

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 1st MAY 2014

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[9:30]

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

**PUBLIC BUSINESS -resumption**

**1. Interim Population Policy: 2014 – 2015 (P.10/2014) - amendment (P.10/2014 Amd.) - resumption**

**The Bailiff:**

May I begin by proffering Members an apology? I understand that when we adjourned last night, I misspoke and referred to 9.15 a.m. instead of 9.30 a.m. and some loyal Members were duly here at 9.15 a.m., although others completely ignored what I said and came at 9.30 a.m. **[Laughter]** So I apologise for those who came here unnecessarily early and I trust they found time to have a cup of coffee. Very well, we now reconvene on the debate on the amendment lodged by Deputy Southern. Does any other Member wish to speak? Yes, Deputy Baudains.

**1.1 Deputy G.C.L. Baudains of St. Clement:**

I would like to combine the comments that I was going to make also basically to cover the other amendment and the main proposition itself, because my position at the moment is that I am not happy about the main proposition, but I may just support it, provided the amendments are successful. If they are not, I am pretty certain I will not. I am disappointed with the main proposition, because I am not convinced that the new mechanism for controlling who is coming into the Island is any better than the previous Regulation of Undertaking, so I have little confidence that anybody is going to be able to hold the numbers suggested anyway, never mind the one suggested by Deputy Southern. We have people coming into the Island, and as Deputy Power has alluded to previously, they drift into the grey economy and they come to light when they come to the attention of the authorities. I am not quite sure how we deal for that, but my concern is why do the numbers have to keep increasing? Does industry really need more and more workers each year, because when I look around businesses, some of them are virtually empty? They have certainly got a lot less staff than they had before, so why is it we do need more all the time? The idea we need more people coming in year on year to pay for an ageing population does not stack up for 2 reasons either: first of all, they are not benefiting the economy. I recall some years ago Senator Ozouf was telling us that we needed to bring in people, and they would be higher earners to assist the economy, but then we subsequently found out that virtually all the people that had come were low wage earners, probably paying no tax at all. At the time, I remember I did a rough calculation of the cost of running the Island by the number of people in work and I figured out that anybody coming to the Island would need to create a tax liability either for themselves or the employer of £3,000 a year or we were going backwards. Of course, that is exactly what happened. There is no doubt that we need new skilled people coming into Jersey, but in my view, it should be on a revolving door basis, one in, one out, which is essentially net zero immigration, which brings me to my second point, the idea we can address an ageing population by having more workers coming in is basically philosophically bankrupt. When those extra workers reach retirement, we will need yet more, and so it goes on. It is basically a Ponzi scheme, and the trouble with those schemes, the longer you put off dealing with the problem, which has to be faced one day, the more difficult and painful it will be. There will come a day, maybe a decade away, maybe a lot longer, when we or our successors will have to deal with this problem. Basically, it will mean the Island infrastructure can take no more, never mind the erosion of quality of life, and immigration will then have to stop permanently. Unless provision is made now, it means it is going to be a disaster. The economy will collapse. That is not an if, it is a when, so what I am saying is we should really start now and we should stop kicking the can down the road, because as I said, the longer you put off the inevitable, the worse it will be. Of course, it is also an environmental issue, and Members will

know, as an engineer I work on facts, not theories, and I am not signed up to any global warming scam. However, there is no doubt that resources are finite, they will not last for ever and so we must conserve as much as possible, but what is the point of cutting energy consumption by, say, 20 per cent if then you are going to have a 25 per cent increase in population? You are going backwards. How many more green fields are we going to concrete over before we grasp the nettle and realise this Island is practically full up already? I am tired of short-term measures that politicians take, because it would be politically unpopular, perhaps, or difficult to tackle the problem head on. It is not leadership or Statesman-like behaviour. It is a weakness, for which the public ultimately pay the price. I am no longer prepared to accept this inaction, and I shall be supporting Deputy Southern. As I said when I started out, if these amendments are successful, I may just support the main proposition. If they are not, I certainly will not be.

### **1.1.1 Deputy J.M. Maçon of St. Saviour:**

As we all know, the population debate is one of the most important debates which is happening on the Island. It is certainly something which people will talk to you when you are on the doorstep. Turning to this particular amendment - and a lot has been said - I just want to say that again when you talk about the population debate, it is very much about the facilities that we have here and being able to look after the people that are already here and having provision to look after the people that are coming into the Island. Now, we know in the Whitehead Report of some years ago, it suggested that if we do not do anything and carry on as we are, 40 per cent of people on the Island will never be able to afford their own home. Looking at the last document looking at housing affordability from the Statistics Unit, that suggests for young people, 33 per cent will never be able to afford their own home. I know the Assembly has always seen it more as a supply problem, that we do not have enough buildings, enough homes for people in order to meet that, but I have always seen it as also on the other side of the equation is there is a demand issue. Again, if we keep ramping up the population, accepting that there is a time lag before people qualify to buy housing, but within all of that, again, if we keep adding people into this equation, that problem is never going to solve itself. What is going to happen, as we see with the amendments that the Minister for Planning is bringing, it just brings more pressure on to greenfield sites and agricultural land. Again, we are really looking at a rounded policy which is going to meet the needs of the Island and protect one of the main things within the Strategic Plan, which is protecting Jersey's beauty, Jersey's agricultural land and all those types of things. Of course, it links heavily into the population debate. Therefore, I think perhaps the policies that we have been following, although we were informed yesterday by the Solicitor General that they no longer apply, certainly are causing issues with the residents on the Island. Again, in my own particular district, a big issue is traffic, being a gateway Parish to St. Helier. It is something which the residents more and more comment about and I would imagine the other St. Saviour Deputies will be aware of that, possibly I would imagine the representatives from St. Lawrence as well.

[9:45]

But I think, as came out in the Scrutiny report, certainly what it illustrated is regardless of the targets which this Assembly sets beforehand, they have been grossly overshot every single time. A problem with that has always been - and I know some Members will jump up and disagree with me - but certainly there is a perception out there that part of the problem for that has been the giving out of confetti of the unqualified licences, and that has really added to the whole issue. So is the new mechanism that we have put in place going to change anything? Not really, because all we have done is relabelled it. The fundamental problem of giving out the licences and the mechanism, although it has been given a different name, is still there. I know the members of H.A.W.A.G. (Housing and Work Advisory Group) will say: "Yes, but we put them under much more scrutiny now and we have managed to remove some" but again, it is still there, nothing has really changed.

I wonder, looking at this amendment by Deputy Southern, perhaps if we do set the lower limit, which we know is going to be overshoot, maybe we will get the 325, which is what we want, rather than setting at 325 and knowing that it is going to be overshoot. I do think that, regrettably, this population policy is not as robust as it needs to be. I do not think it is going to assist the other problems that we have within the Island, but certainly I know from going around to my district, on the doorsteps, the constituents that I meet, the ordinary members of the public, there is a feeling that perhaps we are not able to keep up with and be able to look after and have the proper infrastructure to keep up with the population size that we currently have. Again, in my own district, we are having to have extensions on to Plat Douet School, because all of a sudden we found a significant number of children which have just arrived in the Island that the Education Department was not aware of. Again, I just wonder whether the notional target, which we know we cannot be guaranteed to stick to, which is recommended by the Council of Ministers, is too much, and I certainly think that my constituents would feel that it is too much, and certainly the rate at which it is going is too high. Therefore I will be supporting Deputy Southern's amendment, but I will still consider independently the final vote when we get there.

### **1.1.2 Senator A.J.H. Maclean:**

I was expecting a few people to perhaps speak on this important issue. I understand the sensitivities around population, as I am sure all Members do. Listening to constituents, it is clear within the Island there is a great concern about the population and immigration numbers, and it has been a long-running issue over many, many years. What I can say, which Members will appreciate - and members of the public, for that matter - is that this is not an issue that is unique to Jersey; it is one that many other countries also face. It is perhaps more relevant to an Island community such as ours, due to the constraints on land and resources, and that focuses the sensitivities to a far greater extent. It is an extremely difficult matter to reach the right balance, and I think that was a term that the Constable of St. John used yesterday, and I thoroughly agree with him. It is about trying to reach a balance, balancing up the various issues that we have to deal with in terms of managing our population in a sustainable way in the future. I was interested, incidentally, in the speech the Constable of St. John made. He commented on the fact that he was acting effectively as an ambassador in Jersey, trying to sell the Island to somebody he was speaking to at a recent visit, 12 months or so ago, and the message that he got back at that stage was that Jersey is closed. This is something when we are seeking to sell the Island, when we are seeking to drive inward investment - and we should not underestimate the importance of inward investment to the Island's economy - bringing high-value business, which is the target, into Jersey creates job opportunities for local people. It also drives economic growth, which is clearly important for the Island so that we can raise the revenues to pay for the high quality of services that we enjoy here. That is, of course, one of the biggest problems we have in terms of getting that balance right. But the message that the Constable of St. John received is one that we get on a fairly regular basis when talking to gatekeepers in London, people who introduce business to institutions within Jersey or professional services, quite often they direct that business elsewhere on the impression that it is difficult to do business here, that there are constraints in ensuring they get the right staffing, the cost of operations here and so on. It is an uphill battle that we are continually fighting, and a decision taken back in the early 1990s to effectively close the door to immigration in Jersey was a matter, long after that policy was removed, that had an impact on the ability to attract quality business here and create job opportunities. It is a situation that I am absolutely confident will have a similar devastating effect on the economy in the Island if we allow such messages. It is much to do with perception. Deputy Maçon mentioned a moment ago, and I know Deputy Martin also yesterday was suggesting, we have had a target for recent years and we have not managed to hit that target. We have been almost double, 500 or so, 575 instead of 325, over the recent years. Both Deputy Maçon and Deputy Martin - and I am sure it is a seductive view - is that we could perhaps aim to a lower target, a

Deputy Southern amendment that we are debating now, and therefore overshooting that much lower figure would leave us in a much better place. But what I can say, and I think is important to emphasise, is that business needs confidence, business needs continuity, and to set targets that low, it is, without any shadow of doubt, going to have a significant impact on the ability for businesses to operate effectively in the Island and for our chance and ability to attract inward investment that is so important, as I have just laid out, not only for the reasons of creating local employment, but also something this Assembly agreed when we agreed the economic growth and diversification strategy, and that was the diversification element of that strategy. Inward investment is how you drive diversification. You see with inward investment the types of businesses that we are bringing to Jersey in high-tech digital sectors, some of the other ones, scientific research, specialist insurance companies, high-value businesses that are coming to Jersey but need to have the right expertise and create jobs locally within the Island. I do understand how Members will find this difficult, and going to Deputy Southern's queries, he focused a lot about the finance industry. The finance industry account, as Members will probably be more than aware, to a significant proportion of the employment in the Island, 22 per cent of all employees are in finance; there are just over 12,400 in finance. But the point here is that the finance industry has by far and away the largest percentage of local employees. There is a very small minority of employees, high value generally in finance, because that is the way that business has gone. They have driven out the back office work, a lot of that has gone to other places, and what we have done is sought to ensure that there is a focus with finance on the high-end, high-value employees. That is exactly the business model that Jersey is seeking to deploy in other sectors. Improving productivity, again mentioned many times by me and others, is key to ensuring that other sectors which were described and have been described as the lower value, it does not mean they are less important at all. They add significantly in terms of the social fabric of the Island, having a vibrant tourism and hospitality sector, agricultural sector and others. These are largely the small businesses, the small and medium-size enterprises that the Island relies upon. It is the heart blood of any economy, and Jersey is certainly no different. It is these businesses that struggle more than any others to get employees. It is a matter that a great deal of investment has gone into. I see the Minister for Education, Sport and Culture is not here. He talked yesterday about skills and the skills strategy and the importance of having the right skills deployed at an early age to make sure our young people seek to get not just into the high-value industries we are developing, like the digital sector, the finance industry, but also ensure that they are properly skilled for more traditional industries. But it is not just about skills, it is about culture as well. It is a whole package of measures that are required, which will take time. We cannot flick a switch and hope to solve the problem - or problems, because it is not one single problem - around immigration and population. It has to be a strategy which is a long-term strategy and the purposes of the interim policy that is put in place, which is a target that has been pointed out, is there to bridge the gap in order to allow the longer-term vision to be properly developed. We have this challenge with H.A.W.A.G., the Housing and Works Group, at which I sit, together with Deputy Green and Senator Routier; Senator Routier chairs it. We see businesses, we see them on a regular basis appealing against applications that they have made with regard to their licences and the difficulties they have in trying to find the right staff with the right skills with the right attitude for their particular sectors. They are largely small businesses, small and medium-sized businesses, but to have the impression that we are being light, and applying a light touch to this situation is not the case at all. I know that Senator Routier yesterday touched on the numbers of refusals. He mentioned a figure, and indeed, I believe it needed clarification, that in 2013, that was a 9-month period up to the end of March 2014, where 831 licence applications were refused. The question was asked: "How many were approved?" In that same period, 214 were approved. That gives Members an indication that we are moving far more in line with the current target now under the new law than was the case previously. I will repeat those figures, for clarity, and it is a 9-month period up to the end of March 2014, there were 831 refusals and there were 214 approvals, so that

does give some indication as to how we have been dealing with the applications that have come. I can assure Members, dealing with businesses, specifically small businesses who are wishing to get staff for their enterprise when there is perhaps only 2 or 3 in the business, they do not have time, they do not have the resource to be going through the processes that we are demanding of them. We are not making it easy for business by applying the law in the way we are. We are being tough and we have to get the balance right about not being too tough that we starve these businesses out and we see them go out of business and the individuals running them end up in Social Security and become a cost on the States, and that is difficult. I would also like to add, and it is not just I who stand here and make these comments about the difficulty of the balance of this. There are Members in this Assembly who appreciate how difficult it is for H.A.W.A.G. when we are considering how we manage difficult applications that come forward. In fact, I was interested in the comments yesterday. The Deputy of St. Ouen I know has supported an application; he was talking about the challenges of immigration and population. He sat before our committee supporting an applicant who wanted to come and wanted a non-locally qualified person in a small business. He understands how difficult it is making these decisions when you are facing the individuals, when you are dealing with real live businesses that after all we want and we need to succeed to employ more people, to become more successful, to pay greater taxes. There is a difficult balance there. Deputy Southern, the proposer of this particular amendment, he himself has come before our panel with a non-locally qualified person in a small business supporting their case. Deputy Southern understands that this is difficult and I know there are other Members as well that appreciate the challenge we face, but I cannot underestimate the issue around perception and how important the message that we send out today, not just in relation to this amendment, but in relation to the overall debate on population and immigration. The message we need to send out, the message we need to act upon, is that we are taking the matter seriously, that we wish to put in place a long-term plan to deal on a long-term basis with the challenges around population and immigration. There needs to be a degree of honesty with the matter as to what can be achieved, what indeed our resources within the Island can cope with on a medium to longer-term basis, but there has to be a degree of realism.

[10:00]

If we send out the negative message - and I would suggest accepting the proposition of Deputy Southern's, however seductive it may seem at face value, to reduce the number to 200 - that message and impact on our economy at a very fragile time in the economic cycle will cause immeasurable damage. We must resist that. The balance that the Council of Ministers has sought with the target that has been put in place - and I emphasise the word "target" - and I hope the figures that I have given to Members indicate that the new Housing and Work (Jersey) Law and the way it is being applied is beginning to deliver some benefits. We are seeing the numbers drop. There have been a high level of refusals, but we are also seeking to be realistic and get the balance right. I would ask Members to have some further trust in the system that is in place at the moment. It is new, it still needs time to further evolve, there is still much more work to do, but we must continue to give confidence to our business community if we want to see our economy recover and return to growth, and more importantly, to get our unemployment levels down and create more job opportunities of a higher value for the local community. I hope Members will reject this proposition, and bear in mind one final point: that we are living in, at this moment, an incredibly competitive world. We are seeing, from an inward investment perspective - I mentioned already that we seek through inward investment to drive high-value business to Jersey - we are fighting against other jurisdictions around the world that are putting together compelling incentive packages. There was recently an advertisement in Toronto Airport which simply said: "Inward investment" and the quote was: "Where are you going to take your next big idea?" and underneath it listed what Toronto were offering to aspiring entrepreneurs, inward investors. They were offering discounted grade A office space - that is a whole different debate, of course, we have about

a finance centre - they are offering relocation costs, they were offering reducing staff costs, they are offering tax breaks, they are offering a whole raft of inducements to bring the businesses in. Effectively, it is a loss leader for those jurisdictions, because they realise these types of high-value businesses, these entrepreneurs, these wealth creators, they drive significant long-term benefit. So the short-term view is they take a hit, it is an incentive, they realise there is an upfront cost to it, but they do appreciate the long-term benefits that inward investment drives. Part of the package of course is lighter levels of regulation that need to be applied, a light-touch government approach. That is what we are fighting against here in Jersey. We do not want large numbers of people coming to this Island. What we do want is high value across a spectrum of businesses, and that is where the investment focus has been, and I might add, it is beginning to bear fruit, but we cannot afford a negative message to go out around this amendment in particular. I urge Members to reject this well-meaning, misplaced amendment.

**Senator S.C. Ferguson:**

Can I ask for a point of clarification, Sir? The Minister said that something in the order of 200 and something licences were issued this year. How does the H.A.W.A.G. group, if that is what it is called, link that with the concept of 325 or 150 heads of household? I cannot quite see where the connection is.

**Senator A.J.H. Maclean:**

First of all, it was not a year. That was a 9-month period, to be clear, to the end of March 2014. There was not a link. I was simply responding to a question yesterday in light of Senator Routier, who said 831 licences have been refused. A question was raised by a Member - I cannot remember who it was, my apologies - "How many were approved?" and I was simply saying that in our statistics 214 were approved, based on 831 being refused, just to give Members some quantum of the numbers.

**Deputy G.C.L. Baudains:**

I did not want to stop the Minister when he was in full flow, but further clarification of the 214 licences that were approved, did that take any account of any licences that may have been revoked, expired or whatever? In other words, was it a net increase or was it otherwise?

**Senator A.J.H. Maclean:**

The 831 certainly took some capacity out, if that is what the Deputy was asking. I think that was his question.

**Deputy G.C.L. Baudains:**

I was wondering whether the 214 was a net increase or whether maybe it was offset by ...

**Senator A.J.H. Maclean:**

No, it is not a net increase.

**Senator B.I. Le Marquand:**

Could the défauts be raised on Senators Ozouf and Farnham?

**The Bailiff:**

Yes. Does the Assembly agree to raise the défauts on Senators Ozouf and Farnham? The défauts are raised. Deputy Duhamel.

**1.1.3 Deputy R.C. Duhamel of St. Saviour:**



Yesterday we had the interesting debating phenomenon whereby certain States Members decided to bring forward amendments to the original proposition, and then sought to vote against the main proposition. I think we are in a similar situation potentially today. Despite all of the good intentions of Deputy Southern in coming forward with a different number, albeit a lower number, which seductively suggests that perhaps in adopting 200 rather than the other number, then all will be light and good, I do not think that even if we do accept Deputy Southern's amendment that any difference will be realistically made by the Council of Ministers in solving the bigger problem. I have been one of the Members on the Council of Ministers who argued from early days when we set up the new Government that long-term planning was absolutely vital to the Island, and in some respects we have made a small measure of progress in at least putting that item on to the agenda. But what we have here today I feel is a recognition of a potential gaping wound in our lifestyle and economy and culture and all we are attempting to do is to widen that wound or come forward with small plasters in order to try and tell everybody that our health service is solving the problem. It is not, it will not do and I think there is an element of obfuscation, if you like, in the arguments that are being put forward. If we really do mean to live within our means, the notion of rampant growth has to be nailed once and for all. Now, I am not that naïve - or at least I hope States Members do not believe that I am in the comments that I going to make - that some element of growth is not necessary in order to regenerate societies and to improve them, and speaking as a mature economy, that is really where our future I think lies. We have heard previous arguments to the extent that diversification is what is called for. Diversification is not a new way of proposing rampant growth, I feel. It is a more selective and qualitative measure in order to encourage those sectors of employment which are not contributing to the overall economy in the way that we think should happen to be amended and changed so that people can be re-educated through the new skills strategy into new areas of working in order to contribute more to the Treasury to pay for the services that we all want. So really, it is living within our means that is the growth policy, not necessarily coming forward with another 200 jobs or another 325 jobs and then arguing, somewhat perfunctorily, that all of them - or as many of them as possible - have to be the high-value ones, and then completely ignoring the fact that high-value workers in the economy, albeit they may well be able to afford our expensive property, so a whole load of houses will come off the market, so you have growth in the housing sector, but what about our own? In order to achieve this balance that has been loosely spoken about, we have to consider what the implications of this policy are. Inevitably, it means that we have to be telling everybody, loudly and clearly - and I think they really know in those industries that are not necessarily the high contributors to the income tax take - that their days are numbered. If their days are not numbered, then the message that should be going out is that we cannot have our cake and eat it. I think it is an extremely difficult problem for any government or any society to try to solve. We have made an effort, as I mentioned earlier, to set out a mechanism whereby we can begin to solve it, but I feel that both the amendment to the main proposition and the main proposition, which I will speak about later, merely scratch the surface and inevitably will not do the very things that we want it to do. I think that poses a big problem, because this House still has powers to direct individual Ministers to act in a particular fashion, I think, and if it does not, I am sure why we are here discussing the issues if the outcome cannot be to send a strong direction to the Council of Ministers to act in a particular fashion. But that is what we did a number of years ago when we set our thoughts on population, when we said that we would accept 325 as the net migration figure, but based on the number of heads of household. When we mentioned the heads of household figures it was ostensibly based on the fact that we thought that the heads of household would be the working members, not necessarily all of the numbers, and there is a subtlety that is creeping into the argument, I feel, to indicate that the numbers that we are talking about might represent new potential households of the order of 325 and not the 150 or slightly smaller that has been spoken about. On a fairness principle, is it right that we should be discouraging people to come to our Island and to participate in whatever services we collectively

collect for? That is a separate issue, but we really need to get to grips with this idea of quality rather than quantity. As I say, when we looked at our policies previously, it was supposed to be on a 5-year rolling basis for averages. The idea of the policy at the time was that the policy will be reviewed every 3 years, or indeed more frequently than that. We have broken our average figures on a 5-year rolling basis every single year, so what should have happened was that if we had 1,100 people coming in in one year, obviously your 1,100 means that you have to have an equivalent number, or even larger, of people leaving the Island in following years in order to achieve your 5-year rolling average at the level that was suggested. It has been clear: whether it has been too difficult for us to do under the regulatory mechanisms that we employ, I do not know, but having decided collectively in this Chamber that we were going to follow a particular set of policies and not followed them, for whatever reason, I think is an indictment of the ineffectiveness of the Council of Ministers and our Government, in particular. I do not want to see that mistake carried on into the future and I think an interim policy now to bind the hands of a future House again has got certain things wrong with it. This is a big problem that everybody should be getting to grips with and I think I have always stated if we are going to deal with the problem and solve it, then let us solve it properly rather than just sticking kind of small plaster patches on and hoping for the best. I am in 2 minds whether it is worth supporting Deputy Southern, because as I mentioned earlier, his solution does not necessarily comprise a longer-term solution, and inevitably what we really need is the long-term Strategic Plan to nail the issues for a sensible long-term period of time, and that is the real issue that we should be discuss here today. Thank you.

**Senator A.J.H. Maclean:**

If I may, could I just correct something in the speech that I made? Not in the previous speech, I would not know where to start with that. I referred to H.A.W.A.G. and the members of H.A.W.A.G. when I spoke, and I particularly mentioned Deputy Green and Senator Routier, who chairs it. I omitted Deputy Pinel, who is a very valuable member of H.A.W.A.G. and she should be mentioned as well, because all of us have to deal with the challenges of businesses coming before us and she is an important member. Thank you.

**Deputy S. Power of St. Brelade:**

Can I raise the défaut on Deputy Baker?

**The Bailiff:**

Yes. Does the Assembly agree to raise the défaut on Deputy Baker? The défaut is raised. Deputy of St. Martin.

**1.1.4 Deputy S.G. Luce of St. Martin:**

I am not going to give a speech, because I am going to save that for the main debate, but I would just like to concur wholeheartedly with the last 5 minutes of the Minister for Planning and Environment's address to us.

[10:15]

I personally do not think that what we have before us today is a proper policy and I do not see Deputy Southern's amendment turning it into a proper policy. Both the proposition and the amendment give figures which we know we have no intention of keeping to. That to me is hypocrisy. [**Approbation**] That, to me is hypocrisy and I want no part of it.

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

First, I did not intend to speak, but we are running off into the main debate and I feel I have got to make a few statements before my own proposition is pre-empted. First of all, I think it must be torture for anybody to see the English language tortured on a body which presumes to call itself

H.A.W.A.G. and I just wish that it would stop. But back to the bigger issue, I am afraid Senator Maclean has made the - very elegantly, I might add - standard speech that has been made for years and years in this Assembly, and about which the public and myself, having had a slow moment of epiphany, have become utterly cynical and disillusioned. This will be the thrust if we do get to it, and quite frankly I hope Senator Routier, who is presumably guiding this debate now, will withdraw his proposition. **[Approbation]** The public have become utterly disillusioned and I find it very hard to believe that the main proposition is this policy which the Solicitor General said is needed to underpin the law. It is not a policy, it is a series of rather vague aspirational statements and I really think it has to be re-examined. As Deputy Luce of St. Martin quite rightly has said, they are not achievable. It is the deep disillusionment and cynicism, it is the fact that 10,000 people came in in the 2000s, when we were told: "No need for a Census. We have got it under control. There will be sampling along the way, no need for a Census" and all of a sudden, people were saying: "Things are running out of control." Deputy Duhamel is quite right, we see it on the panel, he sees it much more because he is at the apex of the system. We are rearranging the chairs on the Titanic. He is having to squeeze out more and more plots. Deputy Green is saying - he keeps nodding his head vigorously; well, maybe not for this, but for other reasons - "Give me 700 and it will all be okay." It will not. It will go on and on and on unless we are all squeezed into high-rises, which may be a solution, I do not know, but it will go on and on and on and his 700 will translate in a few years' time into another 700 and the Minister for Planning, against his very best judgment and that excellent speech he has made, will have to find yet another set of plots and he will have to fiddle around at the margins of the planning system to make black equal white, which is currently, quite bluntly, what he is having to do at the moment. I do implore Senator Routier to withdraw this proposition. Of course, it does not even meet the test of what is a policy, let alone a good policy. Thank you.

#### **1.1.6 Deputy M.R. Higgins of St. Helier:**

Again, I was not going to speak at this particular point, I was saving it for the main debate, but I happen to agree with the last 2 speakers - in fact, 3 speakers - in fact, I would even go further. I see this policy as nothing more than a confidence check, a confidence check on the population, because absolutely no one believes we are going to stick to these figures, not in this House and not outside. Ministers say this because there is an election coming forward, they have got to have a policy: "We have got to have something that we are going to say we are going to deliver" but the public do not believe it any more. All we have to do is simply look at some of the figures that we have bandied about already. We have had figures of 600 or even 900 for finance over the next few years. We are talking about the construction industry are going to require additional workers. Look at the figures: 1,730 unemployed in the statistics, 173 approximately, 10 per cent, are from the construction industry. Now, if we are going to build the Dandara complex, Ministers still are going to pursue the Esplanade Quarter, there is going to be all the housing we are going to have to do. Now, where are those construction workers going to come from? We do not them have in the Island, they are not unemployed - well, 173 are; they will be swallowed up pretty quickly - but where are the rest going to come from? The Minister for Education came up yesterday with a skills policy. I read it last night. As I was going through it, I thought: "Great. The only thing is it is far too late. We have not done what we should have done." There has not been the training of the construction workers and there has not been the construction of the digital workers, which is another 500 that we require. So we have got finance wanting 900 or whatever over the next 5 years, we have got the construction industry wanting people, we have got the digital industry and we do not even know where the economy is going in the future because we have a diversification policy, but nobody knows what the big winner is and we cannot pick them. They are going to evolve and then we are going to find we need people with new skills. Even with the figures that we are aware of at the moment, this policy is doomed to failure and it will not work and the people know it. Now, we say

that we do not want to close the Island to new business. No, we do not, and the point is I come down to the view if we want to encourage people to come in, then we are going to have to have work permits and we allow people to come in and develop new industries, but again, those that work, fine, we will expand. Those that do not, I am sorry, the work permit comes to an end and the person goes or the industry goes. We have got to be smarter in what we do. When I come on to the main debate, I am going to be addressing things that the Ministers have not even looked at, which are going to have important implications for not only our economy but for the world economy. There are big changes afoot at the moment which could make the population policy totally redundant and we may have different problems going on in the future. But what I will say is - I will just finish on this particular one - I would rather go for the lower figure of Deputy Southern's than this other figure. In fact, they are all imaginary anyway, because the Ministers will not keep to them, and I know darn well they know they are not going to keep to them. We had Ministers yesterday saying: "Oh, business require this, business require that." Well, fine, they do. What is going to happen is they are going to come to the Ministers and they are going to blow the policy. I would just like to reiterate what others have said too. We found the Island had 10,000 more people in the Island than Ministers were telling us beforehand, then we had the Census and the Census showed there were 10,000 in this Island more than they realised. That is because of the failure of the previous policy and, as I say for a final time, this policy is doomed to failure, it is a con trick which needs to be exposed. The Ministers should withdraw it and they should look at a decent policy and address the appropriate issues. Thank you.

#### **1.1.7 Deputy J.H. Young of St. Brelade:**

We have been presented with a choice of going with an amendment to what is an intuitive guess; the Council of Ministers' intuitive guess. Deputy Southern is saying: "Well, I think that guess should be lower and we should make it consistent with the policies that the States have had for a long, long time and the public expect this Island to deliver." I was not intending to speak, but what I have heard, I find it quite upsetting. We are told that if we go for this lower amendment, this lower more cautious figure, a lower guess, which we know we will not achieve anyway, because we do not know whether the tools that we have got to control population work, if we go for that, we are going to cause economic disaster. We are going to send a message to the world that is going to destroy our economy. While I listened to Senator Maclean, the Minister for Economic Affairs, I thought: "Right, I am going to look up some numbers here" so I looked up the statistics report on our G.V.A. (Gross Added Value). Here we are, 45 square miles. Our population rose from 94,000 in 2008 to 99,000 in 2012, according to that. We have a G.V.A. for 99,000 souls of £36,700 per year per capita for every resident. That compares pretty well with the City of London. London figures, highest in the U.K. (United Kingdom), £35,600 G.V.A. per person and of course it shows you there in the U.K. you have got a massive division, you have got areas of around about £10,000 per person in poorer parts of the U.K., in Wales and so on. Now, what is our problem? Our problem is, as Deputy Duhamel so excellently put in his speech, and I fully support everything he said, is first we are a mature economy and we need to diversify and change because it is correct that our income per capita is declining. It has declined significantly; it is hardly surprising, I suppose, in pure mathematics that if you increase the population and you do not commensurately increase the population with your income earnings that the amount of income we have got to share out each, it is going to be less. That is obvious. I think there is clearly a question of the structural problem of the economy, but is the solution to adopt an intuitive guess that we do not know whether the tools work? Because as we saw in the excellent Scrutiny report, we do not have a report, have we got the right tools, issues like work permits, all those questions that people ask every day? Does it work? Question: we have gone on a massive economic boost, we have convinced ourselves that we are going to pump money into States capital projects and we do need to. Traffic at gridlock, roads at absolute capacity we saw in town, no question. Sewers: £200 million. Okay, we have got £75

million, but in reality it is £200 million. Hospital: £400 million. Housing: is that the solution? Deputy Duhamel clearly told us, and we should remind ourselves, the link between population and our commitment to society, what we need to invest in it to sustain it is going to grow probably exponentially almost, so it is a crucial issue. I am asked to dismiss Deputy Southern because he has not got a point and go with an intuitive set of estimates. I really seriously struggle with that and I think Deputy Southern started off ... we are back to kind of where we were yesterday. Do we vote for an amendment knowing we are not happy with the main report? What a situation to be in. Frankly, I think again we are letting our public down, because I hope that when we do come to the main debate, if the Minister sustains it, that we do have a debate about the need to have a sustainable economy, the need to balance on the one hand our economic performance and our share of wealth, and on the other hand Jersey's special, precious environment. All of those debates over decades that have taken place with the public, which set the current policies, which we failed completely to meet, have all been based on the need to keep Jersey's environment special. Why? Because if we spoil it, we will destroy and remove the very special characteristics that attract people and businesses here in the first place, and so there are other words for that, sort of fouling your own nest and so on - no, maybe that is unparliamentary - but that is the risk, that is the issue and so I think nothing is more important, that we need to get that balance right and we have to accept that we need strategies to change the nature of our economy so we stop convincing ourselves that pumping in more and more and being dependent upon external immigration into the Island is the solution to our economic ills. I have massive problems with it. I do not know whether I am going to support the amendment, but I think I probably will, because it at least improves what is an already unsatisfactory position. It sticks with the current policy, because that is the question: if we are asked at the end of the day to accept a report, a number, which is, I think, called a planning assumption, I do not know what a planning assumption is. I think it means a number that we might ... it is an aim, it is a guess, it is not a target and I really struggle with an argument that says: "We cannot make decisions in H.A.W.A.G. group because we do not have the legal vires for it, because we do not have a policy." Is a planning assumption a policy? Do not think so. So I struggle, I am more persuaded that we have already got a policy, a policy founded on long public consultation, successive ... I do not know, Imagine Jersey and Jersey 2000, this argument has been going for decades and a huge amount of effort has been put, and the public, if they were here, would have that debate, preserving the Island environment against our need to earn our living. So I am not making an anti-economy ... I am arguing for a sustainable economy and trying to have a way forward and I am not persuaded that this interim situation is the right debate to have. I really want a proper debate on proper information and just wish we had had the situation where the recommendations of the Scrutiny Panel had been listened to. I think if the debate is maintained, I am going to vote for the amendment and we will see what happens later.

**Senator P.F.C. Ozouf:**

I think this is a point of order which I would be grateful for your guidance on, Sir. Deputy Young has just said that he believed that the policy under which the Work and Housing (Jersey) Law was already in existence was as a result of a number of other public consultations.

[10:30]

We heard yesterday from the Solicitor General about the specific narrow issue of whether or not the policy could be the Strategic Plan and he addressed the Assembly and he explained that it was unwise to have such a loose policy. Deputy Young has informed the Assembly that he believes that the policy is something else even further back from the Strategic Plan and the Assembly needs to be guided by what is required and what is not and what would be ... I hesitate to use the word "lawful" because if one was to accept what ...

**The Bailiff:**

Do you want the Solicitor General back?

**Senator P.F.C. Ozouf:**

I just seek your guidance, Sir. We cannot have a debate on the basis of something that is not sustainable upon challenge.

**The Bailiff:**

I do not think it is a matter for the Chair, but if any Members want to ask the Solicitor General to clarify it in the light of Deputy Young's speech, then we will ask the Solicitor General to come back. Greffier, perhaps you can ask the Solicitor General to come back. Does any other Member wish to speak? Deputy Power.

**1.1.8 Deputy S. Power:**

Briefly, another Member who really did not want to speak on this amendment, but there have been some very good contributions by the Deputy of St. Martin, Deputy Duhamel and Deputy Le Hérisier. I co-authored 2 reports on population and migration in 2012 and 2013 and Scrutiny does all this work, Scrutiny goes to a lot of trouble, gets the evidence, puts it together in a report and then it is absolutely ignored. It is like playing blind man's buff down here in the Assembly, because people do not listen, and then we have this Interim Population Report coming out which does not pay any attention to what has been said in the last 3 population and migration reports, if we include the interim report, which says there is nothing new to be considered. I am going to just briefly read to Members what we said at the beginning of 2013. Deputy Rondel, myself, the Deputy of St. Mary and the Constable of St. Saviour: "The sub-panel concluded that in order that the Control of Housing and Work (Jersey) Law and the provisions to manage the effect of population and migration, the new control mechanisms must be applied and enforced. We also believe that the enforcement of the law will not be possible and will only fail if the current proposals and manning resources are not significantly improved. A change of culture has got to happen at the Population Office and the proposal to have 1.5 full-time employees carrying out this role, possibly increasing to 2.5 in the future, will simply be utterly inadequate." The report said that we have got to have a change of culture at the Population Office, more enforcement officers will have to be recruited with a greater degree of compliance and a greater degree of high visibility. That includes standing at car ferry ramps to see who is coming in with a work van; likewise, officers will have to randomly enter construction and building sites, restaurant kitchens, retail shops, hotels and stores to establish bona fides. I do not see any evidence in the last year and a half that any of that is happening. There may be one or 2 inspections that have been carried out at the port, but nothing else has happened. I would ask the Assistant Chief Minister to confirm what he has done to contribute. There are other issues as well, and I will just read one more piece: "The whole issue of under-utilised, non-qualified licences is also part of the problem" and let me come to the vexed question of political responsibility: "Three Ministers and their departments continue to have a say in Jersey's migration policy, the Chief Minister, the Minister for Economic Development, the Minister for Housing as presently constituted. The Chief Minister will decide who will get a licence. It has been our consistent view over 4 years that one Minister must take 100 per cent control of population and migration policy and that any Minister has political responsibility for population and migration must not have any direct or indirect say in economic development or expansion as a serious tension and conflict exists. That has not changed. These unhealthy departmental overlaps exist and at such time need to be avoided." I am not going to say any more. I will keep to my main speech when we get to the main debate, but we have a fundamental political problem with population and migration control, we have fundamental conflicts and until such time as we deal with these conflicts, we are playing blind man's bluff.

**The Bailiff:**

The Solicitor General is back in the Chamber. Senator Ozouf, do you wish to pose your question to him?

**Senator P.F.C. Ozouf:**

I wish in no way to involve the Solicitor General in politics. A number of Members are remonstrating. This is a very serious issue which we have to be guided upon facts.

**The Bailiff:**

No speech, just to the question to ...

**Senator P.F.C. Ozouf:**

Thank you. So the question is: is it correct that Deputy Young can assert and that we could effectively say that a policy exists because of the outcome of previous public consultations which have apparently dealt with the issue of population, because Deputy Young asserted that we did not need this policy and that we had other policies in place and I do not, having discharged some of these functions under the previous law, believe that that is a tenable argument and Members cannot make a decision on this proposition on an incorrect basis that simply would not stand up on challenge. Am I correct?

**Deputy J.H. Young:**

I thought this point was arising under a point of clarification, and it is all very well to say I said something and the Minister for Treasury stands up and says he wants a legal opinion before I am allowed to clarify what I am being asked to clarify. I did not assert ... what I said, I found it difficult to believe what we were being told because we know the history of policies is long-standing. I referred to 2000 Beyond, I referred to Imagine Jersey, but of course I am aware there is still a plan for 2014 which is dated April 2009. I do not know whether I have been in dreamland, but I believed that this Island had a policy of controlling its population. I use the word "believe." I did not assert, and obviously it is useful, yes, I welcome the opportunity for clarification, but please, I do not want it to be on the record that I asserted something that was not true. I believed it, and that is the point I made. I hope that clears up the ...

**The Bailiff:**

Very well. If the Solicitor General can make a clear legal question out of that ...

**Mr. H. Sharp Q.C., H.M. Solicitor General:**

The position is this: there is a Strategic Plan, which is a very high-level document, and there is a section in it which says in terms: "Things to do" and one of the things to do is to introduce a population policy. When you introduce a new law, as has happened in this case, my view that I expressed yesterday was that it would be hugely beneficial, to say the very least, if a policy was introduced to reflect how that new law would be put into practice. The fact that there may be an old law that has been overtaken and an old policy to go with that old law does not assist in introducing a new law and a new policy to go with it.

**Deputy R.G. Le Hérissier:**

I wonder if I could ask, rather naughtily, the Solicitor General, if he were to see a policy, what characteristics would form part of that policy?

**The Solicitor General:**

No doubt it would be a very helpful document. **[Laughter]** One would expect to see a document that would enable an applicant for a licence to understand the relevant criteria that would be applied in a particular decision-making process, applying the law.

**Senator L.J. Farnham:**

Could I just ask that the proposition being presented by this, does it fit that bill? Does it fit that remit?

**The Bailiff:**

I think you are probably asking the Solicitor General strange political matters, but anyway.

**The Solicitor General:**

I think you do have to read on. Within the proposition, there are clearly a number of areas where it talks about the circumstances in which a licence may or may not be refused, so clearly the proposition at the front is not the entire policy. It looks like Members are being entitled to agree a figure, a numerical figure to aim for, but I see the word “assumption” is used, which obviously gives the policy or the Minister the ability to ... it is not a binding figure and the entire proposition, if one reads through it, gives different circumstances in which a licence may or may not be granted.

**Deputy M. Tadier of St. Brelade:**

May I ask a question? Would the Solicitor General also say that there is a reasonable expectation for a population policy to deal with the issue of population and therefore to give certainty not so much only to employers, who want to know who they can and cannot be expected to take on, but to the public as to what they can expect the population policy to be?

**The Solicitor General:**

No, I do not see it like that, because one needs to look at the policy in its context. The context is the Control of Housing and Work (Jersey) Law, so the purpose of the policy, as I have already explained, is that the Minister will be taking a number of decisions in respect of different applications from various individuals in the community and those individuals, whatever their particular circumstances, need to understand the process that the Minister will go through in considering their application and what criteria will be applied in determining the outcome of that process.

**The Bailiff:**

Very well. Does any other Member wish to speak on the amendment? For understandable reasons, Members have strayed a little bit into the main debate, but nevertheless this is a debate on the amendment. Yes, Chief Minister.

**1.1.9 Senator I.J. Gorst:**

I just wanted to pick up briefly ... sorry, Sir, could I raise the défaut on the Connétable of Trinity first, please?

**The Bailiff:**

Yes. Does the Assembly agree to raise the défaut on the Connétable of Trinity? The défaut is raised.

**Senator I.J. Gorst:**

Also Senator Bailhache, please.

**The Bailiff:**

Senator Bailhache. Does the Assembly agree to raise the défaut on Senator Bailhache? The défaut is raised.

**Senator I.J. Gorst:**



I just wanted to address a couple of points that Deputy Power raised and if I can address the first one, it is who leads the policy. The Deputy knows that in the past I have supported amendments to deal with population through the Social Security office. It was this Assembly that said it did not wish to have that one department dealing with population matters, and I think the Deputy himself has brought amendments to population policies and certainly the Control of Work and Housing (Jersey) Law, suggesting that the Housing Department and Minister should deal with these issues. Again, this Assembly said to both of those amendments, one of which I supported - of course, I was then the Minister for Social Security - but the Assembly did not support either. The Assembly said no, they accepted that there needed to be almost an independent chairman of the deciding body, and that is now the Assistant Chief Minister, Senator Routier, and yet at the same time there had to be the balance between the economic growth, so the important, important representation of business; there had to be the balance of housing, to make sure that was being considered, and of course there had to be the equally important balance of Social Security, and currently the Assistant Minister for Social Security does that, so that we are balancing the needs of all those 3 departments, as I believe the community and the public would ask us to do. While I accept what the Deputy is saying, it is this Assembly that has set up the process and the body and therefore it was not right for the Council of Ministers to come forward and change it, even though I accept what he is saying, that previous Scrutiny Panels had suggested that and I supported previous Scrutiny Panels on that proposal, but the Assembly decided against it. The other issue that he raised, which I know is of concern to Members of this Assembly and is of concern to the public, and that is the reviews that might be taking place at ports of entry and particularly something we refer to as the "white van man". I am not sure why we use the term "man" but we do. The Deputy challenged, during that population Scrutiny review, that we were not putting enough resource into that particular monitoring and ensuring that people were not arriving on our shores without the appropriate licences, having paid the appropriate fees.

[10:45]

It is one of those situations that because of the sometimes delicate nature of some of the white van individuals, we do not make great publicity of it, but that work is being undertaken and those vans are being turned back at the harbours, and the department is working with harbours officials and Customs and Immigration and they are being turned back, but it is a delicate issue. We do not publicise it, but we are acting upon what the Scrutiny Panel suggested we should do. Only yesterday, a Member of this Assembly showed the Assistant Minister a photograph of a van with a non-Jersey registration plate and that van was appropriate, they had paid the licence fee, they knew the individuals who were coming to do work, what they were coming to do, how long they were going to be here for and when they needed to depart. So that work is being undertaken, as Scrutiny suggested that we should do. I always knew, as I said at the start, when we brought forward this policy that there would be some that were uncomfortable with having a planning assumption number - and I will come on to that in the main debate, because I think that is a very important point - who do not want a number at all, just want a policy without the number, and they probably would be satisfied with what we have got before us if we did not have a planning assumption number in there, and there are others that, with the best will in the world, do not accept the arguments that we want inward investment, that we need to be open for business, that migration is a positive thing for our community, because it can bring jobs, it can bring economic benefit and it can bring benefit for all of our community, providing it is done in a balance and managed way. There are some that do not accept that argument, and I have to accept that. But I would just say to those Members with regard to this amendment that do not want a number, if they this morning accept this amendment, then that is not going any way whatsoever to meeting what their aims of a policy is. In actual fact, it is just going, I would suggest, completely against what they want to see and that is by reducing a number. Although I was unfortunately not able to be in the Assembly this morning, I

understand that there have been one or 2 speeches talking about the importance of continuing to send out the message that we are open for business, that we want inward investment and that economic growth can benefit all. I contend that by accepting this amendment, the reverse message will be relayed out to our community and out to the world beyond these shores. I would say that even those that do not want a number, that is not a message that they want to send this morning and I ask them to think carefully before they vote for this amendment. In actual fact, I ask that they do not support this amendment and then we will have a debate about the number in the policy when we move to the main proposition. Thank you.

**Deputy R.G. Le Hérissier:**

The Senator, the Chief Minister, has, I feel, maligned people who are holding views that they believe, for example, it is quite possible to have tighter controls like work permits found in many states of the Caribbean and the Crown Dependencies and welcome economic growth. Would he accept that view?

**The Bailiff:**

I do not think that is a point of clarification, that is a second speech.

**Senator I.J. Gorst:**

I wonder if it is a point of clarification, because it is this Assembly that agreed the Control of Work and Housing (Jersey) Law and the Ministers in the Council of Ministers are working to deliver a policy which will deliver the constraints within the Work and Housing (Jersey) Law. The Deputy knows that there is an ability within the Work and Housing (Jersey) Law to name individuals on licences granted to business. We are working to the law that this Assembly has agreed and therefore trying to suggest that we should not have this policy because we should have a different law, I am not sure that it is relevant to the debate we are having today.

**1.1.10 Senator L.J. Farnham:**

I have taken the opportunity, like Deputy Young, to reacquaint myself with some of the statistics from this useful booklet that we get, and while it is clear that Jersey has been victim to the worldwide recession, do not forget, we have weathered the storm exceptionally well, and before we blame decreases in G.V.A. per capita and so on and so forth on population, we must bear in mind there have been other extremely devastating worldwide economic circumstances that have contributed to that. But I just wanted to say while I fully agree that we need to move on to a proper policy, and I thought Deputy Vallois' speech yesterday was particularly useful, insofar as looking at a wider policy and not focusing or being held to numbers that are unrealistic, but what I want to say here to Members is that I feel that this amendment has been brought in the spirit, the genuine spirit, of trying to get a holding position, to draw a line and say: "Look, this is something we are going to work towards. We have got a line in the sand, if you like, now to work towards while we all struggle and debate what the next move is going to be." It seems that most Members have said the figures in the interim policy as proposed are unrealistic, which they might be, I do not know, none of us really know, but they are something to work to, so just a word of caution, if those figures are unrealistic, then I think Deputy Southern - and I respect Deputy Southern for all the work he does, his propositions are nearly always faultless in terms of research that has gone into them; I said nearly always, not completely - but I think it would be dangerous to support a lower number when most Members think the number in the interim policy is not right anyway and we could be making the problem even worse.

**The Bailiff:**

Does any other Member wish to speak? Then I call upon Deputy Southern to reply.

### **1.1.11 Deputy G.P. Southern of St. Helier:**

I am quite surprised at the depth and extent of the debate we have had, especially following on from yesterday's debacle. I want to start with a clear statement that this is a debate not about economic policy but about migration and population policy, because it seems to me that the Ministers - Minister after Minister, in fact - have been somewhat confused and have talked non-stop about economic growth and not about population policy. Despite the signals coming from the Minister for Economic Development, who does not feel he has said enough, I could not agree more with him that it is about balance. He used that word 4 times in his speech, and it is indeed about balance and I believe he has got the balance wrong. That is the fundamental issue. Before we go any further, can I just say that this is not a vote to close Jersey for business. This will not happen. What it is saying is: "Come to Jersey, open businesses, start up businesses, employ locals first. That is where we should be: employ, train up the 1,730 unemployed, train up, use the best part of 1,000 students now in Highlands, use the 640 school leavers every year that stay on the Island. By all means, start business, make your businesses, make them boom, but use local labour." Back in 2005, I had reservations about what has come forward and is finalised in the Control of Housing and Work (Jersey) Law and its use, and in particular the political will attached to its use to control migration and thereby population, and I said all those years ago, the panel believes: "Here is a clear risk that the drive for economic growth and the expansion of the financial service will be allowed to determine the development of all other strategic policies, including migration and housing." That was the reservation all those years ago. That reservation still exists and is still manifest today in the fact that Minister after Minister has concentrated on economic growth, economic growth, economic growth and seems to disregard migration and population. It is being driven by economy considerations primarily and I am saying that has to stop, that has to stop. As I was looking and I was listening to the Minister for Economic Development as he was talking, I happened to come across the population policy under which we are operating. There is a policy. It is there, it is dated April 2009, and I read the bit about productivity growth when he was talking about productivity, and I thought he was reading from the same list that he had got here, the same bullet points that he got here back in 2009, identical speech, same words, no change. Yet what happened after 2009, did the drive for economic growth overwhelm the need to control population? Well, the evidence is that it did, because the population policy was a proposed policy of plus 150 heads of household which is around 325 people. That was in place in 2009. It is the policy we are talking about now as interim; it is exactly the same policy, and yet what happened? Did we get 325 net? No. 2009 we got 500; 2010, 700; 2011, 600; 2012, another 500. So we completely blew the target because there was no political will to do what they said they were going to do and attempt to limit population growth to 325 inward migration, so completely failed. We are told, and some of the Members today said: "I do not want to vote for any of this. It is just not good enough. I am tempted to vote against it, against the lot. Throw it all out." Will that change the political will? Will that change the targets? Will it change what happens? No, it will not. When you go and knock on doors later in this year and say: "I had a chance to put a shot across the bows of the Chief Minister, of the Minister for Population" and say: "Do what you said you would do for the last 10 years and put a tighter target on them" and say: "Meet it" and if you do not meet it, tell us about it, but put a shot across there. Say: "We have had enough." The statement: "We have had enough" is not: "Vote the lot out." The statement: "We have had enough" is: "Here is the tighter target. Now do it." Do you have the political bottle, do you have the political will to do it? That is the reality and you have the opportunity today. Do not duck that opportunity, please. Referring back to some of the implications of 325; why 325? It might be good for the economy. It is certainly not good for the resource. The consequences in appendix B of the population policy, 325 people, it goes through the list: "Overall, Social Security spending would rise significantly due to increased numbers of pensioners" and I pointed out yesterday that nowhere in this population policy, interim though it is,

do we look at what the dependency ratio is. Senator Routier said he would identify it and find it and tell us where it is in this document. I have had another look and I cannot find it.

**Senator P.F. Routier:**

In response to that, Deputy Le Hérissier asked about the comparison between 325 and 200 and it was in the comments which are associated with your own proposition.

[11:00]

**Deputy G.P. Southern:**

Okay. It is in the comments attached to my proposition. It is not in the Interim Population Policy because why? I would suggest because increasing plus 325 does very little for the worsening of the dependency ratio. As I said yesterday, it ends up at around 74 per cent or 77 per cent in 2065, a minor difference. As Deputy Baudains usefully pointed out, the attempt to solve the demographic problems, the ageing of the population by importing more is a Ponzi scheme, it just means that eventually when it busts, it is even worse, you cannot keep up with that, so that excuse for 325 is not valid. It then goes on: "Infrastructure: increased energy demand could be accommodated until the early 2030s, when additional capacity, around £55 million, would be needed." So this is resource demand. Here we go, it is what I concentrated on in my document: "Housing: approximately 6,150 additional homes would be needed from the start of 2009." So housing especially. When you come to the promises not to build on greenfields in the countryside, please note again 325 leads to a demand, long-term, for an additional 6,000 houses. Where are they going to go? They will not all fit on the brownfield sites, they will not all fit, no matter how high we build in St. Helier, so beware. 325 sounds like the comfortable compromise figure. It is not. It has got a heavy, heavy resource demand over the long term. Yesterday I specifically addressed the Minister for Education and he came forward. I have found the document since. He said it has been sent to me and now I have read it relatively quickly last night, but his document *Skills for Success* does contain 41 pages of very useful aspirations, but it is very much a long-term document. There are no direct implications, no direct actions now taking place as a result of this which can deal with what is put forward in a 2-year Interim Population Policy. There are not any answers in this. But I opened it at page 18 and I found some very useful statements, again much too long term. The first one I would like to point out is: "Secure the additional resources necessary to meet demographic growth to 2019 in education" i.e. the more people we let in, the more migrants we have, the greater the demand on education, and it is simple: let us make sure we have the resources until 2019 to cover that. We have already seen, what was it, 14 new classrooms in primary schools as a result of the failure to apply the population policy properly for the last few years, an extra 1,000, an extra 500 people a year with their associated demand for schooling: "Work with key stakeholders to create a 21st century vision for education that provides every learner with the opportunities to develop the key skills for learning, personal development and employability." What a laudable aim, but a vision for the future; it does not do anything for somebody tomorrow or the next 2 years. While I am on that, I would just point out that: "Providing opportunities to develop the key skills for learning, personal development and employability" as we look at the migration picture that we see over the past decade, and I looked in the Jersey numbers 2013, and we have got the net migration figures for 2001 to 2011 by place of birth. Interesting to see what is happening for those people in our schools, born here and educated here. Over that decade, we saw 4,000 E.U. (European Union) and new entrants to E.U. enlargement arrive over that period, 3,500 from the British Isles, almost 2,000 from Portugal and Madeira, 1,400 from elsewhere. Net emigration, to balance that, of 4,000 plus Jersey-born residents. So in the to and fro of these migration figures, when we talk about 325, the inward is from Poland, British Isles, Portugal and other places; the exit overall is from Jersey-born people. Why is that? Are these Jersey-born people, educated in our system, well-educated, cannot find a job or cannot afford to live here, cannot afford the rent, cannot

afford the mortgage? I suspect it is. That is the net effect of the policy we have been applying or failing to apply - because this is about migration and population - over the past decade. Now is the time to say: "Apply that political will to this problem and do not ignore it any more." I return to the statement from Imagine Jersey 2015, which said: "The least acceptable solution to the problem of the ageing society was allowing more people to live and work in Jersey" the least acceptable, and yet that is what we have been doing. That is what we will continue to because it is here in the report attached to the policy and I say the policy, the current policy, is little different from those that have failed in immigration control in the past. The new high economic value policy is described on page 26 thus: "Where a business has high economic value, permissions for staff would usually follow." Permissions for imported staff would usually follow. High value, you can still stay open to migrant workers, and that is the key. It has been clearly said today, the key is we are only going to do that for the high-value businesses, because that means our coffers do not drain and that is the motivator. It cannot be the sole motivator. The balance between economic growth and population has to shift. What is proposed in this document is the wrong balance. The evidence is there. It has been for the past 10 years. Please do not continue with it and say: "It is okay, we forgive you really" pat on the head: "Go away and do some more of the same." We cannot allow that. We cannot allow that. I will just turn finally and briefly to the policy itself and the 6 bullet points that the Council of Ministers wants to ensure: "Maintain the level of the working age population in the Island; ensure the total population does not exceed 100,000." That will be broken next year, 2015 that will be broken. We will fail even in that one, the 100,000. That is the one that most people out there can identify with and if you asked would say: "That has got to be the limit. Not 116,000, not 130,000, 100,000. Make sure you do it." "Ensure populations do not increase continuously in the longer term." When you run the longer term through on plus 325, you end up with 111,000 people and rising. It does not peak, whereas plus around 100 does peak, it does not rise for ever. It still goes over 100,000, but not by as much and does peak. "Protect the countryside and greenfields." If we end up with the extra 6,150 houses that we need on plus 325, where are those greenfields going? Where are those promises? What is the value of those promises? There is not any value in it. "Maintain inward migration within a range between 150 to 200 heads of household per annum in the long term" and now, in the short term: "In the short term, allow maximum inward migration at a rolling 5-year average of no more than 150 heads of household." A rolling 5-year is far greater than that. It is around 750, far greater, it is gone. "An overall increase of around 325 per annum. This would be reviewed and reset every 3 years." Well, that policy came out in 2009. This is the review, and in the last 3 years, we are over double what we set out to do. Surely the time has come to say: "Tighten up that mark. Attempt to meet it. Have the political courage and the political will to do that." I believe it is the duty of this Assembly to tell Ministers that that is what they have to do, no more prevarication, no more softly, softly, catchee monkey, let us do it.

**The Deputy of St. Martin:**

A point of clarification, Sir. The Deputy claimed a number of times during his summing-up speech that the amendment would make the Council of Ministers reduce migration to around 100 households, but I would like him to clarify how that can be when he has failed to remove the words: "... to support a planning assumption for net migration" in his amendment.

**The Bailiff:**

I am not sure that is a point of clarification. That is ...

**Deputy P.J.D. Ryan of St. John:**

I do have one thing that I would like the Deputy to clarify, if you would not mind.

**The Bailiff:**

It is?

**The Deputy of St. John:**

I do not have the booklet about Jersey figures in front of me, but I would like to ask the Deputy, when he talks about outward migration of principally Jersey people, has he deducted from that the 450 university people from Jersey going to university?

**Deputy G.P. Southern:**

No. I believe that people studying at university are deemed to be still resident in the Island. They are ...

**The Deputy of St. John:**

Yes, but that is only the case until they finish university and, as often most university people do, about 450 a year go to university and the majority of those then get jobs in the U.K. and they would then, I believe, be counted as outward migrators. Of course, over 60 per cent of them do return to the Island by the age of 30.

**Deputy G.P. Southern:**

Eventually, yes, and indeed under any policy, whether it is 325 or 200 or whatever, one would be encouraging employers to make packages which are attractive to university graduates to say: "Come back here. There are jobs for you here, useful jobs. Come back to the Island."

**The Deputy of St. John:**

Yes. I was just needing to make that point.

**The Bailiff:**

Very well. That is probably that.

**Senator A.J.H. Maclean:**

Just one point of clarification for the Deputy. He said in his summing-up speech that the balance has to shift between economic growth and population. I just wondered if he could clarify what he meant by that. Is he meaning that he sees economic growth having to fall as a result or perhaps he could just explain his rationale?

**Deputy G.P. Southern:**

No, I am not saying that there is a balance to reduce one in order to do the other. What I am saying is Members should believe the Minister for Economic Development's assurances time and time and time when I have asked him that this new business employs local people and we should have more of local employment and not imported employment.

**The Bailiff:**

Very well, the appel has been called for then in relation to the amendment of Deputy Southern. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 12</b>		<b>CONTRE: 35</b>		<b>ABSTAIN: 1</b>
Senator A. Breckon		Senator P.F. Routier		Senator S.C. Ferguson
Connétable of St. Lawrence		Senator P.F.C. Ozouf		
Deputy R.C. Duhamel (S)		Senator A.J.H. Maclean		
Deputy J.A. Martin (H)		Senator B.I. Le Marquand		
Deputy G.P. Southern (H)		Senator F.du H. Le Gresley		
Deputy M. Tadier (B)		Senator I.J. Gorst		
Deputy M.R. Higgins (H)		Senator L.J. Farnham		

Deputy J.M. Maçon (S)		Senator P.M. Bailhache		
Deputy G.C.L. Baudains (C)		Connétable of St. Helier		
Deputy J.H. Young (B)		Connétable of Trinity		
Deputy N.B. Le Cornu (H)		Connétable of St. Clement		
Deputy S.Y. Mézec (H)		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. John		
		Connétable of St. Ouen		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of Grouville		
		Deputy R.G. Le Hérissier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy of St. John		
		Deputy J.P.G. Baker (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy R.J. Rondel (H)		

## **1.2 Interim Population Policy: 2014 - 2015 (P.10/2014) - second amendment (P.10/2014 Amd.(2))**

### **The Bailiff:**

Very well. Then we come next to the second amendment lodged by Deputy Le Hérissier. May we have quiet, please? The Greffier will read the amendment.

### **The Greffier of the States:**

Page 2, for the words as outlined in the accompanying report of the Council of Ministers dated 30th January 2014 substitute the words: “And in order to achieve the objective of limiting inward migration, to further request the Chief Minister: (a) to bring forward for approval appropriate amendments to legislation to provide that from 1st January 2015 the current 5-year period required to obtain entitled to work status is extended to 7 years; (b) to review the current procedures and legislation relating to the issue of registration cards to those with registered status with a view to restricting by 1st January 2015 the validity of the cards to one year and to provide that the grant of a registration card will restrict the holder to work only in a designated sector or sectors; (c) to review no later than by 1st January 2015 all licences to business where 50 per cent or more employees are permitted to have registered status with a view to restricting to a target agreed with each employer the number of registered employees able to be employed.”

### **1.2.1 Deputy R.G. Le Hérissier:**

I would like to start by saying it is quite possible to believe in immigration, to believe in the enormous contribution made by immigrants and it is also possible at the same time to believe that the whole thing has to be controlled in a fashion very different to what occurs at present. Some people will have difficulties with this. There is one view often found on the left of politics that we are these days citizens of the world, so basically let movement occur with no boundaries, et cetera, et cetera. That is an excellent sentiment to hold. The problem is it has various consequences, often unanticipated consequences, particularly in terms of creating low-wage ghettos, that is an obvious one, for example, and also in times of economic recession of really putting pressure on a society which obviously we are seeing at the moment. So I would like to make that clear. It has been a very interesting subject to study, very difficult to firm up, as several Members said yesterday, because of the statistical issue. I do not believe it will ever be resolved, because ultimately we do face the slings and arrows of international pressures, but it is naïve to think that the kind of argument that Senator Maclean put forward means you have got to have very diluted and weak controls and that has been the history in Jersey. I do not believe also that I have got the panacea. I cannot answer all the questions that were so excellently put by Deputy Vallois yesterday, partly because rather like Britain, of course we are stuck with 2 almost incompatible or certainly very in tension immigration systems. We are stuck obviously with the E.U. system of totally open immigration, although we apply our own housing and working rules, imperfectly though that be, and then we put these immense controls on people who do not come in through the E.U. system. We over-control one group and we under-control the other. It is very terrible: as I have gone round, people have said: "We really support you, rather like Nick Farage." Now, that is an unfortunate comparison which I was not seeking, but that particular point is quite a useful one, the notion that we are running 2, I think, ultimately incompatible systems. We continually get told unless the Minister for Foreign Affairs can really pull the rabbit out of the hat ... he did describe Protocol 3 yesterday as simply a mechanism for the regulation of the trade in goods. It is much more than that, of course, and I do not think we quite realised what it was at the time, but unless he can pull the rabbit out of the hat on that one, it is going to create and continues to create a lot of problems. The reason I raised this, it was never one of my major issues. Indeed, I was never that kind when Senator Le Claire used to bring up his regulated work permit propositions to the States every 2 years or so, and he never got anywhere, and he was always told: "Oh, we do need work permits. They only apply to situations when we are in economic difficulty." We are there now, but he was always brushed off, basically, and I think we have now got to revisit that. That was one of the great myths. We were always told, as I mentioned previously: "We have got the figures. We do not need a Census. We have got sampling techniques and so forth which keep us up-to-date." Well, we were clearly led up the garden path there, and the latest argument of course is the one that Deputy Baudains alluded to, how on earth are we going to deal with the ageing population? As he quite rightly said, ultimately you end up with a Ponzi scheme, because the figures are absolutely ... if we carry on with the policy that we have at the moment, we are going to end up with unbelievable figures. For example - I am desperately trying to find the memo - but the dependency ratio at the moment is 0.47, as I recall, and if we wish to keep this dependency ratio in place, we basically have to allow 3,000 to 4,000 net immigration a year if we wish to keep that particular ratio in place. That means, as I understand it - and I am desperately trying to find it, in fact, Deputy Le Claire used to do it when he was involved in these very similar debates - by 2035, if we were to allow 3,000 net immigrants a year, we would need a total population of 104,000. That would only bring the dependency ratio to ... it would keep it at 0.51. It is amazing, the minor differences to the dependency ratio require massive immigration. I found some British figures which were truly frightening in that regard. For example, the British ratio at the moment, if they wish to increase from 1.94 to 2.11, they would need 20 million immigrants to do so. It is quite phenomenal. So we are needing 184,000 if we go along with 3,000 net immigrants a year and retain the dependency ratio to deal with the ageing population. If it was 4,000, which would bring the dependency ratio to



0.48, in other words, just 0.1 above what it is now, it would be 212,000, our total anticipated population. I just give those figures to show it is ridiculous. We cannot keep going along that path and we are going to, as people have said, have to find different solutions and be, as Deputy Duhamel said, much more imaginative and realise we just cannot keep this Ponzi scheme going. We just cannot keep this Ponzi scheme going. That is the big issue. So that is another myth that is worth demolishing. I have mentioned the 2 policies, and the whole thrust, my very gentle one, because in a sense, having heard the debate on the Speaker's role and having heard some of the very good contributions around ... and I do thank Deputy Southern, even though he lost massively, he teased out some very good issues, as did the speakers, some very good issues. My point is that immigration is a dynamic thing in the sense that we are overlooking the impact, for example, of the 4-year transition period and that is really my whole thrust. When people come in to meet specific labour needs in the economy, as they have over generations, they come in to meet these needs and then at the 5-year point, they then transfer into the open labour market and that is when, in my view, the fun starts, because at the moment, based admittedly on limited evidence, largely around the 2011 census, we have 1,000 people transferring and anticipated to transfer every year into the open labour market, of whom 800 to 900 are workers. The rest of it, which is quite a conservative estimate, is children ... sorry, the 1,000 figure, as mentioned, these are the people eligible to work, in other words, they will be the new entitled people, but they reckon 800 to 900 on evidence so far, which admittedly is not proved over a time series, are in employment at the time of the move. Then you have to add the ratio of dependants, and the statistical office goes on a ratio of 2.1 to one worker. You can see where this is heading. My view is we are controlling the sort of people that Senator Maclean quite rightly said, as the Island desperately tries to move to low footprint, high value, as I think it is termed in the report, we are controlling those people immensely and a lot of the emotion which Deputy Green keeps going on and on about: "Oh, is it not terrible, we are sat there and we are having to make these choices blah blah blah." A lot of it is to do with these people and the fact that they can make quite massive contributions but because of our other immigration policy, to which the Council of Ministers is sensitive, and which creates enormous numerical issues, I think it means that these people have to have a disproportionate amount of control placed on them. I am not against them coming, none of us are. None of us are against what Senator Maclean is after, it is just doing it against the backdrop of a policy up to the 5-year point, which in my view does not work and creates enormous problems and it creates enormous problems for the Island, so that is what I am saying. Maybe I will come straight to the issues, because I know one of them, (b) in particular is particularly controversial. I am hoping, even before I finish this, that the Assistant Chief Minister will jump up and say: "We accept a move to 7 years. We will review and report back on work permits within this period of time blah blah blah" because he knows from the evidence he has heard in the earlier debates that the figures are unrealistic and quite frankly the issue of when is a policy not a policy, what does a policy look like has not been resolved. The Solicitor General has given some very helpful advice in that regard, but I think we are all struggling with that. It would be so nice if the Council of Ministers could realise the error of their ways and immediately offer to get to work on these controls. But let us look at (a), which is 7 years. Gentle: it is basically a matter of, in my view, slowing things up. It is making the transition from what you might call the registered labour market, people who come in for a specific need where local people at the moment will not do the work, despite the excellent work now starting with Social Security. It is saying to them ... and it may sound cruel, but it happens all over the world, it happens in a much more stronger way in countries like Qatar, where they have these massive big temporary labour forces that are under the most strict of regulations, they are locked away in hostels and so forth and so on. All we are saying is that the transition has to be made, quite bluntly, more difficult. We appreciate the excellent work you are doing in the labour market, we are trying to make sure, as Deputy Southern, said time and time again that we can get much more local input, we can change the culture. We know in some industries it will not be easy, particularly agriculture, but I do not

think there is much stomach for people moving there and we rely on immigrant labour to do the excellent work that they do. But that is why I am saying 7 years. I have been told: "Why did you not make it 10 years?" there is no doubt because it would coincide with the housing entitlement, but my personal view is that is a step too far. A lot of people who make the transition are immensely useful members of society, they do a lot of good work and it is not as if simply by coming in under 5 years you are therefore not able to contribute after 5 years, quite the opposite. It is just the way it occurs, the mass immigration up to the 5-year point and then all of a sudden, the over-control to other people at the 5-year point or below the 5-year point. The next one, (b), this is the interesting one and maybe I should have been bolder and gone for a straight work permit system. We used to hear constantly - and it is not mentioned in the detail I would have wanted - but in that *J.E.P. (Jersey Evening Post)* article, there is reference to other Crown Dependencies. This is where I find the collapse of Western civilisation speech, which it was Senator Maclean's duty to deliver today, I find so odd.

[11:30]

We have all these other offshore centres who compete with us in the Caribbean and the Crown Dependencies, Guernsey and Isle of Man, they run these systems. The world has not fallen in. Their attractiveness has not changed. If anything, it is improved. They run these systems of work permits and they vary it according to whether it is working or not, they are quite pragmatic, so this notion - and it has been a phobia of the ruling group in Jersey - that work permits will lead to the collapse of the finance industry, for example. That has been a phobia and they have kept away from it and, as I said, it was Deputy Le Claire who had to bear the aggravation in that regard. He kindly put himself up as the sort of Aunt Sally in those debates. Maybe I should have gone to the Guernsey model which is short, medium and long-term permits. That is how they operate their work permit system. Obviously, the deeper you get into the system the more concessions you get in terms of residence and so forth. The short-term ones, you are basically there for a job. You are there for a defined period and that is it. It is as simple as that. It strikes me it makes a lot of sense, but what I am saying is we have been told so many times, and the Chief Minister said it, that we have the ability to impose work permits. Why do they not? There is no doubt because labour permits, group permits, were given out like confetti that is why there is so much slack in the system. That is why those great figures announced by Senator Maclean were achieved because there is enormous slack in the system. Not only within the system as a whole because, quite bluntly, they were given out like confetti, but quite rightly, as was mentioned, to be fair, in the Chief Minister's report, there are unexplained and intriguing variations between employers, particularly within the hospitality industry, as to how these are given out. I have no problem with that being dealt with; I think that is good. My view is if you are recruited openly to work in a sector and apparently a need has been argued by that sector for employees, then that is where your work lies. I do not think there is anything wrong. Why all of a sudden are we saying people should be allowed to move around? What then happens is you have to bring more people in to deal with the vacancies. I understand, although obviously it is very hard to give evidence, that if people enter one of the sectors, and agriculture is the obvious one, they graduate from sector to sector where they find the work more amenable. Ultimately, I do not think it always works like this, but that means all the time you have to bring in more and more people to keep filling that sector. Eventually, as this process goes on, people then graduate into the open labour market at the 5-year point and then they are off our books, so to speak. That is why I wanted it. I find it unbelievable, given the staffing of the Population Office - I think it was 1.5 for control - all of a sudden we need now 4 new people according to the Council of Ministers' report to look at the one-year licence validity. I admit I should have probably been tighter. I should have offered varied work permits and maybe we should have been open, but I was trying to build on the views expressed by the Council that we have the ability to run work permits under our system, even though we will

wholeheartedly resist it as we have for the last 10 to 20 years. That is the truth. Well, let us see them. We now come to (c) where it has been said in the Council of Ministers' report I am not as tough as they are. This I think is a policy because they have an aspirational statement but I put a date in by which this review will be carried out, which they do not put in. Now, that is what I see as a policy, a document which has clear targets, reports back to us and so forth and so on. That is a policy, not that we are going to stay for a long, long time sitting around withdrawing licences from people. That is why I put in a figure. They are saying: "We are dealing with people who have over 50 per cent." Well, obviously my suggestion can deal with that. I do not exclude others. I am not excluding others. I am just saying as a priority you have to get to grips with these employers who apparently are behaving in a way very inconsistent to fellow employers, for example. Some hotels have enormous staffs of registered people - it partly comes out in the figures in the Chief Minister's report - and some have not. Why is this going on? Obviously, probably because they have been allowed to get away with it. Now, okay, it is good that you are pressing the button, but I give a target and I do not only mean 50 per cent or more. Obviously, that is the priority and it is important you send a signal out to the industries that you are serious about this. That is why I ask 50 per cent. So, it is very interesting. I should have mentioned it at the start but we have been here before. There is a wonderful report that was written in 1906 on immigration headed by Jurat Le Gros. It is quoted. I do not know if any of you know the chairman of the Jersey Development Company has written a book. Mark Boleat has written a book on immigration, and he quotes this report quite a lot. The big threat in the 19th and early 20th century was French immigrants: "They have been allowed to set up French religious associations, churches and schools managed by foreign priests largely maintained by subsidies from foreign countries." It was all written in coded language. "What is the remedy? It is hard to find one but it would be useful to make sure that the elementary education of every child in Jersey, of Jersey English or foreign origin, was received in an elementary school run by a person of British nationality." This population all came in for agriculture in those days. They got very worried about the proportion of them in the countryside and they talk about the ratio. It was reaching about 12 per cent in the countryside but 19 per cent in Trinity where obviously a real dilution of the master race was occurring. **[Laughter]** There were some quite extraordinary statements: "It is important not to lose sight of the figures we give above - Trinity 19 per cent, for example - especially those that concern the rural Parishes for it is in these Parishes that we see the French element making so much progress that it will end up by becoming dominant and we shall see the administration of our rural Parishes pass into the hands of persons whose education for the most part has been in foreign schools and who are under the influence of foreign ecclesiastics." **[Laughter]** So obviously threats and sentiments were very prevalent in those days and it was to the rural communities. Those are the main arguments. I do believe they could so easily ... in fact, I have been too gentle, quite frankly. I do believe they could so easily be added to the repertoire of instruments in the so-called policy - no doubt the Chief Minister will correct us - and I think it could easily be introduced and I really think there is a real danger that this is going to backfire. So I do ask the Council to reconsider its position.

**The Bailiff:**

Is the amendment seconded? **[Seconded]**

**Senator A.J.H. Maclean:**

Sorry, if I may just ask for clarification of the proposal, I thought he said or suggested that I had used the term "diluted and weak controls on immigration." I wonder if he could clarify that because in my speech earlier on the previous proposition I certainly did not and do not support diluted and weak controls on immigration. It sounded like that was what he was suggesting.

**Deputy R.G. Le Hérissier:**

I certainly did not say he said those words. I said that was the inference to be drawn from his description.

**Senator A.J.H. Maclean:**

I confirm that that is not correct.

**1.2.2 Senator P.F. Routier:**

It is always good to hear one of Deputy Le Hérissier's entertaining speeches. They are always very entertaining. My position on this amendment is fairly simple. I do not think that we should make quite quick and radical changes to a law that we have only recently approved and introduced. It has only been in operation for 10 months. I am not sure how the proposer knows that what he is suggesting is right or what engagement - I am not sure if he has had any - there has been with the business community and the people who would be affected. Policy changes must be informed and especially ones as radical as this. The amendment asks us to increase the qualification period to 7 years. That sounds attractive. It sounds like it will help us to manage migration, but will it? Will it stop people coming to Jersey? I do not think so. I do not think it is going to stop people coming to Jersey. There is certainly no evidence that it will. People will still come to Jersey. By approving this amendment we would simply be deferring a problem for 2 years. That is all that happens. The way to limit migration is to limit the number of opportunities for migrants to work, the number of opportunities for people to work. We need to focus these opportunities on the highest value areas and especially where local jobs are created. This is what the interim population does. We have had lots of comments about whether there is a policy or not, but it does do that. It does it by outlining how the Control of Housing Law will be applied. Members will be concerned about what this debate means to our economy and economic recovery. I am sure Members will know that the Isle of Man, as has been quoted about other jurisdictions, has recently reduced its qualification period down to 5 years. The question is: do we think that increasing ours to 7 years will make us more competitive and more likely to win business? I do not. Deputy Le Hérissier also omits to talk about the licence-free employment opportunities in Guernsey. He quoted their system but he did not mention that it is very easy to get into work in Guernsey through all the licence-free opportunities. As to the idea that we should require migrants to re-register every year and that we should decide which sectors they can work in, I really cannot see how that helps either. Our task is to support economic growth from limited - and I say limited - and focused migration and also, importantly, to get our people who are already in Jersey into work. If that requires limited migration to create employment for our existing local people, that is what we need to do. The amendment creates huge uncertainty, this particular one about the re-registration, as people will not know whether they will still be able to employ someone after 12 months is up. The question is: can business operate in these circumstances? It also seems designed, as the Deputy quite rightly has said in his view should be the case, that migrant workers should be ring-fenced into the lower sector economies, not allowing them to progress into higher value sectors. I really question whether that is good for our economy. Perhaps most of all I dislike the idea that we are saying to over 6,000 people that every year they must present themselves at a Government department to be assessed, registered or not, and processed. That creates a huge amount of work and at significant cost, which the proposer in his amendment does not recognise at all.

[11:45]

He claims it will be at no additional cost but I can assure him that it would be additional cost. It assumes also that Government knows best on each individual recruitment decision. It also does not say much that is positive about our society. Indeed, I think this amendment sends out a message that Jersey is a very difficult place to do business. Once that message goes out, it cannot easily be changed. The impact will be long lasting. We really need to avoid such a negative message. As to

the final part of this amendment, it is consistent with the Interim Population Policy but it is a significant watering down of our policy. The Deputy says that his gives a date. He flippantly says we are just continually working at it; well, we are. We are continually working at it and we are going far beyond what the Deputy has suggested. If it is accepted, it would let us off the hook because we would only be reviewing businesses who have more than 50 per cent of their workers as migrant registered workers. That is only 260 businesses that would be reviewed, most of whom are small businesses or in hospitality. There are very few retail businesses among that group, but we need to focus on retail. There is an opportunity for people who are unemployed in Jersey currently who could be going into retail and we need to look at those licences to ensure that those businesses are interested and want to employ people who are already in this Island rather than having new people come to the Island. This is what the policy is suggesting it should be doing. The Interim Population Policy, on the other hand, focuses on businesses that employ more migrants than their competitors. Of course, we need to take great care with this but it is fair. It will affect all sectors and it will include over 700 businesses of all sizes. I really want to be a bit more positive now. I have spoken quite negatively about the amendment, but I want to give Members some insight into what the new law can achieve. The Deputy in his proposal decried the existing law and what can be done. Admittedly, you can talk about the past, about the way the Regulation of Undertakings Law has worked over the years, but we have a brand new law and it is more effective. It can vary licences at any time and impose new conditions as to how many migrants can be employed. This could include a new condition that all new recruits be entitled to work, i.e. local residents, and that is what is happening with some businesses. Or it could be that all migrant workers are named, a bit like a work permit system. We can do it and we are doing it. It happens now. It can also limit how long they can work. It can even direct where they live. I am not saying that we will use these powers for every application, but I am trying to show that the new law has teeth and it can be used as a work permit type system if that is appropriate to a specific application before us. We also have the power to stop businesses trading. We can do this where we think they are damaging Jersey. We can do this if they are in breach of their licence by employing more migrants than permitted. The new manpower return which has been highlighted in recent months gives us a lot more detailed records. We have records for over 53,000 employees. The population register has prequalified over 50,000 people and we have issued over 20,000 registration cards in the last 10 months. All this information enables us to closely control who works where and in compliance with their licence. In July we will be reporting on possible enhancements to the law, including the qualification periods and even perhaps photographs on cards. In the meantime, members of the Housing and Work Advisory Group need the direction of this Assembly and the support of the short-term policy. I urge Members to reject all parts of this amendment.

### **1.2.3 Deputy S. Pinel of St. Clement:**

Immigration and population control, or the perceived lack of, is of enormous concern to the people of Jersey and rightly so. However, the perception of the “white van man” mentioned earlier by the Chief Minister importing a van load of immigrants at the docks is not what happens in reality. There is some misunderstanding about protocol 3. The U.K. signatory to the European Union Protocol 3 allows for the free movement of goods - in the case of Jersey, fish to France and new potatoes to the United Kingdom, for example - and no discrimination between European Union nationals. The lack of border control is a separate issue being the result of belonging to the Common Travel Area, which incorporates the United Kingdom, Republic of Ireland and the 3 Crown Dependencies. Between these areas, unfettered passport-free travel is permitted. Border control can be achieved by removal of Jersey from the Common Travel Area but would then involve passport control. The controversial number of 325, or 200 in Deputy Southern’s amendment, annual immigration must be regarded as a target, not a limit. The number is a guide, a benchmark. It does not mean that on the issuance of 325 licences Jersey is closed for business. For

example, the number of births, deaths, marriages or emigration cannot be directly influenced. With reference to part (b) of Deputy Le Hérissier's amendment, the annual renewal of registration cards, this presents extraordinary complications. Who at Social Security would deem a renewal or withdrawal of a registration card acceptable, not to mention the administration costs? I believe that we should have, as mentioned in a previous Scrutiny report, photographic identification on the registration cards and the purchase costs of these cards should be redeemable or refunded when the holder leaves the Island. This would restrain any black market transferral of cards and, in addition, would give us some indication of exit numbers, which at the moment are unobtainable; therefore, accurate population numbers are impossible to ascertain at this time. Short-term licences for 10 weeks for specialised skills such as plastering in the construction industry are already issued. Sustainability requires a working and contributing population. The Control of Housing and Work Law was introduced in July last year, which allows for the acquisition of clearer population statistics through a register of names and addresses and the necessity to obtain a registration card before commencing work, to which I have just referred. This Interim Population Policy is to provide guidelines for operation for the next 2 years both for policy and statistics purposes. I sit on a committee known previously as M.A.G., Migration Advisory Group, now referred to as H.A.W.A.G., a ghastly acronym, Housing and Work Advisory Group. This is chaired by the Assistant Chief Minister with the Ministers for Economic Development and Housing and myself, just for clarification, as Assistant Minister for Social Security. We all agree that listening to the appeals of individuals and businesses requesting licences and making those decisions is extremely tough. Balancing the promotion of economic development in Jersey with numbers of population, demand for housing, the levels of unemployment, potential benefit and health requirements, notwithstanding the nightmare scenario of the administration, makes for very challenging decisions. At a recent business event that I attended, concern was strongly expressed as to how H.A.W.A.G. and the Population Office would define consideration for applications and how businesses would pass the test. However, these decisions are made. The granting of licences for high economic or high social value jobs is supported. Unused licences are proactively withdrawn to encourage recruitment of local staff and especially those who are unemployed. There is also determination to create a much more level playing field with the number of licences held by similar businesses. There has also been an increase in the granting of temporary licences for non-local labour to enable the training of locals who can then replace the temporary non-local worker. Back to Work can fund this. Named and time-limited licences are also issued. The work is being done but the Housing and Work Advisory Group need the guidelines and principles provided for in the main proposition. Legal representation, as referred to by the Minister for Housing, is also increasing on these appeals. It will not be long before there is a legal challenge to the decision made by H.A.W.A.G. This issue has to be tackled without compromising Jersey's environment. It needs to maintain the 77 per cent level of Islanders' "satisfaction for life." Deputy Le Hérissier's amendment suggests extending the entitled to work requirement from 5 years currently to 7 years. This, as advised in the Council of Ministers' comments, would necessarily involve extending the income support benefits to 7 years also. It would be a ridiculous and unsupportable situation for people unable to have a licence to work but able to claim income support for 2 years. It would advocate also that a long-term population policy should be extended to 10 years. It is possible, and this would coincide and dovetail with the housing regulations. The current Population Law allows time, for instance, spent in La Moye Prison to count towards qualifications to be entitled to work or live on the Island. Is this reasonable? There are many ideas and suggestions. That is why this whole debate is of such importance. We should allow the Interim Population Policy to proceed unamended. Members can contribute to the long-term immigration policy based on real statistics and real information gathered over the next 2 years as opposed to assumptions. As someone notable once said: "Never assume, especially if you are a politician."

#### 1.2.4 Deputy J.A. Martin of St. Helier:

It is quite depressing to follow the Deputy of St. Clement because I had presumed that she was going to vote against the main policy because she voted against the amendment. Like her Constable, we will be sitting in here in the Island Plan debate saying we cannot build thousands of homes in St. Clement on disused nursery sites. Now, why do we need these thousands of homes? Because we had followed and followed an immigration policy that has allowed inward migration over the top that we have set, over the top that Deputy Southern has always brought, over the top that we shadow scrutinised in 2005. So we already need thousands of homes, but what I have always said in this House: tell me the truth, tell me how many fields we will need. Obviously again, a lot has changed since the early 1990s in Trinity. **[Laughter]** The last time I stood here in this debate they still had no social housing. Maybe they are contemplating some. Oh, no, the Minister for Housing says no. Somewhere along the way they managed to pull Trinity back to the Trinitarians and you need your passport to go there. I am not supporting the main policy. I am very sorry to the Deputy that I cannot support this.

[12:00]

It is tinkering on the edges. We do kneejerk reactions. In 1979 we stopped qualifications altogether thinking it would stop immigration. It has caused hardship out there. Lodging houses, kids living in one room, 7 years. It is a very small part of this but Social Security will have to increase income support to 7 years. Over my dead body. You cannot agree to let people in and then say: "This is where your cut-off is." Hundreds of millions go into the unqualified sector every year and you are going to keep people in low aspirational jobs - this is what I am told people have bought in for - and you cannot then better yourself after 5 years, but at the moment you can still claim income support. I do not want that figure moved. People are saying it is against human rights. Very interesting to note that now Deputy Pinel is on this H.A.W.A.G. she seems to have more information than we had, and we will have to dig out, when we were on Shadow Scrutiny because it was 20-years housing qualifications coming down year by year to 10. Working was 5 going up year by year to 10. It is in documents. When we asked the Minister, or then the committee because it was Shadow Scrutiny, why this was not proceeding, we were told it was against human rights because it was 5 years now and it had to stay. Now, obviously we can change policies because they are now looking at it, but we were told that then and it was never done. So I cannot support this amendment, any part of it. Part (c) has already been done. In fact, I do agree that they are tightening up and there are very, very few jobs out there in the unqualified sector. I agree and I think that part is working. So why would I then want 325 people plus, 500 people, to come in because I do not know where they are going to work? I already have 1,700 locals unemployed or people who have been here over the 5 years who can register. So they have definitely been here over 5 years because they are registered for some reason and probably because they are entitled to some benefits. We have knee-jerked immigration all the way along and Deputy Le Hérissier thinks going 5 to 7, registering every year, no, it will not work. It has not been thought through. So suddenly then we can see a way out that we will make people that we have brought to the Island, because it is our policy, wait longer for any benefits that they can have. No. I want to stop this one dead in its tracks. I really want some honesty from the Council of Ministers. I will stick to the amendment. The Deputy has not obviously, I do not think, thought this through. Does he realise what the 5 to 7 years means? If he has spoken to H.A.W.A.G. where is the new information that they can go from 5 to 10 years without affecting ... I can remember the answer very clearly and we will have it documented, probably on recorded Scrutiny somewhere, that it was against people's human rights. So as I say, I cannot support this. I certainly still will not be supporting the main proposition. With the massive defeat that Deputy Southern had, I am presuming that most people are against the whole overall policy. We have heard from one that I

was hoping would be against because we cannot keep putting 75-foot skyscrapers in St. Helier. That is what they will be because all these other Parishes are not going to take them. There is more for the main debate, but I really cannot support this amendment. Another kneejerk reaction started in 1979, then there was something else, then there was something else, and we have never been told in here: "Look, it is not really going to be 325." People are going to work for 5 years, qualify in 10, and then they will be needing housing. Where are we going to build them? Where are we going to get the benefits from? Just tell me the truth and then I might support you, but nobody has ever told me as a politician the truth so I really still live in hope. That is me; I am probably being a bit optimistic today because I am fed up with being pessimistic. I do not get the truth from those sitting over there and we are not going to get the truth today. It is more of the same, more, more, more, and where is everybody going to get the resources to service all these people from?

### **1.2.5 Senator A. Breckon:**

Towards the end of last year I had a conversation, at least one, maybe 2 or 3, with the Minister for Social Security about where we were with some of the benefits, and especially income support. We had drawn the line at 5 years. The reason I say that is I do not think anything should be cast in stone and we should be looking at things as we go. Previously, I had been with Senator Routier who was then President of the Social Security Committee of the day. We looked at this in some detail - this was the sort of pre-introduction of the scheme - and we realised that we had a system of 14 or 15 benefits that were coming together where there was different benchmarks. There were different qualification for different things and it was trying to bring this together. Some were contributory, others were not. One of the fears we had at the time was in reference to housing. If we brought the benchmark down to 5 years, then we were bringing in non-qualified and that was particularly hot property. I know concerns were expressed at the time if we do this are we just going to put more fuel on the fire. Or are we just going to put what is already an expensive place to live ... are we going to make it more expensive if we start giving people money to live there? Well, in fact, we have done that. But when I look at this, I really got some comfort from what Senator Routier said because some of the things that are happening probably were not known to the rest of us. So I think efforts are being made to be fair to people and to make informed judgments based on the evidence. That is, I think, what the Solicitor General was talking about. If you are going to have a policy that is developing and you are subject to a challenge, then you must be able to demonstrate that. I think certainly what Senator Routier said has given me a great deal of comfort in the work that is being done with him and other members of this group, H.A.W.A.G., whatever their name was. That I think has swayed it for me if that is going on because if they are doing that then obviously it is difficult, as others have mentioned, sitting there making these judgments. But I think they are doing work that is going in the right direction. Senator Maclean also mentioned some statistics and the refusals for the grants were about 4 to one in broad terms. Then the idea was to hopefully focus some of that work on the existing population, which is entirely the aim. I think that is very laudable the work that is being done and those involved with it, which I was not aware of, are to be congratulated for that. That has set the doubts for me because I remember we have had debates in the past about the right to work and the right to live, and a sister island not very far away have had this for a number of years. When we raised that in this Assembly: "Oh, it is too difficult to do, we will need too many people." But the converse of that is if we did not do something then there was a cost, and the cost was in general terms, it applied to all sorts of things, as I mentioned, education, housing, wherever you want to go. If we have more people then we need more things - that is just a general thing - to support that. For me, what Senator Routier said has made the difference because I was inclined to support Deputy Le Hérisserie, but in view of what Senator Routier said then I do not think I will now. I can see where Deputy Le Hérisserie is coming from, but I think perhaps he was not aware of what Senator Routier was going to say. If that is the case, then maybe there is an opportunity there for a Minister or 2 to get up in this Assembly, make



a statement about the things that are being done, and then they can be questioned about it. That to me would be a better way rather than Back-Bench Members having to put forward propositions which extract the information. We are all grown-ups. We can share the information and I am sure the population at large would be pleased to hear what Senator Routier has said and what Senator Maclean has said. But how will that happen? I am not sure it will. That may give some comfort to people out there in the community, especially those looking for work. I think there are over 300 people who have been unemployed for 12 months or more. That might give some comfort to those people and it might even address some of the concerns that Deputy Le Hérisier has in proposing this. When he has heard that he might think: "I did not know that" and maybe in view of that he might want to withdraw this. Maybe he will not, but then, as I say, the information has come out but it has been dragged out rather than given and it is a shame that that has had to happen. I think the use of statements by Ministers would be an effective way of doing that because that information could have been shared. It could have gone out to the public in a number of forms, whatever that may be, and it would, as I say, give comfort to those people. For those reasons, at this stage I am reluctant to support Deputy Le Hérisier because I think positive things are being done that address some of the things. Senator Routier touched on the detail they are going into, which I was not aware of. I know that there were issues - and it is something Senator Ozouf may remember at Economic Development - with Regulation of Undertakings. Once something had been given it could not be taken away. There was a situation where firms had licences and were not employing anybody, but they would not give the licence back just in case: "No, we are not giving it back because you will not give us it back." So there was a sort of game of ping-pong going on there. But Senator Routier has said that that cannot happen anymore. Well, that was news to me because I did not know how this was coming into effect. It is a shame that we do not have more information, but the law has not been in long enough. Again, Senator Routier touched on the level of detail. Again, it does not cost anything to share this. It is not confidential. It is positive and it is a shame that it has not been shared. Perhaps I would ask Deputy Le Hérisier if he would consider whether he really wants to proceed with that in light of what has been said.

#### **1.2.6 Deputy J.G. Reed of St. Ouen:**

In the lifetime of this Council of Ministers, many comments have been made by the Chief Minister and, indeed, the Assistant Minister around the issue about the qualifying period and the need to review or reconsider whether the 5-year period was appropriate or not and whether or not it should be extended to 10 years or some particular point in between. In fact, this is confirmed and it was as a part of a response of the Chief Minister to a Scrutiny review which was entitled: *Population and Migration Review Part 2*, which was undertaken just over 12 months ago. In fact, it is an appendix to our latest report, SR2/2014 on page 58. One of the findings was: "As of yet and for whatever reason no decisions have been made by the Chief Minister with regard to extending the qualifying period for access to work from 5 years back to 10." Then in the comments it raises a number of matters and suggests obviously it is a complex issue. Well, I think we are all aware that that is the case. But more importantly, it goes on to say: "All these issues will be considered in depth following the introduction of the new law - which is the housing and work law - our findings reported and a proposed response recommended." So that indicates positive action.

[12:15]

We then go to the recommendations. In fact, it is recommendation 1 that Scrutiny make in that same report, which can be found on page 64 of the new report. It says: "The Chief Minister should now urgently set out to ensure that once the law has been implemented due consideration is given to an extension of the qualifying period for access to work from 5 to 10 years and the potential implications for population and migration levels." All absolutely correct because we need that evidence to properly determine how to proceed, and naturally one would expect it would form part

and parcel of any major population policy. The recommendation was accepted. Indeed, in the comments this will be considered as part of the post implementation review, target date of action/completion 2013. Where is it? Where is that information? Where is that information that supports the “new” policy? That this Council of Ministers at this, basically the last hours of their turn, are planning to introduce with no hope of delivering it because these Ministers may or may not be in the position that they are indeed even in this Assembly. Again, I come back to being slightly a bit more serious. This is the information that they agreed should be provided, agreed was necessary and yet where is it? Yes, we have heard comments from Senator Routier and Deputy Pinel about some of the implications but again where is the evidence that will support their comments? I am not suggesting they are wrong but naturally the public and this Assembly would choose to see for themselves and have those comments substantiated. The other thing, and please forgive me if I have got this wrong, but Senator Routier said there was something to be happy about. He went on to speak about what the new law can do, revoke licences, introduce new restrictions, insisted all migration workers are named and restrict the time that they are able to work. I thought: “Wow, those are the right strong details and tools to use in delivering this Interim Population Policy”, and I thought: “Oh, is it in the report?” It is, page 29 of the report, P.10, and it says: “The new Control of Housing and Work Law introduces new powers to support entitled or entitled to work employment and to limit registered or licensed employment.” Then it has 2 bullet points: “At any time permissions for registered or licensed staff that are not being used can be removed from an existing licence”, and the second bullet point is: “At any time conditions can be imposed so that all new recruits must be entitled or entitled to work unless express permission is obtained for specific registered or licensed recruits. Time limits can be placed on the length of time that those recruits can be employed.” These powers are extensive. They create the ability to intervene at any point. Are the Council of Ministers saying, and I want someone, ideally the Chief Minister, to confirm or not that they are going to follow what is being said in the report because I certainly do not believe, speaking to the businesses out there, that they believe that this type of action is going to be taken and in any event would expect absolute notification of when, and significant notice, before this would come but this does not say that. This says “at any time”. So just for that clarification ...

**The Bailiff:**

Deputy, you are speaking to the amendment?

**The Deputy of St. Ouen:**

I am, because Parts (b) and (c) relate to work permits and licences.

**The Bailiff:**

Well, so that is clear then.

**1.2.7 Deputy M. Tadier:**

Although we are normally fellow travellers on this occasion I cannot be in agreement with Deputy Farage on this one, as he has called himself. For me, the main reason for that is, as I eluded to yesterday, we need a proper immigration policy and population policy. The mechanisms we have at the moment are very blunt tools. I believe that the 5-year rule, in many ways, is bad enough. It is not an ideal situation and to extend it to 7 years just makes that even worse, in inequalities that are inherent in that system. Something which is not necessarily my opinion but is nonetheless food for thought is that there is an element of protectionism, which was talked about yesterday, and there is a presumption of entitlement that simply because you are born in Jersey you therefore have an entitlement or priority to work. You have an entitlement to be looked after by the State simply because you happen to be born here whereas that is not necessarily the case. We often hear some

members of the Jersey working classes, rightly or wrongly, saying it is not fair that we are bringing over so many immigrant workers. This is the kind of pub talk but it is not limited to pubs and it is common in Jersey where it is: "You have got to stop bringing in these immigrant workers, they are taking the jobs, et cetera, are claiming income support; our infrastructure cannot take it." Of course, when you try and remind people they do not claim income support, they are not allowed to for 5 years, they are working, paying their taxes, paying their stamp, paying their G.S.T. (Goods and Services Tax), et cetera. They do not get any access to health care necessarily, they will not get any subsidised visits to G.P.s (General Practitioners) and they are doing that for 5 years and we want to extend that to 7 years. That is the reality of it. We are pushing people, potentially, into hardship and who benefits from cheap labour? It is not the immigrants themselves generally, who are often highly qualified, it is the economic structures and those who are at the top of those economic structures that benefit. They are extracting the excesses of the labour and profiting from it. Now, there are obviously broad things that we can do in order to resolve that. One of them is to start looking at a living wage so that everybody who works can afford to subsist without unnecessary State intervention. Getting back to the point about the meritocracy, the 5-year rule, as I said, and I am using this as an argument to not extend to the 7-year rule to show how bad the system is, is that it is a blunt tool and it does not really have any logic to it. You can come to Jersey and live in somebody's room for 5 years, not be productive but also not be a burden to the society and there are many of us that do that. We have partners, for example, and friends who are in that situation and it is through no fault of their own. These are very qualified people. They are people who would like to contribute to Island life culturally, socially, economically. Some of them, for example, might want to take over a little shop in the high street, which has been sitting vacant for a year, to put some art up in there and to be culturally and economically productive but they are not allowed to do that, as I said yesterday, even though they are already living here and we are saying to extend that to 7 years. But you can have a Jersey born person who, for whatever reason, through economic circumstances, I am talking about the wider economy, or through indolence, it may well be that, or through a mixture of the inappropriate skills, who says: "I cannot find any work", they are entitled immediately. You have got other people who perhaps do not have the right skills, who have left the Jersey education system, perhaps been let down by it or perhaps not put the right amount of work in, they leave with inadequate skills but an employer, potentially, has to take them on because they cannot get a licence for somebody else who may have come off the proverbial boat from Eastern Europe even though they are much better qualified and are much more prepared to do a hard day's work. So the system, is what I am saying, is not fair. We need to find a system whereby we can have some kind of control of the population, where it is fair and that those who are paying into the system, no matter where they come from, know what they can expect from the beginning. There is a saying about no taxation without representation but it must also apply to no taxation without access to basic public services that you would expect in a civilised society and we do not have that. So, this is not the solution frankly. We do need to find a way to talk about population but population will be more resolved when we grasp the nettle of economic growth which we have not done. We need a model which is sustainable and does not rely on economic growth and therefore the solution to controlling population is not through the Housing and Work Law, and that is the fundamental problem. It is through reviewing our economic structures. Who benefits from cheap immigrant labour and the Ponzi scheme that results when you rely on cheap immigrant labour and even local labour because you are not paying a sufficient wage in order for those individuals to live? You necessarily have a scheme which is not sustainable and therefore entices and predicates population growth; that is the fundamental problem. So this is not the way to do it, I am saying to Deputy Le Hérisier, certainly part (b). The other parts I do not have so much of a problem with but the 5 to 7 years increase is insidious. There are many hardworking individuals out there who have chosen to make Jersey their home and many within our number who have chosen to make Jersey their home and have parents and grandparents who have not been from

the Island initially and there needs to be a mature fair discussion about this and this simply is not the way to do it.

### **1.2.8 Senator A.J.H. Maclean:**

Just a few points that I would like to make on this particular proposition or amendment from Deputy Le Hérissier. Starting on a positive note, I read his report and I agree fully with him in the opening comments where he says: “Immigration is undoubtedly the most serious and sensitive political issue which we face.” He goes on to say: “It is notoriously hard to manage”, both of which I do not think anybody could possibly disagree with and that is the essence of obviously what we are debating today in the main proposition and the amendments that we have seen. So I just wanted to pick up on a few points just for clarity’s sake and it is around the new Housing and Works Law because, as I see it, this law is only relatively new. I think Senator Routier pointed out it has been in operation for 10 months. It is, from where I sit, and as a member of H.A.W.A.G. I get to see a lot of businesses coming forward and we do get to see and monitor very closely the statistics. As such, and I mentioned earlier on, some of the figures in the last 9 months, the 9 months up to the end of March of this year, where, as I have said, 831 refusals occurred, 214 approvals. One point in the statistics I did not mention, and I think I should have done, was that 1,200 registered permissions were revoked, that was on top of the other figures and there may have been a lack of understanding on that. What that shows is quite a bit of capacity is being taken out of the system but we are trying to do it in a balanced way so that we do not damage the economy at the same time. It is a very difficult balance to reach but nevertheless in that period, up until the end of March 2013, there have been quite a number of refusals, 831, and 1,200 registered permissions revoked. That does demonstrate that the new law, first of all, has teeth but the way in which it is being applied, in a balanced way, I think is also delivering what Members and Islanders want which is a closer control on population but it is too early to tell exactly whether or not we have got it spot on yet. I am not convinced we have. I think more has to be done. There does need to be a process of evolution with any new law but I do think it is a significant improvement. It is not, as I think Deputy Tadier said, a blunt tool. I think the new law gives more opportunity for control than we had previously but it has to be sensitively managed. I would also say that under that law, and this is a point raised the other day about manpower returns and understanding the statistics, clearly good policy making has to be on the back of statistical information. We have to have the facts in order to be able to make the right decisions and create the right policies. The manpower returns were, historically, somewhat of a problem and that has been picked up on before, Senator Ferguson has referred to it, but now we have 95 per cent manpower returns under the new law.

[12.30]

That is the highest percentage of those returns that we have seen and certainly significantly up on the previous arrangements. So I think it is making a difference and I think that is really important. There were a couple of other points I would just briefly make and that was in relation to other jurisdictions, Guernsey and the Isle of Man are often mentioned with regard to the way in which they control their immigration, their population. I have to say there are no shining lights of success. They have seen similar problems in terms of population growth. The Isle of Man and work permits, which are often mentioned, they have a work permit scheme as Members will know. They have also just taken a decision to reduce the qualifying period, curiously down to 5 years. We are talking here, in this proposition, about increasing it whereas one of our competitors, the Isle of Man, is reducing their qualification period under the work permit scheme they run down to 5 years. The other interesting point with regard to the Isle of Man is that in the last year they approved 4,240 work permits. They only refused 103. That does not necessarily indicate that the control of population with the use of work permits for them is necessarily working. I think we need to also bear in mind one of the arguments against work permits, one of the challenges with work permits,

is of course the massive burden that they would impose on businesses, government as well, in terms of cost, because work permits would require a government to assess thousands of applications potentially from businesses who wish to bring staff or utilise staff and they would need to go through that. Government would have to have the expertise to be able to assess the validity of each application that came in. It would take time. It would delay the recruitment process and so on. I am not saying it cannot be done, of course it can, it is done elsewhere but these are the factors that in making an informed decision we need to consider very carefully because they are very real issues. They would, of course, have, I should add, an impact on, or a greater impact, as is always the case, on smaller businesses and medium-size enterprises. Of course that is the majority of our economy here in the Island. The only point I just wanted to make, which in fact was a point that Deputy Power made about the white vans that appear in the Island, and he said that there is no monitoring going on or very little monitoring. I think he was suggesting. My understanding is there is a far greater level of monitoring at the harbour. In the first 3 months there were 12 harbour visits to 12 different vessels and 15 white vans were indeed turned away or indeed charged, which of course they can be under the new law. That process of monitoring is going to continue and be enhanced. It is a problem. He is right. In the past it was not monitored in the way that it was but I think it is another demonstration that the new law is new. It has only been in force for 10 months. It needs to evolve. It needs to be continued to improve in that regard and I think it would be too early to make the changes suggested in this proposition as the Deputy is proposing so I would ask Members to reject this. Although I understand the reasons the Deputy has brought it and they are for all the right reasons. I think it is unfortunately misplaced in this instance.

**Deputy J.A. Martin:**

Can I ask for a point of clarification from the last speaker, the Minister? He is comparing us to the Isle of Man. Is it not true that the Isle of Man Government have agreed upon a policy on population to actively increase their population in the last few years? It is true. That is their policy.

**Senator A.J.H. Maclean:**

I am not sure if that is a clarification but, no, I am not aware that is the case.

**Deputy S. Power:**

May I seek clarification on 2 points from Senator Maclean?

**The Bailiff:**

If it is.

**Deputy S. Power:**

It is, the first one. He said that the Isle of Man issued 4,200 and something work permits. Would he not agree with me, first of all, that any resident of the Isle of Man has to have multiple permits for a part-time job? So some young girl working in Douglas ...

**The Bailiff:**

That does not sound like clarification.

**Deputy S. Power:**

He did not point out that ...

**The Bailiff:**

If he did not point out something that is for him and not other Members.

**Deputy S. Power:**

The second point was on inspections of the harbour. He did not point out that there were 97,000 freight movements, 6 ferries a day and there were 15 inspections.

**The Bailiff:**

I am sorry, Deputy. Definitely not a point of clarification. Definitely an attempt to get in your point of view.

**1.2.9 Deputy G.P. Southern:**

I hate it when this happens, when somebody stands to a Back-Bencher and says what I am just about to say, not enough research, you should have done some more detailed research before you brought it because, as I read through the 3 elements here, I have got about 1,001 questions that I need a bit of clarification on; so how will that work, how will that work, what do you mean by that, et cetera, et cetera. I am loathe, in the first place, to support anything which says we should be more like Qatar. I mean if you want to be more like Qatar get a heavy cold. It is not a place to compare us with and I do not think we should be heading in that direction at all. What we have just faced is a date where it has been clearly demonstrated that this set of Ministers has not got the political bottle to do anything about population and migration. We are suggesting you should have a different set of rules that you can take 10 or 20 years to understand before you have to do anything about population and migration because you will be understanding the new system or developing the new system. It is just an excuse. Without the political will it is another excuse for doing nothing. The facts are that I would absolutely hate to see more people on the Island working in minimum waged jobs, taking a second job, working 80 hours a week, 100 hours a week, which is what I often see, on zero hours contracts, without the benefit of a living wage, living in absolute poverty that I used to see 10 years ago. I have not seen any recently. Two daughters, one 5, one 14, living in a single room with the toilet and shower 30 yards away down the corridor because they could not access any help to make ends meet and move to somewhere halfway decent and that is the reality. So to extend from 5 years to 7 years the ability to get some help with our minimum wage jobs, which you cannot survive on, and also get help with the rent so that you can live somewhere halfway decent or at least sufficient to your needs, I cannot vote for that. That is more poverty. That is more hardship. That is a worse society than what we have got here. I think that outweighs any possibility, certainly on the basis of what is presented here and improving things. So I cannot support this. Just incidentally, instead of by way of clarification, I hope the Minister for Economic Development is aware that the population density in the Isle of Man is a fraction of ours. It is a big island. It also has managed to maintain a clearly diverse economy so if they are importing people to fuel their diverse economy all well and good. We have not got a diverse economy. We are overly reliant on the finance sector and with all that that goes with that. But, no, political will is not there. As clearly demonstrated earlier I do not think this offers the way forward.

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

I would just like to pick up on a couple of points of Deputy Southern but before I do that I would just like to pick up on point (a). Aside from the social arguments that have been put forward, which I think have been well made, you are not solving a thing because if you are going to bring in a new law of about 7 years all you are doing is saying to those who are already here, you could not make it retrospective so you would have to have a complicated system of saying to those who are already here the 5-year rules applies to you and those of you that come in later the 7-year rule applies to you. This is an interim policy and so you would not feel the effect of that new rule for 5 years when they need to make it up to 7 years so it does not achieve anything. It just kicks the problem away for a few more years and creates, as other Members have said, a host of even further possible social problems. I also wanted to pick up, because the Deputy says the politicians or the Council of

Ministers, or the H.A.W.A.G. group have not got the bottle to tackle this issue. Maybe we need to communicate better. Maybe we do need to be letting Members know what we have been doing but we have been working in incredibly challenging situations. Every fortnight, sometimes in-between, but every fortnight, every Thursday morning we meet with employers and we listen and assess what people say. We have removed, in the last 9 months, 1,200 registered permissions. Now, those were the ones that I think Senator Breckon referred to, that employers like to keep there just in case. They were not filling them but they liked to keep them there just in case. Part of the work that we did do there was to look at what is the industry norm or average for that industry, who is much higher, right, we are going to strip them out and if that causes a problem they come and speak to us. We have done that. We have done all the other things that Senator Routier, our chairman, has mentioned. We sometimes limit the applicant to a year. We sometimes limit them to a year with a name. We sometimes insist that, yes, you can take a person on for 2 years but do not come back unless you have taken 2 apprentices on in that time. We speak very closely to, in our replies, the Back to Work Team. We expect to see when employers come forward with applications that they have engaged with the Back to Work Team and that they have tried to employ local people. We have got the bottle. It is working. I find it very difficult when I know how hard the team work every other Thursday morning. It would be very easy just to say yes and everybody goes away happy but we say no far more than we say yes and we challenge and we make people, employers, explain what they are doing. Just on a more positive note: diversification. We have said yes to a small number of jobs recently on the condition that every member of their workforce - so we said yes to the manager - is one of the locally employed. That is in retail, in hospitality and I will not name the firm because that would be unfair but they are new firms that you have seen come into this Island recently.

#### **LUNCHEON ADJOURNMENT PROPOSED**

##### **The Bailiff:**

We have 2 more Members so in that case is the adjournment proposed or do Members wish to continue?

##### **Deputy R.J. Rondel of St. Helier:**

I propose the adjournment.

##### **The Bailiff:**

Very well. Sorry, just let me write it down. It is Deputy Le Cornu and Deputy Young. Very well, we will reconvene at 2.15 p.m.

[12:44]

#### **LUNCHEON ADJOURNMENT**

[14:15]

##### **The Greffier of the States (in the Chair):**

Very well, the debate resumes on the amendment of ...

##### **Connétable M.J. Paddock of St. Ouen:**

Could I raise the défaut on the Connétable of St. Saviour?

##### **The Greffier of the States (in the Chair):**

Yes, the Connétable was excused and we note that she has returned to the Assembly. Now, the Bailiff's writing is not always the most legible but I understand that maybe your name, Deputy Le Cornu, is on the list?

### **1.2.11 Deputy N.B. Le Cornu of St. Helier:**

It is always difficult to take this particular slot. I have got a story which would have been better told before lunch but it can be told now because I went to the place in person and that was ... I often attend a café in the market and we call it, fondly, the Romanian Embassy. It has a Romanian flag flying outside. The reason for going there is that ... well, it has Romanian staff and of course there is Romanian food which is attractive. But on the occasion of the publication of Deputy Le Hérissier's amendment, it was obviously reported in the newspaper, they became aware that they would have to wait from 5 to 7 years to acquire certain rights and there was immediate screaming and howling from the kitchens and my ear was bent that this would wholly unacceptable. The point coming out of this is that for immigrants, for whom there is no one who really speaks in this Chamber, and for the immigrants of which we have spoken generally, they have no voice but they suffer great hardship, and to increase any period of 5 years to 7 years would add to their hardship. Their voice is not heard but they have to suffer and they suffer in silence all the indignities of ... it has been mentioned about zero hour contracts and low wages and minimum wage and no one really cares. So I shall be voting against this amendment precisely because it increases the hardship on that class of people, the section of the working class who we need, who are vital to the economy in the Island, who may be contradictory in that perhaps we should have locals doing some of those jobs, but they are here and they are a section of the working class that needs to be defended and they can now know those who will speak out in their favour, and I am endorsing the comments made by Deputy Tadier earlier on.

### **Deputy R.G. Le Hérissier:**

Just on a point of clarification, in no way did I put this forward as retrospective.

### **1.2.12 Deputy J.H. Young:**

I am very torn about this amendment because it is undoubtedly true, as Deputy Le Hérissier's amendment says, that in effect the arrangement of the 5-year period provides what he calls an access through into permanent employment. Also when one looks back, when we had housing law, over the years States policy see-sawed in terms of what the qualification periods were. I can remember a period ... when I first came to the Island it started out as 10 years, then I think it might have become 15, it became 20, then it became not at all and that did not last for very long and then it went back, I think, and eventually finished up where it is now. So I think although it is a very crude and effectively harsh policy at face value, in effect, it has been used and the Island is used to such an arrangement because after all at the end of the day we are 9 miles by 5 miles and it must be right that we have some means, some tools, of regulating our population. I think all the arguments I have ever heard accept that a small community like Jersey has that right. Obviously the tools have not been good, the one we have had, and that is the way we have used them. So here I think Deputy Le Hérissier is seeking to use that principle. It is undoubtedly true as well that with immigration into the Island comes consequent additional costs because although at the moment we put in qualification periods of social security and some, clearly in other areas of Jersey life, quite rightly, we do not do that. We do not make charges for hospital admission, nor should we, nor do we charge for education, no qualification periods there. We have got a situation here where there is no question that our inability to control does give rise to public costs which the Island has to fund. So that is one side of the story. I said I was torn. The other side of course is equally right that it cannot be right that people who come to our community and work for us and who pay taxes in our community have not ... there are policies in place that, if you like, mitigate against them getting, as it were, I suppose some kind of value from society as a result of their commitment. Now, I listened carefully to what Deputy Southern said and he said that he saw a link with Deputy Le Hérissier's proposal here, under the first paragraph (a), into minimum wage. I think what he was referring to there, he was saying that part of this arrangement that Deputy Le Hérissier is proposing is that those



in our society who are with us and work with us who are registered would continue to be locked into sectors which carry with it predominantly a minimum wage. When I look at this I think to myself, is Deputy Le Hérissier putting this forward that (b) is a mandatory, as it were; does the proposal to go with (a) mean necessarily (b), for example, because it strikes me as being (b) is not only ... I mean (b) is really much more difficult because it has got this implied locking registered workers into low wage and minimum wage sectors which I do not necessarily think is the intention. I rather thought that that was not the complete policy. The other side of it is this idea that somebody might come here, be registered and then have to take a job and then might find after a year that, sorry, no, that is not valid anymore. I think this question of this one year thing is troubling for me. So, I am really torn with this. Then there is a procedural point that I really am equally concerned with - I suppose it might be seen as a drafting issue - but I rather worry that the consequences of Deputy Le Hérissier's preamble to his amendment might have more serious effects. What I think he says is that get rid of the whole of the Council of Ministers' report, 36 pages of it, because it says: "Substitute the report of the Council of Ministers [which is this one] and substitute just these (a), (b) and (c)." Now, if that is correct we may as well have that and thank you ... I will look forward to it but I read that and I am troubled because I thought the entire case ...

**The Greffier of the States (in the Chair):**

Deputy, the Deputy may shake his head but procedurally you are of course quite right.

**Deputy J.H. Young:**

Thank you very much. I did not think I was off the ball because part of the argument ... why I thought we were discussing this is that I think this entire thing boils down to - sorry that Senator Ozouf is not here - is have we got a policy or have we not? I thought that what we were being told was we need a policy because if we have not got one we are going to find ourselves in the courts, although I made my point, that I am still not convinced entirely, we do not have a policy, because there is a 2009 report but I think if this amendment is passed then I think the preamble means that we end up without a policy and that really just divides my opinion but it troubles me, what on earth are we doing. So I look forward to what Deputy Le Hérissier has to say about it.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak on the amendment? If not I will call on Deputy Le Hérissier to reply.

**1.2.13 Deputy R.G. Le Hérissier:**

Some good contributions and I will try and summarise them because I know some people have got to leave and I would ask the Constable of St. John to give my apologies because I do not think I am going to be able to be there. I have found the contribution of the Council of Ministers very sad. I know people like Senator Routier and Deputy Green, who has interminably told us about these meetings, through which he struggles, they are doing an excellent job and they are really working hard. I am afraid they have to overcome a lot of public cynicism and disillusionment. That is the real issue. There is no doubt there is a split. People like Deputy Vallois and Deputy Martin say I want to see a proper policy. I want these questions asked. I want these questions resolved about what kind of society we want. Issues raised very ably by the Minister for Planning this morning. The problem is I cannot give those answers because this is a polarised and, in my view, split Assembly in regard to those answers. There are grounds for compromise but I cannot make up the Assembly's mind. The notion that some people also harbour that somehow throw in enough figures and there is some kind of scientific way by which we can reach an acceptable conclusion; that is not the issue. Ultimately it is down to your values, where you stand and what kind of society

you want, and that is a massive argument that cannot be resolved on the back of this. It is unfortunate it has not been debated and that we have not reached a majority conclusion because it may end up as that rather than a consensus conclusion, but that is where we are at. So do not ask me to come with some kind of scientific conclusion to all this because quite simply it does not exist. The issue, I will address it immediately, that Deputy Young raises, it certainly was not my intention but quite frankly it is a very useful, almost serendipitous, conclusion that if you were to vote for mine there will still be the general statement, and I can see Deputy Tadier reaching immediately for his button, that the 325 cap as an aspiration remains in place but the policies will either have to be rewritten or there will have to be, given the sentiment of a lot of Members, clear policies and that will be a very useful exercise for the Council of Ministers because so much of what Senator Routier said; he prefaced with the phrase, could be, could be, could be. That is not a policy. That is a load of very loose options. If the Planning Panel, for example, were to operate on that basis, and it struggles, and I use that as the model. I have been influenced a lot more than I thought by that model. If it had to sort of say: "It could be this, it could be that, we have not quite made up our mind but we could do this if you wanted, we could do that" people would be aghast. That, essentially, is what we have been told. "We have got a policy but we have got so many options there do not get too worried", but there are a few things we are concentrating on like removing the licences which Senator Maclean, to give it a more forceful rendition, calls refusals but he means removals. So it does have a slightly different flavour to it. **[Interruption]** Both, having had sort of what you might call a confetti kind of granting of licences system before. Okay. So that is my answer to Deputy Young. In fact he pleads that we follow the procedural advice of the Greffe because it gives you a chance to have much tighter policy put in place.

**Deputy M. Tadier:**

Would the speaker just give way on a procedural point? I do not want to cut the Deputy off in full flow but it is my understanding that this amendment cannot be taken in separate parts because it is a single amendment even though it is ... is that correct? It seems to me that the ...

**The Greffier of the States (in the Chair):**

I think the Deputy would be entitled, if he wishes, to take it in separate parts but that would mean that the only mechanism the Chief Minister would have to use would be the one that was one or 2 or 3 parts that were approved. It says to achieve the objective to further request the Chief Minister to do 3 things, now if the States approve one and not the other 2 that would be the only 2; for the Chief Minister would be the one that would be approved, which may or may not be adequate to achieve the objective. It is a matter for Members' judgment. Deputy Le Hérissier clearly sees it as a package to achieve the objective of these 3 things. So, if Members approve one and not the others the only mechanism will be the one that has been approved.

**Deputy M. Tadier:**

I would have thought that this is one amendment but if it is successful then the 3 parts would then become part of the main proposition and then it could be taken separately.

[14:30]

**The Greffier of the States (in the Chair):**

Yes. The other point is that the reference to approving the report is deleted by the amendment because clearly the reason that it is necessary is the report, as drafted, would be inconsistent with the amendment of Deputy Le Hérissier.

**Deputy R.G. Le Hérissier:**

I thank Deputy Tadier for raising that. In fact I am very happy with that ruling. I could not have thought of a better way of putting it. [Laughter]

**The Greffier of the States (in the Chair):**

I am glad somebody agrees with my ruling. [Laughter]

**Deputy R.G. Le Hérissier:**

Yes. So that is where we are at. As I said, I think I have answered people like Deputy Martin about tinkering. It is tinkering quite bluntly because I do not think after 3 years nearly in this Assembly we have yet come up with a coherent policy and we have not resolved the issue which the Minister for Planning raised, what kind of society do we want? There is no doubt that the people who believe in continual economic growth, irrespective of the population pressures it brings, they are the people still in control and that has to be confronted head on and the Minister was quite right to raise that because he deals day after day, as does the Minister for Housing, with juggling the need for new houses. As the Minister for Economic Development said, the pressures on the environment translate immediately on to environment in a small society in a way they do not obviously in a place like Australia or America, great immigrant countries. They do not. There is a different dynamic. Our people see this and this is why the electorate are so unhappy about this whole issue and they have spent years being told and asking questions at hustings, what are you going to do about immigration? Everybody dutifully nods: "Oh, is it not terrible?", and we all appear to be terribly concerned about it. We go away and they never see anything appear even though I do acknowledge there is some good work starting, I do not deny that for a moment, but they do not believe we have wrestled it to the ground. They believe, as I said, like the Titanic we are still at the stage of rearranging the deck chairs. The issue raised by Deputies Tadier and Southern, in a way what it brings out is one of the great ironies of immigration is that if you have large scale immigration ... what is happening throughout the world of course is it keeps in place low wage systems. It reinforces them. So in a way what they are approving, and I am sure they do not wish to deliberately do so, they are approving continuing low wage systems. I cannot accept that people are going to be kept in poverty and then at the 5-year point they should then be denied welfare is to look at it from the wrong end because you have got to look at what the sources of the poverty are and they may well be low wages and you are basically entrenching a low wage system by saying that. I know that sounds ironical but that basically is the situation. Indeed there is a lot of evidence, I did not bring it up because I could not find a Jersey study, that immigration does not necessarily bring net economic growth. There is always this belief. In Jersey we need low wages because we have got such an imbalanced economy. We know agriculture and tourism could not survive quite bluntly if they paid the living wage at the moment and that is a very sad situation. We know that because they are labour intensive industries, they need a lot of labour and they have to compete within the context of a very well paid finance industry which imbalances the economy in serious ways. We know that and we know what it does to the property market as well. But there are studies, which I could quote from England, where it can be proved that it does not lead to net economic growth. For example, there was a 2006 study by the National Institute for Economic Research which said there had been economic growth of 3 per cent but immigration had grown by 3.8 per cent so they had not ... I mean 3 per cent is nothing in any case put against 3.8 per cent but that just sort of illustrates my point, what I have been trying to say. I said at the very beginning immigration does have rather strange consequences. For example, one of the sad things it does, it deprives third world countries ... if you go to the hospital and you look at the number of staff from third world countries they have cost those countries an immense amount of money to train. They are desperately needed in those countries and yet we are able to sort of induce them to work in our society. Is that morally right? No, it is not. We know that. So that is what happens when you get globalised immigration. You do get some perverse consequences of which that is a very clear one.

So what I would say to people is, no, this is not the dramatic great reform. I did not think it was the vehicle on which to attach the Council of Ministers' policy. It is relatively mild changes but I think, unlike the comments and the Council of Ministers saying 5 years to 7 will make no difference, immigration policies send out signals and we, unfortunately, cannot have a totally rational policy simply because we cannot deal with the common travel area issue which is that if you gain access to the British Isles you gain access to the Channel Islands, to Jersey, and anyone who has got a right to come here has got a right to come here. Okay, we then put certain controls in to try and deal with that situation and whether they are human rights compliant or not is interesting but there is no doubt our Guernsey colleagues go much further than we do with those controls. I was absolutely staggered to read on their Government website they even go to checking criminal records in some respects. I am sorry it is on the Government website. I can show you the evidence. So they are obviously prepared to take that risk. I am not sure it is the right one quite bluntly but that is the dilemma. We have a total open policy in terms of who physically can arrive here and we try and impose controls and then at the 5-year point people are let into the open labour market and the other people we are desperately trying to bring in to grow the economy; in my view we over control. It is not perfect. It is nowhere as comprehensive as I would like it to be but I think what it forces the Council of Ministers to do is to pause, to put more flesh on the bones, to put more clear targets to what they are doing, hence my number (c), even though I totally accept the good work that they are doing in terms of stripping people, refusing, removing or whatever they are doing with licences, in these incredibly tortuous meetings which Deputy Green is attending every second Thursday. I do not deny that for a moment but the electorate want a different balance to the policy. They are not stupid enough to say there should be no policy, there should be no immigrants; that would be absolutely ridiculous. They want a different balance to the policy. Totally irrelevant but there is an article in today's *J.E.P.* which compares Reform Jersey to U.K.I.P. (United Kingdom Independence Party) and I would, given the comments of Deputy Tadier, I would refer him to that article and he would have some interesting **[Interruption]** ... Yes, he would have some. So I move the proposition and I move them each separately.

**Deputy J.H. Young:**

I have had a note saying something I said was incorrect and if I could correct that. It is that I said that we do not charge those that have not been in the Island for 6 months for hospital care. I have been advised that there is a need to register with Social Security and they would be asked to pay in 6 months, sorry.

**The Greffier of the States (in the Chair):**

Thank you for that correction. Very well, the Deputy has asked for 3 votes so I think the initial vote will simply be on paragraph (a). If we get to (c) we will vote on the preamble words at that stage. We will take the vote firstly on paragraph (a), to bring forward for approval the 5-year period extended to 7 years. The Members are in their seats. The Greffier will open the voting.

<b>POUR: 9</b>		<b>CONTRE: 32</b>		<b>ABSTAIN: 0</b>
Senator A. Breckon		Senator P.F. Routier		
Connétable of Grouville		Senator S.C. Ferguson		
Deputy R.G. Le Hérisier (S)		Senator A.J.H. Maclean		
Deputy of Grouville		Senator B.I. Le Marquand		
Deputy K.C. Lewis (S)		Senator F.du H. Le Gresley		
Deputy M.R. Higgins (H)		Senator I.J. Gorst		
Deputy J.M. Maçon (S)		Senator P.M. Bailhache		
Deputy G.C.L. Baudains (C)		Connétable of St. Helier		
Deputy J.H. Young (B)		Connétable of St. Clement		
		Connétable of St. Mary		

	Connétable of St. John		
	Connétable of St. Ouen		
	Connétable of St. Brelade		
	Connétable of St. Martin		
	Connétable of St. Saviour		
	Deputy R.C. Duhamel (S)		
	Deputy J.A. Martin (H)		
	Deputy G.P. Southern (H)		
	Deputy of St. Ouen		
	Deputy J.A. Hilton (H)		
	Deputy S.S.P.A. Power (B)		
	Deputy M. Tadier (B)		
	Deputy E.J. Noel (L)		
	Deputy T.A. Vallois (S)		
	Deputy A.K.F. Green (H)		
	Deputy J.P.G. Baker (H)		
	Deputy S.J. Pinel (C)		
	Deputy of St. Martin		
	Deputy R.G. Bryans (H)		
	Deputy R.J. Rondel (H)		
	Deputy N.B. Le Cornu (H)		
	Deputy S.Y. Mézec (H)		

**The Greffier of the States (in the Chair):**

Very well, I will ask the Greffier to reset the voting system and the next vote will be on paragraph (b) which is related to the issuing of registration cards. The Greffier will open the voting.

<b>POUR: 5</b>	<b>CONTRE: 36</b>	<b>ABSTAIN: 0</b>
Deputy R.G. Le Hérisser (S)	Senator P.F. Routier	
Deputy S.S.P.A. Power (B)	Senator A. Breckon	
Deputy M.R. Higgins (H)	Senator S.C. Ferguson	
Deputy J.M. Maçon (S)	Senator A.J.H. Maclean	
Deputy G.C.L. Baudains (C)	Senator B.I. Le Marquand	
	Senator F. du H. Le Gresley	
	Senator I.J. Gorst	
	Senator P.M. Bailhache	
	Connétable of St. Helier	
	Connétable of St. Clement	
	Connétable of St. Mary	
	Connétable of St. John	
	Connétable of St. Ouen	
	Connétable of St. Brelade	
	Connétable of St. Martin	
	Connétable of St. Saviour	
	Connétable of Grouville	
	Deputy R.C. Duhamel (S)	
	Deputy J.A. Martin (H)	
	Deputy G.P. Southern (H)	

		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy J.P.G. Baker (H)		
		Deputy J.H. Young (B)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy R.J. Rondel (H)		
		Deputy N.B. Le Cornu (H)		
		Deputy S.Y. Mézec (H)		

**The Greffier of the States (in the Chair):**

The Greffier will set the system and finally the vote will be on the preamble words and paragraph (c) and the Greffier will open the voting.

<b>POUR: 11</b>		<b>CONTRE: 30</b>		<b>ABSTAIN: 0</b>
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. Clement		Senator S.C. Ferguson		
Deputy R.C. Duhamel (S)		Senator A.J.H. Maclean		
Deputy R.G. Le Hérisssier (S)		Senator B.I. Le Marquand		
Deputy of Grouville		Senator F.du H. Le Gresley		
Deputy M. Tadier (B)		Senator I.J. Gorst		
Deputy M.R. Higgins (H)		Senator P.M. Bailhache		
Deputy J.M. Maçon (S)		Connétable of St. Helier		
Deputy G.C.L. Baudains (C)		Connétable of St. Mary		
Deputy J.H. Young (B)		Connétable of St. John		
Deputy S.Y. Mézec (H)		Connétable of St. Ouen		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of Grouville		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of St. Ouen		
		Deputy J.A. Hilton (H)		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy J.P.G. Baker (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		

		Deputy R.J. Rondel (H)		
		Deputy N.B. Le Cornu (H)		

### 1.3 Interim Population Policy: 2014 – 2015 (P.10/2014) – resumption

#### The Greffier of the States (in the Chair):

Very well, so the debate resumes on the proposition of the Council of Ministers in its unamended form, the amendments have been rejected. Does any Member wish to speak on the main proposition?

#### 1.3.1 The Deputy of St. Martin:

When it comes to the successful running of the Government of Jersey to decisions of this Legislature, what is the single most important subject for us in this Assembly to discuss and debate? The vital ingredient required for the future prosperity of Jersey. I look around the Chamber, equal votes for all in electoral reform? In the big scheme of things I do not think so. T.T.S. (Transport and Technical Services), well, drains and roads are important but without houses there is little need for either. So then maybe health or housing, but without Government money they do not work. So maybe the Treasury and the Minister for Treasury and Resources is the one we need to look to but without jobs there is no wages and without wages there is no expenditure and without people earning and spending there is no tax revenue. So maybe it is the Minister for Economic Development that is the vital key in this subject. Jobs, jobs, jobs, the Chief Minister keeps telling us, and he is absolutely right and as I am sure everyone is already 30 seconds ahead of me, I will not delay. The answer to what is the most important subject we could possibly be discussing is, of course, population. The one component that everything else depends on. The most important cog in the wheel. The one thing we can absolutely not do without. So I applaud the Council of Ministers in bringing this proposition to the Assembly this afternoon and I give them a big bunch of Jersey lilies, locally grown daffodils and prize winning Eric Young orchids and then I take them straight back and swap them for a bouquet of rusty barb-wire. I mutter under my breath. I turn my back and I walk away. The reason? Because they have not given the subject the gravitas it deserves. **[Approbation]** Interim, 18 months? Please, if we are going to debate this then give us something worthy of the subject. Let us have some vision. Let us have some forward thinking. Let us do better than this. We can all see what the projected numbers are but where is the long-term policy? Finding a suitable place to start in this debate was not easy and I have cut out, Members will be pleased to know, whole sections of what I was going to use. Do I come right out at the beginning and say that I fundamentally disagree with this proposition? It is not easy when there are some bits of it that seem to make complete sense to me. Or do they? Anyway, right at the beginning I want to make 2 things completely clear. Do I favour removing all the references to numbers and limits in this proposition? Absolutely. Am I in favour of opening the door and letting in whoever wants to come and live here? Absolutely not. Restricting population growth as much as we can is essential but I would argue that we do not need this proposition to do that and we certainly do not need to set limits. So why am I stressing out over this proposition? Surely if I want to restrict population I should support it. My blood pressure is rising because I just cannot see the reason for bringing this to the Assembly today. Yet again we are spending all our time talking about what we want to do and not doing it. I do not want vague propositions that say one thing and mean another and that is what this one does. Let us just remember this. In 2012, we saw over 500 licences being given out in the previous years, more and that at a time of real recession. How do we possibly think we can reinvigorate the economy, if, now that things are starting to improve, we set a limit of 325? But of course, did I forget to mention, we are not intending to stick to it.

[14:45]

I took the trouble to attend a recent Scrutiny hearing at which the Assistant Chief Minister was being questioned about the so-called population policy. When we came to exceeding the 325 limit, he said this: "If it means we are at 325 and a business wants to come to Jersey and they say they are going to need 4 or 5 managers to run a new business, but they are going to offer 40 or 50 jobs to local people, I would say I am more likely to say yes to that." When he was then asked what he would do if he received a report from the Statistics Unit that indicated he might have exceeded the 325 level and it was 450. He said he would come back to this House to see what we thought. When he was further asked if he could make this work without affecting business, the Assistant Chief Minister said this: "Yes, we would have to ensure that we have a business community that can continue to operate and pay taxes and pay for all the services we want." Well, I completely agree. If we are not going to stick to this number, 325, my question is why have we bothered to debate this today? **[Approbation]** We just cannot let the working population decrease. We are in a situation now where we have no option, in my view, but to maintain it because regardless of what we do from this point onwards, the number of retired people is set to rise to 14,000 more than it is currently by 2035. Those are people that need pensions and they need health services and there is nothing we can do about it. On top of that, there is natural growth of births over deaths and then those Jersey folk that are going to decide to return to the Island, some with their partners, in the coming years. Then there are those people who walk off the boat and I am sorry, Minister for Economic Development, but when he says we have visits to the harbour to monitor this, I do not consider 4 visits a month gets anywhere near as many as we should be having. **[Approbation]** So, we are here today arguing about a few extra licences, but I would ask the Assembly, if they really believe we are looking in all the right directions, if we have all our bases covered, if this was a genuine population policy, then where are the sections dealing with those few issues I have just mentioned? I have not even begun to talk about health or housing. How should we show that we are very much open for business? Because I believe we should be. The answer is that we take out the numbers. Closed? No. Licences available? Yes. Will it be mighty tough to get those licences? Absolutely, but they are available to the right people. We just cannot hamper the local economy by setting limits. As I said at the beginning, the number of people living in Jersey is the subject that is most important to all of us, however, the fundamental issue is this - and it is in the report - Islanders report very high levels of life satisfaction but further down: "... consistently said that migration is their highest priority." The problem is that you just cannot have one without the other. It is the growing and profitable workforce that has provided the population's satisfaction with life. Lose one and the other one will fall away. This debate deserves better than this proposition. I had hoped that the Council of Minister would have taken this paper back **[Approbation]**, given it a bit more time and effort and rewritten it and made it fit for purpose and then brought it back to this Assembly for our wholehearted support. I want prosperity for my Island. I want low unemployment and jobs for locals. I want a diversified and developing economy. I want Islanders to enjoy a good standard of living and I want to be able to provide the services those Islanders expect and deserve. While we have numbers in it, this so-called policy will not deliver that. As Members will have realised, I am not happy with this proposition but I am now faced with a dilemma; is a bad policy better than no policy at all? It is not much of a choice.

### **1.3.2 Deputy R.G. Bryans of St. Helier:**

I stand today fully aware of the irony of being an immigrant, an itinerant labourer, who arrived on these shores back in 1976 and so Deputy Le Cornu is wrong when he says nobody speaks for immigrants. Every time I stand up in the Assembly that is exactly what I do because of a democratic process that allows me to become part of that Assembly. What concerns me most about this, and I am glad to come behind Deputy Luce because I think he has already amplified some of my concerns about this particular policy, is that we have so many variables that we congregate together, conflate, to make this effective. We look at E.D.D. (Economic Development



Department), which is licences, we look at Housing and Planning, we look at Social Security, with its registration and Back to Work, we look at Education with the Skills Strategy and I wonder if I was to walk into any one of these particular places and ask the question: “What is your view on immigration at this point in time?” They would not be able to particularly answer. That is my real concern and it was highlighted by Deputy Power in his talk about a change of culture at the Population Office and equally, Deputy Green when he talked about a problem in communicating and communication. I think there is a lack of co-ordination and my question to the Chief Minister that really worries me and I am unclear now as to how I will vote on this because I think it is referred to somewhere, and I am going to take out of context ... what Deputy Le Hérisier had said: “A preference given of least/worst option.” What I want to know is, unless this policy is really administered - and it refers back again to what Deputy Power said - by one individual or focused on individuals who will push this through and make this work, we are going to lose out on this subject. We are going to be back where we were before. I was glad that Deputy Southern brought my attention to the population policy document back in 2009 because I had not seen it and I had not read it. I very quickly read it through at lunchtime and what I saw was a great deal of information that was replicated in this new document. So when you strip it out, it looks very thin. When I first looked, I thought it was rich in detail but thin in substance. My real concern is, although we have the same need to regulate this population, globally everybody is rushing around trying to work out what is the best policy for immigration. Every inch of soil is really important to us on this Island, so we have to get this right. I would like to hear from the Chief Minister who is going to administer this, who is going to look after it and how is it going to be communicated. Thank you.

### **1.3.3 Deputy T.A. Vallois of St. Saviour:**

I apologise to Members that I am speaking again but I enjoy telling the Council of Ministers when they have got it wrong or when I have got it right and this is a perfect time to try and explain to them how to draw up a policy and the fact that we are States Assembly, we are all elected by the public. We are all here to represent the public and I, for one, expect much more of the Council of Ministers, much more than this Interim Population Policy and so do the public. I will say it on their behalf and I have said it on their behalf and I believe ... I am going to read out a few extracts from lots of different documents during my time in the Assembly. See if you can recognise any of the phrases and any of the information. It has been agreed, okay? Just bear that in mind. We have a population policy dated April 2009: “Inward migration proposal. As part of the Strategic Plan, the Council of Ministers is proposing a framework for net inward migration of no more than 150 heads of households a year, approximately 325 people [hang on, that is a framework - it is not policy], averaged over a rolling period of 5 years. It is proposed that this policy should be reviewed and reset through the strategic plan every 3 years [and now it is a policy]. The considerable work undertaken as part of the original consultation exercise still provides a valuable basis for assessing the main implications of this proposal. The key implications are set out below with further details at Appendix B.” So then we have got: “The population reaches just under 97,000 by 2035 with regards to the population model of plus 150 heads of household per annum. The population levels out and then declines beyond 2035 to circa 95,000 by 2065. The number of people over 65 will have more than doubled by 2035. The working age population is maintained ...” I could just carry on and on and on but I am sure we have heard it all before. Okay, so that is a population policy that was agreed under, yes, the previous Strategic Plan, which the current Chief Minister was the Minister for Social Security at the time. Now, when we talk about policies and plans and frameworks and strategic plans, can we all honestly put our hands on our hearts and know and believe we know what we are talking about? Because all these wonderful little phrases come out of nowhere and they are meaningless. They are meaningless. A strategy all of a sudden becomes a policy and a policy all of a sudden becomes a framework, there are no clear deadlines. There are no clear guidelines and, therefore, how do you hold these Ministers to account? So what happens?

“Oh, by the way, States Members, we have not been able to meet our plus 325 for the last goodness knows how many years, but what we want to do, because we have not done the work that we promised you in June 2012”, by the way, ministerial response to Scrutiny right here. The work that was promised to be provided, okay? “But because we have not done that, we are going to bring a proposition to the States for an Interim Population Policy that endorses a population policy that was agreed in April 2009”, which hardly any Member seems to know of, but it is here. So that Ministers cannot be held to account so that what can happen at the end of the day when they do not reach this policy is say: “Oh, look what the States have done.” Because we have ministerial government now and I am sorry, I would have loved to pull out my violin and start playing the strings for the Minister for Economic Development and the Minister for Housing when they talk about how difficult their job is. Hello, wake up; we are politicians. The Ministers stood in this Assembly, promised us all these wonderful things ... the public all these wonderful things that they were going to do. They wanted the responsibility, they wanted the authority, so now have the accountability for it. If you want a plus 325 figure, then, Chief Minister, you make the decision and when the work has been done, come back to the States Assembly and treat it with a bit of respect because the response that was provided to the Scrutiny Panel dated 11th June 2012, S.R.1, we had a finding, number 7: “A delay in the debate on population policy is unfortunate given that it impacts upon other policy matters, housing, education, employment, economic growth and infrastructure, all of which will be covered in the new Strategic Plan.” The Chief Minister’s answer in black and white: “Agreed. However [my favourite word in this States Assembly] it is important that any debate on population be informed by accurate data and having engaged fully with the public. It is therefore incumbent to await the full analysis of the Census data, including annualised net migration data and a robust population model thereon and to progress other policy areas in so far as practical and reasonable in the meantime.” So we can firmly say that the Council of Ministers have not achieved that finding. That leaves us, according to the Deputy of St. Martin, in a bit of a difficult dilemma because, apparently, if we do not support this Interim Population Policy, then there is no policy. No. No, because I believe, if was listening to the debate correctly yesterday, if this is rejected then the Chief Minister has to make the decision for himself. Oh, my goodness. A Minister making a decision for themselves? My goodness.

[15:00]

So then I decided to refer to the wonderful Economic Growth and Diversification Strategy, which was agreed by the States Assembly in 2012, the Minister for Economic Development, and I will read the proposition: “To refer to their Act dated 1st May 2012, in which they approved the Strategic Plan 2012 and agreed inter alia that the introduction of an Economic Growth Strategy that assisted job creation and better aligned inward migration with new high value employment opportunities for local people should be one of the key actions of the Council of Ministers and to approve the draft Economic Growth and Diversification of the Council of Ministers as set out in the appendix to the report of the Council dated 31st May 2012.” Let us go on to read what we agreed, shall we? I will not read all the way through it. I do not want to bore you. Number 4, I think, was the most interesting one of this Economic Growth and Diversification Strategy. Now they are being called: “Strategic Aims”, okay? So just bear that in mind. We have a Strategic Plan and we have a strategy with strategic aims, which are going to have lots of lovely policies under it and frameworks, which have not come through this Assembly, as I understand. I am sorry if I seem a bit flippant, but this really does, after 5 years of Scrutiny and Scrutiny advising Ministers time and time again, you know, trying to help and trying to be that, what we call a critical friend, but there is this consistent difficulty for listening and understanding, or should I just say maybe it is ignorance. Strategic Aim form of this strategy talks about raising the productivity of the whole economy and reduce reliance on inward migration. We are talking about the aligning the education and training of the current and future workforce. We heard from the Minister for Education, Sport and Culture

our *Skills for Success* strategy. Is it published? Yes. Okay. Right. Okay, the aim for that, we were supposed to have that at the end of 2012 and we have only just had it published now, I believe. Right. Okay. So there are all areas within this Strategic Aim. Let us just explain a few bits here: “Remove the barriers to enterprise, encourage innovation and use of new technologies.” More information after that: “Linked continued support for the tourism and rural sectors to increase local employment and reduce reliance on inward migration.” See, what I am not being told in this debate, and what I would love to hear from the Ministers and I want answers, if I do not get answers, then surprise, surprise that this never gets met. Transparency and openness; we do not get on about it because we all live in a different world because it is what happens in this day and age. Understanding how the process works, understanding why that process works is fundamental to the way all of us live and so when they turn around and say all these applications go to H.A.W.A.G., whatever you are called. It was easier when it was a Migration Advisory Group. So when the applications go in, is it a smooth process? Are we having applications 127 pages long? Are we having them 27 pages long like the income support used to be and what is the criteria? Are there guidelines set out? I think a lot of people recognise the need to have ... we are a small Island, we are going to have fluidity in our population and to grow, whether that is as a society, as a community, as an economy, we all need to work together whether you come from the U.K. or Europe or America. So then that begs the question of where is all the information with regards to the work permits that are given out under, I think it is Home Affairs. Is it Customs and Immigration? Yes. Where is all that information? How does that link in? How does this all work together? Where is the linkage? I do not see it. It is just so frustrating because yet again, it is the Ministers turning around and saying if this States Assembly does not endorse this policy, there will not be a policy. No, hang on a minute; the Chief Minister can set it himself. It is a number that they can or cannot meet, whether they want to or do not want to, set against what guidelines, what policies, what legislations? I will refer to Senator Ozouf’s constant referral to the Solicitor General’s advice because this really ... we have a lot of work to do if we are going to stand on this underpinning legislation with policies because our policies are all over the place. The Minister does not believe that obviously but it is true. This has not been joined up. This is an Interim Population Policy. I expect more from the Council of Ministers. I expect a proper debate where we can talk about, in the future, 20 years, 30 years, what is it we want Jersey to look like? What do we expect of our Islanders? What do our Islanders expect of us? How much land will we need? How much land will we not need? How much housing will we need? How much housing will we not need? What kind of tax system are we going to have? That is an interesting one, is it not? All of these things are so fundamental and they are all dependant on a long-term policy. I cannot for the life of me put my name to this Interim Population Policy when I know that we have other Ministers that have turned around before and said that we have this wonderful Economic Growth Plan that was established in 2005, was supposed to end in 2009 so when you try to hold that Minister to account for growth policies and there are none between 2009 to 2012, and they turn around and say: “Well, do not worry. We were using the Economic Growth Plan from 2005 to 2009.” Okay. You know, there is one rule for one and one rule for another. Well, I am sorry; I am not having it anymore. If the Chief Minister wants in Interim Population Policy, good luck to him and I hope the electorate holds him to account for it. **[Approbation]**

#### **1.3.4 Senator A. Breckon:**

I should say that I have sat through a number of these debates over 20 years, as indeed Senator Routier and Deputy Duhamel and the Constable of St. Clement. Years ago when this was debated, it was a different landscape, as it were. It was against the background of a booming, indeed an overheating economy, and I, if you like, was part of that. Now, I am part of the ageing population so the best piece of legislation we have had through this House was done through Social Security. It was the Long Term Care Scheme. So I have one eye just on the population of the future. I did

have worries about the previous Minister for Social Security, Senator Gorst, taking his time because I thought, well, hang on, this needs to be in place. I remember some of these debates. I cannot remember ... we used to have what was called a Strategic Policy Debate, which was really about everything and anything but population was in there and I remember there was a fairly robust debate and the figures then were 80,000 and the increase sought was to 85,000. I am sure Senator Routier and Deputy Duhamel will remember that and I think at the time there was an amendment and, as I say, there was some serious discussion. What was said is that Jersey will be seen as being closed for business. That was said at that time and it has been said by numerous people in the last few hours. What is relevant to that is of course that this is an issue for many ordinary people because it affects their quality of life, the day-to-day things, many ordinary issues. It is about what was said then when we were talking about population that the infrastructure had been designed or was catering for that number of people, for things like dealing with rubbish and parking and health services and whatever else. To come on to housing, we have already strived, and we are still doing that, to get some equilibrium between supply and demand. We have never achieved it. You do not have to look very far. Schemes were brought online to cure the problem, whether it was with Quennevais or wherever else it was. There were loads of schemes. This is the answer for the next bit but of course we are still chasing the tail, as it were. The result of that, of course, people have costs. Deputy Maçon talked earlier this morning about those people that a percentage of ... I cannot remember what profile of the population it was, 40 or 50 per cent, will never get a foot on the property ladder. It is just not achievable and that is the reality of it. That was independently done and of course that then puts pressure on the rental market, which was just going onwards and upwards and again, that is pressure from population, the unqualified sector is better than it was not that many years ago but it is expensive. What are we doing? We are throwing lots of subsidies at this so what does, for example, an increase in population add to the subsidies that we have to pay for various things? We do not know. Again, it is finger in the air and what may it be? Many people are concerned about more than money. As I say, it is about lifestyle and quality of life and issues like that. It is certainly putting strains on the services and costs. So on one side we are getting some money in and on the other side, we are paying it out. What is the pound cost equivalent of that? If we raise money, then how much of it is going straight back out again? Something that Deputy Martin picked up on this morning, in a few weeks time we will be debating amendments to the Island Plan, in particular some focus on the housing aspect. Now, I would say this to some Members, you cannot have it both ways. You cannot say yes to that and no to that. There is a consequence. If you want one then, as night follows day, that follows that. You cannot have more faces than Big Ben. You will face that way, that there and that there, you have to be consistent. Even if you are wrong and you have an extreme opinion. If you believe it in then that is good and healthy but you cannot bend with the wind on this. You have to have some resolution. People might be accused N.I.M.B.Y.ism (Not in My Backyard), yes, all right, stick everything in St. Helier. Get up higher and whatever else but people who live there still need some quality of life, which population increases put pressure on people in certain circumstances. It is all right to put them in the country here, there and everywhere, then you can come and have a look and go back somewhere else but we are not talking about that. My understanding, when we started to develop some of these things and Senator Routier has touched on this, some of the information and the statistics are emerging. Where are we going to be? The reason we want the information is not because we are nosy, it is because we can make use of it that benefits the population. If we know the numbers, if there are issues ... and when we first talked about this, we said it is like the handbrake. We can either keep it on or let it off. We can do what we need to do to have accelerators or decelerators, whatever we need to do, without that information. But what we seem to be doing is getting agreement to do something before we know what that is. The Scrutiny Panel have quite rightly pointed out that some of the pieces of the jigsaw are missing here so what are we doing to do? Take it on faith again. Then, as other Members have mentioned, if you look at the

history, then what is the history? The history is, we have set a benchmark ... we have set a standard and then failed to achieve it. We have exceeded that. Now, there must be a reason for that because we have used the 2 levers, if you like, of living somewhere and working somewhere and that applied before under the Regulation of Undertakings and Development (Jersey) Law 1974 and housing qualifications and some people lived in some difficult situations without qualifications.

[15:15]

So there have been disincentives and incentives and we have used those ... I do not know if we have used those in equal proportion but they have been used as levers, if you like, as opposed to perhaps where we are today. I really am enthused by what Senator Routier had to say because I think there is now an element of control, if you like, if that is not an inappropriate word, on how it might proceed forward. That is where it perhaps was not because I was just thinking then over the lunchtime, I remember we were in a situation where we have perhaps had up to 2,000 vacancies and they were not vacancies at all. They were companies that were keeping manpower numbers on their list so that just in case they did not have to apply again. So year after year, or whatever it was, they would just add it in but as I say, they were not vacancies at all. We do not have that situation now and I think what Senator Routier described is work in progress but for me that is a positive. I think my disappointment, as I expressed this morning, is that I am a bit sad really that that information was not shared because if it was then it is something to celebrate. The right things are being done and not many people knew that. The people who I believe are working on that are doing that, you know, with some vigour and enthusiasm and whatever and they should be supported and if there are problems there then, you know, as they say, a problem shared is a problem halved. You know, there are issues there but it would not have been beyond the wit of somebody to come to this House and say: "This is what we are doing and these are the circumstances." It has been revealed now so it was not confidential, nobody's name has been mentioned, no companies have been mentioned and that is right and proper. That is the way it should be. The other thing, as Deputy Higgins said this morning, about the sort of ... the revelation when the Census came out in 2011 about the figures but I think the actual margin for error was closer to 4,000 than 10,000. I cannot remember the exact number but I do not think it was 10. The reason I say that is that this House approved twice to hold a Census in 2006 with a 5-year Census in between. The then Policy and Resources Committee would not accept that and they came back again and in the end they did not do it. So the fact that we got a surprise and my question then flows from that is, has anybody in mind, ministerially, the 2016 Census? It would take some planning and there is some work involved and some money involved, may well be a check and a balance to what we are told is the situation because in 2011 it was wrong but we were told that things like numbers in education, pensioners, people paying social security, all these things could be put together and we would get an accurate population view and it proved to be wrong. Although I do not have any doubt about the sincerity of the people that are working on right to work and housing things and whatever, I still feel perhaps there should be a consideration given to having a Census in 2016 as well. The other thing is I remember another debate about manpower statistics and we used to produce them quarterly. Now, if you look at statistics, they are only as good as the information you gather. We went to 6-monthly and one of the problems we had in the past, when they were done and collated, to do anything about it was too late. Perhaps we had more of a seasonal influx then than we have now but maybe that could be given consideration. Okay, there is some resource to doing that but, at the same time, if we do it and we have the information, then it is more informed and 6-monthly collation of statistics is not a usual thing. Quarterly is and was indeed more acceptable and I think that could have a benefit as well as a cost. The idea of any of this, as I said before, if we have the information and the people and this is involved, you know, we know what they are doing, then they consider what, if anything, needs to be done. It might be something or nothing and I can well understand the ministerial difficulty with this because it is

moving sand. It changes on a daily basis and it will ebb and flow and it is very difficult to say: "This is what we will do", because in 3 months' time, because of something, whatever it may be, then the situation is different. So it is a shifting area and I can well understand why, if you like, there has been an overrun on numbers because you cannot stop people coming. Although, I remember years ago, there used to be people on the docks in Guernsey and somebody getting off a boat, a young fellow with a haversack, or whatever it is: "Where are you going, son? Any relatives? Any connections? Any job? Get back on." Now whether that is compliant with whatever else these days, probably not, but that used to happen. I am not saying we do that, although I think Senator Maclean said about the white van thing, but that is still happening but then again sometimes we need some specialism so that will not stop it all together. So there will be services and indeed there were still people from outside who we need and need to come here to provide health, education, other services, as well as commercial organisations - I will not mention anybody - that support the economy and there is absolutely nothing wrong with that. The difficulty that I see with some of this is we cannot always be too selective. I mean, when people do, as has happened for years, work in seasonal areas and things like that and again, that will ebb and flow. One thing that did happen, which could explain some of this, generally off season, when there was no employment for people with low skills and then we had fulfilment and then we did not. So that could explain some of the ebb and flow and that may well work itself through the system in the next few years. We do want a vibrant economy that provides jobs and quality of life for people, but it is a delicate balance and I have a problem with this as it stands because it is a number, so the Chief Minister may be able to convince me or Senator Routier, but at the moment, I have my doubts about this. If you like, one of the reasons is that I have heard some of this before. You know, we will go away and do this but I am not doubting at all the sincerity of people that are dealing with this on a weekly basis to do something. Having said that, what they do is not easy because there are some difficult decisions to be made out there that affect people's daily lives. That is really where we are now in general terms. The people of Jersey would say that their biggest issue is population, and if it is fields near you or whatever it may be then ... as we are going to be discussing in a few weeks' time, but those Members that have some concerns about that then I think they, in conclusion, should really consider how they vote on this because I do not think you can be one thing one week and something else the next.

#### **1.3.5 Senator S.C. Ferguson:**

Yes, this policy is going to give us clear direction. If you look at what is in the so-called policy plus 325 immigrants as a planning assumption and high economic and social value and methods to deal with unemployment but that is just what the Department for Social Security is doing and the 325, we have been doing for yonks. I am sorry, Sir. For ages. For some time.

#### **The Bailiff:**

I think we can just about keep yonks. **[Laughter]**

#### **Senator S.C. Ferguson:**

Before we consider the various policies over the years, I would just like to whip through the response of the Council of Ministers to our report. The Interim Population Policy debate should take place; we have discussed that at length. It is reasonable to conclude that the public would want the Assembly to consider this issue given its importance. Yes, I have no problem with that. It is many years since this Assembly has had a dedicated debate on this issue and I went back through the various propositions that we have had over the years, almost as many as on the reform of the States. There were discussions in 1995, 1998, 1999, 2002, 2003, 2005, 2007, 2008, 2011 and now 2014, so I do wonder whose definition is "many years" but be that as it may. They go on to say: "We have proposed an interim policy to provide opportunity for these policies to be put in place to

provide direction”, but if we have not had a report on how the law is operating, how can there be any direction? The Institute of Directors says that you cannot debate anything if you do not have the evidence and the information. The net migration figure is not an absolute cap. It is a planning assumption that is aligned to our other policies but if you do not believe that you can keep to the number and the executives say it will be very difficult, particularly if you notice, given the recent figure is 575, if you do not believe you can stick to the number, why are we being given it? Then we have significantly improved migration controls but we do not know how the controls are working. We have a situation where the Statistics Unit do not feel they can rely on the figures. Need I say more? Supporting economic growth but, again, not a mention of productivity. You do wonder. Then, of course, according to the Chief Minister, as we say in paragraph 1.4 of our report, in February 2014, the Chief Minister advised the Assembly that the Interim Population Policy and proposed figure of 325 was consistent with the population policy that was currently in place. Despite this, we were then told by the Chief Minister that the 2009 Population Policy became invalid when the 2012 Strategic Plan was approved by the States, so there seems to be something like a sea change in thinking. One minute we have a policy and the next minute we have not. So where are we? Brilliant. The policies, as Deputy Vallois mentioned, are really pretty similar except the total population estimated for the Island keeps going up. In 1995, they were looking at a permanent resident population, the same or less than the current level, which was estimated to be 85,000. In 2002, there should be an assumption for policy planning purposes of annual net inward migration of up to 200 persons. This assumption to be reviewed in 5 years’ time. Then in 2005 to 2010 working population: “Not allowed to grow by more than 1 per cent and workforce changes redirected from low wage jobs into other sectors ... initiatives to enable people to remain economically active for longer and constraint on the public sector workforce. [Now there is a joke.] That will create further opportunities.” Then 2009 to 2014, Strategic Plan based on Imagine Jersey and Keeping Jersey Special: “Maintain the level of the working age population in the Island, ensure the total population does not exceed 100,000, ensure population levels do not increase continuously in the long term, maintain inward migration within a range between 150 and 200 heads of household per annum and in the short term allow maximum inward migration at rolling 5 year average of no more than 150 heads of household per annum. An overall increase of about 325 per annum.”

[15:30]

Now we have an Interim Population Policy, which is very little different ... in fact, it is less than the 2009 policy. These all, as I have said, enable the economic and social value. It is a Social Security Policy already and the planning assumption of 320 migrants, well that has been the policy for years. In fact, if you go to our findings, in 3.29, where we found that: “The Interim Population Policy will have no substantial impact on how the States currently manage population and migration.” Then 3.30: “The panel was advised that bringing the proposition to the States for approval, the Council of Ministers was simply asking for a nod to say continue to aim for that number and we will do that.” So what is new? There is considerable doubt in the business community that we can meet the targets or stay anywhere near them. Other concerns are that we have, and I know they are very good, they are very hard working, they are very thoughtful, but we have civil servants advising on how many unlicensed staff a business can employ. We do have excellent staff in the Population Office and presumably they are the staff that are advising H.A.W.A.G., whatever it is, but can they really assess what the staffing structure of a business should be? There is a concern in business that many businesses are not strictly conquerable. They are in different niche markets and what may be good for one is not good for another. In fact, it would be a disaster. What is a concern, as we have said again and again and again, is how the law is working. The Chief Minister has promised a report by June this year but, with great respect to those involved, I think it is highly unlikely we shall see one. There are straws in the wind that are starting to blow in profusion on this. We had a

kerfuffle over the manpower returns with the completion date being put back a month, which then caused the Statistics Department to put back their registered Population 2013 Report, saying that they were not confident that the manpower survey data is sufficiently complete, reliable or accurate. There are whispers that the population register and the e-Government system are having problems. What price getting the Chief Minister's report? The public want reassurance that the promises that have been with regard to immigration are being kept. This proposition keeps one promise, sort of, that there will be a debate on population in 2014. But it really is not much use if we do not know how the law is operating and I have just expressed my doubts on that. The Statistics Unit have not got their report out yet. But I think the most important part of all is, as we have been told by the Assistant Minister during our review: "What is in the Interim Population Policy currently is the way we are operating the new law. We want to have some sort of appreciation from other States Members of whether they support the way that we are currently operating it" and, later: "This law is a tap that we can turn on and off and what we are asking from the States is just to give us the nod to say continue to aim for that number and we will do that." We know it is a tough job because, as you have rightly pointed out earlier, we have not been at that number. We have not achieved that 325 in the past and it is going to be tough to do that. I suppose the basic answer is: does this proposition really represent a new policy? We have heard a lot of words, have we had any evidence? I think not. I shall not be supporting this proposition.

### **1.3.6 Senator B.I. Le Marquand:**

I am going to begin by providing information in relation to the work permits and how that interrelates to the control of Housing and Work law. The situation really is very simple, that work permits relate to people who are not citizens of the E.E.A. (European Economic Area) countries and they need to get a permit in addition to other considerations under the other laws. So it is an additional control that is confined to particular nationals. Once such nationals have been in the U.K. or Jersey for more than 5 years, they can in fact apply to be free of condition, which then means that they would be treated in the same way as the E.E.A. nationals. So, to this extent, the figures in relation to those who have work permits, who are of course included in the other figures, essentially, they are not really relevant in terms of a separate consideration. That is my brief explanation. So today, I am unable to resist referring to my favourite quotation from Russian General, Carl von Clausewitz, which Members have heard before. It is always worth listening to again, I hope: "The greatest enemy of a good plan is the dream of a perfect plan." Most Members of this Assembly are clearly of the opinion that this is not a perfect plan. That is also my view but it is much better to have a plan, albeit a non-perfect one, than to have no plan at all. It is because this is not a perfect plan that it has been brought as an interim policy for 2014 and 2015. Even on this interim policy, I have to say, the work has been difficult, very difficult, requiring a number of different discussions on different occasions at the Council of Ministers. It is not a perfect plan because a huge amount of additional work will be required over a number of years to seek to determine the future strategy for the Island for the next 20 years or the next 50 years or longer. That is a massive piece of work that is going to need to be done at some point. The Council of Ministers reached the conclusion that that was far too big a project and would take much longer and therefore we could not present, as it were, a plan for the next 20 to 50 years with any sense of integrity. It is also not a perfect plan because it does not provide the level of detailed guidance, which will eventually be required in order to operate the control of Housing and Work law. One of the reasons why it does not provide that level of guidance is because in order to achieve that level of guidance, you have to start first of all with some sort of concept of figures and that is why, in a sense, this is the first stage, coming to this Assembly and saying: "Do you agree at least for the next 2 years that we should be seeking to work upon the basis of a net migration figure of 325?" Following on from that, then the H.A.W.A.G. group can start to formulate more detailed proposals. Some Members have said that of course situations are different in different industries and of course,



that is right. Of course that is right and although some can have general ideas in relation to the basis upon which one is working, there may need to be specific considerations for different parts. That work is going to have to follow on. On one of the occasions when this was discussed, one of the many occasions when it was discussed by the Council of Ministers, I happened to be in the Chair and pointed out that this proposition would be criticised, as it has been, in the area of deliverability. Where was the proof that having failed in the past to deliver the 325 level, that would be possible in the future? Indeed, I am not sure at that meeting. I did not predict some of the Members, including one who is now looking at me across the Chamber, who would say that very thing. Of course that has been said today and that is very real issue. How is this going to be achieved? I have already said, this is not a perfect plan. It does not go into that detail and achieving it is not going to be easy because of the pressures that there are from various different sources. But if this Assembly says nothing today, if this Assembly rejects this all together, it is not even clear as to what basis of figures that the Council of Ministers should in future be working on. This is opportunity at least to set a figure, one of 325, to aspire to and to attempt to achieve.

**Deputy R.G. Le Hérisier:**

Sir, can I ask for a point of clarification? What is the Minister's definition of an acceptable imperfect plan?

**Senator B.I. Le Marquand:**

I am sorry, Sir. I did not hear that.

**Deputy R.G. Le Hérisier:**

What is the Minister's definition of an acceptable imperfect plan?

**Senator B.I. Le Marquand:**

The best that we have is my definition. The best that we have. The figure of 325 is not a growth policy as was alleged this morning by Deputy Southern. Based upon the best definition that we currently have, it seeks to achieve a situation in which the number of economically active people is maintained at approximately the current level. Members will no doubt have seen the table on page 13 of the report, which is significant. The number of people aged 16 to 64 will, even with the figure of plus 325, fall from 67,000 to 66,000, although the numbers 65 plus will double from 14,000 to 28,000. This is the best information we have. Of necessity, these are estimates based upon various different assumptions, but this is the best information that we have. This is not a growth policy. It is a policy for the lowest figure possible to maintain the working population in order that Government will have the necessary income to provide health and other services for an ageing population and indeed for the whole population. Add in order to ensure that there are enough working people to care for the ageing people, of whom I am sure, if I am still alive, I will undoubtedly be one by 2035. That seems to me to be the rationale, which I deduce from the figures, and certainly, when we looked at the Council of Ministers, that was the rationale that I took. It is the lowest figure that will maintain a viable working population to meet the financial and other needs of the community. But where do the main challenges lie? I have been quite clear on this for a number of years. I have probably said this previously in this Assembly but I want to say it again. The principal problem with the current systems relies, in relation to staff members who achieve the 5-year period and therefore who move from the status of being registered to the next status up from that. If they then move to other, probably better-paid, jobs and they will certainly aspire to do that and are replaced by incoming migrants, then there is a population increase. That is, in very simple terms, the big challenge which is faced by Government in this Island. If there is to be a solution to that, then that solution requires a bearing down gradually on the numbers of employees in the registered category. That requires where people are leaving, as it were, that they

are not automatically replaced by others coming in in that category. Frankly, that is going to have to happen even to achieve the 325 figure. That is not going to be easy. Obviously alongside that are requirements for training of local people, et cetera, et cetera, so that they are available to fulfil those jobs and that work is happening. That work will need to continue. I am not going to pretend that achieving 325 is going to be easy; it is not. But the alternative is to have no States policy at all. Those who vote against this policy will be voting for no States policy. But there will need to be a policy and if the States will not set one then the Council of Ministers will have to in order to underpin the operation of the Control of Housing and Work Law. Some Members may be happy to wash their hands of this issue and pass the buck on to the Council of Ministers, but that will be the effect of voting against the policy.

[15:45]

Which brings me back to Carl von Clausewitz, with a slight variation: “The greatest enemy of a good plan is no plan at all because of the dream of a perfect plan.” If this proposition is defeated today it will be defeated by a combination of those who want a lower figure, those who want a higher figure, those who want to blame the Council of Ministers for not coming up with a perfect plan, and those who want a perfect plan. That may well happen, that combination may well happen. **[Laughter]** There may be other categories which I have not thought of but those 4 have come to mind. The headline in the local press may well be tomorrow: “No population policy” on the other hand it may be: “States reject Council of Ministers’ population policy” who knows what the inventive minds of the headline writers may come up with. **[Approbation]** No population policy: is that what the Members of this Assembly really want? This is not a perfect policy but it is the best that we have - to answer again Deputy Le Hérissier - and it is a great deal better than nothing. Thank you.

### **1.3.7 Deputy S. Power:**

I listened to Senator Le Marquand’s good speech almost with a degree of incredulity **[Laughter]** because we have been stuck with this target figure of 325 and it has never been closely adhered to in the slightest possible way. So now the proposal that he is supporting to reintroduce or carry on with this is already proven to be a failure. It is a good job you were not here yesterday, Sir, because we had one car crash of a debate and I think today we are heading for a second car crash of a debate, and it is quite possible that there might be one other debate coming up which would make it a hat trick. **[Laughter]** I am not sure, and I am not a betting man, but we will see. I referred briefly this morning to the culture of the Population Office and I believe that the law that we introduced and the way that the Population Office goes about their business is fundamentally wrong and that is why we have these problems. One of the reasons is that the Population Office polices the companies that come to the Population Office. But the companies and the subcontractors and the other people who have come into the Island that are below the radar of the Population Office are the people that really we should be policing, and that is called enforcement. Now, what we have at the moment is we have law-abiding companies who go to the Population Office, they have their manpower returns analysed, some of them have their licences slashed, some of them are maintained, and some of them are increased. There has been a major revision of the way that whole approach has been taken on in the last 2 years. The point is that until such time as the Population Office and H.A.W.A.G. deal with those that do not appear on the radar we are going to continue to have a problem. There was a classic example of that in the economic bubble that we had between 2005 and 2009 on the low value consignment relief business. It was successful, and then through politics and the House of Commons and the transfer to the Exchequer, essentially that industry left. I am not going to get into the rights and wrongs of that but what happened was people that came to Jersey to work in low value consignment - and I am using that as one example - some left but some stayed. Some stayed, some settled, some began relationships, some had children, and

we picked up the slack on that after the 5-year rule that has been referred to this morning. That is an example of where a lot of people come in, some on the radar, some below the radar, and we do not pick them up until sometimes they have been here quite some time. Now, if Jersey was serious, and if Senator Le Marquand and his colleagues in the Council of Ministers were serious about dealing with population, they might take a look, and I put down a written question in March about the referendum in Switzerland. There was a referendum in Switzerland on 9th February. They do referenda quite often. One of the 3 questions was an anti-immigration proposal which was supported by one political party in Switzerland, to oppose the free movement of workers even though they had an agreement with the E.U. as a common travel area. The result of that referendum on 9th February was immigration restriction proposal passed by a narrow margin of 50.3 per cent. The voter turnout was 40 per cent, but for this particular referendum the voter turnout was nearly 56 per cent. But what they decided was this: the immigration measure requires the Swiss Government to either renegotiate the Swiss E.U. agreement of the free movement of people within 3 years, or to revoke the agreement. The proposal mandates reintroduction of strict quotas for various immigration categories and imposes limits on the ability of non-nationals and foreigners to bring in their family members to live in Switzerland, to access Swiss social security cards, and to request asylum. Opinion polls ahead of the vote showed the lead for the opponents narrowed but in the end it was 50.6 per cent. The aftermath of that was because of the passing of this immigration law, Switzerland has effectively rejected granting countries like Croatia free movement of persons, and as a retaliation the E.U. has excluded Switzerland from a number of programmes, Erasmus, and Horizon. So Switzerland decided to do something about it and it decided to challenge its relationship with the E.U. Now, we are represented by the U.K. in all matters in the E.U. and we do not have the ability at the moment to self-govern in terms of our borders. But what I would suggest to the Council of Ministers - and it was why I put the question down in March - it has to be an area where we revisit. We have to revisit this area. I do not see how we are going to decide either 325 or 225 or 425 unless we become more autonomous in these decisions. Like Deputy Bryans and Deputy Southern, and another 11 Members of this Assembly, I also came here as an immigrant. I think the States is now 24 per cent non-native, I do not know what kind of measure that is but it is a statistic. If this Assembly is to be serious about control we need to look further than this vacuous blancmange of a policy that is being suggested as an interim migration policy. I was part of 2 migration reports that commenced since the 2011 election result and I want to read one section out of the first report, which was chaired by the Deputy of St. Ouen in 2012. This is what the summary said: "A revised population model will not be completed until December 2012" we did this in April 2012: "In light of this information the Council of Ministers [which is the current Council of Ministers] has decided to delay population policy debate until July 2013. Before this discussion can take place questions concerning population or migration targets need to be addressed. The fact that Jersey has already exceeded its target that was set during the 2009 strategic debate, and is close to exceeding the population limit, makes us doubt its rationale. Before a debate on a new population policy takes place there also needs to be a fuller understanding of the difference between the 2000 census results and the previous population estimates." That is what we said, and then Deputy Vallois has very well expressed condition 7 in the response to the population report, a delay in the debate and what the Council of Ministers responded, so essentially Scrutiny do the work, the Council of Ministers respond, and everything is ignored. It just carries on, it is deferred, it is deferred, we are waiting for information, it is not correct, we need to analyse the Census results, we need more information from the Statistics Office. In other words, let us not make a decision because we need the perfect plan, or we need almost to get to a perfect plan in order to get another plan, which ultimately becomes another car crash. That is where we are at the moment. Then I chaired another report in 2013, I have quoted some of that this morning and I am going to read a little bit of it that I did not read this morning: "The dynamics and drivers of population and migration control are many and diverse. As Chairman of this review I wondered at

times how it came to pass that the States have followed this particular route to mere both housing and work laws into a complex and difficult piece of legislation to understand.” Having worked on the first 25 drafts that Deputy Vallois referred to in 2009 and 2010, somewhere between the 28th draft and the 37th draft, I do not know whether that was final one, it changed from migration policy to Control of Housing and Work. It did, it changed, somewhere it morphed into this horrendously complex law that was passed. Looking back on the whole thing and looking back on the 27th or 28th draft that I was involved in, and the 10 subsequent drafts, I really have pity on the law drafting people that had to put this together, because we made kind of a mutton stew out of something which could have been far easier to draft. We had 3 pieces of legislation. They could have been modified, they could have been amended, and we did not do it. Therein lie the roots of the problem of where we are today. I want to talk about the culture of the Population Office, the previous culture - and indeed it carries on - the culture of the present Population Office gathers excellent manpower information returns, and it has churned this stuff out year on year and quarter on quarter. That is good. Senator Ferguson said there are some issues to do with it at the moment, but that culture has got to change. The Population Office concentrates on those applicants that bring themselves before the Migration Advisory Panel, or H.A.W.A.G. as it is called now, and present an application for supplementation for change or whatever. This is not where the problem exists. The problem does not exist in this area. The problem largely exists in the unregistered or the unqualified, or what we now call the registered area. We come on to the present interim report and I would read one section out of that: “Two reasons have been given by the Council of Ministers for proposing 325 as the annual planning assumption for a net migration. First we have been advised that it would give a direction, and that it will secure stability in the size of Jersey’s workforce. Secondly, that it is the same planning assumption that has underpinned the long term policies approved by the Assembly. During the review, however, the panel found that the planning assumption of 325 is not being adhered to and, as Senator Ferguson has said T.T.S. are working to 500, Education, Sport and Culture are working to 500. Housing and the Planning and Environment Department are struggling with all of these different estimates, and I get back to what I said earlier. You have 5 States departments who are struggling with this, which is do we stick to the 325 or do we make up our own estimate, which is what is happening. So you have 5 States departments in this guesstimate type situation, and 3 States departments who are driving the economy. So you have Chief Ministers, Treasury and Resources, and E.D.D. trying to drive the economy, you have E.S.C. (Education, Sport and Culture), T.T.S. and Social Security, Housing and Planning and Environment struggling with that plan, and what we have is a confused - like the weathermen say - an occluded front. There is no political clarity as to how we deal with population. It is very frustrating and I really think when Senator Le Marquand says we have to have some kind of a plan, not a perfect plan, but we do not have a plan that is going to work. I refer briefly to summaries that Senator Ferguson did not read out, and if she did read them out I apologise to Senator Ferguson. Her panel said: “Due to a delay in the compilation of the latest manpower data, the publication of the 2013 Jersey Resident Population report has been postponed. Until the data is available the Population Office cannot assess the efficiency of the new law and the Statistics Department cannot provide analysis.” Over half the respondents in a recent survey carried out by the Chamber of Commerce did not believe the policy was achievable. A planning assumption cannot be enforced. The Council of Ministers consider that under the right circumstances there will be justification for exceeding the number set out in the proposed policy.

[16:00]

It is unclear whether asking for the States to agree a planning assumption for net migration of 325 people a year will adequately address the concerns of Islanders and the business community. The chief statistician is not yet confident about manpower survey data, or whether it is reliable or inaccurate, and as a result has delayed the publication of his Jersey Resident Population. “In the

absence of real time information the Population Office cannot accurately monitor migration or effectively measure the performance of a population policy.” Massive problem here because we do not have an exit strategy, we do not know who leaves. Next one: “The Interim Population Policy would have no substantial impact on how the States currently manage population.” It goes on. Two interesting pieces of data in *Jersey In Figures* which came out this week, on page 43, it is an indicator, it is nothing else, there is a table here on passport issues and on documents legalised. Now, one would say what does that give you an indication of? What it does, it shows activity that has been like that, it has gone up, it dips and comes back. Passports issued 2007, 10,600; 2008, 10,700, then it goes to 11,000 in 2009 when we were in recession, it goes to just under 11,000 in 2010 when we are in deep recession, it goes to 10,300 when we are in deep recession in 2011, dips to 9,700 in 2012 and it is up again to 10,200 in 2013. Documents legalised has run from 10,000 almost consistently all the way along to just under 9,000. So more indication of what is happening below the radar database. We do not have the mechanisms to control population on this Island at the moment. I now turn to one area that Deputy Pinel referred to this morning; she said that it does not happen anymore, the white van man comes to the Island with a lot of people sitting in the back of the van ready to work. That is not the case. What happens now is there are shuttle services between this Island and other countries 3 and 4 times a week in a 15 to 16 to 20-seater bus with a trailer, and that comes in and comes out all the time. The point I am making is this: irrespective of the work H.A.W.A.G. do today, and yesterday, and tomorrow, and this weekend, and next week, and next month, people will continue to arrive at the airport and at the harbour and they can come straight through. A lot of those people will go into jobs that are under some control by H.A.W.A.G. but a lot of other people will disappear into this amorphous mass of the cash in hand economy, the grey economy, and the economy that I say is below the radar. There is nothing in the mechanisms of the Control of Housing and Work Law that can pick them up. They live in circumstances that my colleague referred to this morning - I think it was Deputy Martin - they live in circumstances that none of us would want to see. I do not believe that the Control of Work and Housing Law works, I do not believe that the H.A.W.A.G. has the ability to control it, and when I read the Chief Minister’s report, buried at the very bottom of page 39 are the manpower and financial implications and an indication that 2 extra staff are going to be taken on to deal with enforcement and other issues. The culture of the Population Office has got to change. The culture of the enforcement has got to change. I heard the Chief Minister stand up this morning on a point of clarification about something I said earlier and he talked about vehicles being stopped at the harbour and he said that something like 15 vehicles have been stopped, I do not know what the exact figure was. But there are 2 conventional ferries a day, every day, there are 4 other ferries every day that have the capacity for 80, 90 vehicles. On those 6 ferry movements every day there are commercial vehicle movements and there are people coming in and coming out, and if he has stopped 15, 20, 25 vehicles in the last 3 or 4 months it is a tiny, tiny fraction of the amount of traffic that is coming into this Island. I am glad you agree, Chief Minister. Does the Chief Minister want me to give way? I will carry on. I do not have much else to say. I had grave doubts 3 years ago about the Control of Housing and Work Law and I have even bigger doubts about it now; 325 is like a fictional figure that has been plucked and will never be able to be enforced. We will be looking at statistics in 2 or 3 years’ time where 500 have come in again or 600 have come in again. Those that work in Planning will be forced to look at further concentration of planning applications, further applications for apartments and flats by the Housing Department - or Andium Homes that it is to be - further applications from developers to do minimum size flats for 65 square metres, 75 square metres, 85 square metres, further infrastructural support from T.T.S., further applications to build 14 classrooms by the Education Department, further applications to build a new secondary school in the west of the Island, further applications for massive sewage and drainage works across the Island, and so on. People will continue to complain about traffic congestion on the Island, people will complain about further difficulties with parking if we build certain offices on certain car

parks. People will complain about all of those things. All of those indicators are signs of an infrastructure and Island that is under stress from net inward migration. So I do not know what is going to happen with this proposition this afternoon. I have a feeling that this one could go the way another certain proposition went yesterday, and I will not be altogether too upset if it goes that way because I will not be supporting it. Thank you.

### **1.3.8 Deputy J.A.N. Le Fondré of St. Lawrence:**

Can I just say before I speak, I do have to give my slight apologies for a brief period of time immediately afterwards. I have to disappear on a Parish matter. I appreciate I should be in here but just in case my absence is again noted. I was tempted to comment after Senator Le Marquand's speech, is it a perfect plan, better than no plan at all, or is it a cunning plan? Well perhaps with tongue slightly in cheek obviously on the cunning bit, or is it a meaningless plan? When I was - I was going to say young and then I am going to get a lot of snorts of disgust from certain people in certain seats - when I was younger I can recall the population being 76,000, and then it was 80,000, and then it was 90,000, and then it is in my time in this Assembly it has gone to 97,000 and basically 100,000. I think, as the point was made - I cannot remember who by - that at one point the 150 heads of household was to limit the target at something like 97,000. Whereas now, on the figures we have in one of the comments they are looking at 111,000. I was listening quite carefully, I think one of the concerns that comes out of this debate as a whole is about the expectations of the population, and I think some of the concerns is about whether this generates false expectations. I was listening to some of the comments made this morning as I was trying to sort something else out, I think a comment was made in relation to Deputy Southern's proposition, 100 heads of household is impossible and not achievable. Okay, that is fine, it may well be the case, but surely that description - and it came from one of the ministerial speakers - could also be described to 150 heads of household on the basis of past experience. We have never achieved the 325, even in the last 4 years, I think it is, at the time of the highest level of recession we have had. Policy changes must be informed. Yes, I would go along with that one as well. That was a phrase from Senator Routier who was very helpful and useful in a discussion I had with him over lunch time. But the thing about policy changes must be informed, is that not part of the point of the Scrutiny report and why they were saying this debate should not be held today? Then the comment sort of sprung to mind, well, if the law was introduced 10 months ago without a policy, what on earth is going on? Then the Solicitor General turned around this morning I think and said - and it is true - the planning assumption of plus 325 is not a binding number. Well, we have figured that one out already because we have never met that number. The debate then seems to have devolved into do we have a policy or do we not have a policy. If you go down the argument, and I think it was Senator Le Marquand - I did listen with interest on his speech, it was very good - who argued that we do not have a policy and this is better than no policy. One of the reasons it seems to come out that we do not have a policy is because we introduced a new law, because when you apply that logic, every time we do a new strategic plan or a new law or something, that must wipe out everything that has gone before. We have been up to our eyes in new debates on new policies all the way through. That cannot be right, well, if it is, it does not happen. So how many policies do we not have in place that we should have in place? That contradicts with Deputy Vallois and I enjoyed listening to Deputy Vallois because it was kind of a surgical scalpel I think, analysing to death the positions of the Council of Ministers over a period of time, but I think it was the economic growth strategy she referred and she said she was informed at that period of time that the previous policy would continue until the new one replaced it. That definitely was a quote, nobody has contradicted her, and that would make sense. That stacks up. But according to this we do not have a policy and the only thing we are introducing here is that this is for 2014 to 2015, it is going to finish in 18 months' time anyway. So why do we not have a policy when, to quote again the April 2009 Population Policy, it says: "The Council of Ministers has revised its inward migration

proposal to a maximum of 150 heads of household per annum.” Which we have never achieved. “The Council of Ministers, therefore, believes that a moderate amount of inward migration is not only desirable but is absolutely necessary as part of a range of initiatives designed to keep Jersey special in the future.” Well, that is fair comment, I do not think any of us disagree with that. It is not realistic to have nil migration, we know what the consequences are on that. You are portrayed as completely closed for business. I just wanted to explore a bit further this thing about “there is no policy”. I mentioned this to one or 2 people and some agree, some disagree. I just cannot quite get my head around it. If one goes to the law, the proposition that we debated, this is P.37 of 2011, which was the law, it says - this is in the contents: “Detailed analysis, section E. This section outlines the key policy rationales behind the law.” Section E carries on: “This section seeks to explain the policy rationales behind the law.” It keeps going, it goes on for 2 or 3 pages. There is an appendix at the back: “Key policy changes since consultation on part 2.” So there must surely have been policies in place which surely are being referred to in that law. Where I am also completely unclear, because I accept that if one looks at the report that we are debating and the proposition we are debating, on page 5 it says: “We are proposing an Interim Population Policy.” So I suppose that does give the certainty that certain people are trying to argue they need. This says: “Part 1, the planning assumption of 335.” Then it talks about enabling migration which adds to the greatest economic and social values. Then it takes us all the way back to the 325 is not a binding figure. We have been told that, and we have never made that target in the first place ever, I do not think. The second point is then we need some stuff to kind of justify that using them - this is an analogy and may not be accurate - we want to be able to turn someone down who wants to take someone as a hairdresser, unqualified in my terminology, but we want to allow someone to bring in a banker because the banker will create greater economic value and, therefore, is of greater to the Island. That is kind of the simplistic argument or one of the strands of argument that has been going around about the greatest economic value.

[16:15]

That is identified in this interim policy on page 5; that is part 2. So if we do not approve that what is wrong with the Strategic Plan? Apparently the States passed an Act approving the Strategic Plan, somebody quoted that earlier on today. In there it says in the meantime: “And in the meantime follows on from the undertakings that we will do the Census, we will analyse the results, we will do the public consultation, we will have a States debate on immigration, and in the meantime we will only grant permissions for new migrants to work where it is compellingly demonstrated that this will deliver sizeable economic or social value, and local qualified people are not available.” So surely you already have the justification for that second part of the policy to allow you to distinguish between the type of people who want to bring in, if everything else had been wiped clean, which I still cannot get my head around because logically that cannot stack up and is inconsistent with the undertakings previously given to our chairman of P.A.C. (Public Accounts Committee). Further down on the same page of the Strategic Plan: “We will only grant permissions for additional non-locally qualified staff in limited cases. We will also actively manage licence capacity in concert with back to work initiatives” et cetera, et cetera. So that is pretty similar to what we are being referred to. In other words, it already has been stated in this life of this Assembly. What is this about? Is this about trying to get the Assembly to take responsibility for something, and is it going to be a case of: “Well, if you do not like it you should not have voted for it”, when it comes back in some future time? Or is it an incoherence around how on earth policies and laws are coming together, in which case it cannot just be in relation to this? So I kind of came to this conclusions, we either already have some form of policy which, let us be generous, we are trying to clarify today, but we know we have not achieved the target even in the height of recession. So basically the target is rubbish and unrealistic and we should not be supporting it. Or we do not have a policy, but again we are being asked to vote on something which is only for the next 18

months, should have been introduced 10 months ago or whenever it was when the law was introduced in the first place, and I use “introduce” loosely because I am not too sure if it is repeated or introduced, and again on a target which we have to date never met. So the conclusion I came to I am afraid - and I do not mean it in a derogatory way but I do mean it in a political way - this could then be perceived as a fig leaf. It is basically to give people comfort that something is being done on one of the key aspects of the Strategic Plan, when the reality is it will likely make no difference as far as I can see. Unless there are some compelling legal challenges coming through and we have to have something that says no, this is the legal position. We have been told all the way around that is the Chief Minister can sign the policy he wants to do. I think I am going to go with Scrutiny because I do not want to vote on what appears to be a poor decision. If the Chief Minister needs to make a decision because of a legal matter then perhaps it should be down to him, and then he comes back or his successor comes back with a full and complete policy. I think that is probably where I am.

### **1.3.9 Deputy J.P.G. Baker of St. Helier:**

Can I just clarify whether I have a conflict? I notice that several people who have spoken already are employers outside this Assembly, I am an employer on the Island. Others have spoken, I assume.

#### **The Bailiff:**

Yes, that is just an interest which many people have of a general nature.

#### **Deputy J.P.G. Baker:**

Thank you, Sir. This has been a very interesting debate, from my perspective mainly because of the surprising alliances and allegiances that have developed around the Assembly. I find myself agreeing - going back to the debate yesterday - with even the Constable of St. John which has not happened before. [Laughter] I think what the commonality is here is that the Council of Ministers have this wrong. There is a better understanding from non-Council of Minister Members of the Assembly than there is from the Council of Ministers in terms of what this moveable, somewhat meaningless, target is. I think it is important that we all - as we all have done - look at the population debate from a more measured and informed position than I had anticipated. I started my notes and I was going to recount, and I will recount, an experience that I had on the Electoral Commission when I ventured all the way out to Grouville. I was told by a member of the audience in Grouville that it was outrageous that I could come all the way from town to Grouville and try and pose my ideas on that Parish, because that is not how things are in Grouville. By the way the person that said that did achieve a round of applause so they were not isolated in that view. But to me I have been expecting more of a xenophobic type of attitude coming from the Assembly because we have had it before in here and it has really surprised me that that damaging view does still emanate from parts of this Island. It is totally inappropriate in 2014 and, to be honest with you, I shudder with the word “immigrant”. I am not picking on Deputy Maçon, I hope he does not think that I am, but he referred some weeks back to Deputy Southern as being just about all right because he had been here long enough. I appreciate that may have been humorous but I think really people need to think long and hard about that, whether Deputy Southern is accepted or not. [Laughter] That sort of view, in all seriousness, is damaging. I would like to try and get across to Members, without restating too much of what already has been said, how damaging to my mind controlling immigration in this way is, and what a target of 325 means, if anything. I would like to get across that immigration is linked to employment and employment is linked to costs on this Island, and costs very much is what competitiveness is all about. Not that long ago Jersey, to my mind, was an Island of innovation, we were pro-enterprise and we had aspirations of improving our standard of living. There was nothing wrong with that. However, more recently I would say that those 3 traits



have been replaced with a more apathetic, stifling, and protectionist style, which is harmful. Our years of plenty perhaps have led to a mentality of having had it too good for too long, and if we do not get our message right on immigration then, I am sorry, Jersey will be viewed as being closed for business. We must not kill ourselves. Jersey has definitely lost much of its competitive edge. It is no great secret financial business is being written in other jurisdictions because they are easier and cheaper to deal with. We are forcing businesses here to fold under the weight of needless bureaucracy, legislation, uncompetitive tax, and also uncompetitive employment laws. Again, no secret, big employers have stopped hiring and that is not just a by-product of the recession, and smaller ones are hamstrung by illogical legislation that seems to have turned an employee into a liability from day one, rather than a potential mutual opportunity. This is our fault. This is the Assembly's fault. Now, if we are happy to continue down this road of self-inflicted harm then we must go on and support this target of 325. But to me the whole message has been lost in the white noise around this debate. Nowhere do I see a succinct description of what 350 means, 350 what? Nowhere do I see an analysis of what our deficit looks like and how we are going to recoup this, and who is paying for it. The Chief Minister did say to me yesterday that he hoped that I would engage more with H.A.W.A.G., and I would respectfully suggest to the Chief Minister that perhaps he engages more with the small business owners who have not only had applications refused but they have their licences cut, and all of this at the end of a recession at the same time as we are entering a period of undoubted growth. Businesses are closing and enterprise is leaving the Island. May I suggest to the Chief Minister that he is out of touch with what is happening on the street. May I also suggest to other Members that this Assembly is not the real world. It is some sort of black hole that seems to suck enterprise out of the community and we should pat ourselves on the back, if that is the right phrase, for creating such stagnation and staggeringly glacial progress. If properly implemented an immigration population policy would allow people to come to this Island to work and to contribute, and then either leave or - subject to other criteria - stay. This target of 325 is not a policy, it is an olive branch in an election year. Just to be clear, before I am misquoted or misunderstood, I do not want any individual or individuals to come to the Island who are not prepared to contribute and to contribute meaningfully. However, 325 people set in this proposed policy is a meaningless target and it takes no account of the type of people that are coming here. It is an oxymoron to growth, in my mind. I know Deputy Power mentioned Switzerland earlier and I too will mention Switzerland and their referendum last year. They plan to make significant changes to their federal constitution and, while these have not yet been implemented, they do create great uncertainty which in turn has been good for Jersey, but that is a separate matter. The net result has been around 3,000 high net worth family units in Switzerland being affected by these changes, corporations are leaving Switzerland and many of them are heading to Ireland or to the other tax haven in E.U. known as the U.K. So let us be in no doubt how mobile people are and that we need people to come here and pay taxes, that has been said very much already. We need them to contribute and we need them to create jobs and somehow tackle our burden of public service. Preventing people here and sending out the wrong message seems absurd to me, particularly without clarity on what is and what is not allowed. Without a proper qualitative assessment of immigration how can we ascribe any number to the level of immigration? I will say again: what does 325 mean? To me it is meaningless and, to reiterate before I am misquoted, I am not interested in anyone coming to live in Jersey who is not prepared to work and to make a contribution. That perhaps is the mistake we have made in recent years. If we do not get our numbers right and run these numbers properly and link immigration to falling tax revenues and higher costs then there is one certain outcome and that is higher taxes across the board, and I do not support that. Some of us, as I said earlier, still live in the illusion that Jersey is a low tax jurisdiction, and that it remains competitive. Well, to be clear for residents, Jersey is certainly no longer a low tax jurisdiction. We have our head buried in the sand saying 20 per cent sounds good enough, it sounds competitive. Well, it is not, and if one simply sees a complete picture of what is

going on in the U.K. in terms of enterprise as well as personal taxation, it shows itself by comparison to be a highly advantageous jurisdiction with an array of sympathetic and enticing tax reliefs, something that is absent here. We have already lost that edge so let us not do the same on this debate. In order to avoid further tax rises, bearing in mind those that are already planned, social security has risen, tax reliefs have all but disappeared, and the already agreed long-term care contribution, we need some form of inward migration from people who are going to make a meaningful contribution to this Island. That leaves us with the 2 choices: one being tax, or 2, more people to spread the burden. We have also gone a long way to remove social security as an option, but we need quality inward migration and we have to allow that to occur in order to compete as competitive, but these workers must not be enticed to stay. This approach is commonplace around the world and there is nothing particularly unusual about it. We have been told we cannot do it but I do not believe that. We only have to look across the water to Guernsey who have, in my view, a better grasp of how to run a system, or further afield, whether that is America, Australia, or the Middle East. We used to have a system a bit like this but we became a bit soft, the population swelled, and here we are, something of a mess, and 325 does nothing to tackle it.

[16:30]

Fundamentally what underpins what I am saying and this debate, to my mind, is growth and getting people back into work. We need to return the Island to growth and to get our tax receipts moving again. For some reason the Council of Ministers in recent years have focused far too much attention on the Minister for Social Security. They have somehow seen him as some form of a magician. He was tasked with getting people back to work and reducing unemployment. Now, while I admire him as an individual, and the extraordinary lengths the department has gone to, this is neither sustainable, nor fair, and neither will it lead to growth. Likewise, it is foolish to think that reducing immigration will tackle unemployment. Yes, the 2 are linked but in reality pulling down the shutters simply stifles growth and will do nothing to tackle unemployment. In fact, quite the opposite. It is preposterous in my mind to see Social Security as being the magic wand to solve unemployment. We need investment and we need growth, and investors need to know that they are not going to be left in this uncertain limbo that the current policy - and I use the phrase "policy" loosely - and the movable targets does. It leaves people in a limbo. It is unclear. I wanted to ask the Chief Minister on Tuesday, but ran out of time during questions without notice, how it is possible for us all - hopefully as ambassadors of the Island - to go out and compete in getting business here when we ultimately have to tell people that they cannot recruit who they want, they have to make an application, they have to see what happened, and once you have that application it might be reduced. Frankly, this vagueness, this uncertainty, drives business elsewhere and lets other jurisdictions Hoover up business that could rightly have come here. Why are we making it so difficult for ourselves? When I joined the States 2 years ago I had a burning question in my mind that I suppose if I had thought about it before I joined I could have answered it and perhaps I would not have joined, but that is another matter. **[Laughter]** The burning question was: why if Jersey has its act together is there not an ordinary queue of businesses and individuals wanting to come here and relocate here? Naturally there was this hypothetical queue, we could have something of a beauty parade and pick the businesses and the individuals that we want here. But as I have learned, in part through time with E.D.D. and in part through my own experience of travelling, this is not the case. I say again, it is because we are not competitive. If we were we would be inundated with requests but instead, as we go out and rightly promote our Island, the reality is we struggle to give businesses any solid assurances about their single biggest expense, and that is the hiring of their workforce. Fewer people and businesses want to come here, that is a reality. From an E.D.D. perspective, businesses that do come here is hard won and the department, in my view, is doing a good job of creating interest. But they are dealing with uncertainty and uncertain costs makes this job unnecessarily difficult, if not nigh on impossible. So what do we do? First off, hindsight, we

should have supported Senator Ferguson on Tuesday and perhaps now we should be asking the Assistant Chief Minister, Senator Routier, to withdraw this, or perhaps that is too late, I am not sure. [**Approbation**] But just to reiterate, I see nothing here in this proposition to support this figure of 325. It is, I shall say again, meaningless. There is nothing qualitative about the 325, in fact there is nothing to support bringing one single individual to this Island. What happens if this 325 are non-contributors? Why do we want them here? Why can we not be qualitative about this? What does “net” mean? As I understand it, could we record people leaving and 2,000 people leave Jersey then 2,325 licences will be granted. If that is the case, how is net measured? If it is measured then businesses need to be informed, they need to have up-to-date data and they can plan and understand as licences become available. However, I think that is unlikely. I mentioned Guernsey and other places, and while I was doing a bit of research of islands around the world and how they deal with enticing people to come to their island and relocate, an advert for Cuba popped up on my search and before I clicked the link I, with some trepidation, thought: “What is about to come next?” I thought I was about to be accused of being a rabid capitalist and lectured at, but quite the opposite. I can go to Cuba tomorrow, I can take my businesses, I can live there for 8 years, 0 per cent tax, freedom to employ who I want, and apparently I can send all my money home?

**Male Speaker:**

When are you going? [**Laughter**]

**Deputy J.P.G. Baker:**

That is a good question, I have not booked my flight yet. I think people need to understand that the world is competitive, wherever you live, whether it is America, Australia, Europe, the U.K., or further afield. So can we not do something sensible? Why can we not allow the necessary workers to come to the Island, keep us competitive? It is a clear policy, it is a fair policy, and it is fair way of treating people. It is also fair to the consumer and it is fair to the public and to the worker involved. As I said at the outset, I think the Council of Ministers have got this wrong and I do not support this proposition, 325 without qualitative controls, based on decisions made by H.A.W.A.G. leave businesses in a limbo, and is a pretty poor way - to my mind - of tackling this problem. The 325 sounds a lot like to me, if we are thinking of locating here then perhaps I will look elsewhere. I do not know whether Members read the recent article about a (k) that came to the Island and it was a great article and he was a big fan of Jersey, and rightly so. One of the questions the interviewer asked was: “Of course you have a number of businesses around the world and you have been a successful guy, let us hope you are bringing some business to Jersey?” Maybe I am imagining the chortle he gave to the magazine article but he said: “Why would I? You have extraordinarily restrictive employment practices.” I thought: “I hope people read that and realise that there is a shining light of someone that we brought to the Island who is an exemplar of business and is renowned in the U.K. where he was based as being a fair-minded and successful individual, yet he does not view the place that he now lives as a place he wants to do business in terms of employing people.” So if you are thinking of voting and supporting this, which I think the numbers are waning, think what 325 means. It does not mean a reduction in unemployment, it means the opposite. It will lead to higher costs, it leads to lower productivity, it leads to less consumer choice, it ultimately hampers our growth, it leads to less tax receipts, more pressure on our existing fiscal policy, lower confidence, and a clear decision by the current Council of Ministers to shift Jersey further back from the competitive frontline where I am sure we all remember Jersey being. So those that are pondering supporting it, I would urge them to consider not supporting this and ask the Chief Minister or the Council of Ministers to produce a report and a policy that gives clear, meaningful figures, and it gives a thorough analysis of what inward migration does for us, good or bad. Perhaps the Council of Ministers should take heed of the employers, take heed of the I.O.D.

(Institute of Directors) or the Chamber of Commerce comments and recognise that stifling growth at this point in the economic cycle is frankly a rubbish, if not impossible, idea. Thank you. [Approbation]

### **1.3.10 Deputy G.P. Southern:**

After almost 3 days of debate - I am impressed by how much we can talk, talk, talk - I have been thinking what can I do to get some action. I wondered at one minute why I was here, and then I recognised my addiction to listening to right-wing businessmen speak. If Deputy Maçon will forgive me, Deputy Baker has just done a right bobby dazzler, in right wing speeches. That was a gem. It was a real belter. As they say in the north east it was “bimler”, brilliant. I am not going to spend the time that Deputy Mézec did yesterday saying how much I disagree with every point he had to say, but I might be voting the same way as him, except - suffice it to say - that I will just remind him of the quote the Council of Ministers used from Imagine Jersey 2015: “The least acceptable solution to the problem of an ageing society is allowing more people to live and work in Jersey.” That is the opinion of our residents. Not necessarily the business sector, but our residents. It struck me that maybe we are in a competition among sequential Chief Ministers and the competition is who can listen least to the people of Jersey. I have been quoting earlier from Senator Walker, and he certainly did not listen when he introduced G.S.T. and put it on everything, including food. Senator Le Sueur, equally, did not listen to the 19,000 petition when we upped G.S.T. to 5 per cent from 3 per cent, and now Senator Gorst appears unable to hear that the least acceptable solution of allowing more people in Jersey is the will of the people. The question is, do we have anything different - policy wise or otherwise - with this particular interim policy? The answer is clearly no. As it says: “Where a business has high economic value, permissions for staff would usually follow.” That has been the policy for the last 10 years. I quoted Senator Walker saying exactly that some time ago, 9 years ago. Then I said - and I repeat it now - I personally believe there is a clear risk that the drive for economic growth and the expansion of the financial services industry will be allowed to determine the developments of all other strategic policies, including migration and housing. That danger was there then, it is still here now. That is what we have heard. We have heard a brilliant speech from a businessman saying that is what should be driving migration policy. I disagree. But I was thinking, instead of sitting around here for 3 days talk, talk, talking, and probably coming to a conclusion that we do not want to support anything - which looks highly likely - I was thinking what can I do to influence my Chief Minister? What can I do to incentivise him, to motivate him and to energise him? What can I do to give him some political will or, as I called it earlier, some political bottle? The question came to me and I put it to the Greffier: is it possible to bring a proposition to threaten a motion of no confidence? That would get him motivated, would it not? The answer initially, the draft answer from the Greffier, is not all that positive: “I cannot see how that could be done. What sort of wording did you have in mind? You could of course give public notice of this, but I cannot see how you could word it in a proposition.” Challenge, love it. So here is my first draft of wording. If by the end of the first quarter of 2016 the Chief Minister or the Council of Ministers ... I may consult people on that, the Council of Ministers, is it all their responsibility? Are they collectively responsible or is it just the Chief Minister? If by the end of the first quarter of 2016 the Chief Minister has failed to demonstrate that it or he has met its target of plus 325 net inward migration, let us be generous, plus or minus 10 per cent, for the years 2014 and 2015 the Council of Ministers, the Chief Minister, shall be subject to a no confidence debate. Now, I am quite happy to lodge that tomorrow except it would fail because we have not got the time to do that. But by Jove, if I am back here in October at any time during 2015 I am prepared to lodge that and I give notice that if this Chief Minister and this Council of Ministers fail again after 9 years to meet their target - which has not moved - then there will be a motion of no confidence. How is that for motivation? Go to it please.

### 1.3.11 The Deputy of St. John:

Just before I start my speech and talk about what I really want to say just a couple of corrections on some things that I said yesterday and this morning.

[16:45]

Apologies to the Assembly; the *Skills for Strategy* has not yet been lodged as an R. it has been sent and was sent to Members on 7th April and to the media. Members do have a copy of it but it will be launched as an R. in the next 2 days, if not today. The reason for the slight delay on that is that while I was away on holiday for 2 weeks I needed to sign a Ministerial Decision. I have been reminded this morning so I have now done that. It will be lodged as an R. if not today then certainly, I think, tomorrow. The other thing I wanted to correct was what was a quite disingenuous motion that Deputy Southern made this morning, I think. He made the assertion that local people were leaving the Island in droves, during his speech, and he did that by referring to Jersey in figures and quoting the number of local people leaving the Island, the net outward migration of local people as compared to the net inward migration of non-local people. I have checked with the Statistics Office over lunch and - although it is quite difficult with the mathematicians that are in the Statistics Office to get them to commit themselves, that is part of the job - what I have established is - and this is a probability outcome, it is not the actual numbers, the Statistics Office works with probability outcomes - the net outward migration of (a) to (h) people is a few hundred whereas the opposite is true, the net inward migration of non-qualified people is roughly 1,000 per annum. So, a few hundred plays about 1,000 per annum. The overall point does have some merit that Deputy Southern was making but I want to just qualify that because I have also established that when our (a) to (h) university students do not return to the Island immediately following the end of their degree they are then counted as outward migrants from Jersey. Again I have the statistics from my own department and that number is roughly between 280 or so every year. If you take a few hundred net outward migrants of local people then I think the 280-odd university students that do not return every year makes up the majority of that. I think we should have a little bit of balance here. This is not a situation in the Island where local people are leaving the Island in "droves". I do not think that is a true representation of the reality. I do not think there is anything wrong with our Island in that particular respect; you will always have some outward migrants. But I think it was going much too far to make that kind of point and I think that is quite important for Members to understand. Okay, so having corrected that, I feel I need to try to rise above this debate a little bit which has focused, I think, on the narrow issue of this Interim Population Policy and the kind of fixation on whether 325 is the right number or is 200 the right number or not. I want to try to take that elusive 20,000 mile-high view of what is really going on here. I think that is important. First of all, Deputy Vallois ... oh, to be in Scrutiny again. I remember thinking when I was in Scrutiny it was the best job in this Assembly. You can do the second guessing of the Chief Minister and Minister for Treasury and Resources and it is great fun and you can decide almost whatever you want to review. Is it not great? I remember sometimes I would wake up in the morning and I would think: "God, I wish I was in Scrutiny again." Usually it is on a Tuesday morning when there are about 5 questions, you know, that have repeated what was being asked 2 weeks ago because they did not quite get the right answers. I jest; I am enjoying my job enormously. It is a great challenge but I enjoy the challenge. Of course, the job of Ministers making those difficult policy decisions in a very difficult circumstance, particularly this one, is something that just has to be done for the sake of the Island; I just would make that point. What would the Assembly have said if the Chief Minister had simply just prescribed a new policy to go with the new Housing and Work Law? What would this Assembly have said? I believe he would have been torn to shreds, particularly having made the commitment to bring things to do with the population policy back to the Assembly. I would just make that point to Deputy Vallois. It is all

very easy to make impassioned speeches and tear the Chief Minister to shreds but that is not real life. That is what she is there for, but it should be said that the Chief Minister is just simply doing his best in a very difficult set of circumstances. Now I am going to talk about the business climate, a little bit the same as my colleague behind, Deputy Baker. I agree with a lot of what he says, not completely, and that will become clear in a minute. Businessmen are fundamentally competitive, they have to be. He was absolutely right when he said that being competitive is all about controlling your costs. I am not going to be popular in the Council of Ministers here because I am going to say what I really do think about the Housing and Work Law fundamentally and the effect that it has on entrepreneurial morale. The U.K. does not have a Housing and Work Law; it does not even have the kind of work permits that some people would propose. It is in the European Union so they use it ... I need to qualify that, as far as any new citizens are concerned. But, of course, that is the vast majority of inward migration in 2014. Anyway, our law, what it creates is uncertainty. There is a feeling among businessmen that the rules and the decisions are made behind closed doors. There is no level playing field. There is a perception of no level playing field, to be more accurate. There may be a level playing field but there is a lot of translucency around that area. There is a lot of feeling that if you have enough financial resources by way of administrative support you can make life so difficult for the Members that have to make the decision in H.A.W.A.G., but in the end you can get your own way. This has grown up over many years because, in fact, I believe that there is a certain amount of truth in he who shouts loudest can get what he wants and he who shouts loudest usually does it through advocates and making life difficult for the politicians who have to make the decisions. I have the greatest respect for them and I have the greatest sympathy for them but, in effect, that is how it is. Worst of all, there is this creeping feeling among businessmen that your competitor could even be breaking the law in order to get around it and where does that leave you? It leaves you lying awake in the middle of the night worrying about whether you are going to be forced, in order to keep your business competitive, to also breaking the law. It is completely wrong. Where has it come from? It has come from the old Jersey way. The old Jersey way of achieving something in the cheapest possible way by trying to control inward migration by remote control, through regulating businesses when it is alien to a businessman. What a businessman wants to do is be competitive, get more business, employ more people and make more money. That is the rule of capitalism. It is just simple nature. It is just simple business nature. That is what businessmen do and if they are successful they make some money. But, you know, good for them, that is how our world goes around, that is how more people get employment and that is how success is bred. In the end, it is the successful economy that comes out of that that produces more tax income that pays for all of things that we want: health, education, et cetera. We did it the cheap way back in the 1970s; it was not really applied very strongly. In fact, I even remember it being said, maybe even again behind closed doors: "Do not worry [when the Regulation of Undertakings first came in], we are never going to apply it particularly stringently. You will always get the people that you want. Do not worry about it, we are going to do this because it is politically expedient and it is cheap." Sometimes you can keep doing it on the cheap until you find that you have to start applying it because political pressure means that you have to. But there comes a point in time, I think, where you have to take that mould, that plate, if you like, and smash it. It is cracking so much that you need to smash it to pieces and throw it away. But what have we done? I believe that we have created a frame of beautiful shiny stainless steel into which this cracked plate of the Regulation of Undertakings Law has been inserted and the shiny stainless steel around it is called the Housing and Work Law. It is much more robust than the old china plate that is cracked everywhere from Regulation of Undertakings, you could even fling it against the wall and I think it would bounce back at you. If you throw it at your husband [those ladies among us] it is likely to probably do a lot of damage because it is much more robust than the Regulation of Uns. but it still has the smart fundamental problem, which is that it tries to regulate the demand for inward migration control by remote control on businesses. That, I think, is just

fundamentally now wrong in this day and age. What are the alternatives? This is probably where I depart from Deputy Baker fairly fundamentally because I am going to use the old Senator Walker phrase: "We are where we are." We have to have something and this is what we have now. We have to keep going with it for now, certainly. However, personally, I think it is time at least to understand the risks better of something else. Just a point, it has already been mentioned, Australia manages to do it a lot better. That is just one place and there are many others. We keep being told that that Protocol 3 stops us doing the job properly, which would be for Government - more expensively - to control inward migration through work permits. If you do, businesses will, of course, still fight for more staff, for more inward migration, that is the nature of a businessman; I am not kidding myself on that. But at least you would have a level playing field. Every person that works on this Island will need to have a work permit under that kind of system. That is easy for businesses to understand. You could also then have laws which would make it illegal for a citizen from Jersey to employ the white van man for cash. That would be against the law and it would be relatively easy to police. I do not say it would be easy but it certainly would be a lot easier to police and probably cheaper than what we currently have now.

[17:00]

I am just going to take another example, in 2007 I was party to a number of discussions with the job that I had then with the Chief Minister of the day about the need ... if you remember in 2007 we had just been told that we had to have Zero/Ten, we had to change all of our tax structures, we had to have G.S.T. You can all remember the furore there was around that time, 2005, 2006, 2007. There was a very great feeling around that we were not getting what we needed by way of support from the United Kingdom. We were being told and dictated to on our tax systems and one of the things that came out of that was that there was something called a Constitutional Review Group. It was chaired by the Bailiff of the day, now Senator Bailhache, I believe, and it has been misunderstood because they came back, that Constitutional Review Group, on independence. They came back in 2008 with what they were asked to do by the politicians. They were asked to do some risk assessment and to do some contingency work, contingency planning work, on what it would mean if it came to the worst. Now that is just simple common sense; that is what you do, that is what a business does. They do risk assessment, they do contingency planning, they do "what ifs" - what if we lost all our ... what if this happened, that happened, the other happened. They do that. That is what the Constitutional Review Group did because they were asked to. I would personally like to see that Constitutional Review Group reconstituted to look at Protocol 3 because I for one do not understand it. I do not understand the downsides. We keep being told that we cannot do it, okay? Let us just understand once and for all if and why we cannot do it and what it would mean. I have to say to you that this could be taken out of our hands. What would happen if in 2017 (is it?) the U.K. referendum on in or out of Europe and if U.K.I.P. have their way you could be in a position where we rapidly have to look at our relationship with the European Union.

**The Bailiff:**

Deputy, there are still a number of Members who wish to speak and it appears they are drifting away.

**The Deputy of St. John:**

I understand. I do not speak very often but when I do ... **[Laughter]** The reason I am talking about this is that Protocol 3 drives what we are told is the difficulty of having work permits, that is all. I think it is time that we review. That is where this is coming from and I think it is time we do that. This is the high level view of where we are with the Housing and Work Law. That is what I think we need to do and I would personally appreciate that kind of work being done. There is the need, however, for balanced population control in the meantime, that is the pragmatic view. We have the

Housing and Work Law; we therefore have to apply it. But then, apart from that, there is a need to address the root causes of short-term political knee-jerking which compromises the ability of this Assembly to formulate balanced long-term population policy. But, hey, we are not alone in this. You have only got to look at the United Kingdom and what is going on with U.K.I.P. I think that we should spend less time worrying and fixating on this kind of short-term interim policy. We should rise above it and we should try to look at what is the best possible chance of addressing the long-term policies. I am going to come right back to this and a similar report, this is what we should be spending a lot more time looking at. I think we should be spending days discussing *Skills For Success*. I think we should be spending more time talking about the Economic Development, Growth and Diversification Strategy. That is where we should be spending the time. That is where we should be worried. That is where we should be looking because it has got more chance of addressing the longer term problem and we are taking the steam out of the kind of knee-jerk political reaction of being fixated on 350 people, 500 people coming in or what. Okay, I understand the need for that but it is not going to fix the longer term problem. There we have it; that is what I think we should be doing. In the meantime, we have no choice other than to agree an interim policy and I will be voting for this but I would like to see much more time spent on looking at the longer term problem.

**Deputy M. Tadier:**

A point of order, I think the Minister may have been misleading the House when he said that we do not have a choice on this. Are we able to vote pour and contre on this proposition?

**The Bailiff:**

I am sure what he meant was that he does not think that there is a real choice. The Deputy of St. Ouen.

**1.3.12 The Deputy of St. Ouen:**

I cannot agree with the Minister for Education, Sport and Culture that we should just ignore past and present failings of the various people that have been tasked with delivering agreed population policies and just move on. Indeed, I cannot also agree with the comments made, I think, at the very beginning of this debate by the Chief Minister when he said that he cannot agree to delaying the debate so as to provide more information or conduct further consultation with the public. He said: "By the way, some always say they want more." Well, no, the Scrutiny Panel, many States Members and, indeed, the public, are saying: "Deliver on what you have said." There are clear commitments made in the Strategic Plan under the Priority Managed Population Growth and Migration which commented on the Census figures and then say: "The Census results will continue to be analysed in 2012 and when this is complete public consultation and a States debate on what our immigration and population objectives should be will take place." Not "may take place" or "we will choose not to do it", it was an absolute commitment. "Key actions: we will update the population model using the new Census information and bring realistic targets for population and immigration limits to the Assembly by July 2013." Further down, it says: "In the meantime ..." which, I hasten to add, many of the actions that they identify in the meantime that they would undertake, they have, in fairness. The last point: "Review our migration controls and report to the States on our findings, including recommendations, within 12 months of the introduction of the new legislation." It could not be clearer and yet we have heard time and time again from the Assistant Minister, Chief Minister, and they choose to ignore the commitments made. They choose to ignore the commitments, not only made to this Assembly but to the public, to deal with this issue which was number one priority 3 years ago when we all stood for election and then at the very last minute, bring an Interim Population Policy and say: "Well, there you are." We can only rely, States Members and the public, on the spoken and written word. I hope everyone would agree with that.



Tuesday, 2nd July, Deputy Maçon asks the Chief Minister: “Would the Assistant Chief Minister explain why, despite various undertakings, the new population policy has not been placed before the Assembly for debate before the summer recess?” Answer ... I will miss the first part because it just explains why it was a bit late. **[Laughter]** But the second part is the more important part: “A report outlining the decision-making policy under the new Control of Housing and Work (Jersey) Law 2012 will be published after the summer recess and then a broader, more inclusive long-term plan, following wide consultation, will be brought for debate in the early part of next year.” This is dated, sorry, Tuesday, 2nd July 2013, so he is talking about 2014: “This approach has been chosen because it does not seem sensible to bring a population policy forward in advance of a wide debate about what sort of Island we want.” What a different 8 or 9 months makes. We have had yet no explanation why this has changed but anyway perhaps later on we might hear. Deputy Southern asked: “Will the Minister stop prevaricating and do the right thing? Will he apologise on behalf of the Chief Minister for having failed to meet one of his 7 strategic aims with the clear priority of bringing a policy to this House by July this year [meaning 2013]?” Senator Routier: “I hope Members will recognise that we need to do this in an orderly manner with the right information to have a proper debate. It is all very well rushing a debate through this House with incorrect and incomplete information. I would urge Members to understand that we need to do this in a proper manner, absolutely.” Then even the Chief Minister, in response - 15th July - to a question raised by Deputy Power, says in his answer: “It is therefore vitally important that we consider population policy in the context of future generations and not in isolation.” He goes on to speak about what the Council is doing and then he goes - he is talking about 3 months from the time he was answering this question: “In the autumn we will be engaging with Islanders on a proposed vision with a view to bringing forward a sustainable long-term strategy, including population, for debate in the first quarter of 2014.” Again, it has not happened. What has happened? We have this Interim Population Policy. Well, it is not a population policy, for a start, because all it concentrates on is immigration. No mention about overall population, lateral growth, and the growing number of Islanders, both young and old, who are seeking work, want reassurances that they will be put first. You show me in this paper where it says locals for local jobs. Where did it stress that? Where are the sureties for all our youngsters who are leaving school and seeking work? Where is it? Yes, we have got initiatives, yes, we have got the Back to Work initiative, but where in the policy is it saying: “We are going to put you first.” No, it focuses on economic growth. I am not saying that is wrong but it is more than that we need to look at. Then we are told: “We have got to have a policy.” Hang on a minute, that has not stopped them from introducing the long-term care law, based on a central planning assumption of 350, which was used at the time and that we all agreed to. Hang on a minute then, what else have we also agreed? We have also agreed the new housing transformation 10-year programme. What is that based on? That was based on 150 households equivalent to a plus 325 assumption. “But we have not had the policy while we have been doing all this.” “Well, you have got to have the policy now.” “Wait a minute; have I not just been involved in looking at a proposal for a new hospital?” “What is that based on?” That seems to be based on 350 and they are putting a lot of store on projected forecasted figures. They say they are projected and the statistician I am hoping will be listening to me because his projections are nothing more ... you can only rely on the information he has provided and actual numbers now and the fact that assumptions will be delivered, including assumptions of 350, which we know cannot be delivered because we have got proof, proof given to us by the Council of Ministers.

**[17:15]**

We have a hospital that is based on an assumption that we know does not exist. But now we are being told at the last minute, when we have already been told that the hospital is not going to cost £450 million any more, it is going to cost £300 million and it will still cater for everybody because the calculations are all based around 350 people and the planning assumption is based on that, but

now, when all of those decisions have been made - the Council of Ministers has just gone off and done what they have been told to do - at the very last minute they come to the States and say: "By the way, we need you to agree this." Hang on a minute, you either want and agree that a policy is not in place and you get it in place then you build your other policies around it, surely, or you accept, which I believe we all did, that there was a policy in place and you get on with the job. You do not bring in something at the last minute, especially when it cannot be measured. No one can be held accountable for it and, in fairness, and I am not making a joke of it, but there are no guarantees that the 10 Ministers that are currently in the Council of Ministers will form the next Council of Ministers after the election this year. We are also told, which is more of concern, that some previous strategic plans do not count for much and yet they are wanting us and they are suggesting that we can bind the hands of future States, following the election in 2015, by the decision we are going to make today, which we cannot rely on anyway. I mean, please, is this the way ... seriously, is this the way that we should be managing government on this Island. I am sorry, but it is not. **[Approbation]** The quicker the Chief Minister pulls this proposition and agrees that he should follow the commitments made in the Strategic Plan, or at least say the next Council of Ministers will follow up and have a proper debate on the population. At least then we will get back to what I believe to be the appropriate and right form of government and governing of this Island that we should have.

**Deputy M.R. Higgins:**

Can I ask a question of the previous speaker? What did you do to drive away the main Council of Ministers? They have all run away. What have you done?

**Deputy R.G. Le Hérisier:**

I do not wish to speak **[Laughter]**, which is an oxymoron. Time is of the essence and I am assuming the Members want to see this through to what may be the bitter end, but I would like to make a proposal under Standing Order 84, I trust, 84 or 83, that we close the debate in 30 minutes. I will move in 30 minutes, assuming we are trying to end the debate.

**1.3.13 Deputy J.A. Martin:**

Yes, it was very interesting to see that maybe the Ministers have seen the writing on the wall as the Chief Minister and Assistant Minister, the Minister for Treasury and Resources and the Minister for Economic Development had to leave the House and do the States business ... it is always done best in the coffee room. I will keep it brief because hopefully they have seen the writing on the wall. This to me, as the Deputy of St. Ouen has just said, is something that they have found out - Deputy Pinel said it this morning - there are challenges afoot under the new law because they do not have a policy. Let us quickly bring one in and if they do not give any information and do not move the figures ... We do have a policy, I have got it sitting in front of me. I have got it here in the Strategic Plan. It is on page 16, bullet point 5. It is there and it is supposed to be going through to the next Strategic Plan. I do not know what is going on. We do not really hear contributions from Deputy Baker. I think his contribution was excellent; it was principled and it was to the point. Then we heard the indefensible contribution by the Minister for Education, Sport and Culture, the Deputy of St. John, who agreed with everything he said but forget ... we are having a debate later, or in another week, on P.33, forget that is going to have collective responsibility. You have seen it there, he agrees with nothing in this policy. It tells him nothing but he is going to vote for it anyway because he is the Minister for Education, Sport and Culture. He said we should be worried. Well, I am very worried. He has just told us, as Minister for Education, Sport and Culture, that we lose 280 university graduates because he was trying to rubbish Deputy Southern's figures, because he spent at least half an hour on the phone to the Statistics Unit this lunchtime. Deputy Southern brought an informed amendment to this debate and he had the figures and he was quoting over the

last few years. It is still 4,000 Jersey-born people that have left this Island very recently and why. So, yes, I am worried. He also tried to ... I do not need to defend Deputy Vallois, he said she does what she does. Well, she does it very, very well and she is a big thorn in the Council of Ministers' side. She has got her information, she does her research and she knows what she is talking about. When she is given a straw man to knock down she knows it is a straw man. When there is no information there she knows that. Senator Ferguson and the Deputy of St. Ouen: why can you not answer these questions? We are going to go ahead anyway. I said right at the beginning I am not supporting this. I just would like to make some comments, just a few comments on what Senator Breckon said. We do have other debates to go on, we need to be consistent and whatever way you get to not supporting this so-called interim policy, I do not care, as long as you just do not support it because it is rubbish.

#### **1.3.14 Senator L.J. Farnham:**

What a bizarre week it is turning out to be, I have not had this much fun since the Clothier debate. But just a very quick observation and, oddly enough, most Members are talking about the 325 figure in their speeches and in the coffee room. They have been saying they are not supporting it because the figure has been plucked out of mid-air and it is not fixed and it is not worthy of support. That is the reason I am going to support this because that figure is not fixed but it does give a policy and it does allow sensible prudence to be applied by the Housing and Work Action Group, which has to have something to work to over the next year or 2. That is why I am supporting it for the opposite reasons that many people are opposing it, oddly enough, I find myself in that position again. I say it is bizarre because a little bit earlier on we heard Deputy Baker, possibly one of the most right-leaning Members of the Assembly, receive enthusiastic approbation of most of the left-leaning Members of the Assembly, which reminds me of the old adage that is always true in politics that the enemy of my enemy is my friend. In an odd sort of way I think we are all united and I hope better reunited in the fact that we are going to end this debate after my speech.

#### **The Bailiff:**

Possibly not. Deputy Baudains.

#### **1.3.15 Deputy G.C.L. Baudains:**

We have had figures and figures and a lack of figures ... in Cuba, yes. In fact, I am thinking of going there myself. **[Laughter]** It certainly seems like a good idea after listening to Deputy Baker. I want to come in on a slightly different angle because, to me, growing the economy in order to generate income to pay for our fiscal ... possibly "imprudence" is the word I am looking for, is, in my view, the easy way out but it only delays the inevitable. Inward migration year on year can only lead to one thing and that is to an increase in population, we know that. But what worries me is the number of issues that follow from that; the gap between those claiming pensions and the workers providing the funding for that will widen, it will get worse. What do we do then - increase the problem by yet more immigration? A point will come where our infrastructure will no longer cope. There will not be enough land to build yet more houses. There will not be enough funding to build the schools and hospitals that we need. The infrastructure in general will no longer cope; the roads, the sewers, fresh water, there will be a point somewhere that we can no longer provide the services required. So my question, the question I would like answered in the summing up, is at what point does the Council of Ministers expect this to happen? Is it 120,000? Is it 150,000? Is it 500,000? Or do they not know? Or assuming they do care, knowing it will be future politicians that have to sort out the catastrophe that will inevitably occur. In my view, the Council have failed the people of Jersey so I will finish by repeating that question: at what point do they believe they

will have to close the door - 120,000, 150,000, 500,000? I would like to know and so would the population of Jersey.

**1.3.16 Connétable J. Gallichan of St. Mary:**

I do not know if I am going to be in order to do this but I have been privately having discussions with the Chief Minister several times during the day about my concerns about this because I wanted to air them before I got to the floor so that it would save time, basically. I came to the conclusion some time ago, after Senator Le Marquand’s speech, that it was pretty obvious to me that this was not going to get supported, I did not think. Senator Le Marquand has raised the issue of if this is not approved then the Council of Ministers would just bring their own policy anyway and I thought: “Why not?” because that would at least enable them to have taken on board what we have said, to understand what is difficult and what is hard to reconcile with Members’ concerns of this current document. The Chief Minister was concerned about what would he bring back, you know, if we did not want this what did we want. I know there is a motion already tabled but if it is still in order I would like to invoke Standing Order 85 and move to the next item which allows this matter to be kept live, it does not kill it, as I understand it, to enable the Chief Minister to go away and think about that and to enable this Assembly to vote now whether it thinks the Chief Minister should go away and unilaterally, if we cannot agree a policy for the States to support, to bring one that the Council of Ministers is standing behind and let it stand on its own merits with the Council and face the decision of this Assembly later. So I am going to move, if I may, that we move to the next item.

**The Bailiff:**

Is that seconded? **[Seconded]** I do not see that that is out of order. All that has happened from Deputy Le Hérissier is that he has given notice that he will be moving closure. Until that happens, we are in the debate as normal. Standing Order 85 says that a Member may, without notice, make such a proposition to move to the next item of business: “The Presiding Officer shall not allow it if it appears to him it is an abuse of the procedure of the States or an infringement of the rights of a minority.” That is why we very often do not allow it where a debate has not been going on for long. I do not think that can be said here. **[Laughter]** On that basis, I do not think it is out of order, therefore, it is allowed. There is no debate on that so we move straight to a vote upon the proposition of the Connétable of St. Mary ...

**The Connétable of St. Mary:**

With the appel.

**The Bailiff:**

Yes ... that we move to the next item of business. The appel has been called for. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 16</b>		<b>CONTRE: 28</b>		<b>ABSTAIN: 0</b>
Senator S.C. Ferguson		Senator P.F. Routier		
Senator A.J.H. Maclean		Senator P.F.C. Ozouf		
Senator P.M. Bailhache		Senator A. Breckon		
Connétable of St. Helier		Senator B.I. Le Marquand		
Connétable of Trinity		Senator F.du H. Le Gresley		
Connétable of St. Peter		Senator I.J. Gorst		
Connétable of St. Mary		Senator L.J. Farnham		
Connétable of St. Ouen		Connétable of St. John		
Connétable of St. Martin		Connétable of Grouville		
Connétable of St. Saviour		Deputy R.C. Duhamel (S)		

Deputy J.A. Martin (H)		Deputy R.G. Le Hérisssier (S)		
Deputy of St. Ouen		Deputy G.P. Southern (H)		
Deputy J.A. Hilton (H)		Deputy of Grouville		
Deputy J.A.N. Le Fondré (L)		Deputy S.S.P.A. Power (B)		
Deputy R.G. Bryans (H)		Deputy K.C. Lewis (S)		
Deputy R.J. Rondel (H)		Deputy M. Tadier (B)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		
		Deputy G.C.L. Baudains (C)		
		Deputy of St. John		
		Deputy J.P.G. Baker (H)		
		Deputy J.H. Young (B)		
		Deputy of St. Mary		
		Deputy of St. Martin		
		Deputy N.B. Le Cornu (H)		
		Deputy S.Y. Mézec (H)		

**The Connétable of St. Mary:**

I think that will give the Chief Minister some guidance anyway.

**The Bailiff:**

You do not wish to continue your speech on that? Is there anything you wish to say, Connétable?

**The Connétable of St. Mary:**

There is very little else to say except I would just voice that my concern basically stems from the fact what will have changed in 18 months. We are still waiting for information we have been after for quite some time and I am not sure the point of setting something in the interim when we know where we are moving to in 18 months' time. Thank you.

[17:30]

**1.3.17 Senator P.F.C. Ozouf:**

That was a very interesting debate, that was a very interesting vote and I am glad that I have got the opportunity of speaking in this debate because I am glad that we are going to come to a conclusion. I appreciate and I sympathise with the Connétable of St. Mary and other Members who find this issue difficult. I sympathise. I am not a member of the Population Migration Group but I have been part of that decision-making process for a number of years. Those Ministers who were part of that decision-making group will be feeling the collective pain that has been inflicted on them by Members who are asking them, in many ways, to deliver the impossible. That is a really difficult situation to be in. Yesterday's debate was an interesting debate because it had the result of an interesting coalition, and there are a number of different views about population. I am pleased that the vote was to make a decision but I am not sure what the end result of this debate is going to be because there is, at the moment, those of us who agree with the planning target of 325 and who are supporting the Council of Ministers and supporting that objective. There are 2 other groups of people who are either of the, I will call it, if I may, the Deputy Baker group, who believes that there should be effectively a much looser control of population. But they are in coalition against this policy with those Members who do not want any vote ... any increase in population at all. We could end up in the most extraordinary position whereby this policy is voted down and the Chief Minister will therefore have to put a policy in place because of a coalition of the 2 extremes. I can

see some Members shaking their heads and I have had some interesting discussions in the coffee room about this debate with Members who were expressing views about population, who were even part of, apparently, the Corporate Services Panel who produced a report, but I am shocked to find out have not even seen a Regulations of Undertakings housing or working house application. They have not sat and listened to the reality of the hard coal face decision-making that are required, and they are asking, if I may say, and they are addressing the Assembly without knowledge and that is ... I am entitled to speak, if I may.

**The Deputy of St. Ouen:**

Could he confirm who he is speaking about?

**Senator P.F.C. Ozouf:**

Unless it is a point of order, Sir.

**The Bailiff:**

No, I do not think it is a point of order.

**Senator P.F.C. Ozouf:**

I will give way to the Deputy.

**The Deputy of St. Ouen:**

Senator Ozouf is suggesting that a member or members of the Corporate Services Panel have not been involved. Could he name them, please?

**Senator P.F.C. Ozouf:**

I do not want to be personal about this, it would be unfair, but I am very clear that Members who have spoken ...

**The Deputy of St. Ouen:**

Will he withdraw his comments then if he is not prepared to name them?

**Senator P.F.C. Ozouf:**

I do not have to name them, do I, Sir?

**The Bailiff:**

No.

**Senator P.F.C. Ozouf:**

Thank you, Sir. **[Laughter]**

**Senator S.C. Ferguson:**

If I could just clarify the matter. The Senator asked me if I had been to see the Committee in operation and I said: "Well, I have not had time, I am running 3 Scrutiny reviews at least at the moment and I am up to the eyeballs." So, you know, when I have got a bit more time I would love to go and barrack at the back of the Committee meeting.

**The Bailiff:**

Thank you for identifying yourself, Senator. **[Laughter]**

**Senator P.F.C. Ozouf:**

I am going to make no comment about that. But I find it extraordinary ... I do not know whether ... I will give way once more.

**Deputy S. Power:**

I think he is right to give way because I sat as an Assistant Minister and Minister on the Migration Advice Group and I did come across those decisions and I did serve on Corporate twice.

**Senator P.F.C. Ozouf:**

That is not the case for everybody. The reality is, is that this Assembly is being asked, and there is, if I may say, an extraordinary memory loss of Members who have addressed the Assembly on this issue. We are being asked to approve a policy for a new law. I will not rehearse exactly the past but we used to have a situation where there was a Housing Law, a Regulations of Undertakings Law. There was no reconciliation of data, there were quarterly manpower returns. Senator Breckon seems to have forgotten some aspects of the reasons why there is a Work and Housing Law introduction and the preamble of the law which basically says that there is going to be improved data. We had Senator Breckon scolding Ministers before about saying that there was going to be no data. Well, this new law, yes, it is late, and yes, it is difficult because for the first time there is proper reconciliation of the actual numbers of people who are going to be in work in Jersey. I am sorry the Statistics Unit has not been able to produce their number, that is because they are getting the number to be accurate, and so this Assembly and the Island is going to be informed of accurate data in terms of who is working in Jersey and the level of them. The fact is that also the thing that slightly grates, if I may say, is those Members, and I can offer nothing in my speech to support their vote in favour of supporting this proposal, there are some Members that think that an economy can simply be controlled by politicians, by a committee, by H.A.W.A.G.; that politicians are effectively the sole decision makers. We had Deputy Southern that told us that he was going to bring a vote of no confidence if the Chief Minister failed in getting 325 of a number. I am afraid to say that it is impossible for politicians and Ministers to say that we will deliver a 325 number. I can see some uncomfortableness in Members' faces. The reality is we cannot. I do not want to push the extreme point but when the Regulations of Undertakings was originally brought in there was criticism that it was the ultimate command and control piece of legislation that would have fitted quite well in the Comecon group of countries that had controlled economies that believed that governments did everything and could control everything. Communism failed and with it was cast to the economic history books the ability for governments to pretend that they can control everything. We cannot. It is called enterprise, it is called entrepreneurialship and I am afraid that Members who are going to vote against this policy on the basis that they cannot get the 325 are deluding themselves. Are deluding themselves about enterprise, about entrepreneurialship, about how businesses need to adapt, day in, day out, and fight their corner in winning markets, in winning customers and winning business for Jersey. I have great sympathy with what Deputy Baker had to say because he gave us a wake-up call; a wake-up call of the reality of economics and the reality of business and the hard coal face of the business of doing business, which requires people to be nimble and fast moving. We must recognise that this piece of legislation, this Work and Housing Law is one of the toughest, most interventionist, most draconian bits of legislation that a government could give itself. We control the amount of people that are employed in terms of migration. The good news is, it is a lot better than it was before because of course politicians used to make decisions of being deciders of qualified people. Now, we have caused this problem ourselves. We have got a law that does what this Assembly wants, which is to control inward migration or attempt to do the best job possible, and all the focus of attention is as exactly what it should be about the population's concern and the Island community's concern about controlling the things that we can legitimately try and do, which is inward migration. Gone are the controls, the paper shuffling exercises that existed in the old Housing Law, that

existed in the old farce of a political committee deciding whether a hairdresser could employ a locally qualified person or not. That was a farce. Now, unfortunately, perhaps we should be careful what we pray for because now we have a control on migration and the spotlight is on the thing that really matters, which is inward migration, and the controls are working. Senator Le Gresley and his Social Security Department are winning in terms of ensuring that people are given the chance for local employment. I heard the Deputy of St. Ouen saying that there was no stated policy of giving a preference to local people. Well, I would ask him to go and visit the Social Security Department and the work placement zone in Social Security and see whether or not the controls that the good people in Social Security, of encouraging people into work and making sure that there are job vacancies, whether or not they reconcile with what the Deputy of St. Ouen said. It is not right. It is not fair to say that there is a lack of focus of ensuring that local people have preference for jobs because that is exactly what is happening, and this new law allows us, as uncomfortably as Deputy Baker does not like it, and I understand that, but this law is giving them exactly the ability to be able to have Jersey people preferences for jobs, and that is the reality. The hard truth is that these controls are working, and I would argue that that is why we are seeing unemployment coming down, with the good offices and the good work that Social Security and Back to Work is doing, and the Chief Minister's promise that he will be dealing with the unemployment problem for Jersey. This law is working. But of course it is hurting; it is hurting business and it is hurting businesses and sending out the message that somehow we are going to put barriers in the way of business. Now, I cannot give any comfort to those Members who believe that it is possible to have net zero or plus ... get away with an economy with plus as we have had with Deputy Southern's amendment. I cannot give them any comfort at all.

**Deputy G.P. Southern**

I never said "net zero" not once in my speech.

**Senator P.F.C. Ozouf:**

I was going up. Net zero or a lesser figure than 325. I cannot give them any comfort that we can achieve this Assembly's aspirations for economic growth, keeping taxes low, government services being funded, not throwing caution to the wind, and deficit financing. I can give them no comfort at all that we can deliver that economy. I can give them no comfort whatsoever that a lower figure of 325 will give agriculture, tourism and retail the kind of people that they need to employ to continue their operations; none at all because it cannot happen, and that is why this coalition of people who either want a lower number, together with people who want a higher number, is unreconcilable. I hope that that last vote by the Connétable of St. Mary does give this Assembly the decision-making ability. The Chief Minister is going to be in a very difficult position, but if I may predict what the only course of action that will happen. If this proposition is rejected, then he has to decide, is it the fact that people want a lower number or a higher number? Members may be very uncomfortable, I can see Members moving from one side of their seat to the other, saying: "Oh, somehow I cannot really ... I do not really want to have to make this decision" but the decision will have to be made. The law is the law and it needs a policy and it needs a number because it is impossible to deal with the law without that. But what is the Chief Minister to do if this proposition is rejected? If this proposition is rejected he will probably have to go with the 325, but I would like the message, because that is the sensible thing, worked out, properly approached, economically rational way to do it and that is what he is bringing to this Assembly. So Members have got a real dilemma. They have got a dilemma of if they want no population increase they are going to vote against it. If they want higher population increase they are going to vote against it. But they, I am afraid to say, probably know what they are going to unfortunately get. I would like this Assembly to give the Council of Ministers, to give the Ministers who are charged with this extremely difficult responsibility, some direction.



[17:45]

So, if I may respectfully suggest a way forward, I would suggest that those Members who really believe that they want a figure greater than 325, I am going to suggest that they abstain. Those that ... it is up to them, of course, I am just offering this as a way forward because otherwise we are going to be ... this Assembly is held in very, very low esteem by the public and we are very good at not making decisions, and we are probably going to be, if this proposition is rejected, accused by the public of again making no decision, and that makes us even worse and puts the Chief Minister in an even worse position of what does he do. So if Members do not want, I say, any population increase or a lower figure than the 325, I suggest they vote against it. If they want a higher number, I suggest that they abstain. I cannot offer anything to those Members who want to pass the responsibility to the Chief Minister because the Chief Minister stood on the basis of bringing a policy to the States, and that is why we are having this debate. So, it is difficult. To those Members who are wavering on whether or not to have the 325 - I cannot do anything with the Members who want less than 325 - I just think it is unreconcilable, unworkable and will send a damaging message out to Jersey. I have got nothing to offer them apart from to say that I just do not think their model works. To those Members who are worried about whether or not the 325 will work, well, I think it will, and I think it is important to recognise the economic situation as we find it at the moment. We know that probably having lost 1,000 low value consignment relief jobs, we know that probably population has gone down. I know there is huge criticism of the 100,000 number, I know that, but I stand by, as one of the people that made the decisions for Reg. of Uns. that got us to the 100,000, I would predict the Jersey economy would be in far, far worse situation with higher inflation, low tax receipts and much more difficult ... Members may not like it but we would be in a far worse position. There is another side to the population of 100,000; that is the unsayable statement about what it delivers in terms of economy and economic growth, et cetera. I want to try and persuade those Members who believe that the 325 is too restrictive to go with the policy and to go with the Council of Ministers which basically is a pro-growth, pro-enterprise, pro-balanced budget, pro-prudent, enterprising Jersey, and it does give the Ministers responsible the flexibility to work within. There is not an end point at the end of the 325, it is guidance. It can only be guidance because we do not control everything, and we cannot control everything. As one Member put it in the coffee room said: "What if that eBay, what if that Google comes to Jersey? What will we do?" Well, the Deputy of Grouville very nicely pointed to herself and she asked the real question: "What will we do?" Well, if I was H.A.W.A.G. I would give it to them, I would give them the migration that they want if they wanted to bring in 50 people because I know that it would probably be 350 local people that would be employed. So I say to those Members who are genuinely concerned, those pro-enterprise, those true Jersey entrepreneurial individuals, I would say the 325 does give the right flexibility, and I would ask them to approve it. I hope that Ministers are not going to be scolded, and they will give Ministers the benefit of having to deal with very difficult situations, but vote in favour of what has been a carefully drafted, carefully balanced policy which is pro-growth, pro-enterprise Jersey, and pro everything that they believe that Jersey should be about.

**Deputy G.P. Southern:**

A point of clarification, if I may. Is the Minister saying that this Assembly cannot insist on a plus or minus 10 per cent error rather than a 100 per cent or 200 per cent error, which we have seen in the past, on a target set by the Ministers and operated by the Ministers? Is the Minister saying that?

**Senator P.F.C. Ozouf:**

I did not understand the question, I am sorry. Could you try again?

**Deputy G.P. Southern:**

Is the Minister saying that this Assembly cannot insist, via a motion of no confidence, on a plus or minus 10 per cent error rather than 100 per cent or 200 per cent error which we have seen in the past, which is lamentable, on a target set by the Ministers and operated by the Ministers?

**Senator P.F.C. Ozouf:**

I understand the Deputy used to be a teacher so he no doubt gave examination papers. If the examination paper for the Chief Minister is plus or minus 325, which is effectively 32. If he thinks that this Chief Minister or any Minister, or any States Member, can control Jersey's population number and migration by 32 at the end of any period, he is kidding himself. So I would say get some reality of what the reality is. I am afraid this is not Bulgaria circa 1964 and Comecon where we think we can control everything; we cannot and let us be realistic.

**Deputy G.P. Southern:**

So we have to put up with a 200 per cent error, do well, year on year?

**The Bailiff:**

Yes, Deputy, thank you.

**Deputy R.G. Le Hérissier:**

Sorry, Sir. I wonder, could I move the end of the debate? Thank you.

**The Bailiff:**

Yes, I think the time has elapsed, has it not, Greffier?

**The Greffier of the States:**

Yes.

**The Bailiff:**

Yes, so you move now for closure?

**Deputy R.G. Le Hérissier:**

Yes, Sir.

**The Bailiff:**

Is that seconded? **[Seconded]** Very well, then we move straight to that. Members usually like to know whether anyone is still waiting to speak. I have no one at the moment waiting to speak.

**Deputy M. Tadier:**

I would like to speak.

**The Bailiff:**

Deputy Tadier has indicated he wants to speak and Deputy Higgins.

**Deputy M. Tadier:**

But that should not influence Members. **[Laughter]**

**The Bailiff:**

Very well, so the motion is ... the proposition is closure. If you want to close, you vote pour, if you do not, you vote contre, and the Greffier will open the voting.

**The Connétable of St. Mary:**

May I just have ... I ought to know this, I apologise that I do not. Does the Chief Minister have the chance to sum up? Thank you.

**The Bailiff:**

Yes, on closure, the debate ends and the Chief Minister then sums up.

<b>POUR: 31</b>	<b>CONTRE: 13</b>	<b>ABSTAIN: 0</b>
Senator P.F. Routier	Senator A. Breckon	
Senator P.F.C. Ozouf	Deputy J.A. Martin (H)	
Senator S.C. Ferguson	Deputy of Grouville	
Senator A.J.H. Maclean	Deputy J.A.N. Le Fondré (L)	
Senator B.I. Le Marquand	Deputy K.C. Lewis (S)	
Senator F.du H. Le Gresley	Deputy M. Tadier (B)	
Senator I.J. Gorst	Deputy T.A. Vallois (S)	
Senator L.J. Farnham	Deputy M.R. Higgins (H)	
Senator P.M. Bailhache	Deputy A.K.F. Green (H)	
Connétable of Trinity	Deputy J.H. Young (B)	
Connétable of St. Clement	Deputy of St. Martin	
Connétable of St. Peter	Deputy N.B. Le Cornu (H)	
Connétable of St. Mary	Deputy S.Y. Mézec (H)	
Connétable of St. John		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérisier (S)		
Deputy G.P. Southern (H)		
Deputy of St. Ouen		
Deputy J.A. Hilton (H)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy E.J. Noel (L)		
Deputy J.M. Maçon (S)		
Deputy G.C.L. Baudains (C)		
Deputy of St. John		
Deputy J.P.G. Baker (H)		
Deputy of St. Mary		
Deputy R.J. Rondel (H)		

**The Bailiff:**

Very well, then I call upon the Chief Minister to reply.

**1.3.18 Senator I.J. Gorst:**

I think I can start by saying I have learnt my lesson, and that is never hastily give a commitment to bring a policy to this Assembly that I could simply agree around the Council of Ministers, and let me say that that was a difficult enough job, as Senator Le Marquand so carefully said earlier in this debate; it took a number of attempts and a number of changes and much robust discussion. But why have we arrived at where we are today? Well, it started off with a commitment given in the Strategic Plan and we said that we would bring a population policy and we said, at the same time, that we would do some long-term planning for 20 or 30 years. The first time that a Jersey Government had given a commitment and admitted and said that we needed to do work for a long

period of time so that we could have, as we have said, a future for Jersey decided by choice and not by chance. When we started doing that work and the framework for that work, as published at the same time that we have published this interim policy, called *Preparing for our Future*. When we started doing that work it became absolutely apparent to us that bringing forward a long-term population policy outside of a proper long-term plan that talked about all the issues that Members have very rightly spoken about today, and I have sensed that frustration and I understand and I share that frustration, that trying to deliver a policy around population is a very difficult thing, and if we want to deliver a long-term population policy we cannot do it without thinking about, without debating, without consulting, without having the proper in-depth analysis that Member after Member have stood up and said that they want. This Government, and I am sure the next one will be as well although, as many have said, we do not know who that will be, because we have set the train in motion, is absolutely committed to doing that piece of work because without it we will continue making the decisions, like we have made in the past, uninformed about what the real consequences are for our future. We are not, and we have already set the train in motion to ensure that that is not the case. So, Deputy Baker raised many, many good points about what needs to be considered for a long-term population policy for this community and I do not disagree with him. I might disagree with him about one or 2 of the things that he said about social legislation that I would stand by and defend because they are making sure that we have the appropriate protections in place for our community, and I think as a mature community we have to have those. But some of the other points he made about understanding the effect of limiting migration in the long-term, what effects that will have upon any deficit and tax returns, what effect it will have on economic growth; he is absolutely right and I do not disagree with him. But the problem that the Council of Ministers face and the problem that I believe we face today is just this; that work has started, Members have seen the framework for it. In the intervening period we need this interim policy, and many Members have said we do not need an interim policy we can just look back to what was. But I return Members to what the Solicitor General said yesterday, he was quite clear. The other question that some Members have put is: "Well, what is the difference between this interim policy and the words that were in the Strategic Plan?" That is a good question. The answer to that is, that the Strategic Plan does not, like this Interim Population Policy, outline that when administering the law, H.A.W.A.G. will focus on businesses that employ more migrants than their competitors. Now, surely, as an overall framework that is a good start. The Strategic Plan does not say that but the policy says that is how we are going to try and deliver this planning assumption; we are going to look at industry-wide and we are going to say: "Well, just a minute, you have got a lot of non-locals and yet you over here are managing to perform the same job with not so many locals. How can we support you to change that model? How can we understand perhaps there are differences why you have that model anyway?" We have to acknowledge and then accept those differences, and perhaps in the much more longer term work with them to changing that. The Strategic Plan does not do that; we need this policy to help us to do that, and that is something, I am sure, that Members would agree with. The Strategic Plan does not give an indication of what is meant by value and yet the Interim Population Policy talks a lot about that. The Strategic Plan does not use the term "planning assumption" but the Interim Population Policy does. So the Interim Population Policy gives further clarity and further detail, as the Solicitor General said yesterday, on how H.A.W.A.G. are to make those decisions. One thing in particular, which Members have rightly been split between those who want greater control and those who think that we do not want to do anything to damage the fragile economic growth that we are starting to see. But for those who want greater control, one thing that the Interim Population Policy does is this; it says that in particular, even if a local person is not available. So, historically the policy has been if there is not a local person available then the licence has largely been granted, but with this policy what we are saying is if there is not a local person available they may still not grant permission for the migrant. Now, how can we do that? We can do that because of the co-ordinated approach that is happening at Social

Security. I see some Deputies shaking their heads and saying: "That is not taking place." That is absolutely taking place. For the first time under this law Social Security is helping inform the decisions of H.A.W.A.G. Members of the Social Security Back to Work team, they look through all the people who were unemployed, they look at the people who are on the Back to Work courses, and they look at what employers want and they try and match the 2. Of course it does not always work out perfectly and there are some local people who do not want to work and do not attend the interview and do not perform in the way that they should. Then Social Security come along and make the necessary changes to their benefits if they are on benefits because there is a contract between the benefit recipient and the taxpayer, and that is that if they can work they should be working and if they are not doing all that they can to get into work then the benefits will be reduced. Therefore, we are doing what I believe Members who want control in the system, want us to do.

[18:00]

Another issue that I think I just need to touch upon is that the Interim Population Policy as well is predicated on maintaining the working age population level, and that is an important fact. I do not know whether it was the Deputy of St. Martin or it was Deputy Baker, that is what they asked for. So the policy is delivering what they have asked for. Let us talk about the number. Member after Member have stood up and said they do not want a number. We at the Council of Ministers debated meeting after meeting about whether we should have a number or whether we should just have a policy without a number. I can understand both points of view. But we came down in the end on putting in the planning assumption because that is what the majority of States departments were doing when they were preparing provision for the future. Members will remember in this Assembly on one particular occasion, Deputy Southern gave the Minister for Health and other Members a very difficult time because she would not talk about the number that was being used as part of a planning assumption for the new hospital, and there was uproar in this Assembly that she would not give that number. We made the decision that it was far better to be open and honest about the planning assumption that departments were using than try and hide it, and that is why it is there, that is why it is in the policy, because if there was no number Member after Member today would stand up and say: "Well, what assumption are departments working to?" We would either have to be unclear about the answer, which Ministers never like to do, or we would have to come out and be clear about it and then Members would say: "Oh, there is a number after all so why did you not put the number in the policy?" That is why we decided ultimately on a planning assumption number. I know that population is difficult. I know that delivering balance in this area is difficult. The Members of H.A.W.A.G. know it even more than I do because week in, week out they have to deal with applications. It occurs to me that some Members, having signed the appropriate confidentiality, might like to sit with the H.A.W.A.G. group and understand the decisions that they need to make and the difficulty of those decisions, and therefore the necessity of this policy and the necessity of framing the policy in the way that we have. I would welcome any Member who wished to do that because it is a very difficult job. The public and this Assembly calls on us to manage population but politicians - and somebody else has said civil servants - are not very good about understanding business needs and how those businesses can deliver economic growth and how they can deliver jobs. But we have been asked to do it so we do it. It would, I think, be very useful for Members to go along and to see first-hand how those decisions are made and the difficulty of getting that balance. A policy has to be made, we have heard it from the Solicitor General. I understand the difficulty that Members are in. For my part, despite the look on my face throughout most of this debate, I have enjoyed it because I believe there have been some excellent contributions that have touched to the heart of the difficult issues that any Government has in trying to deliver population control and yet at the same time not wanting to do anything to limit economic growth, limit business development but surely we must all agree that in a time that

we are coming out of economic difficulties, we do not want to stifle economic growth. But equally we want to make sure that jobs that are being created are being created for people who are already in our community and facing difficulty. That is why the Deputy of St. John has focused so much on the skill strategy. It is a vitally important document. It works together to deliver this policy, just like the Enterprise Action Plan, just like the Financial Services Strategy. These documents work together. It just so happens that today we are talking about one element of policies that work together right across the community. I would ask that Members do not ... of course I am a politician, they can leave me in limbo every day of the week, that does not to some extent ... it goes with the job. But I would ask that they do not leave the business community in limbo. Business needs clarity. Business needs this policy. Business needs to know that we in this Assembly want them to invest. We want them to create jobs, and we want them to support. We want to support them in ensuring that the fragile growth that we see continues. At the same time, I believe the public want to know that we have got a law in place, that we have got a policy that we are managing that law to, and that we are serious and we understand their concerns about managing migration. Yesterday, when you were not in the Chair, I enjoyed a verbal lashing from the Connétable of St. John, but what I would like to do is just refer Members back, not to his speech on that particular issue yesterday, but his speech on migration yesterday. I think that we ought to remember what he said. It might not be perfect this policy, but it is - I am paraphrasing it - the one that we have got and his concern was for his children and his grandchildren that we had economic growth, that there were jobs available and that we did not send out the wrong message. This policy, I believe, delivers what the Connétable wants, and I believe it delivers what the majority of Members and our community want. That balance. Controlling population, migration, at the same time being open for business and ensuring we have got a strong economic future because we know that that will help us get those people who need work back into work. I maintain the proposition.

**The Bailiff:**

Do you ask for the appel, Minister?

**Senator I.J. Gorst:**

I think I better, Sir.

**The Bailiff:**

The appel is called for in relation to the proposition of the Chief Minister. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 25</b>	<b>CONTRE: 20</b>	<b>ABSTAIN: 1</b>
Senator P.F. Routier	Senator A. Breckon	Deputy R.J. Rondel (H)
Senator P.F.C. Ozouf	Senator S.C. Ferguson	
Senator A.J.H. Maclean	Connétable of St. Martin	
Senator B.I. Le Marquand	Connétable of St. Saviour	
Senator F.du H. Le Gresley	Deputy R.C. Duhamel (S)	
Senator I.J. Gorst	Deputy R.G. Le Hérisier (S)	
Senator L.J. Farnham	Deputy J.A. Martin (H)	
Senator P.M. Bailhache	Deputy G.P. Southern (H)	
Connétable of St. Helier	Deputy of St. Ouen	
Connétable of Trinity	Deputy J.A.N. Le Fondré (L)	
Connétable of St. Clement	Deputy S.S.P.A. Power (B)	
Connétable of St. Peter	Deputy M. Tadier (B)	
Connétable of St. Mary	Deputy T.A. Vallois (S)	
Connétable of St. John	Deputy M.R. Higgins (H)	
Connétable of Grouville	Deputy J.M. Maçon (S)	

Deputy of Grouville		Deputy G.C.L. Baudains (C)		
Deputy J.A. Hilton (H)		Deputy J.P.G. Baker (H)		
Deputy of Trinity		Deputy J.H. Young (B)		
Deputy K.C. Lewis (S)		Deputy N.B. Le Cornu (H)		
Deputy E.J. Noel (L)		Deputy S.Y. Mézec (H)		
Deputy A.K.F. Green (H)				
Deputy of St. John				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				

**Deputy J.M. Maçon:**

While appreciating what the Assembly had agreed, however the Greffier did point me to an urgent matter that P.P.C. (Privileges and Procedures Committee) does need in order to progress our referendum issues, which is P.26. It is a short non-contentious matter, I wonder whether Members would agree just to take that one item before moving to M?

**2. Draft Referendum (Amendment) (Jersey) Law 201- (P.26/2014)**

**The Bailiff:**

Do Members agree to take that matter? That is the Draft Referendum (Amendment) (Jersey) Law, projet 26, lodged by P.P.C. I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Referendum (Amendment) (Jersey) Law, a law to amend the Referendum (Jersey) Law 2002. The States subject to the sanction of Her Most Excellent Majesty in Council have adopted the following law.

**The Bailiff:**

Do you propose the principles?

**2.1 Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):**

As Members will have read in the report, what this allows is that an election register for a referendum act is the same one that can be used in the general election, so instead of having 2 registers we can just use one. I am hoping in the way of efficiency Members will agree to this.

**The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles please show. Those against. They are adopted. Senator Ferguson, do you wish this matter referred to you Scrutiny Panel?

**Senator S.C. Ferguson (Chairman, Corporate Affairs Scrutiny Panel):**

No, thank you, Sir.

**The Bailiff:**

Do you propose Articles 1 and 2?

**Deputy J.M. Maçon:**

I so propose.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on either of the Articles? All those in favour of adopting Articles 1 and 2 please show. Those against. They are adopted. Do you propose the Bill in Third Reading?

**Deputy J.M. Maçon:**

I so propose.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Bill in Third Reading please show. Those against. The Bill is adopted in Third Reading. Now just before we adjourn I should inform Members of certain lodgings. Two amendments, a third and a fourth amendment to the Island Plan lodged by the Deputy of St. Martin and the Connétable of St. Ouen respectively. Projet 65, Draft Rehabilitation of Offenders (Exceptions) (Amendment) (Jersey) Regulations lodged by the Minister for Home Affairs, and a report presented by the Public Accounts Committee of the £200,000 Grant to Film Company Supplementary Report.

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **3. Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):**

Moving on to item M, we have had several items lodged by various Members and in the order of efficiency would Members like that circulated via email? Yes, thank you. Just to remind Members then for the beginning of the next session we will follow on from the remainder of business as laid out in our current Order Paper and that will go first at our next sitting. We have already agreed to continuation dates in May, which again we will circulate for Members' diaries, and on that basis would Members agree to proceed in that matter?

**The Bailiff:**

Does any Member wish to say anything on future business? Do Members agree to take the business as outlined by the Chairman of P.P.C.? Very well, can I remind Members the next sitting of the Assembly will be on Liberation Day, the normal sitting on 9th May, but subject to that, then we will reconvene at the following sitting. The Assembly stands closed.

## **ADJOURNMENT**

[18:12]