

2.5 Deputy S. Power of St. Brelade of the Minister for Economic Development regarding the perception of the Regulation of Undertakings and Development (Jersey) Law 1973 as a barrier to economic growth:

What measures, if any, is the Minister proposing to ensure that the Regulation of Undertakings and Development (Jersey) Law 1973 is not regarded in certain sectors as a barrier to economic growth, economic diversification and are not an unnecessary intrusion by the States into the affairs of private business and companies?

Senator A.J.H. Maclean (The Minister for Economic Development):

This matter has recently been the subject of wide and detailed consultation, the results of which will be reported before the end of November. As part of that process, the Chamber of Commerce and other business organisations have submitted in-depth responses which are also currently being analysed. This Assembly has maintained for a number of years that controls over immigration are important in a small Island, a subject that will be debated again next year with a new Migration Policy. For now, the Regulation of Undertakings and Development Law and the Housing Law are the vital elements of those controls and if used proportionately and in a measured way they can, and have, supported economic growth and diversity. As to the question of intrusion, it is perfectly common for jurisdictions to restrict the ability of migrants to come and work. Our task is to make sure we do so in a fair and an open manner. Thank you.

2.5.1 Deputy S. Power:

If I may be allowed to ask a supplementary. All the supplementary evidence since 1974 points to the fact that the Regulation of Undertakings and Development Law has had little or no effect or impact on the numbers in work and, in turn, the overall population of Jersey, would the Minister not agree?

Senator A.J.H. Maclean:

No, I would not agree. I think the law is a very valuable tool that we have in our armoury in order to ensure that we can control, where necessary, immigration, and also protect local jobs. The important factor is to ensure that the way in which the law is handled ensures a fair and level playing field for all businesses in all sectors and that is what we attempt to achieve.

2.5.2 Deputy D.J. De Sousa:

Since the law was introduced in the 1970s, what, if any, measures have the Minister and his department made to make sure that this law is human rights-compliant?

Senator A.J.H. Maclean:

As far as I am concerned, the law is human rights-compliant and I have no information to lead me to believe that that is not the case.

The Bailiff:

Deputy Southern and then a final question from Deputy Power.

2.5.3 Deputy G.P. Southern:

Is it not the case that, in fact, in order to comply with the Employment Law currently in place in Jersey, the rules were changed to reduce the number of temporary (j) categories involved coming to the Island?

Senator A.J.H. Maclean:

I am not aware of a change to the number of (j) categories. Each business is assessed on its own individual merits as far as applications for (j) category licences are concerned.

2.5.4 Deputy G.P. Southern:

Is it not the case that there has been a policy change to institute a greater number of permanent (j) categories rather than temporary (j) categories, 3 or 5 years, as was in the past?

Senator A.J.H. Maclean:

The way in which the law is applied changes on a regular basis depending on the economic conditions that prevail at any particular time, and that is perfectly natural as one would expect it should be. It is a continually moving feast that has to be managed carefully.

The Bailiff:

A final question, Deputy Power.

2.5.5 Deputy S. Power:

The Minister referred to migration control and housing, I wonder could the Minister reply or answer the question: how can the Minister for Housing and the Housing Department control migration if the Population and Migration Office is outside their control?

Senator A.J.H. Maclean:

I think, as the Deputy is an Assistant Minister at Housing, perhaps he would have a clearer understanding of this particular issue, so I do not feel that I should add anything further to it other than to say the Migration Policy is something that is being brought forward. It has been out to consultation, the consultation is now closed and the law will be brought to the States for debate next year when he and other Members will have plenty of opportunity to discuss the matter in more depth. Thank you.