



**THE STATES assembled on Wednesday
16th November 2016, at 09.30 a.m. under
the Presidency of the Bailiff,
William James Bailhache, Esquire.**

All members were present at roll call with the exception of –

Senator Alan John Henry Maclean – en défaut (défaut raised at 10.22 a.m.)
Senator Lyndon John Farnham – en défaut (défaut raised at 9.42 a.m.)
Connétable Sadie Anthea Le Sueur-Rennard of St. Saviour – en défaut (défaut raised at 10.22 a.m.)
Deputy Judith Ann Martin of St. Helier – ill
Deputy Jacqueline Ann Hilton of St. Helier – excused attendance
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – excused attendance
Deputy Richard John Rondel of St. Helier – en défaut (défaut raised at 9.42 a.m.)
Deputy Louise Mary Catherine Doublet of St. Saviour – excused attendance

Prayers

Notification of lodged propositions

Future Hospital: preferred site (P.110/2016) – amendment. P.110/2016.
Lodged: 16th November 2016. Amd.
Connétable of St. John.

Promoting the work of the Assembly

The Bailiff made a statement following the Assembly's decision on 15th November 2016 to reject the proposition of Deputy Montfort Tadier of St. Brelade entitled 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States' (P.54/2016), and advised members that both he and the Deputy Bailiff stood ready to serve in promoting democracy in the Island and the work of the Assembly.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Assistant Chief Minister made a statement regarding television licences for people aged over 75.

The Chairman of the Public Accounts Committee made a statement regarding the Committee's report entitled 'Travel and Accommodation Expenses Review' (P.A.C.2/2016).

Zero-hours Contracts P.92/2016

THE STATES commenced consideration of a proposition of Deputy Samuel Yves Mézec of St. Helier entitled 'Zero-hours Contracts' (P.92/2016).

THE STATES commenced consideration of an amendment of the Minister for Social Security that, in paragraph (a), after the word "prohibited", the words " , subject to sufficient evidence that exclusivity clauses are being misused in zero-hour contracts in Jersey" should be inserted; and that, in paragraph (b),

for the words “, in consultation with the Employment Forum,” there should be substituted the words “to direct the Employment Forum to consult, and the Minister”; that the words “within 6 months” should be deleted; and that after the word “proposals” there should be inserted the words “when the Employment Forum has the capacity, sufficient evidence has been presented, and law drafting time is available”.

THE STATES acceded to a request by the Minister for Social Security, in accordance with Standing Order 69(4), that her amendment (P.92/2016 Amd.) be withdrawn.

Members present voted as follows –

POUR: 42

Senator P.F. Routier
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Senator A.K.F. Green
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy of St. John
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)
 Deputy A.D. Lewis (H)
 Deputy of St. Ouen
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy S.M. Bree (C)
 Deputy M.J. Norton (B)
 Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy P.D. McLinton (S)

CONTRE: 1

Senator A.J.H. Maclean

ABSTAIN: 0

THE STATES, resuming consideration of the proposition of Deputy Samuel Yves Mézec of St. Helier, acceded to a request by Deputy Samuel Yves Mézec of St. Helier that, in accordance with Standing Order 69(4), paragraph (b) of his proposition be withdrawn.

THE STATES, adopting paragraph (a), agreed that ‘exclusivity clauses’ in zero-hours contracts should be prohibited.

Members present voted as follows –

POUR: 43

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Senator A.K.F. Green
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy of St. John
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)
 Deputy A.D. Lewis (H)
 Deputy of St. Ouen
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy S.M. Bree (C)
 Deputy M.J. Norton (B)
 Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy P.D. McLinton (S)

Changes in Presidency

THE STATES re-assembled after the lunch adjournment under the Presidency of Dr. Mark Egan, Greffier of the States.

Draft Criminal Justice (Young Offenders) (Jersey) Law 2014 (Appointed Day) Act 201- P.98/2016

THE STATES, in pursuance of Article 33 of the Criminal Justice (Young Offenders) (Jersey) Law 2014, made an Act entitled the Criminal Justice (Young Offenders) (Jersey) Law 2014 (Appointed Day) Act 2016.

Members present voted as follows –

POUR: 37**CONTRE: 0****ABSTAIN: 0**

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Senator A.K.F. Green
 Senator S.C. Ferguson
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy G.P. Southern (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy of St. John
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)
 Deputy S.M. Wickenden (H)
 Deputy S.M. Bree (C)
 Deputy M.J. Norton (B)
 Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy P.D. McLinton (S)

Draft Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 201-P.99/2016

THE STATES commenced consideration of the Draft Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 18.

THE STATES, in pursuance of Articles 31 and 32 of the Criminal Justice (Young Offenders) (Jersey) Law 2014, made Regulations entitled the Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 2016.

Draft Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 201- P.100/2016

THE STATES commenced consideration of the Draft Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 37

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator A.K.F. Green
 Senator S.C. Ferguson
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy G.P. Southern (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy of St. John
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)
 Deputy A.D. Lewis (H)
 Deputy S.M. Wickenden (H)

Deputy S.M. Bree (C)
Deputy M.J. Norton (B)
Deputy T.A. McDonald (S)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy P.D. McLinton (S)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 7.

THE STATES, in pursuance of Article 22 of the Criminal Justice (Young Offenders) (Jersey) Law 2014, made Regulations entitled the Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016.

Personal statement

(see Official Report/Hansard)

The Connétable of St. John, in accordance with Standing Order 16(3), made a personal statement regarding his resignation from the Health and Social Security (Future Hospital) Scrutiny Sub-Panel.

Changes in Presidency

Dr. Mark Egan, Greffier of the States, retired from the Chair during the personal statement by the Connétable of St. John and the meeting continued under the Presidency of the Bailiff.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Assistant Chief Minister made a statement regarding the Jersey Innovation Fund.

Draft Financial Services Ombudsman (Case-fee and Levy) (Amendment) (Jersey) Regulations 201-P.101/2016

THE STATES commenced consideration of the Draft Financial Services Ombudsman (Case-fee and Levy) (Amendment) (Jersey) Regulations 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 4.

THE STATES, in pursuance of Articles 6 and 26 of, and paragraph 4 of Schedule 2 to, the Financial Services Ombudsman (Jersey) Law 2014, made Regulations entitled the Financial Services Ombudsman (Case-fee and Levy) (Amendment) (Jersey) Regulations 2016.

Draft Sea Fisheries (Inshore Waters) (Amendment No. 2) (Jersey) Regulations 201- P.102/2016

THE STATES commenced consideration of the Draft Sea Fisheries (Inshore Waters) (Amendment No. 2) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 40**CONTRE: 1****ABSTAIN: 0**

Senator P.F. Routier
 Senator A.J.H. Maclean
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Senator A.K.F. Green
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy of Grouville
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy of St. John
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)
 Deputy A.D. Lewis (H)
 Deputy of St. Ouen
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy S.M. Bree (C)
 Deputy M.J. Norton (B)
 Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)

Deputy G.P. Southern (H)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 and 2.

THE STATES, in pursuance of Articles 2, 5 and 29 of the Sea Fisheries (Jersey) Law 1994, made Regulations entitled the Sea Fisheries (Inshore Waters) (Amendment No. 2) (Jersey) Regulations 2016.

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 3) (Jersey) Regulations 201- P.103/2016

THE STATES commenced consideration of the Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 3) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 43

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Senator A.K.F. Green
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy of Grouville
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy of St. John
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)
 Deputy A.D. Lewis (H)
 Deputy of St. Ouen
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy S.M. Bree (C)
 Deputy M.J. Norton (B)
 Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 and 2.

THE STATES, in pursuance of Articles 2, 5 and 29 of the Sea Fisheries (Jersey) Law 1994, made Regulations entitled the Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 3) (Jersey) Regulations 2016.

Jersey Appointments Commission: re-appointment of Commissioner P.106/2016

THE STATES, adopting a proposition of the States Employment Board, in accordance with Article 18(1) of the Employment of States of Jersey Employees (Jersey) Law 2005, re-appointed Professor Edward Sallis, O.B.E. as a Commissioner of the Jersey Appointments Commission, until 31st October 2017.

Arrangement of public business for future meetings

THE STATES rejected a proposition of the Chairman of the Privileges and Procedures Committee that, if required to continue the business scheduled for the meeting of 29th November 2016, the Assembly should re-convene at 2.15 p.m. on Wednesday 30th November 2016 following the special meeting to mark the departure of His Excellency the Lieutenant-Governor, General Sir John McColl, K.C.B., C.B.E., D.S.O., and thereby agreed that, if so required, the Assembly would re-convene at 11.15 a.m. on Wednesday 30th November 2016 following the special meeting.

Members present voted as follows –

POUR: 3

Senator A.J.H. Maclean
Connétable of St. Clement
Deputy M. Tadier (B)

CONTRE: 38

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache
Senator A.K.F. Green
Senator S.C. Ferguson
Connétable of St. Helier
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Connétable of Grouville
Connétable of St. John
Connétable of Trinity
Deputy of Grouville
Deputy of Trinity
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy of St. John
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H)
Deputy S.Y. Mézec (H)
Deputy A.D. Lewis (H)
Deputy of St. Ouen
Deputy S.M. Wickenden (H)

ABSTAIN: 0

Deputy S.M. Bree (C)
 Deputy M.J. Norton (B)
 Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

29th November 2016

Draft Commissioner for Standards (Jersey) Law 201- Lodged: 23rd August 2016. <i>Privileges and Procedures Committee.</i>	P.87/2016.
Draft Commissioner for Standards (Jersey) Law 201- (P.87/2016): amendment. Lodged: 1st November 2016. <i>Chief Minister.</i>	P.87/2016. Amd.
Ministerial Government: referendum. Lodged: 16th September 2016. <i>Deputy J.A. Martin of St. Helier.</i>	P.94/2016.
Ministerial Government: referendum (P.94/2016) – amendment. Lodged: 1st November 2016. <i>Deputy J.A. Martin of St. Helier.</i>	P.94/2016. Amd.
Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- Lodged: 5th October 2016. <i>States Employment Board.</i>	P.105/2016.
Draft Employment (Minimum Wage) (Amendment No. 13) (Jersey) Regulations 201- Lodged: 17th October 2016. <i>Minister for Social Security.</i>	P.107/2016.
Draft United Nations Financial Sanctions (Jersey) Law 201- Lodged: 18th October 2016. <i>Minister for External Relations.</i>	P.108/2016.
Future Hospital: preferred site. Lodged: 19th October 2016. <i>Council of Ministers.</i>	P.110/2016.
Future Hospital: preferred site (P.110/2016) – amendment. Lodged: 16th November 2016. <i>Connétable of St. John.</i>	P.110/2016. Amd.
Greville Bathe Fund: appointment of Jurat. Lodged: 25th October 2016. <i>Minister for Treasury and Resources.</i>	P.112/2016.

Draft Road Works and Events (Jersey) Law 2016 (Appointed Day) Act 201-. P.114/2016.
Lodged: 1st November 2016.
Minister for Infrastructure.

Minimum Wage: revised hourly rate from 1st April 2017. P.115/2016.
Lodged: 1st November 2016.
Deputy S.Y. Mézec of St. Helier.

12th December 2016

Draft Budget Statement 2017. P.109/2016.
Lodged: 18th October 2016.
Minister for Treasury and Resources.

Draft Finance (2017 Budget) (Jersey) Law 201-. P.113/2016.
Lodged: 1st November 2016.
Minister for Treasury and Resources.

Draft Taxation (Implementation) (International Tax Compliance) (Country-by-Country P.111/2016.
Reporting: BEPS) (Jersey) Regulations 201-.
Lodged: 20th October 2016.
Minister for External Relations.

Jersey Police Complaints Authority: appointment of members. P.118/2016.
Lodged: 7th November 2016.
Minister for Home Affairs.

Ratification of the Multilateral Competent Authority Agreement on the Exchange of P.119/2016.
Country-By-Country Reports.
Lodged: 7th November 2016.
Minister for External Relations.

17th January 2017

Ann Alice Rayner Fund: alteration of purpose. P.116/2016.
Lodged: 4th November 2016.
Minister for Treasury and Resources.

Television Licence Fee: exemption for Jersey residents aged 75 and over. P.117/2016.
Lodged: 4th November 2016.
Deputy M. Tadier of St. Brelade.

Draft Opticians (Registration) (Amendment No. 2) (Jersey) Law 201-. P.120/2016.
Lodged: 7th November 2016.
Minister for Health and Social Services.

Draft Opticians (Registration) (Amendment No. 2) (Jersey) Law 201- (P.120/2016): P.120/2016.
amendment. Amd.
Lodged: 15th November 2016.
Minister for Health and Social Services.

Jersey Overseas Aid Commission: re-appointment of Commissioner. P.121/2016.
Lodged: 11th November 2016.
Deputy of Grouville.

Funding for Family Nursing and Home Care services – petition.
Lodged: 15th November 2016.
Deputy G.P. Southern of St. Helier.

P.122/2016.

THE STATES rose at 3.44 p.m.

DR. M. EGAN

Greffier of the States