

## **5. The Minister for Housing - statement rescinding his Ministerial decision on the Single Qualified Property Classification**

### **5.1 Senator T.J. Le Main (The Minister for Housing):**

I just want to make it quite clear that in my response to the Assembly concerning rescinding my decision I said I was unwilling to give that assurance in the States at that point as I firstly needed to consult and discuss the controversial subject matter with my Assistant Minister, the Chief Minister, Senator Ozouf and officers. As you are aware the new migration policy is so important for the new States and to promote more equity in living and working Jersey. I totally respect and understand the concerns raised yesterday and the Assembly is supreme over any one person or Minister or department. I certainly will make a decision to the concerns raised by Members. But please allow me to discuss this subject matter with other Ministers, because as Minister for Housing I am only applying the Housing Laws. The Migration Policy is in the realm of the Chief Minister. I hope this may allay any concerns Members may have, as I intend to co-operate and work towards having an equitable society; and I fully intend to work in co-operation with all Members to bring this new migration policy to a satisfactory conclusion. Once I have just discussed this subject matter I will come back to Members with a decision that satisfies everyone and moves us all forward. But in the meantime I have suspended my decision.

### **Deputy P.V.F. Le Claire:**

May I ask that you not start the clock yet and preface this with the question I was not allowed to ask yesterday of Her Majesty ...?

### **The Bailiff:**

I think I have got to start the clock, Deputy, but ...

### **5.1.1 Deputy P.V.F. Le Claire:**

It is guidance from Her Majesty's Attorney General. As I said yesterday, at the time you ruled that it was not before this debate because we were not going to withdraw permission that has been given. But I made the point that during the Work Permit debate, the advice I received was that retrospective decisions upon people that had already established themselves may be contrary to the Human Rights Law, and I wonder what affect now, having suspended this decision, it will have or possibly have? It may possibly have affect upon peoples who may have made decisions over the last period of a couple of weeks or whatever, and may have purchased houses or flats or whatever; and I wondered if there are people that have made decision in that respect, what the position is?

### **The Bailiff:**

Again, I think, Deputy, if I may, the Minister has announced that he is suspending his decision. It is really for him to take advice from the Attorney General. That is his decision. You now have 10 minutes in which to ask him questions. If the Attorney General subsequently advises him that this was a bad thing to do because it might affect somebody's rights, well, I am sure the Attorney General will advise the Minister.

### **Deputy P.V.F. Le Claire:**

My question then, Sir, with respect, is will the Minister seek that advice and share with Members as soon as possible?

### **Senator T.J. Le Main:**

I will do.

### **Deputy P.V.F. Le Claire:**

I do not want to appear naïve, but can I ask what the Minister means when he says he has suspended his decision? What does he mean?

**Senator T.J. Le Main:**

I made the decision this morning on the advice of officers that I could suspend my decision.

**Deputy G.P. Southern:**

He will not act on it.

**The Bailiff:**

I think the Members are seeking a little clarification as to what that means. **[Laughter]**

**Deputy G.P. Southern:**

Does he know?

**Senator T.J. Le Main:**

I do not think there is any Member in this House who does not know what I am talking about, for sure; but the decision was that I made a Ministerial decision and I am suspending that Ministerial decision.

**The Bailiff:**

If I can just seek clarification perhaps from the Chair, does that mean therefore that we are back to (a) to (h) and (a) to (j) being separate categories for the moment?

**Senator T.J. Le Main:**

Yes, Sir, at the moment.

**5.1.2 Deputy D.J. De Sousa:**

Now that this has been suspended, will the Minister come back to the House before implementing if he decides to re-enact? Will he come back to the House before he does so?

**Senator T.J. Le Main:**

In view of the feelings of the Assembly yesterday, and I respect that very much, I have full intention of having the full support of this Assembly in any future reclassification of property; and I intend to come back. Obviously, I need to have further discussions, legally and otherwise to advise me that the issue is as highlighted in the Report and Proposition of Senator Shenton. I fully intend to come back to the Assembly.

**5.1.3 Deputy G.P. Southern:**

I can think of lots of things that should be suspended. But, will the Minister take the opportunity of apologising to the House for misleading the House yesterday in his statement when he said that P.25 of 2005 contained a clear instruction for him to pursue a single qualified property class when it manifestly did not in the proposition; and even in the section 5.1 where it talked about stream-lining the process, there was no mention of a single qualified property class. Will he withdraw his statement that he was under a clear instruction from P.25 to do so?

**Senator T.J. Le Main:**

No, I will not do that. The issue is that it is quite clear that the advice given to me was it was within my legal framework as Minister for Housing to do what had been happening over a number of years, and I have nothing to apologise for. If the Assembly ... quite obviously some Members are unhappy with my decision, then I accept that. But I am very willing to accept and I am very willing to come back and seek the full approval or otherwise of this Assembly. But there is nothing to apologise for, and in fact I expected Deputy Southern to ask that question.

**5.1.4 Deputy G.P. Southern:**

A supplementary if I may. It is not a question of being legally responsible or legally empowered to do the action that he did, but the Minister made the statement yesterday that he was under

clear instruction from P.25 to do so, when it is manifestly clear that he was not, and that is misleading the House.

**Senator T.J. Le Main:**

No, I was not misleading the House and I disagree with that, and I stick to what I said yesterday.

**5.1.5 Senator B.E. Shenton:**

Will the Minister give an assurance to the House that the decision will remain suspended until my proposition seeking the rescindment of the decision has been debated by the Assembly?

**Senator T.J. Le Main:**

Yes, I give a categorical assurance that I am going to work with Senator Shenton and other Members and if necessary ... it may not be necessary for Senator Shenton to bring his proposition to the House. It may very well be that I will come back with something for debate on the issue. So the issue is I am prepared to work and I am prepared to suspend any decision until it comes back to the Assembly.

**5.1.6 The Deputy of St. John:**

I did not think you would get to me. Could the Minister tell us if the decision was made when he was off-Island in Tenerife, and if so how did he transmit it to his officers?

**Senator T.J. Le Main:**

I just take that with a pinch of salt. At least there was more sun there than in St. John.

**5.1.7 Senator S.C. Ferguson:**

I am a little confused on this. Can the Senator tell us who advised him that it was within his powers to do this?

**Senator T.J. Le Main:**

My Assistant Minister and myself have been working on this policy with officers and other departments for approximately 3 years, and the advice was given that as it was within the powers and within the realms of the proposition of P.25 of 2005, the Minister go away and simplify the classification prior to going back with the Migration Policy. In fact not one States Member, as I said yesterday, ever came back and made a comment or otherwise on the Migration Policy Part 2.

**Senator S.C. Ferguson:**

No, he has not answered the question. He has obfuscated it somewhat. I said: "Who gave him the advice?" I asked specifically.

**The Bailiff:**

To the extent that you are seeking advice in individual civil servants that has long held not to be appropriate, it is the Minister's decision.

**Senator S.C. Ferguson:**

Yes, I appreciate that. I just wondered whether it was the Housing Department, the Population Office or where?

**Senator T.J. Le Main:**

The Senator should really well know that every Minister has advice from officers and from other departments before coming to any decision, and the Population Office, obviously, gives my Assistant Minister and me advice which we have to follow or we do not have to follow. In this case I followed advice.

**5.1.8 Deputy M.R. Higgins:**

I thought my original question has been answered. Can I just follow through on this actual advice, because the Senator has just told us that he had legal advice on P.25. It was not just officer advice; he said before that “legal advice”. Can he just confirm he had legal advice?

**Senator T.J. Le Main:**

I did not say legal advice. I said I may have to get legal advice.

**Deputy M.R. Higgins:**

Thank you. That is much clearer.

**5.1.9 Deputy M. Tadier:**

In the statement the Minister refers to having a more equitable society. So will the Minister undertake to regularise the inherent discrimination that is present in the non-qualified sector when he brings the proposition back to the House?

**Senator T.J. Le Main:**

That question is ... [Laughter] I cannot see that the subject matter brought up by the Deputy has any bearing on what I said in my statement this afternoon.

**The Bailiff:**

Your answer then is: “No.”

**Senator T.J. Le Main:**

No.

**5.1.10 Deputy M. Tadier:**

Obviously the Senator has made a statement, and in that statement he talks about equality, so I think it is a valid question. But a supplementary in that case: does the Minister acknowledge that non-locals who work in industries which might not be nursing but in shops, are also essential workers, and will he extend the (j) category to those individuals?

**Senator T.J. Le Main:**

Absolutely not.

**5.1.11 The Connétable of St. Mary:**

Perhaps a little lighter, but yesterday the Minister’s statement perplexed me. Today I am merely intrigued. Will the Minister undertake to share with his fellow Ministers how to come back with a decision that satisfies everyone?

**Senator T.J. Le Main:**

Well, I do work with my Ministers, and in fact my decision went to the Council of Ministers when I was in Tenerife sunning myself on 14th January, and I work and am a team-player within my team of the Council of Ministers.

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

In retrospect, does the Minister think if he has been working on this for 3 years, it was wise to release the decision when he was out of the Island?

**5.1.13 Deputy J.A. Martin of St. Helier:**

Would the Minister undertake as in P.25 which did say not to bring this back to the House unless it is the full migration policy, i.e., the licence in the working and everything else - not piecemeal, which is I think the main concern of the House yesterday? If people understood the full

Migration Policy, that is what we are seeking: a full debate on the full migration, and it will be through the Chief Minister, not Housing. Does he agree?

**Senator T.J. Le Main:**

I do not disagree with that, but I am surprised that the Deputy and others who are now very critical of what we are trying to do, have not responded to the migration consultation document. Now, where were all the Members who are now popping-up off their chairs when we are seeking help and advice and assistance from Members? Not one States Member has put a submission in writing to the Population Office. We are out on our own. It is very well criticising the work we are trying to do. We need assistance from Members and it is time that they got involved a bit more.

**The Bailiff:**

Very well. That concludes questions to the Minister.