



**THE STATES assembled on Tuesday
8th December 2009, at 09.30 a.m. under
the Presidency of the Bailiff,
Michael Cameron St. John Birt Esquire.**

**His Excellency the Lieutenant Governor,
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,
was present.**

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

Senator Stuart Syvret – en défaut
Senator Alan John Henry MacLean – en défaut (défaut raised at 9.39 a.m.)
Connétable Kenneth Priaulx Vibert of St. Ouen – en défaut (défaut raised at 10.01 a.m.)
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.35 a.m.)
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.46 a.m.)

Prayers

Swearing the ‘malade’ oath – ruling by the Bailiff

The Bailiff made the following ruling regarding Members swearing the ‘malade’ oath, in accordance with Standing Order 53 –

“There was some uncertainty in the Assembly on 1st December 2009 as to the circumstances in which a member may properly say that another member is “malade”. I would like to take this opportunity in endorsing and elaborating upon the guidance given by the Deputy Bailiff on that occasion.

Standing Orders allow 2 reasons for legitimate absence to be recorded in the Minutes without the need for agreement from the Assembly, namely illness and absence on States business.

Standing Order 53(2) refers to the situation where an elected member is “... unable through illness to attend the meeting...”. The oath that a member is asked to swear to make the assertion that another member is ill says in translation that the member swears that the absent member is so ill that he cannot attend the States without compromising, or endangering, his health.

In my judgement it is implicit in the wording of both the Standing Order and the oath that it is the illness which is the cause of the member’s absence; in other words, but for the illness, the member would have been present in the Assembly.

Let me give a simple example. Suppose that a member goes on holiday to Spain at a time when he knows that the States are due to sit. Clearly he will be “en défaut” when he does not attend the relevant Sitting of the States. Let us suppose further that, whilst he is on holiday in Spain, the member contracts food poisoning so that, on the day when the States are sitting, he is actually ill in his bed in his hotel in Spain. Can it really be said that he can be marked “malade” when he never had any intention of attending and would not have attended had he been well? In those circumstances he is not absent “through illness”; he is absent because he is on holiday. The same situation could arise when a member who is on States

business at, say, a CPA conference in Australia becomes unwell. The primary reason for his absence from the Assembly is that the member is on States business overseas and the illness itself is not the reason for the absence. So, again, the reason for absence recorded in the Minutes would still be ‘on States business’ as, once again, irrespective of illness the member could not have been present.

In summary, the oath that a member swears is not merely to confirm the fact that a member happens to be ill. It is to confirm that the member is ‘unable through illness to attend the meeting’ in the words of the Standing Order and would have been present otherwise. In my view therefore a member who asserts that another member is unable through illness to attend a meeting should satisfy him or herself that, but for the illness, the member would have been present at the relevant meeting of the States.

It is of course a matter entirely for an individual member as to whether he or she feels able to take the oath, but I hope that this guidance will be of assistance to members in clarifying what they are swearing to when they take an oath that another member is unable through illness to attend the meeting.”

Documents presented or laid

‘User Pays’ Charges: States of Jersey Police (P.176/2009) – comments. Presented: 8th December 2009. <i>Comité des Connétables.</i>	P.176/2009. Com.
Budget Statement 2010 (P.179/2009): comments. Presented: 7th December 2009. <i>Environment Scrutiny Panel.</i>	P.179/2009. Com.(2)
Budget Statement 2010 (P.179/2009): comments. Presented: 8th December 2009. <i>Minister for Transport and Technical Services.</i>	P.179/2009. Com.(3)
Budget Statement 2010 (P.179/2009): amendment (P.179/2009 Amd.) – comments. Presented: 7th December 2009. <i>Environment Scrutiny Panel.</i>	P.179/2009. Amd.Com.
Budget Statement 2010 (P.179/2009): amendment (P.179/2009 Amd.) – amendment (P.179/2009 Amd.Amd.) – comments. Presented: 7th December 2009. <i>Environment Scrutiny Panel.</i>	P.179/2009. Amd.Amd. Com.
Budget Statement 2010 (P.179/2009): second amendment (P.179/2009 Amd.(2)) – comments. Presented: 7th December 2009. <i>Minister for Health and Social Services.</i>	P.179/2009. Amd.(2). Com.(2).
Records Advisory Panel: appointment of Chairman and Members. Presented: 8th December 2009. <i>Minister for Education, Sport and Culture.</i>	R.135/2009.
Depositor Compensation Scheme (S.R.10/2009): response of the Minister for Economic Development. Presented: 8th December 2009. <i>Minister for Economic Development.</i>	S.R.10/2009. Res.

Notification of lodged propositions

- Climate Change: Copenhagen Conference – petition. P.206/2009.
Lodged: 8th December 2009.
Deputy of St. Mary.
- Draft Banking (Depositors Compensation) (Amendment) (Jersey) Regulations 200-. P.207/2009.
Lodged: 8th December 2009.
Minister for Economic Development.
- Brighter Futures: funding for 2010 and beyond. P.208/2009.
Lodged: 8th December 2009.
Deputy G.P. Southern of St. Helier.
- Draft Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 200-. P.209/2009.
Lodged: 8th December 2009.
Minister for Health and Social Services.
- Draft Foundations (Additional Annual Charge) (Jersey) Regulations 200-. P.210/2009.
Lodged: 8th December 2009.
Minister for Economic Development.

Petitions

The Deputy of St. Mary presented a petition concerning the United Nations Climate Change Conference, Copenhagen.

Written Questions

(see Official Report/Hansard)

The Minister for Home Affairs tabled an answer to a question asked by Senator S.C. Ferguson regarding the total costs of subscriptions to the Association of Chief Police Officers.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding the nature of a project between Harbours and the Octabomb Group.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding employment figures in the telecom market in Jersey.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding assistance to staff being made redundant by Jersey Telecom.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax exemptions in the 2010 budget.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern regarding the effects of taxes on household incomes.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding increasing tax yield from 1.1.(k) residents.

The Minister for Economic Development tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding monthly levels of banking lending.

The Minister for Economic Development tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the establishment of an informal bankers forum.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the discipline and sickness records of police officers.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding criminal records and DNA data bases.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the impact of the new Zero Ten tax regime.

The Chief Minister tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding forging trade links with other governments.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding Jersey Norman French speakers.

The Minister for Economic Development tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding cost of promotional trips to Asia.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy M. Tadier regarding bus services and access to the bus station.

Change of Presidency

The Bailiff retired from the Chamber following consideration of the written questions and the meeting continued under the presidency of Deputy Bailiff.

Oral Questions

(see Official Report/Hansard)

The Deputy of Grouville asked a question of the Minister for Treasury and Resources regarding proposals by Jersey Telecom to reduce its workforce by 25%.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Planning and Environment the content of the on-line North of Town Masterplan consultation.

The Deputy of St. Martin asked a question of the Minister for Planning and Environment regarding the camouflaging of unsightly structures.

Deputy R.G. Le Hérisseur of St. Saviour asked a question of the Assistant Minister for Health and Social Services regarding the reduction in 'Health Tourism'.

Deputy J.M. Maçon of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding the qualifications required to teach the Personal Social Health Education (PSHE) element of the curriculum.

Senator A. Breckon asked a question of the Chief Minister regarding parking charges at the Waterfront Car Park.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Home Affairs regarding the 'civilianisation' of tasks currently performed by States of Jersey Police Officers.

Deputy G.P. Southern of St. Helier asked a question of the Assistant Minister for Health and Social Services regarding the funding for the implementation of the Williamson Report.

The Deputy of Grouville asked a question of the Minister for Home Affairs regarding the funding of the salaries of the suspended Chief Officer of Police and the Acting Chief Officer.

Deputy J.M. Maçon of St. Saviour asked a question of the Chairman of the Privileges and Procedures Committee regarding the review into the efficiency of States business.

The Deputy of St. Martin asked a question of the Minister for Economic Development regarding a review of the current liquor licence fees charged annually under the Licensing (Jersey) Law 1974.

Oral Questions without notice
(see *Official Report/Hansard*)

The Minister for Home Affairs answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Statements on a matter of official responsibility
(see *Official Report/Hansard*)

The Minister for Health and Social Services made a statement regarding the implementation of the Williamson Plan.

Budget Statement 2010 P.179/2009

THE STATES commenced consideration of the Budget Statement 2010.

THE STATES commenced consideration of an amendment of Deputy Sean Seamus Patrick Augustine Power of St. Brelade that in paragraph (a), after the words "as set out in the Budget Statement" there should be inserted the words –

“except that the estimate of total taxation revenue in 2010 shall be decreased by £4.25 million by removing all proposed increases in impôts duty on alcohol, tobacco and fuel for 2010 set out in Figure 6.1 on Page 26.”

and rejected a proposition of the Connétable of St. Clement that the matter should be put to the vote.

Members present voted as follows –

POUR: 21

Senator T.A. Le Sueur
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy of St. John
 Deputy J.M. Maçon (S)

CONTRE: 28

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of Trinity
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)

ABSTAIN: 1

Connétable of St. Mary

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 9th December 2009 to continue consideration of the Budget Statement 2010 and the outstanding items of public business.

A.H. HARRIS

Deputy Greffier of the States