

2.12 Senator S.C. Ferguson of the Chief Minister regarding the draft Migration legislation:

Will the Chief Minister explain why the draft Migration legislation has taken so long to come to the Assembly?

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

I appreciate the concern over the time this has taken, however this is important and complex new legislation, which will affect nearly everyone in Jersey. As well as modernising 3 complex laws it will introduce a population register, registration cards and basic data sharing. Briefings for all Members will be held soon to explain this. It is therefore a big piece of work that has to be right for Jersey. As part of this, significant levels of consultation have taken place and great care applied. As I say, this is complex legislation and is important to get it right.

2.12.1 Senator S.C. Ferguson:

Given that we have an extremely busy schedule already with the Corporate Services Scrutiny Panel, will the Chief Minister give me an assurance that he will allow sufficient time for a considered Scrutiny Report before debating the law, and will not push for an early debate therefore not giving us sufficient time to do a proper report?

Senator T.A. Le Sueur:

I am anxious that Scrutiny should be able to have a considered view of this important legislation, and that is why I have ensured that they are fully engaged and kept up to the timetable in respect of this legislation. At the moment, the legislation is not in a state where it is fit to be viewed by the Corporate Services Scrutiny Panel and the sooner that work can be started the better. I do recognise the heavy timetable of work that panel does have to contend with, but I have made the timetable quite clear from my point of view for some months now.

2.12.2 Senator S.C. Ferguson:

With respect, the panel has been waiting and waiting and waiting. We have had promises of the legislation on several occasions and it appears now that we could well be in a position where the Chief Minister is going to push for this to go through, when we haven't had sufficient time to look at the law, which, as he says, is a complicated piece of legislation with quite a few implications.

The Deputy Bailiff:

Is there a question?

Senator S.C. Ferguson:

Does he not recognise that?

Senator T.A. Le Sueur:

I do recognise that and that is why last year the offer was made to the Scrutiny Sub-Panel to review a working draft of the law recognising that it had not yet been signed-off by the Law Officers' Department. The panel chose to wait until the law had been signed-off by the Law Officers' Department before commencing their review, but that is their choice and not mine.

2.12.3 Senator S.C. Ferguson:

They have, I understand ...

The Deputy Bailiff:

Senator, this would be your fourth question. You might at least have the decency to look at the Chair.

Senator S.C. Ferguson:

I am sorry, Sir. I am thinking very hard and looking at you just diverts my attention. Now I cannot remember what I was going to ask. **[Laughter]** We understand that considerable alterations have been made to the law following the review by the Attorney General and there have also, I understand, been additional changes and recommendations following its presentation to the Council of Ministers. It would have therefore been rather foolish to base a whole Scrutiny Report on something which has since been changed; would the Minister not agree?

Senator T.A. Le Sueur:

I think the important thing in any scrutiny of legislation, be it this or other one, is for the Scrutiny Panel to work in conjunction with the people preparing and drafting the law. The recent suggested changes and improvements made by the Council of Ministers are of a very minor and detailed nature and would not affect the overall thrust of the law, the shape of which has been known for some months now. Clearly the Senator is correct in that there are changes that have been brought in following a review by the Law Officers' Department, as is normal with any legislation but it would not affect the primary basis and principle of that legislation which, as I say, could, and I think perhaps would, have been better scrutinised at an earlier start. But that is entirely a matter I accept for the Scrutiny Panel themselves to decide.

2.12.4 Deputy G.P. Southern:

Can the Chief Minister assure Members that since this particular piece of legislation will give people access to particular public services, that all of those services will be defined in the legislation that it is bringing forward and that the legislation will not be subject to mission creep which would slowly accrete additional issues to the existence of this unique identifier?

Senator T.A. Le Sueur:

I am very well aware of the danger of mission creep. I will endeavour to ensure that all definitions required in the law are provided for. I believe they have been but only time will tell and Scrutiny and debate in this House will prove that right or wrong.

2.12.5 Senator A. Breckon:

In his original answer the Chief Minister said consultation had taken place; could he say who that consultation has taken place with?

Senator T.A. Le Sueur:

Not specifically but a variety of people. Mainly those concerned with the legislation and the application of this law, including members of the legal profession and members of the housing authorities, but I cannot be specific about actual names.

2.12.6 Deputy P.V.F. Le Claire:

Does the Chief Minister not recognise that in maintaining this stance of bringing the law forward for debate at the end of May, when we are in 1st March, is sending out a terrible signal about the value of Scrutiny and its opportunity to discuss with the public and consult with the public, about important laws that will affect us all? The

confidential documents that we have been circulated are still in draft form. They are still waiting final sign-off on human rights grounds. Until we have a final document we cannot go out for consultation with the public because it is confidential. Will the Chief Minister not recognise that 2 months is hardly fair and equal arms of opportunity given that they have taken several years to bring this to date?

Senator T.A. Le Sueur:

I agree that this has taken several years, and that maybe it has clouded some people's memories because there has been public consultation going back to the year 2007, and it is as a result of that public consultation and the feedback from that consultation that the original legislation has been changed, improved, redrafted and now received the sign-off as far as human rights are concerned. All those things have been done over the 5-year timescale this has taken to come to the House. I am anxious that having taken all that time we do not delay still further, and that is why I am hoping that we can debate this before the summer recess.

2.12.7 Senator S.C. Ferguson:

Given that the summer recess is not until July then there is obviously some perhaps wiggle room in order to delay the debate so that we could get our Scrutiny Report finished effectively.

The Deputy Bailiff:

I think the question is, will you agree to defer the debate until the ...

Senator S.C. Ferguson:

Will the Chief Minister admit that there is a certain amount of scope for delaying the debate if we do not get our report finished as quickly as he would like?

Senator T.A. Le Sueur:

There is certainly limited scope. I suspect the legislation could take some time to debate, simply because of its complex nature, and I am anxious we do not have a sudden collection of important pieces of legislation all coming to the States in July and causing us, particularly the chairman of the Privileges and Procedures Committee, untold confusion in trying to set an orderly timetable. I therefore would like to see this at an earlier stage to ensure it has proper merit and time and due consideration given to this important legislation. But I take on board the Senator's concerns. It is important to get it right and I hope that we can make sure that both of these aims can be satisfied.