this issue about where the intention is to set this new threshold seems to me very important. As I understand it, it is not in the regulation itself, so I think that may provide us a way out when it comes to voting: the intention is to set that threshold equivalent to the minimum wage. What we are told is that the minimum wage means that, in effect, anybody working more than 7 hours would have to pay contributions where at the moment they are exempted at 8. Therefore, what the answers said was anybody that is working 7 hours, it will not affect them. I have to say I did not understand this. It says: "Saturday morning jobs in café or bars not affected." Is this because they work less than 8 hours? Of course it does, I have the answer here. I have answered myself, it is a Saturday morning job. Presumably if it was a Saturday all-day job then it could be more than 8 hours. Then: "Pensioner worker in a shop" of course one of my concerns is that we have a lot of people on low pensions because the current social security rules require people to work 45 years continuously to secure a full pension and the majority do not, and so we have a lot of small pensions. Of course, if they do choose to work - which is I think a very, very good thing for all sorts of reasons: quality of life, keeping people active and so on - what it says is that they will not be affected. This is right, and I am pleased about that, that they do not pay contributions. I think, if I am right, the employers pay a contribution on people over pensionable age working. I am hoping I am right because that seems to be entirely right. Then self-employed: cleaners, gardeners, carpenters, decorators are not affected because they are self-employed but of course I do know the self-employed contributions are hugely expensive; hugely expensive anyway. Where I lead to is what are the new rules of this new arrangement? Because the arrangement in principle seems a good one if you get the threshold right and it is structured right. One of the first issues I would certainly be asking the Minister, when the Minister does the order ... because what the regulations say is that if this is approved today there will be an order in November and that will be set after the minimum wage debate. My issue is: why should this be the minimum wage and why should it not be the living wage? Then I looked at where the threshold might be set. The note that we all had circulated says: "Employers would want the threshold as high as possible so they do not pay contributions and they do not have to do the paperwork." But the individual is expected to pay them because we are all expected to pay 12.5 per cent. I ask the question, if you have somebody being paid between the minimum wage and the living wage, if I have it right, why should the employee pay and not the employer? It seems to be almost the other way around, that if employers are employing people on very low wages below the living wage, is it not right that the employee does not pay the contributions but the employer does? Of course, over the living wage, then everybody should. It seems to be there is a principle there. It seems to me that this issue of where you set the threshold in a principle is an important policy one because I do not want to take anybody out of contributions more than necessary because we have this issue of pensions. If people do not pay contributions, they do not accumulate pension benefits and that is a real worry. I am really puzzled where our policy is on this because I thought we had a policy that once upon a time we were going to introduce a secondary pension scheme into Jersey which was compulsory. But here we have a situation where we are dealing with a policy about contributions effectively to a primary pension scheme, which seems to be a fundamental of civilised society. I think looking at the regulation, it is a very, very simple regulation, it just really says let us have a minimum earnings threshold on class 1.

[15:15]

What I would like to hear from the Minister, if this is to look at the order and consider the issues raised about the relevance of the living wage and the balance between employee and employer contributions, would the Minister be prepared to do that if this is agreed today? It is a complicated matter. Again, I apologise for raising these issues now but they all come out of the answers that we have been given, or I was given, have been circulated overnight. I think there were questions of policy that I would like to hear the Minister's views on before we have to vote on this, please.

1.1.6 Deputy C.S. Alves of St. Helier:

A lot of what I was going to say has already been mentioned but I thought as a member of the panel that I should just reiterate some of the things that have been said. The Minister in her opening speech said that it will not have an effect on those on the low wages. I think a lot of Members have highlighted that that is incorrect and it will have an effect on those and on middle earners. I think Deputy Morel was spot-on with a lot of the points that he raised, especially specifically around this number of the 1,400 people that were referred to in the data that was circulated, and he did mention that this was based on data from potentially 2016, 2011. I would also like to make the point that that data is not solid valid data, it is based on the Jersey Opinions and Lifestyle Survey. In actual fact, the department do not really know the quantity of people that this will affect because why would they? They would not have that data. If somebody is not currently doing the 8 hours, then obviously they do not need to be registered with Social Security because they will not be paying those contributions. That number is based on a survey of opinions from the public and not real hard data, so the potential here is that that number could be significantly higher, aside from the fact that obviously that is at least 5 years old, that data. I understand that maybe the current 8 hours may not be an ideal scenario. I know that there are ways of working around it. For example, somebody could be doing multiple jobs at 7 hours and not currently being eligible to pay the social security but that is a different issue to this. I think that is something that needs to be tackled completely separately. If somebody is abusing the system, if you like, by doing that and therefore is not accumulating pension contributions and social security contributions, then that needs to be addressed separately. This piece of legislation is almost being pitched as a minor administrative change that will make things easier for the employer, which just does not make any sense. Because every employer, when they are doing the payroll, will have to collect or make a note of how many hours people are doing. To say that to have this minimum income threshold, if you like, makes things easier just does not make any sense to me. One of the other points that I really wanted to raise, which has already been covered by Deputy Tadier, and I think other Members have as well, why is it set at a minimum wage? It does inadvertently encourage employers to pay a minimum wage. Surely, we should be setting the example. The Government have signed up to the living wage across the board and yet here is a piece of legislation, regulations that are coming forward, that is basically encouraging employers to pay the minimum wage to avoid having to do an extra administrative task. On top of this, I am sure I am not alone when I say that I have seen lots of new stories recently about local businesses struggling to employ people to work, struggling to get by, possibly as an effect of Brexit, which I assume it is, this surely would only damage that further. Because I think, like other Members have mentioned about those middle earners that are working hard, that are not captured in the income support regime and do almost fall through the net, that are really struggling on this Island - we can all say that things like housing costs are through the roof and people are really struggling - this will affect them. These people may be considering looking at these news articles, for example and say: "Do you know what? I might go and help out a few hours at the restaurant." I have friends who have other friends who own restaurants and they would often go in and do a few hours to help them out when they were short of staff. This will have an adverse effect because those people will probably turn around and consider it and go: "No, I will not bother helping out my mate" or: "I will not bother helping out that local small business that needs help because I am going to be worse off and it is just not worth it, it is not worth the time." I think Deputy Morel also picked up on this. Why are we looking at this and why

are we not looking at the top end of earners, the people that can afford to contribute a little bit more, and those that are not contributing at all, I think Deputy Morel said. I think everybody contributes but obviously up to a certain point. I think I would just like to make the Assembly aware that, as a member of the Health and Social Security Panel, we are intending on pulling this in and that we have listened to people's comments and thoughts. These things were brought up during the briefing and we were given the data that has now been circulated to all Members. I will end there, I just thought as a member of the panel that I should speak and make people aware.

1.1.7 Senator T.A. Vallois:

I am speaking following Deputy Young's contribution to the debate and I just want to raise one simple question with the States Assembly and that is whether they are happy and whether they are willing to transfer the decision-making around this 8 hours to the Minister because that is effectively what these regulations are asking us to do. At the moment, the States Assembly approved the minimum wage, which means you are guaranteed that those 8 hours will be the minimum wage hourly rate at the very least. This enables a transfer of decision-making from the Assembly to a Minister in terms of an order. Now there is nothing in the report to the regulations that refers to whether there is going to be any formulated equation that is determined to identify what that may look like. We know, for example, initially this Minister is determining that the order will be set for 2022 initially with what the minimum wage is. However, the next Minister might decide that considering where they are with regards to contributions as a whole and what the pension pot looks like, and maybe efficiency savings and getting more money in to support the Social Security Fund, that they want to lower the amount that can be earned as the minimum earnings threshold and they would be able to do that with an order. They would not even have to seek reference back to the Assembly to determine whether that is the appropriate thing to do. I just raise that question with the Assembly because it has not been mentioned yet but Deputy Young was referring to the order. There are many people that have mentioned the living wage but we have to bear in mind, when we pass regulations like this and we transfer this type of decision-making power, that it lays it in the hands of whichever Minister that takes up the seat of the Minister for Social Security in the future, and they will determine what that minimum earning threshold is. Sometimes the orders do not come up in front of us as quickly as we may like to see them coming up in front of us. Although we have an ability as individual Members to request that that order be removed and change that, I think it is wrong maybe that we would end up in a back-to-back debate all the time as an Assembly because whoever the Minister is in the future believes they know better without having any kind of guidance or formulated equation around what the determination of that minimum earnings threshold should be. Because we do not know what is going to be in the order, we do not know what that is going to look like. At the moment, all we know is initially it is going to be set at the minimum wage for 2022 if this is passed. I am pleased to hear the last speaker say that Scrutiny will be calling it in because I think this has to be considered extremely carefully. For that matter, I will close my speech from there and I hope Members understand the reason why I put that question to them.

1.1.8 Deputy L.M.C. Doublet of St. Saviour:

I wanted to thank the panel and indeed other Members for the debate that we have had because I think, like Deputy Young and Deputy Morel, I was perhaps a bit taken in by this and was not clear on some of the implications, so I am pleased that we have had the debate at this level. A point I wanted to raise, and I think Deputy Tadier touched on it - and please forgive me if I am repeating, or please let me know if I am repeating, because my computer has been kicking me out of Teams on and off for the last half an hour - but I think Deputy Tadier touched on the disproportionate impact that this would have on women. So I wanted to elaborate on that because from my own experience I know several women who work 8 hours for that reason. The reason why it is more likely to be women who are perhaps just working those 8 hours is because of course caring responsibilities disproportionately fall to women. The reason for that is often ... it is not just our cultural expectations

that we have on women but it is because we have a gender pay gap. When a baby is born a couple often makes a rational economic decision for the mother to sacrifice her career, so women will be more affected, but it is not just about money. If a woman who has become a mother and is shouldering the burden of caring responsibilities, she may want to keep up her skills in her chosen field by working a number of hours. If the limit is on earnings rather than hours, again, it might not make a rational economic sense to the family for her to do that. So it may have the result that Jersey might be losing skills in terms of women and skills that they have which, of course, we know that is a problem already, so we do not want to make that worse. Another thing that concerns me is this disproportionately affecting women. The income that mothers, for instance, might be bringing in will also disproportionately affect children because the research shows that when additional income is brought into the family made by the mother rather than the father, that additional income is more likely to be spent in a way that directly benefits the health and well-being of any children in the family. So that is something which I am also seeing as a factor as well. I do think this will affect the lower incomes and middle Jersey because albeit it might be a small sum to us of social security but it does make a difference to some, especially those who are balancing their massive costs of childcare. I will be voting against this and I want to thank the Members that have raised the issues because it has really helped my thinking today.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, then I close the debate and call upon the Minister to respond.

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

I have had a lot of questions and I do hope the principles are passed. I am glad that Scrutiny will be calling it in because obviously Members have lots more questions and I am sure these all could be ironed out with a detailed look and possibly the amendment that Scrutiny wanted to bring.

[15:30]

But I do wonder if people have just gone off completely under the wrong impression. At the moment, yes, people can work a certain amount of hours, and it is hours, not pay. They may be paid well, the living wage, they may be doing 2 or 3 jobs under the 8 hours for 2 or 3 different employers. It suits the employer very well because, as soon as they have to pay for their worker, their employee, they have to pay their contributions, so I hope that is clear to Deputy Young. It is 12.5 per cent and it is half from the employer and half from the employee. If you read my first comments, some employers would rather keep it at the hours and avoid paying an employee's contributions. I am glad that I am following Deputy Doublet on the importance of children because if it is young mums who are working these hours, never paying a bit of contribution, what are they going to do when they are having their baby? They are entitled to nothing. They are entitled to not one penny contributory benefit leave and then they are also not entitled, when they go back to work, to sick pay, et cetera. They have no record. Deputy Ward said yesterday: "This will be bringing in youngsters who only really want to do a Saturday job." Well, as it has been explained, if they are only working a few hours on a Saturday, it will not affect them, they probably are being paid the minimum wage on a Saturday. But a lot of employers - and it is great for the youngsters - will want them to do more hours in a holiday period, whatever, if it is a shop, if it is a café, et cetera, know the youngsters myself, it gave them a grounding, it gave them good experience to start work, they pay social security because obviously they are then over the hours. On the revenue, it is not a revenue-raising exercise at all. There are some employers who find it so confusing they inadvertently pay their contributions for under 8 hours, so some people, if it is on money, and it is clear it is on money, they will not pay. But if the people that just go over ... I am sorry we did not have more up-to-date figures but it is, again, we do not know what we do not know. Because if people are doing a couple of hours a week, they might be working for different employers, it could be in any ... the one I think of straightaway is

probably domestic cleaning or it could be a range of things. Or office cleaning, and that is men or women, it is one of those. I have definitely been surprised the amount of people that want employers not to make the contributions to give the person a record; I find it absolutely amazing. This has not come out of the blue. My very, very first meeting with officers, and that is when Deputy Southern was my Assistant Minister, we were asked: "What are your priorities for the next 4 years?" Myself, Deputy Southern and Deputy Maçon sat down and we were doing that and they told us, we were still in Cyril at the time: "There are a few little things that need changing over the coming years, one is the 8-hour rule, it does not work particularly well. Some employees do not understand it. Some people are earning a lot of money but sticking to the 8-hour rule and absolutely pay nothing." From my memory, Deputy Southern said: "I think that is eminently sensible" but obviously he may not remember and he may have not seen everything that has come. All the time this has been coming, I am saying it is a straight swap. As far as we can get it, it is a straight swap. Hopefully people are being paid more - that is why they are working those hours - than the minimum wage. Now the order. I did say yesterday in the reference back, I can set the order at the living wage and it still keeps people out of the record. Yes, it is money in your pocket today but you might need it tomorrow, exactly you might need it, and it is not when you are a pensionable age, it is when you are having a baby. If you do not have a record - and I am repeating it - but women will be adversely affected but not in a good way. Really I am trying to turn this on its head. As I say, I hope people will support the principles because we have been informed Scrutiny is going to call it in. We can have a proper, frank look at this, if they think we can amend it, and look at the for and against of where we set the order, et cetera, explore the amendment that they were going to bring, et cetera. I did want to address the Constable of St. Mary. He said people are working 8 hours and they are not on the books and the employers do not have them insured. Well, again, if anyone knows of these employers, they are breaking the law. We have got officers who can go and sort that out. It should not be happening. We have had lots of other different examples; Deputy Tadier about there should be an earnings, income support, you should let people earn, et cetera. Again, it does not affect this debate because if you are on income support and you are earning then you do get a disregard for the monies you earn. Yes, I know it is not great, it was a few pence, we got it up to 26, and I have put income support up for the next 2 years so I know, even if Government is a bit late forming itself, the people on income support will get a rise. But after that the new Minister really needs to look at some of the things Deputy Tadier said and the disregards. But this, I had it explained to me, we went to C.O.M. (Council of Ministers) and there were hardly any questions. I thank Deputy Young. That is why I said I will send Deputy Young some more information. Then I thought: "Well why not?" We have got it here, I could have sent a lot of it yesterday, especially with the I.T., and when we were starting I said: "Send the extra information as early as you can and people can read it." This is what Social Security is for, it is to pay in to get out when you need it. It is not tax that goes in the big pots, it is social security. I do not want people employed by employers who would rather not do the paperwork, would possibly rather not pay their 6.5 per cent towards their employee's pot, getting away with anything. I probably have not covered all the questions but I absolutely think we have missed the point here and people without contributions do not get any help in hard times. Thank you. I maintain the principles.

The Bailiff:

Very well, and you call for the appel presumably in the circumstances?

Deputy J.A. Martin:

Yes, please.

Deputy G.P. Southern:

May I speak, Sir? The Minister made no attempt to answer any of my questions, the 2 vital ones being, does this really support ...

The Bailiff:

I am sorry, Deputy, you have asked your questions. If the Minister has not answered them at all, well that is a matter that Members will take into account when they come to vote. But I am afraid the Minister’s speech is now over and the appel has been called for.

Deputy G.P. Southern:

Point noted.

The Bailiff:

Very well, I will ask the Greffier to place a vote into the link. I open the voting and I ask Members to cast their votes. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. In the link, there are 18 votes pour, 14 votes contre and no abstentions. I note another 2 votes in the chat and one vote in the Assembly pour, taking pour to 21. I note 14 in the link, 5 and one in the Assembly, 5 in the chat. That is 21 votes contre now that I note Deputy Higgins. I will just reassess that but, if that is correct, then the principles are defeated. Deputy Higgins, when did you cast your vote?

Senator L.J. Farnham:

The time says 15:41, if that is helpful, on the chat.

The Bailiff:

No, I am asking the Deputy whether he cast his vote before I had closed the voting and it has simply taken too long to appear on the chat or afterwards. I have asked that of Members before and they have obviously been prepared to answer. Deputy Higgins, could I ask please when you cast your vote?

Deputy M.R. Higgins of St. Helier:

Sorry, I was having trouble getting reconnected again. I thought I did it before you closed the vote but I cannot be certain. I was fiddling with the computer trying to get a response.

The Bailiff:

Had you attempted to cast your vote before I closed the voting?

Deputy M.R. Higgins:

Yes, I believe I did.

The Bailiff:

Then I will accept your vote. The Connétable of St. Martin has voted twice; she voted contre on the chat and contre in the link. So that, with Deputy Higgins’s vote, would take it down to 21 pour and 20 contre, is that correct, Greffier? The principles are adopted.

POUR: 21		CONTRE: 20		ABSTAIN: 0
Senator L.J. Farnham		Senator S.C Ferguson		
Senator J.A.N. Le Fondré		Senator T.A. Vallois		
Senator K.L. Moore		Senator S.W. Pallett		
Connétable of St. Helier		Senator S.Y. Mézec		
Connétable of St. Clement		Connétable of St. Peter		
Connétable of St. Saviour		Connétable of St. Ouen		
Connétable of St. Brelade		Connétable of St. Martin		
Connétable of Grouville		Connétable of St. John		
Connétable of Trinity		Deputy G.P. Southern (H)		

Connétable of St. Mary		Deputy M. Tadier (B)		
Deputy J.A. Martin (H)		Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		Deputy of St. Martin		
Deputy S.J. Pinel (C)		Deputy L.M.C. Doublet (S)		
Deputy S.M. Wickenden (H)		Deputy of St. Mary		
Deputy G.J. Truscott (B)		Deputy of St. John		
Deputy J.H. Young (B)		Deputy M.R. Le Hegarat (H)		
Deputy L.B.E. Ash (C)		Deputy R.J. Ward (H)		
Deputy K.F. Morel (L)		Deputy C.S. Alves (H)		
Deputy G.C.U. Guida (L)		Deputy K.G. Pamplin (S)		
Deputy of St. Peter		Deputy I. Gardiner (H)		
Deputy S.M. Ahier (H)				

The Bailiff:

Deputy Le Hegarat, is your panel calling this in?

Deputy M.R. Le Hegarat of St. Helier (Chair, Health and Social Security Scrutiny Panel):

Yes, due to the level of concern which has been shown over the last 2 days, and obviously the fact that the reference back yesterday fell evenly. What I would like to say is that the panel did put in a comments paper; however, some of the detail to which some of the Members have requested, be assured that the panel had asked for that level of detail but we were unable to achieve it. But due to the level we feel that it is implicit on us to call this in so that we can do further work on it. At this stage obviously we will hopefully try and get it back within 3 weeks for the next sitting but we cannot promise that.

The Bailiff:

So the Assembly does have to decide when it is to be relisted again now that it has been called in. Do you wish to bring it back at the next sitting or the sitting after, Deputy Le Hegarat?

[15:45]

Deputy M.R. Le Hegarat:

We will say not next sitting but the sitting after because that will give us 6 weeks. If we are in a position to bring it back earlier then we will do so but let us say 6 weeks, please.

The Bailiff:

That sounds not unreasonable to me. Do any Members have any observations on the return date for the matter for the resumption in Second Reading? Very well, it is noted that it is returned in 2 meetings' time; in 6 weeks.

2. Draft Legislation (Commencement of Law) (Jersey) Act 202- (P.82/2021)

The Bailiff:

The next item is the Draft Legislation (Commencement of Law) (Jersey) Act, P.82, lodged by the Privileges and Procedures Committee, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Legislation (Commencement of Law) (Jersey) Act 202-. The States make this Act under Article 26 of the Legislation (Jersey) Law 2021.

2.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

When I spoke in the Chamber in May to propose the adoption of the Draft Legislation (Jersey) Law I spoke of its importance to democracy. Now, just 2 weeks before Democracy Week, I am inviting the Assembly to pass the Act that will bring that law into force. The principle of democracy supported by the new law is that every citizen should be able to know the law of the land so that they do not unwittingly fall foul of it, they know how to benefit from it and they are protected by it. The law is primarily about access to the law, a fundamental right of the citizen that underpins the integrity of all other legislation that we pass, a right that echoes the demands of the Corn Riots enshrined in the Code of 1771 which we are celebrating later this month. Symbolically, the Legislation Law which was lodged to coincide with the 250th anniversary of the 1771 Code is intended to come into force on the actual anniversary of the Corn Riots which is the day after the bank holiday. One complaint of the rioters was that the Royal Court and the Lieutenant Bailiff were enacting laws without publishing them so people could not know how to avoid breaking the law. The 1771 Code for the first time gathered all legislation that was then enforced into a single document and established this Assembly as the law-making body for the Island instead of the Royal Court. The new law takes the requirement to publish legislation to a new level. Not only must all legislation be published as soon as practicable after it is made but changes to existing laws must be incorporated and published as soon as practicable so everyone has access to current versions of old Jersey legislation. When the Legislation Law comes into force, the current version of each piece of legislation, which has been available as an unofficial version for over 2 years now, will become official. This change will enable the public and lawyers alike to use our legislation knowing that the version on the website reflects the current state of the law and can be used in court. This is a huge step forward in maintaining Jersey at the forefront internationally in offering up-to-date access to our legislation. I am told that the new powers and duties surrounding the publication of legislation in Jersey has received favourable comments in other jurisdictions and the new law represents the gold standard in this important but usually unsung area of public administration. The need to commence the law by Act was deliberate. Before it could come into force, a lot of work had to be undertaken by the editorial team of the Legislative Drafting Office to convert unofficial legislation into versions labelled as official as well as other changes to ensure it is correctly displayed on the website. The forthcoming bank holiday gives 3 clear days of low traffic on the website to make these changes, and my thanks go to those dedicated staff and those responsible for maintaining jerseylaw.je. This, however, is not the end of work being done to continue to improve access to the law. The Legislative Drafting Office on the 250th anniversary of the 1771 Code launched their Beyond 250 initiative, which is a pledge to continue to serve the public and legal profession alike in making Jersey legislation increasingly easy to find and navigate. In commemoration of the demands of the Corn Rioters to know their law, reflecting also the need of current users of legislation, I invite Members to agree that the Legislation Law will come into force on 28th September 2021. I commend this Act to the Assembly.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then I close the debate and ask the Greffier to place a vote into the link. I open the voting and I ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Act has been adopted.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				

Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

That concludes Public Business for the meeting and I invite the chair of P.P.C. to propose the Arrangement of Public Business for Future Meetings.

3. Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

There have been no changes to the arrangement of public business from what was listed on the Consolidated Order Paper. There are a number of items listed for the next sitting, including an Our Hospital proposition, so this meeting could go on to Thursday. I also believe that the Minister for Social Security would like to propose that the lodging period is shortened for one of her propositions, so I will hand over to her. With that, I propose the Arrangement of Public Business for Future Meetings.

The Bailiff:

Deputy Martin, are you asking the Assembly to make a decision now or merely giving notice of the fact you will be asking the Assembly to make a decision at some point?

3.1 Deputy J.A. Martin:

If I can ask the Assembly to make the decision now. It is the lodging of the COVID regulations, so I can then place an order about the minimum wage. It was slightly late being lodged because I was waiting for the figures to come out in the hands of the Assembly but as soon as we can debate this, then that is when I can lay the order. Then if anybody does not like the order, the amount in the order, that is when they can bring amendments.

The Bailiff:

So you are asking the Assembly would they be prepared to take P.85 at the next meeting?

Deputy J.A. Martin:

Yes, please.

The Bailiff:

Very well, is that seconded? **[Seconded]**

3.1.1 Deputy J.H. Young:

Apologies again to the Minister. I must have gone to sleep on something. Could I just ask, why is it that we need to use the COVID law in order to be able to set a minimum wage under that existing legislation? Sorry, I must have missed the point.

The Bailiff:

Very well, that is a question then. Deputy Ward, do you wish to speak?

3.1.2 Deputy R.J. Ward:

I think we should ask this more often. If we are going to shorten the lodging period, if there were amendments to that, then they would be accepted as well, would they? Or would they have to be brought to the Assembly to be accepted to shorten the lodging period because this would not even be a choice. There could be quite a lot of last-minute amendments because there is a lot going on at the moment and it is time to get things done.

The Bailiff:

Deputy, any Member who wished to bring an amendment would also need the agreement of the Assembly to foreshorten the lodging period if it is not brought within time.

Deputy R.J. Ward:

That is what I thought. Thank you.

3.1.3 Senator K.L. Moore:

Just very briefly, it is very difficult to hear, unfortunately, in the Assembly, but I did not hear a compelling case from the Minister as to why she wishes to bring this piece of legislation forward. Therefore, I would ask her to reiterate those points so that we can better understand because I do think that this is a tactic we have seen a little too often. It is a busy meeting, the next sitting, with a very important topic being the hospital. Therefore, we should keep the rest of the items to a very minimum.

3.1.4 Deputy K.F. Morel:

I would reiterate that. I did not hear really any case for bringing this forward, so I would really like to hear a more in-depth reason as to why we should bring this forward. I would also ask the Minister to explain to the Assembly what consultation has been undertaken with, particularly, employers' groups with regard to the legislation that she wishes to bring forward. Because my concern, as I raised earlier, is the lack of consultation, the lack of data that seems to be regular in terms of legislation coming out of the Social Security Department. So, yes, if she could explain exactly what consultation has taken place and with who that would be useful.

3.1.5 Deputy M. Tadier:

I think I am going to reiterate the reiteration of the Assistant Minister for Economic Development, Tourism, Sport and Culture and the head of Scrutiny. What we are seeing of late is, I think, a taking for granted of the Assembly, if that is good grammar, in a sense that Standing Orders still say that only if it is in the public interest to do so that shortening lodging periods should be granted and agreed. The Minister did not give us any explanation as to why the lodging period needs to be shortened and what the compelling case is. I make no comment on the merits of this but it is just indicative of what is becoming the norm now, is that Ministers expect routinely for lodging periods to be reduced to the point where they do not even bother telling us why, just knowing that this Assembly will slavishly rubberstamp and acquiesce to that request. Well, they might just about have the numbers to pass whatever they want in terms of flawed legislation in this Assembly but I think process still matters and that, for the public record, we should know. Of course, it is fine for the Minister to tell us in her summing up what those compelling reasons are but then we will not have any chance to respond or weigh up those comments. Perhaps one of her Assistant Ministers could tell us why this should be done and then anyone who is left to speak, who has not used up their speech by chastising the Minister, could then determine for the rest of us whether or not those reasons constitute a sufficiently weighty reason for reducing this lodging period.

3.1.6 Deputy I. Gardiner of St. Helier:

I would like to follow the comments and question from Deputy Young. As this proposition came and justified that the Minister has emergency legislation we can bring it forward, if the emergency legislation for the Minister will not be extended by the Assembly, for example - and it is always a chance - would we be able to debate this proposition? Would it be still valid? To be able to debate the proposition, the Minister needs to have these emergency powers.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and ask the Minister to respond.

[16:00]

3.1.7 Deputy J.A. Martin:

Sorry if I did not explain perhaps the urgency. I am asking to use the COVID regulations to allow me for a one-off time to then lay an order what the minimum wage will be. I would rather do it in October because, whatever the minimum wage is, the order, if people do not like it, will then need to be rescinded and the proposal is the minimum wage comes in on 1st January. There has been a lot of consultation. It was done through the department. I twice wrote to States Members urging them to take part in the consultation, Chamber, the unions, everybody has been consulted on this with my officers and not the Employment Forum. We did not have time to go out to the Employment Forum and it is a one-off. As I say, I am not setting the minimum wage. The proposition asks me to use the COVID powers for a one-off to then lay the order. When the order is laid, and that is why I think it should be laid earlier, then if anybody wants to rescind it with a different amount, it gives the employers out there, who are going out at the end of October time to get next year's employees, a lot more notice of what the minimum wage will be. It will not be April; the proposition says 1st January.

So that is why it is very timed - for me, not so much - for all the employers on the Island who need to advertise for maybe people not on-Island, but even on-Island, that was what it will be. The quicker we can get this and lay the order, that is why I was hoping we could do it in October. If the Assembly would rather wait until November and then amend the order after the debate, I think that is 2nd or 3rd November, once the order is laid, we would probably debate the new minimum wage then, if it was rescinded, around December time. I think that would be the only debate. That is why I think it is urgent and in the public interest.

The Bailiff:

I ask the Greffier to place a link into the chat. I open the voting and I ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted. Therefore, P.85 will be debated on the next occasion.

POUR: 32		CONTRE: 7		ABSTAIN: 0
Senator J.A.N. Le Fondré		Senator S.C Ferguson		
Senator T.A. Vallois		Senator K.L. Moore		
Senator S.Y. Mézec		Senator S.W. Pallett		
Connétable of Grouville		Connétable of St. Saviour		
Connétable of Trinity		Connétable of St. Brelade		
Connétable of St. Peter		Deputy of St. Martin		
Connétable of St. Mary		Deputy S.M. Ahier (H)		
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The chair of P.P.C. has proposed public business. I note that Deputy Pamplin has asked to speak on the arrangement of future public business. What do you need to tell us, Deputy?

3.2 Deputy K.G. Pamplin of St. Saviour:

Thank you for allowing me to speak. It is just to ask the chair of P.P.C. ahead of the next sitting if she can reach out to Members on whether it would be better, considering what she said earlier, that we either meet on a Monday afternoon to get question time out of the way and I just ask her that at this stage.

The Bailiff:

Very well, the proposition therefore is to take as listed in the Order Paper the future business. Does any other Member wish to speak on the issue of the arrangement of future public business? If not, then I will assume that it is passed on a standing vote. Very well, the arrangement for future public business is adopted and the Assembly now stands adjourned until 5th October.

ADJOURNMENT

[16:04]