



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 24th January 2012

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Present:

The Speaker (Hon. S C Rodan) (Garff);
The Chief Minister (Hon. A R Bell) (Ramsey);
Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);
Hon. P Karran, Mr Z Hall and Mr D J Quirk (Onchan);
Mr R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);
Hon. D C Cretney and Mrs K J Beecroft (Douglas South);
Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);
Hon. J P Shimmin and Mr C G Corkish MBE (Douglas West);
Mr R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);
Hon. J P Watterson, Mr L D Skelly and Hon. P A Gawne (Rushen);
with Mr R I S Phillips, Secretary of the House.

Business Transacted

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The House adjourned at 11.19 p.m.

House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

5 **The Speaker:** Moghrey mie, good morning, Hon. Members.

Members: Good morning, Mr Speaker.

The Speaker: The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Questions for Oral Answer

CHIEF MINISTER

Tynwald Commissioner for Administration Appointed Day Order

1.1. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chief Minister:

10 *When the Appointed Day Order will be made relating to the Tynwald Commissioner for Administration?*

The Speaker: Hon. Members, we turn to Item 1 on our Order Paper, Questions for Oral Answer, and I call on the Hon. Member for Douglas South, Mrs Beecroft.

15 **Mrs Beecroft:** I beg to ask the Question standing in my name.

The Speaker: I call on the Chief Minister, Hon. Member for Ramsey, Mr Bell, to reply.

20 **The Chief Minister (Mr Bell):** Mr Speaker, the Tynwald Commissioner for Administration Act was sponsored by the Council of Ministers on the wish of Tynwald, with its purpose being to introduce a Tynwald officer, the Commissioner, as a fully independent non-governmental official, created for the purpose of resolving complaints about the delivery of public services.

25 The Bill made its passage through the branches during late 2010, early 2011, with Royal Assent being announced at the sitting of Tynwald on 18th October 2011. In considering when to progress the Appointed Day Order, it is essential to ensure that all the relevant management processes, method of appointment, terms and conditions, practices and procedures for the Commissioner are already in place, to enable the Commissioner to act with immediate effect.

30 I am pleased to tell you that the Chief Secretary's Office is working closely with the Clerk of Tynwald to identify an analysis of the operational details and potential costs for the establishment of the post of Commissioner. Once the potential costs have been identified, consultation would have to take place with the Treasury on the affordability criteria and budget allocation for establishing the office.

35 **The Speaker:** Supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.
Would the Chief Minister agree with me that it has been over 30 years since Tynwald first resolved to bring in this important position, and that everywhere in the UK has a similar position and without this position being allocated to somebody, the Isle of Man people are at a severe disadvantage?

40 **The Speaker:** Chief Minister to reply.

The Chief Minister: Mr Speaker, I have given a progress report as to the work that is being carried out at the moment.

The Royal Assent was only announced on 18th October of last year, and it is my intention to see this post in place as quickly as we possibly can.

Government staff Proportion with disabilities

1.2. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chief Minister:

50 *How many people with disabilities are employed by Government; and what this is as a percentage of total employees?*

The Speaker: Question 2, and again, Hon. Member for Douglas South.

Mrs Beecroft: I beg to ask the Question standing in my name.

55 **The Speaker:** Chief Minister to reply.

The Chief Minister (Mr Bell): Mr Speaker, a disability may be physical, cognitive, mental, sensory, emotional, developmental or some combination of these. 'Disabilities' is an umbrella term covering impairments, activity limitations and participation restrictions.

60 Statistics regarding members of staff with disabilities are not generally collected by the various employers comprising the Isle of Man Government. Therefore, I am unable to give an indication either of the number of people who may have a disability currently employed across Government, or the percentage of the total number of employees represented by persons with a disability.

65 In organisations where such statistics are collected, it is not unknown for individuals who may have a disability or an impairment to be reluctant to identify themselves as such, and may well not do so. This inevitably has a negative impact and can severely limit the usefulness of any statistics produced.

70 Mr Speaker, it is, though, important to make clear that Government is committed to promoting equal opportunities and fairness at work, and there is an established Government policy in place in this regard, endorsed by the Council of Ministers.

The Speaker: Mrs Beecroft, a supplementary.

75 **Mrs Beecroft:** Thank you, Mr Speaker.
Would the Chief Minister agree that actually benchmarking against other jurisdictions, particularly in issues like this, is very important if we are going to see what progress we are making and how fair we are being?

80 I do understand if people do not want to declare a disability, but that must be the same through the other jurisdictions and they still produce statistics that are worthwhile.

The Speaker: Chief Minister.

85 **The Chief Minister:** Certainly, benchmarking is important, Mr Speaker, and I am sure Government will be doing its best to assess, in the best possible way we can, the support that we are giving to those with various disabilities. It is my firm belief, though, Mr Speaker, that the Isle of Man has to remain totally committed to equal opportunities in the field of employment, whether

it is for disability or for other areas, and indeed the Council of Ministers had agreed that consultation will take place, probably within this calendar year, for a broader equal opportunities in the Place of Employment Bill to be brought forward at a later stage.

90

The Speaker: Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you.

95

Could I ask the Chief Minister, is he aware that there was a percentage guideline of the number of people with recognised disabilities that should be attained by Government to employ these people, a percentage of all the total of employees?

The Speaker: Chief Minister.

100

The Chief Minister: I am not aware of that, Mr Speaker.

Mr Speaker: Mrs Beecroft, supplementary.

105

Mrs Beecroft: Thank you, Mr Speaker.

Would the Chief Minister, given that he is in favour of benchmarking, give some sort of commitment to try and collect these statistics going forward, so that we can really see how we are performing?

110

The Speaker: Chief Minister to reply.

The Chief Minister: It would depend on, as I have said in the Answer, Mr Speaker, how relevant these figures are. I do not see the point in collecting figures, if they are going to be inaccurate, simply for the sake of it, but I will certainly refer it back to my officers to see if further work on that would be appropriate.

ECONOMIC DEVELOPMENT

Disabled jobseekers Schemes to assist

1.3. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Economic Development:

115

What schemes there are and what schemes are planned to assist those with disabilities to find employment?

The Speaker: Question 3, and again, the Hon. Member for Douglas South, Mrs Beecroft.

120

Mrs Beecroft: I beg to ask the Question standing in my name.

The Speaker: I call on the Minister for Economic Development, Hon. Member for Douglas West, Mr Shimmin.

125

The Minister for Economic Development (Mr Shimmin): Thank you, Mr Speaker.

130

My Department has lead responsibility on employment matters, and this includes assisting those with a disability to find and, perhaps more importantly, retain work. The Disability Employment Service is based within the Employment and Skills Group, operating out of the Job Centre building in Douglas, and consists of two full-time disability employment advisers. The role of these advisers is to provide a service to both individual clients and employers in order to identify any difficulties presented by a person's disability and to put in place whatever measures are necessary to overcome them.

135

Being part of the wider Employment and Skills Group, clients of the Disability Employment Service are able to access the wide range of services available to all job seekers and can be easily referred for careers advice, assistance with CVs or job applications and guidance on a wide range of vocational training options that may be available to them.

140 In respect of individual clients, I am sure that Hon. Members will appreciate that there is no one solution that would be suitable for all. Therefore, the work of the advisers is very much involved with assessment of the individual's needs and creating an agreed action plan. This often involves close co-operation with colleagues in other areas of Government, in particular the Department of Social Care and the Office of Human Resources. An equally important part of the adviser's role is to work closely with employers by providing advice and guidance in relation to employing persons with a disability, as well as sourcing work placements or permanent work for existing clients.

145 In terms of existing schemes, assistance from my Department is primarily provided through the Employment (Persons with Disabilities) Scheme 1999. In summary, this is a wide-ranging Scheme, which can provide help towards seeking employment, which could include any necessary training, the provision of aids or equipment necessary to fulfil stable and suitable employment, alterations to work premises or equipment, transport to and from work, or further assistance whilst in work. In addition, the Department administers the Employment Rehabilitation Scheme 1989, which can provide assistance towards wage costs for employers who offer employment to persons with a disability.

155 In addition to working directly with clients and employers, it is essential to recognise our close relationship with the third sector. Organisations from this sector are often uniquely placed to assist with the rehabilitation of persons with a disability and contribute to their transition or return to work. We have formed a strong productive working relationship with a number of organisations on the Island that have delivered real benefits to some of our clients. As an example, we have developed a bespoke programme with one organisation to whom we refer certain clients for an initial skills assessment and subsequent training plan. This process recognises the often highly specialised needs of our client base, placing them with professionals who are best placed to deliver effective outcomes. During the past year, around 20 clients have benefited from this particular initiative.

160 Mr Speaker, I have tried to highlight some of the specific ways in which my Department can assist persons with a disability in finding and retaining work. If I can conclude by adding I feel it is important to maintain a truly flexible approach in the way we can provide assistance in this area, and I believe the way in which the Disability Employment Service currently operates, including the main Scheme I have referred to, allows us to do that.

170 **The Speaker:** Mrs Beecroft, supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

175 I thank the Minister for his comprehensive response to my Question, but could he confirm that this initiative for training and retraining, that there are adequate resources for this and it could be open to anybody who it is deemed could benefit from it?

The Speaker: Minister to reply.

180 **The Minister:** Mr Speaker, I have no evidence that there is inadequate amount... Indeed, one of the big problems is ensuring that we get the message across to employers about the value that this potentially vulnerable area of our community and often under-utilised area of our community can actually be a worthwhile investment in their time to bring people back into work.

185 The Chief Minister's comments yesterday referred to the vulnerable in our society and many people who do suffer from a disability, through no fault of their own, either have difficulties to overcome and indeed the need, potentially, for carers who, again, are our heroes within our community that is often not regarded.

With regard to the resource we have available, I will ensure that the officers are content with that. I think the main issue is communication to employers and people with a disability to say the help is there, please work with us and improve the opportunities for these people.

190 **The Speaker:** Further supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

195 Would the Minister confirm what specific actions his Department is taking to actually relay this to employers, if there is a sort of a deficit in communication on this issue?

The Speaker: Minister to reply.

200 **The Minister:** Mr Speaker, under the reorganisation of my Department with the arrival of Mr Tony Wild MLC, he has taken over political delegation for this area and we have already discussed this along with many other issues that will fall under this bracket. I look forward to him getting to understand the role and the task ahead and if he draws to my attention any difficulties about communication or resources, I will then take notice of that, sir.

HEALTH

PIP implants NHS breast cancer patients

1.4. The Hon. Member for Douglas East (Mrs Cannell) to ask the Minister for Health:

205 *What written assurances have been given from the Linda McCartney Centre and Whiston Hospital that NHS breast cancer patients have not received French PIP implants as part of their breast reconstruction procedures?*

The Speaker: Question 4, Hon. Member for Douglas East, Mrs Cannell.

210 **Mrs Cannell:** Thank you, Mr Speaker. I beg leave to ask the Question standing in my name.

The Speaker: To reply, I call on the Minister for Health, the Hon. Member for Glenfaba, Mr Anderson.

215 **The Minister for Health (Mr Anderson):** Thank you, Mr Speaker.

In relation to the Hon. Member's Question regarding the use of PIP breast implants, both the Linda McCartney Centre and the plastic surgery unit of Whiston Hospital, both of which do reconstruction or have done in the past for the Department of Health, have confirmed that they have never used PIP implants on any of our patients.

220 **The Speaker:** Mrs Cannell, supplementary.

Mrs Cannell: Thank you, Mr Speaker.

225 I thank the Minister for his reassurance this morning. Can I ask him what the Department's view is for those NHS patients who received a mastectomy some time ago but, because of the current policy within the Department, were offered a delayed breast reconstruction, who subsequently then took out private loans in order to pay for a private breast reconstruction, because they could not live not having their breast, whether or not the Department's view is that there is an obligation, in view of the delayed reconstruction procedure, whether or not there is an obligation – or at least a moral obligation – to give those patients some help and support.

230 **The Speaker:** Mr Anderson to reply.

235 **The Minister:** As the Hon. Member is well aware, certain patients have gone down the private route and they should seek advice on where they have... where they think they might have problems. In relation to where people have a delayed reconstruction, I suggest that they should contact the Department to see what their individual position is. I am not aware of the numbers of people involved in this area. It has not been brought to my attention.

240 **The Speaker:** Further supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

245 Would the Minister welcome my input in respect of this and that an organisation that I work closely with has identified two patients who received, on the NHS, a mastectomy and subsequently then were forced – they felt forced – to take out private loans to go to a private clinic in the UK to have the breast reconstruction done immediately, rather than wait two or three years?

Can he identify what the appropriate process will be for these particular patients, in order to get help, advice and support from the Department?

The Speaker: Minister to reply.

250 **The Minister:** I would encourage such patients to contact the Department to get advice. They had already been given advice at the time they had their initial surgery, but we are more than happy to give them advice on a case-by-case basis.

**Medical waiting lists
Update**

1.5. The Hon. Member for Rushen (Mr Skelly) to ask the Minister for Health:

(a) *Further to his briefing on medical waiting lists, when the lists will be reduced to an acceptable level;*
255 (b) *what targets he has set;*
(c) *how the Department will manage the lists in future and whether they will be made public with regular updates; and*
(d) *how long it will take from GP referral to treatment?*

260 **The Speaker:** Question 5, Hon. Member for Rushen, Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

265 **The Speaker:** I call on the Minister for Health to reply. Mr Anderson.

The Minister for Health (Mr Anderson): Thank you, Mr Speaker.

I thank the Hon. Member for his Question regarding waiting lists and will answer each point in the order in which they arise on the Question Paper.

270 In relation to part (a), the waiting lists all vary in numbers waiting. Not all are excessive or lengthy and thus many are already at an acceptable level. For example, any patient requiring urgent care is treated immediately and does not wait for treatment. As you are aware from the presentation we gave to Hon. Members on 13th December, we are striving to reduce waiting lists by ensuring our lists are those who still require surgery, that we redesign our services to ensure efficiency and that adequate resources are available to undertake the necessary procedures.

275 In relation to part (b) – what targets we have set – I believe it is not appropriate to set targets for all treatments. It is most important to ensure that the essential patients to be treated within strict timelines are those with a suspected or confirmed cancer diagnosis and for other treatments to ensure that treatments are provided within an appropriate clinical timescale. Regrettably, the waiting-list time targets set in the UK over many years were not always reflective of clinical need, were not supported by doctors and other clinical staff and seemed more related to satisfying political needs and, in some cases, distracted from the proper provision of clinical care, which is why, in many areas, these targets are being removed now.

285 In relation to part (c) – how the Department will manage the lists in the future and whether they will be made public with regard to updates – we intend to publish waiting-list data on a regular basis once we are happy with the data, that that data is completely accurate. In the meantime, GPs are provided with indicative current waiting-list information, to aid their decision when referring a patient to the hospital. We are working towards one-step clinics, introducing triage systems, reducing DNAs – that is not attending appointments – and actively introducing new ways of working.

290 In relation to part (d), that is how long it will take from GP referral to treatment, the time for referral by a GP to receiving treatment will vary. It depends on the specialty. Some examples are as follows. Breast surgery: an urgent referral will be seen within one week and a routine referral will be seen within two weeks. In general medicine, an urgent referral is seen within two weeks and a routine referral within 10 weeks. A paediatric urgent referral will be seen within one week and a routine referral within seven weeks. Gynaecology: urgent referrals will be seen within three weeks and routine within six weeks. A general surgical urgent referral will be seen within six weeks and a routine referral within 23 weeks. An orthopaedic urgent referral will be seen within two weeks and a routine referral within 30 weeks.

300 In addition to all this, emergency admissions or attendances are seen immediately, and are either admitted or followed up appropriately in fracture clinics or in the various outpatient clinics.

The Speaker: Mr Skelly, a supplementary.

Mr Skelly: Gura mie eu.

305 Does the Minister believe a maximum time limit should be imposed to ensure waiting lists are maintained to an acceptable level?

The Speaker: Minister to reply.

310 **The Minister:** I believe this should not be politically driven, it should be clinically driven. We must accept the professional advice and we should seek that waiting lists should not... we should make sure that people are seen in a timely clinical time, set by clinicians and not by politicians.

The Speaker: Mrs Beecroft.

315 **Mrs Beecroft:** Thank you, Mr Speaker.

Would the Minister agree with me that management actually need to be more proactive on this?

320 For example, during the 24 hours before scheduled surgery, do they actually phone and make sure that people are going to turn up, to try and avoid the empty spaces which are clogging the theatres up? Is there a standby list so that somebody can be contacted quickly and turn up quickly if there are cancellations or people who do not show up? What happens if there are only 30 minutes left of a scheduled theatre allocation time but the actual operation is estimated to take 45 minutes? Is that 30 minutes left unfilled, or is there an extra 15 minutes allocated to the schedule? All these sort of initiatives I think management should be more proactive with.

325

The Speaker: Mr Anderson to reply.

330 **The Minister:** I agree with the Hon. Member that management should be proactive in this area and I think that was demonstrated in our presentation to Hon. Members in December. I know the Hon. Member was not available to go to that, but I have made it available... staff available to meet her where she has concerns in these areas.

335 In relation to following up on patients cancelling at the 12th hour, we are actively looking at that. There does not seem to be a lot of evidence to show that theatre time is being lost, but certainly down the road looking at actual consultations, there is maybe room for improvement there, where people have not shown up for their consultation and that has obviously a knock-on effect. We are looking at areas of texting people and things like that at as a reminder, trying that in different areas. If that is successful, it will be rolled out in further areas.

The Speaker: Further supplementary, Mrs Beecroft.

340

345 **Mrs Beecroft:** Yes, I thank the Minister for his invitation to go to the Department – I have made arrangements to do that, as I could not attend the briefing in December – but my question is going back to October, when I asked about another page being put on the website, so that information was regularly updated and people could actually look and see for themselves how waiting lists were going.

You responded that the information that would be shown in October could be quite inaccurate and you are working on that and you would consider, once it was up to date, actually utilising the website for information for people. I wonder if the Minister could tell us what progress has been made in this area.

350

The Speaker: Reply, sir.

The Minister: Thank you, Mr Speaker.

355 Progress is being made in this area; however, we are not in the position yet, as was pointed out in the presentation, that we are at the position where we can actually put that information on the website because we are not satisfied it is completely accurate. Hopefully, she will get more information about that when she meets my officers.

The Speaker: Mr Singer.

360

Mr Singer: Thank you, Mr Speaker.

365 In relation to 5(c), managing the lists for the future, can I ask the Minister, in regard to the ophthalmic department, whether the newest consultant is now permitted to undertake unsupervised full cataract operations, which he has not been up to now, thus reducing the waiting list? Is it also not a fact that that same highly qualified surgeon, who is recognised as an expert in correcting eye squints, is not allowed to do it here, yet patients are being sent to the UK for such operations, and is this also not a large waste of resources?

370 **The Speaker:** Minister to reply.

The Minister: Obviously, Mr Speaker, I am not carrying that information with me, but I am happy to look into that and get back to the Hon. Member.

375 **The Speaker:** Mr Skelly.

Mr Skelly: Gura mie eu.

Can the Minister confirm if consultants' pay is performance related and does he believe such a system would help reduce waiting lists?

380 **The Speaker:** Minister to reply.

385 **The Minister:** Consultants' pay is not performance related. However, they have a contract and they have to deliver within that contract so many hours to the NHS. Separately, they have their private practice that they are allowed to do as well. We monitor their NHS time very closely, and we do actually benchmark that against the UK, to make sure we are getting value for money from our consultants.

The Speaker: Hon. Member for Middle, Mr Quayle.

390 **Mr Quayle:** Thank you, Mr Speaker.

Would the Minister agree to look at the waiting list for orthopaedics at six months and physiotherapy, which I have had constituents waiting for over a year to be looked at... does not stack up with the answers he gave this Hon. House a number of months ago on the waiting list that members of the public had to wait for treatment.

395 Would he look at ways of reducing the waiting list, especially for orthopaedics? If you are having to wait six months, it seems totally unacceptable when you are in considerable pain.

The Speaker: Minister to reply.

400 **The Minister:** Yes, I think this was very well explained in our presentation in December and I think it was explained, as well, the restrictions that the Department is operating under in this area.

405 I do accept that, some months ago, some of our information regarding waiting lists was not as accurate as should be and that is why the data has not been put on our website – we are striving to make that information as accurate as possible. However, the information we are giving GPs, when they are referring to their people, hopefully gives a guideline now, a more accurate guideline to waiting times.

The Speaker: Mrs Cannell.

410 **Mrs Cannell:** Thank you, Mr Speaker.

Does the Hon. Minister know whether or not managers there at the hospital monitor the degree of private practice undertaken by the consultants, in order to assess whether or not the NHS obligation part of their contract is not being jeopardised because of the degree of private practice that they are undertaking?

415 **The Speaker:** Minister to reply.

420 **The Minister:** Yes, Mr Speaker, this is an area that was covered very closely in the presentation in December, and there were a lot of questions from Hon. Members at that presentation. It was quite clearly demonstrated that we very closely watch what consultants do in their private theatre time, and I am very confident that they are meeting their NHS obligations *before* they do any of their private work.

The Speaker: Mr Skelly.

425 **Mr Skelly:** Gura mie eu.

Does the Minister recognise the social and economic impact of lengthy waiting lists with patients and employers, not to mention Government paying an ever-increasing price? Does he not believe we must seek a long-term solution and not a short-term initiative to resolve the problem?

430 **The Speaker:** Minister.

The Minister: Yes, I am well aware of the restrictions it places on individuals and on employees/employers as well.

435 I think our problem is that our resources are finite and we have to balance that resource against the demands. As has been explained at length, we are trying different ways of trying to manage the problems in the waiting list area.

440 I am pleased to say we are making significant progress in certain areas, but I do admit we are struggling in other areas and might struggle for some time, so we have got to find better ways of more throughput through certain areas. We are looking at triage systems and different areas like that, so that we take away the pressure of the consultants. Some of these people might be diverted to physios and other areas, therefore releasing time for the consultation with the consultants, which will mean shorter time to theatres and surgery.

445 **The Speaker:** I will take one last supplementary. Mrs Beecroft, please.

Mrs Beecroft: Thank you, Mr Speaker.

Could the Minister confirm that by not putting the information on the website it is purely down to a lack of accuracy of the information and nothing to do with a problem with ISD?

450 **The Speaker:** Minister to reply.

The Minister: I am not aware of a problem with ISD in this area, Mr Speaker.

ENVIRONMENT, FOOD AND AGRICULTURE

Processing plants Charges and returns to farmers

1.6. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Environment, Food and Agriculture:

455 *When his Department will honour its statement as outlined in the Vision Statement (presented to Tynwald in December 2008) that the processing plants must be able to offer an equivalent processing charge and return to farmers as their UK competitors?*

The Speaker: We turn to Question 6 and I call the Hon. Member for Middle, Mr Quayle.

460 **Mr Quayle:** Thank you, Mr Speaker. I beg to ask the Question standing in my name.

The Speaker: I call the Minister for Environment, Food and Agriculture, Hon. Member for Rushen, Mr Gawne, please.

465 **The Minister for Environment, Food and Agriculture (Mr Gawne):** Gura mie eu, Loayreyder.

470 The statement to which the Hon. Member refers is part of an overarching strategy to develop a profitable and reliable food chain capable of feeding the Manx people. The strategy received unanimous support in Tynwald in April 2008 and it specifically sets out the need to decouple Government support from agricultural production. This was achieved through the introduction of the Countryside Care Scheme in 2009, a scheme which was supported by all the Manx agricultural representative bodies.

475 The strategy also identified the need for Government support of the processing plants while the industry went about the process of significant change, but further identified that the processors had to improve their efficiency and significantly enhance their product development and marketing, and also that the move away from production-related support is expected to ensure that future production is focused purely on the needs of consumers.

480 It is perhaps disappointing that the industry still seems to believe that it is the responsibility solely of my Department to underwrite equivalent charges and returns. It was always made clear that the processors and producers need to work with the Department in moving away from previous reliance on Government subsidies towards returns from the marketplace. The Meat Plant in particular, has required subvention, while it restructures its operations to provide what its consumers require. The Department has provided and, in my view, will need to continue to provide, sums in excess of £300,000 per annum, as identified in the Anderson Report of 2007 – I think it was to cover the excess costs associated with a small, multi-species Meat Plant based in the Isle of Man.

485 Having seen a dramatic reduction in the staffing and ongoing operating costs at the Meat Plant last year, I welcome the appointment of the FMA's interim Chief Executive, Mr John Dawkins, who I understand is charged with providing a business plan within three months that will identify the products required for future profitable markets, and also mould our farmers' future production to those markets.

490 For my part, I will continue to work tirelessly with all parties to ensure a viable, long-term future for our agricultural industry. Gura mie eu.

495 **The Speaker:** Mr Quayle, a supplementary.

Mr Quayle: Thank you very much, Mr Speaker.

500 Would the Hon. Member confirm whether he has had time to revisit the Public Accounts Committee 1995 Report into the Meat Plant, and would he not agree that it is highly unlikely that this plant could ever be run on a purely commercial basis, as highlighted by the Report? Also, pursuant to policy statements that his Department have made, and also quoting him from the Tynwald Court of Wednesday, 17th December, where he said:

505 'Phase 2 will be the most expensive as we continue this commitment during the period immediately following the expected loss of the EU red meat derogation in January 2011.'

- could he confirm to the House that, having put £1.1 million aside for this period, the fact that only £87,000 was given to the Meat Plant in that calendar year after it had lost the revenue derogation?

510 **The Speaker:** Minister to reply.

The Minister: Gura mie eu, Loayreyder.

515 I do agree with the first part of the question. Much as Members will be disappointed to hear, I will not go into this in great detail, but I do agree that it is pretty clear that the Meat Plant was never going to be capable of being run profitably and efficiently, due to the way it was designed, size, and all the rest of it.

520 However, what I would not agree with is that that is the main issue facing the FMA at the moment, because if you get rid of the rent and you get rid of all the energy and water costs that the Meat Plant faces, you have still got a massive problem at the Meat Plant. So I do know that the directors are very keen to focus on that particular area, but even if we built a brand-new plant tomorrow, we would still have problems. There are structural problems with the industry that need to be addressed and we need to see some significant effort put into that area, I feel.

525 As regards the other part of the Hon. Member's question, I am desperately trying to remember what it was. I did not write it down... I should have done, I forgot –

The Speaker: Mr Quayle, would you repeat that particular part?

530 **Mr Quayle:** The second part, Minister, was your Department, in one of its reports, stated it expected to put £1.1 million into the Meat Plant and it mentioned, in its Tynwald Report on 17th December 2008, that phase 2 would be its most expensive. Therefore, having expected to put £1.1 million in because the industry did lose the red meat derogation, it only managed to put £87,000 into the Plant and maybe that is why we are in the mess we are at the moment.

The Speaker: Minister.

535 **The Minister:** Gura mie eu, Loayreyder, and I thank the hon. questioner for repeating the question.

I think it is easy, with the benefit of hindsight, to look back at these things and think perhaps had we done things differently things would have been a lot better. I do have that benefit of
540 hindsight and I do believe that the Department's original proposal, which was to put in the region of £1 million pounds into the Plant during the year in which the red meat derogation was likely to be lost, was indeed the right way forward and would certainly have maintained confidence.

However, the plans were made back in 2007, as the hon. questioner rightly points out. At that time, we had not had even our first major hit on the VAT income that the Isle of Man had been
545 enjoying. We have now had a further hit on that income and it would be rather foolish of me, or indeed any Minister, to spend vast sums of Government money regardless of the absolute need, based on a policy that was established prior to that financial situation occurring. So I do agree that, in an ideal world, where money was available in vast quantities, perhaps that would have been the right action. With the benefit of hindsight, it is absolutely clear that would have been the right action, but we are where we are.

550

The Speaker: Further supplementary.

Mr Quayle: Would the Minister not agree with me that when the negotiations were taking place over the Countryside Care Scheme, that the looming VAT cuts were discussed and that all
555 parties were aware of them and the Countryside Care Scheme without equivalency is like building a new racing car and refusing to spend money on the engine?

The Speaker: Mr Gawne.

560 **The Minister:** Gura mie eu, Loayreyder.

I do not agree that the VAT cut had been announced, because we introduced the strategy in April 2008, so we did not find out about this till some time after that, so it would not have been possible for us to have had that discussion, unless the Union had some great insight into the thinking of the UK Labour Party – or Labour Government at that time. So I cannot agree with that,
565 but I do agree with the Hon. Member's last point, it is absolutely essential and I have made it as clear as I possibly can, that we have a level playing field on which our producers can operate. Without that level playing field it is very difficult to see how we can develop a profitable future for our agricultural industry. So it is essential that we all work together, but I think that is the crucial thing here and perhaps I could use the eloquent words of the Ard-shirveishagh, the Chief Minister, where he says in his statement:

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'The road ahead will be difficult and some of the decisions we have to take will not be popular or easy to accept, but it is vital that we all face up to these realities and accept change in the Isle of Man, if the Isle of Man is to survive, and indeed thrive, in the future.'

575

That applies to the meat sector, as it applies to all sectors. Times have changed, we have to move on, we have to accept that we have less money available. It is more difficult to sort out the problems but, that said, we have an agricultural development fund, which was specifically designed for this purpose. I certainly intend to work with the directors of the Meat Plant to find
580 ways in which we can access that fund to ensure that we develop the level playing field which is absolutely required.

**Processing plants
DEFA support**

1.7. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Environment, Food and Agriculture:

585 *Whether his Department has found EU compatible ways to provide the support needed to ensure that all the plants operate in a competitive manner providing UK equivalent charges and returns to our farmers?*

The Speaker: We turn to Question 7. Again, Mr Quayle, please.

Mr Quayle: Thank you, Mr Speaker. I beg to ask the Question standing in my name.

590 **The Speaker:** Minister to reply.

The Minister for Environment, Food and Agriculture (Mr Gawne): Gura mie eu, Loayreyder.

595 I do not have any current concerns over the compatibility of the support which the Department has given, or indeed intends to offer, the processing plants with that of our European trading partners. Indeed, the recent Common Agricultural Policy proposals indicate moves towards the strategic targeting of funds for sustainable growth.

600 My hon. friend, the Treasury Minister, has indicated to my Department that significant funding from the Agricultural Development Fund will be forthcoming for the Meat Plant, provided the Plant demonstrates a sustainable business plan.

Gura mie eu.

The Speaker: Mr Quayle.

605 **Mr Quayle:** I thank the Minister for his Answer, but does he not think that, three years on, the situation has not improved, and does he think that all our plants – our creamery, our mill and our Meat Plant especially – are giving equitable and equivalent returns to our producers, compared with a UK counterpart, because that is what we are looking for.

610 Our farmers, I believe, deserve to get the same as our UK counterparts. I do not think they are asking for any more or unfair advantage. It is just that the extra costs on the Isle of Man... If we want fresh meat, fresh milk and produce on this Island, then we have to ensure that they are at least getting a similar return, or we will have no industry.

615 **A Member:** Hear, hear.

The Speaker: Reply, sir.

The Minister: Gura mie eu, Loayreyder.

620 Yes, I do agree with the hon. questioner; I do agree that this is vitally important.

I want to work with the directors of all the processing plants to ensure that we develop this position of having a level playing field on which our farmers can operate. Of course, it is always difficult because, whenever you try to do comparisons, particularly in relation to our Meat Plant, where it is a multi-species small plant in an isolated geographical location, which means there is a whole load of reasons why it would not exist if it was in the United Kingdom... Therefore, it is difficult to do comparisons because there are not plants like that in the United Kingdom.

625 It is always difficult to decide what equivalency actually means in these circumstances and, of course, farmers will pick the best possible average price that they can find to base their equivalency on; the Department perhaps might find a more modest equivalent price. But it is a big issue. I do understand it is a big issue. It is something that I am certainly putting all my efforts into in the Department to try and resolve, but I suppose what I need to do is develop perhaps what I had when I left the Department – a good level of trust, a good working relationship with the directors – so that we can work together to try and resolve the problems that the industry is facing.

**Meat plant
DEFA support**

1.8. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Environment, Food and Agriculture:

635 *Pursuant to his Department's undertaking to ensure that farmers on the Island would receive an equivalent payment for their animals as farmers in the UK, what plans he has to support the meat plant and remove the incentive to export live animals?*

The Speaker: Question 8, again, Mr Quayle, Hon. Member for Middle.

640 **Mr Quayle:** Thank you, Mr Speaker. I beg to ask the Question standing in my name.

The Speaker: I call the Minister for Environment, Food and Agriculture.

The Minister for Environment, Food and Agriculture (Mr Gawne): Gura mie eu, Loayreyder.

645 I refer the Hon. Member to my previous answers that indicated the delivery of equivalent returns relies on the co-ordinated action of the Department, processor and producer and perhaps I should also include retailer. I am particularly determined to assist the processors in identifying strategic and restructuring needs that can be funded by the Agricultural Development Fund through a business case made to Treasury. In this way the processors should be able to pay a competitive price that retains both the animals and products we need and those that can generate profitable export goods.

650 While the export of animals that do not meet our needs can be just about tolerated in the short term, we cannot continue to accept the production of animals that do not meet the needs of Manx consumers. These animals end up being exported, whether live or dead to the United Kingdom and, in effect, we are subsidising purchases made outside the Isle of Man.

655 **The Speaker:** Mr Quayle.

Mr Quayle: Thank you. Thank you, Minister.

660 I feel that the Minister has not addressed the increasing problem of live exports, which clearly is not popular with our public, particularly of cull stock. What plans does he have to reduce the numbers, considering that many of these animals will not, under any circumstances, be required for local consumption and, due to economics, are having to be exported, when had the Meat Plant been subvented, as have been promised to the farming community, this process would never have taken place?

The Speaker: Minister to reply.

The Minister: Gura mie eu, Loayreyder.

670 I did say – and have said throughout the answers I have been giving, and indeed throughout the three-year consultation process with the industry and all the issues that I have brought to Tynwald over the many years – that this is a team effort. I just detect in the way in which the Hon. Member is going about his questions that he seems to think that this is purely something that the Department has to resolve and that it is not going to be something that, for example, in the meat industry the directors of the Meat Plant or, indeed, the meat producers have to be involved with. I think that is unfortunate if that is what the Hon. Member is suggesting.

675 That is not to say that the Department is not quite capable of resolving the problem of export. I am sure we could introduce a variety of measures, which would be wholly unpopular with the meat industry, which could ban live exports. That is not the way forward, in my view. What we have to do is work as a team – that is processors, producers, the Department and, indeed, the retailers – to find a solution to this. I have not sorted the problem out in the two or three months I have been in the Department; I acknowledge that. I will do my best to work with all players in the industry, though, to find a solution.

680 I should also correct, or add perhaps to, a suggestion that the Hon. Member for Middle has made in an earlier Question. There is, indeed, £87,000-ish that has been paid out in the last financial year to the Meat Plant, but a further £110,000-£113,000 is supposed to be being paid out. It has been agreed in principle that we will pay that out on receipt of a sustainable business plan,

690 so that would bring it up to £200,000. Still £800,000 short, perhaps, of what the Department had originally suggested needed to be spent last year, back when we were originally planning this in 2007, but I think it is important just to make that clarification.

The Speaker: Final supplementary, Mr Quayle.

695 **Mr Quayle:** Thank you and I thank the Minister again for his frank comments.

I think the industry showed willing and worked with his Department for three years, but the promises have not been honoured and therefore it is important that he would agree to show the industry that he will honour his promises, as he stated previously, then the trust and work ethos will be reinstated with the industry.

700 **The Speaker:** Minister.

The Minister: Gura mie eu, Loayreyder.

705 I like to do my best to honour all promises I made. I made a promise that I will do everything I possibly can to work with the industry to resolve solutions. I made it clear to the industry that, if the policies that we came to Tynwald with – which I still believe are the correct policies for the future, to develop a vibrant agricultural industry and a robust Manx food chain – if those are to work, we have to have equivalency in terms of the likes of killing price and the likes of returns to farmers, particularly in the meat sector, but it applies in terms of processing for other plants as well. Clearly that has to be developed if our farmers are going to be able to compete on a level playing field.

710 I want to see that robust, sustainable Manx food chain. I want to see a position where Manx farmers actually talk about the profitability of their farms, rather than for – as has been the case over all my lifetime – farmers look at dwindling returns, look at a reduction in the size and scale of their industry, look at a fairly pessimistic outlook. I want to see that change. That is why I have engaged so vigorously in this whole debate over the five or six years – seven or eight years now of being involved in the House of Keys. I do want to see a vibrant future for our farmers.

715 **The Speaker:** Hon. Members, that brings us to the end of Questions for Oral Answer. There are two Questions for Written Answer and the replies have been distributed.

Questions for Written Answer

TREASURY

Marketing Initiatives Fund Advances

2.1. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

720 *What the criteria are for obtaining advances from the marketing initiatives fund; and what subsequent monitoring there is to see what has been achieved by these advances?*

725 **Answer:** The governance and criteria for applying for grant funding from the Marketing Initiatives Fund was set out in Appendix A.13 to GR20/10, which was the Treasury response to the Report of the Standing Committee on Expenditure and Public Accounts on the Management and Use of Reserve Funds 2002-2008. The relevant extract is set out below:

‘FUND NAME

Marketing Initiatives Fund

730 ESTABLISHED

Established in the 2005-06 Budget on 15th February 2005.

DESCRIPTION/PURPOSE

735 There is an identified need to fund marketing initiatives that can often involve more than one Department and the purpose of this Fund is to provide financial support for such initiatives.

POLICY

740 Policy is to provide funding for marketing initiatives where there is a clear measurable gain to the economy. Applications can be made by outside organisations provided they are sponsored by a Government body.

GOVERNANCE

745 Applications below £100,000 are approved by Treasury. Applications of £100,000 and above are approved by Council of Ministers after initial approval by Treasury.'

The application process requires a basic business case to be submitted by the sponsoring Department to the Treasury in a format which includes the following:

- 750
- A breakdown of the financial support required
 - The anticipated benefits from the investment
 - A reporting mechanism on the outcome of the investment

755 Advice in formulating the detail of any application is provided through the Corporate Strategy Division of the Treasury. Spending is recorded within the applicant's departmental costs and recovered from the Treasury at the end of each financial year. Treasury monitor expenditure claimed in respect of each project against the sum approved for such initiative. The responsibility for ensuring that value for money is achieved for each application remains with the Accounting Officer of the sponsoring Department.

760 Progress reports, including the outcomes of the spending, are sought from applicants on a regular basis during the life of each initiative but at least annually in advance of the preparation of an annual report on the Marketing Initiatives Fund, which is received by Treasury and laid before Tynwald. The progress reports are expected to include an assessment of the benefits and outcomes, compared with those set out in the original application. The most recent report laid before Tynwald was in respect of the financial year ending 31st March 2011 (GD019/11).

ECONOMIC DEVELOPMENT

Distributed Denial of Service Number of attacks and cost

2.2. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Economic Development:

765 *How many online DDoS attacks (Distributed Denial of Service) have been targeted against –*
(a) Government Departments and infrastructure; and
(b) business organisations/corporations/operators in the Isle of Man –
in each of the last five years; and what estimate he has made of the cost and to the economy
with special reference to loss of business?

770 **Answer:** Working through the Department of Economic Development Information Systems Division, the Isle of Man Government has a shared Network Infrastructure handling all data, voice and video traffic flows to and from the internet and between Departments.

775 Isle of Man Government operates a multi-layered defence system in mitigation of the risks posed by external and internal threats to the network and Government information systems, which are constantly assessed to ensure the ongoing integrity of the deployed infrastructure. Evidence of this multi-layered defence system is maintained by regular internal and external audit and by regular system penetration tests and through international standard ISO27001, NPIA (Police) and PCI-DSS banking industry accreditations. These accreditations demonstrate that the Government is taking all reasonable and effective measures to mitigate the risk. It should be noted that the risk mitigation policies, strategies and operating procedures do not guarantee the affected systems are fully protected. It does guarantee that we have minimised the risk to Government and Isle of Man based businesses using the Isle of Man infrastructure.

780 Distributed Denial of Service (DDoS) threats attack the internet, in addition to targeting websites or firewalls that protect networks and information systems. By analogy, in the paper

785 world the impact is similar to a 'lorry full of leaflets, mail and small parcels' for delivery to one
address, or worse 'Steam Packet vessel being filled with lorries full of leaflets, mail and small
parcels' attempting to be delivered to one address. In the paper world the Post Office would be the
first to know, and to suffer the consequences, of having to deliver a surge of material to one
790 address. The analogous body to the Post Office in the internet context is the Internet Service
Provider (ISP).

(a) For Isle of Man Government, DDoS attacks are mitigated by ISPs operating on the Isle of
Man through which the Government manages its network and systems. Island-based ISPs have
deployed appropriate tools to detect and neutralise the flood of traffic generated by DDoS attacks
and successfully mitigated the risk. DDoS attacks have not disrupted the Government
795 infrastructure to date.

The ISPs supporting the Government are required to report any incident that may cause issue
and they have not done so in the last five years.

(b) The Department does not collate the number of DDoS attacks, as systems processes and
operations are configured to restrict and deny attempts to breach the defences against ISPs
800 infrastructure.

ISPs are not reporting any such incidents.

In regard to the costs, the internet is alleged to have lost between 1% and 3% of its capacity
through DDoS attacks. This figure should be appropriate to the Isle of Man, although this does not
necessarily translate into an impact on business.

805 Any Member requiring further clarification of the above is invited to contact the Minister to
arrange a meeting.

Orders of the Day

BILL FOR FIRST READING

Gambling Duty Bill 2012

The Speaker: We now turn to Item 3 on our Order Paper, Bill for First Reading, and I call on
the Secretary of the House.

810 **The Secretary:** Bill for First Reading, Gambling Duty Bill 2012: Member in charge, Mr
Henderson.

BILL FOR CONSIDERATION OF CLAUSES

Dogs (Amendment) Bill 2011

Clauses considered

The Speaker: We turn to Item 4, Bill for consideration of clauses, the Dogs (Amendment)
Bill, to which there are no amendments, and I call on Mr Gawne to move the clauses.

815 **Mr Gawne:** Gura mie eu, Loayreyder.
This clause will give the Act resulting from the Bill its short title.
I beg to move.

820 **The Speaker:** Mrs Cannell.

Mrs Cannell: Mr Speaker, I beg to second and reserve my remarks.

The Speaker: Hon. Members, I put the question that clause 1 do stand part of the Bill. Those
in favour, please say aye; against, no. The ayes have it. The ayes have it.
825 Clause 2 please.

Mr Gawne: Gura mie eu, Loayreyder.

830 Clause 2 provides that the Act will come into force on a particular day or days provided for in an Order. The Appointed Day Order may contain provisions which are incidental, transitional, or transitory, where appropriate and that the Department must consult with the Department of Infrastructure before making an Appointed Day Order.

I beg to move clause 2 stand part of the Bill.

The Speaker: Mrs Cannell.

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Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

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Clause 3.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 3 introduces the amendments made to the Dogs Act 1990.

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I beg to move clause 3 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

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The Speaker: I put the question that clause 3 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

855

Clause 4 inserts a new subsection 3A into section 1 of the Dogs Act 1990, which enables secondary legislation to contain an exemption from duty for the imposition of a reduced rate of duty in respect of the dog licence, where a dog is microchipped.

I move that clause 4 stand part of the Bill.

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The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: Hon. Member for Ramsey, Mr Singer.

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Mr Singer: Could I ask Mr Gawne why this is necessary. Surely if a person has an electronic transponder put in the dog, that is for the dog's safety, his own safety, being able to trace the dog. Why should the possibility be, therefore, that they should not have to pay a duty? I do not really link the two together. Surely anybody with a dog should pay the duty, especially when we are short of money.

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The Speaker: I call on the mover to reply.

Mr Gawne: Gura mie eu, Loayreyder.

875

The overall cost of administering the licence fee does generate a very modest return. I think the Isle of Man Post Office takes that return. However, the general view, certainly in Scotland, Northern Ireland – sorry, Scotland, Wales and England and most of Europe is that dog licences have been done away with. They do still exist in some parts of the world, certainly Northern Ireland, Ireland have dog licences.

880

This clause enables us to consider giving a reduction for dogs that have these microchips inserted, which are apparently the size of a grain of rice. They are relatively small things, it is a painful – painless, I should say, (*Laughter*) – operation to insert this and of course, the thing with the microchip is once the microchip has been put in the dog, that is it, effectively, you do not have to go and get a new licence disc every year. So in terms of administration it massively reduces the overall administration cost. Therefore, it may be – and this would be a consideration that would have to come back to Tynwald, if the Department chose to do this – that it is considered that we could offer reduced licence fees or no licence fees, bearing in mind that you do not actually

885

require the person to go back and get discs and all that sort of thing, which are clearly an additional cost.

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The Speaker: I put the question that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5, please.

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Mr Gawne: Gura mie eu, Loayreyder.

Clause 5 substitutes section 2 of the Dogs Act 1990, which currently lists the exemptions for the payment of duty for dogs. This change will, in the future, enable the Department to specify exemptions by Order.

900

Initially, the intention is that the Department will produce an Order specifying exemptions based on the current list in section 2 of the 1990 Act, and then, at a later date, introduce exemptions for other categories as felt necessary. Any Order would be the subject of a consultation process and require Tynwald approval.

I move that clause 5 stand part of the Bill.

905

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

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The Speaker: I put the question that clause 5 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and electronic voting resulted as follows:

FOR	AGAINST
Mr Quirk	None
Mr Hall	
Mr Karran	
Mr Ronan	
Mr Crookall	
Mr Singer	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mrs Beecroft	
Mrs Cannell	
Mr Robertshaw	
Mr Shimmin	
Mr Corkish	
Mr Cretney	
Mr Skelly	
Mr Gawne	
The Speaker	

The Speaker: With 18 votes for, no votes against, the motion therefore carries.

Clause 6, Mr Gawne, please.

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Mr Gawne: Gura mie eu, Loayreyder.

Clause 6 amends section 24 of the 1990 Act in several places and provides additional powers for local authorities, when making byelaws under that Act. The changes to section 24 will provide for the inclusion of areas such as car parks and additional open spaces, such as churchyards, where dogs should be controlled.

920

The amendments made by this clause include the addition of definitions of a 'car park' and 'open spaces'. The definition of 'open space' goes on to say that it does not include lands vested in the Department which are already subject to dog control provisions contained in byelaws.

I beg to move that clause 6 stand part of the Bill.

925

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

The Speaker: Hon. Member for Onchan, Mr Quirk.

930 **Mr Quirk:** Thank you, Mr Speaker.

Can I just ask the Minister, regarding 'under control', the definition of 'control', because there has been some concern in the past where some dogs can be called 'under control' and those that can be on a lead, and I am just wondering whether the Department have had any representation from anybody.

935 **The Speaker:** Mover to reply, Mr Gawne.

Mr Gawne: Gura mie eu.

940 I am happy to come back to the Hon. Member on that. Obviously, clause 6 does not refer in any way, shape or form to dogs being under control and I do not think dogs under control was mentioned at all in this Bill, but I am happy to come back to the Hon. Member on that.

945 The reason I am not fully up to speed on whether someone is to come back at some point is that this seems to have been being consulted on for many, many years now, so it may well be that at some point during a consultation of what originally, I think, was the... was it the Local Government Act? I think it was. It may well be that someone had just dropped that little piece in and I will get back at Third Reading to confirm, or otherwise, whether that was the case.

I beg to move.

950 **The Speaker:** I put the question that clause 6 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 7, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

955 Clause 7 amends paragraph 5 of Schedule 1 to the 1990 Act to allow the Department of Infrastructure to specify the colour of a dog licence without the need to do so through secondary legislation.

I beg to move that clause 7 stand part of the Bill.

The Speaker: Mrs Cannell.

960 **Mrs Cannell:** I beg to second and reserve my remarks.

The Speaker: I put the question that clause 7 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

965 Finally, clause 8, Mr Gawne, please.

Mr Gawne: Gura mie eu, Loayreyder.

Clause 8 makes minor amendments to clarify where the responsibilities lie with either the Department or the Department of Infrastructure.

970 I move that clause 8 stand part of the Bill.

The Speaker: Mrs Cannell.

Mrs Cannell: I beg to second and reserve my remarks.

975 **The Speaker:** I put the question that clause 8 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Thank you, Hon. Members.

LEAVE TO INTRODUCE

**Town and Country Planning Act 1999
A Bill to amend Act re section 14, Protected Buildings Register
Leave to introduce granted**

5.1 The Hon. Member for Peel (Mr Crookall) to move:

980 *That leave be given to introduce a Bill to amend the Town and Country Planning Act 1999 relating to entering a building in the Protected Buildings Register under section 14 of the Act; and for connected purposes.*

The Speaker: Item 5, leave to introduce, and I call the Hon. Member for Peel, Mr Crookall.

985 **Mr Crookall:** Thank you, Mr Speaker.

I am seeking Members' support today for leave to introduce a Private Member's Bill to amend the Town and Country Planning Act 1999. This relates to entering buildings on the Protected Buildings Register under section 14 of the Act. Hon. Members who were here last year will know that I was given leave to introduce this, but it died with the end of the last House of Keys.

990 Mr Speaker, what I am looking to do here is to try and solve the predicament that we now have with the old prison on Victoria Road and make sure that this sort of situation hopefully will not happen again in the future. (**A Member:** Hear, hear.)

995 The old prison has now passed from the Department of Home Affairs to the Strategic Asset Management Unit in Infrastructure. There is a report which the DHA commissioned that says certain parts of the old prison site should be registered. It may be the case – and I reiterate it *may* be the case – that, in putting those parts on the protected register, Government ends up with a building or parts thereof registered that mean the whole of the site may be unusable or unsaleable, preventing the development of the site to its full potential. I feel there should be a facility for the Department to refer such entries onto the register to the Council of Ministers for determination if it feels that placing of such a building or parts of a building onto the Protected Buildings Register could leave Government with a property that it can do nothing with or, at best, very little with and at great cost.

1000 When I sought to introduce this last year, one of the comments from a Member was that the Minister's hands were tied. That referred to the Minister for Infrastructure because of the report that had been commissioned by the DHA. Minister Cretney, at the time, was unhappy and remained to be convinced of the benefit of this. Now, as Minister with responsibility for infrastructure, I look forward to being able to discuss this with him in an effort to find a way to make this work. By giving me leave to introduce today, it will give me the opportunity to further the helpful talks I have already had with the Director of Planning and the Conservation Officer from Mr Cretney's Department regarding the issue.

1010 I am trying to find a solution to a problem that could leave the Island, in the case of the old prison, with a building that could cost the taxpayer millions of pounds into the future to protect and to try and find a suitable use for.

1015 Mr Speaker, I do hope that Members will see the potential benefit of this and will support me today and give me leave to introduce. With that, I beg to move, sir.

The Speaker: Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

1020 I endorse the sentiments being said here today by the Minister. I did second it last time and I am prepared to second it this time and I hope that Members will have time for making speedy actions, because one of our Ministers did say earlier in another small debate there, we are in different times and we need to make those decisions.

1025 **The Speaker:** Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

1030 I, too, support this leave to introduce, although I think I would need to make absolutely clear that the support for this leave to introduce and, indeed, potential support for the Bill would not prejudice my – or does not automatically suggest that I support what the mover was suggesting in relation to the Victoria Road Prison.

1035 I think it is really important, bearing in mind that a number of us may have to consider at a future point, that we make it absolutely clear that we are supporting the Bill, because that Bill allows us to consider national need, national interest issues in relation to registered buildings. That is what we are doing here. We are not supporting the demolition of the prison, the deregistering of the prison, whatever. I think it is really important that we make that absolutely clear and certainly my support is for the legislation which will allow Council to consider national need issues in relation to registration and is not case specific.

1040 **The Speaker:** Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I will not pogo on my head, simply because I am now a Minister as far as Private Member's Bills are concerned. I believe that unless there is a fundamental principle that is against good governance, then I would give every Member the right to have a Private Member's Bill.

1045 I have to say that I am concerned about this piece of legislation, that I believe that if it is good for the goose, it is good for the gander, and if you are talking about where a Bill... has to be deregistered on the grounds of it is owned by Government, it has to be for everybody else.

1050 I have spent 30 years in this place, as I say, fighting. One of things that I went into politics for was not because of *traa dy liooar*, but it is not what you know, it is who you know which held this Island back. That was part of the problem with this Island for far too long in the past: fiefdomism, the fact that you looked after your little groups. What I am concerned about is, and I will want to see in this Bill, if we accept this principle, let the same principles apply to anybody who owns any registered building on this Island because we cannot have two laws on this Island. We are not going back to that way and that is the thing that I will want to see before supporting the Bill.

1055 I will support the leave to introduce, not because I agree with what I have heard. I think it is absolutely crazy if they are going to say, 'We have been registered on Government, on the prison, but accepting [*Inaudible*] is on its knees, it has to keep its responsibilities as far as registered buildings are concerned, and other people around the Island have got problems as far as registered buildings are concerned, but there is a different law for them.' We cannot allow that sort of nonsense to happen. We have got to have a clear, defined situation.

1060 If it is a headache for Government and unsustainable for Government, then it should be a headache for everybody else on the same basis and there should be no inconsistency as far as the legislation. If it is a registered building by Government, then it has the same procedures, as far as its deregistration is concerned, as a registered building owned by other institutions in the private sector. I will support the leave to introduce, but let's not start going back down the road of where we have different laws for different sections of the community and we now create Government on a different [*Inaudible*] as far as this issue is concerned.

1070 We saw, Vainstyr Loayreyder, with the Ramsey Pier... some of us referred it back to give them the opportunity to deregister the Ramsey Pier when the opportunity arose. They would not do that. So, in my opinion, our hands were tied. that was a registered building. If I am expected to put a repairs notice – or Douglas Corporation, as a local authority – on the likes of the brewery for one of its registered buildings, then we are saying the law has to apply for everybody. We cannot allow that situation.

1075 So I think we should all support, because we are a new administration. We are wanting to see parliamentary accessibility and audited accountability, so I hope everyone will support the principle. But what I do say to the Hon. Member, Minister or no Minister, is it is an important principle. We have got to have continuity. We have got to have the same criteria for everybody, whether in Government, out of Government, or whatever.

1080 So I do take on board the point that I think it is important that we are not in the nonsense days where we used to avoid leave to introduce by certain sections. This is a new administration, and I hope Members will support the Minister, but I do hope the Minister takes on board that it is important that we must not have different rules for different sections of the Government. Even if I am in Government now, and not out of Government, I still think that is important, and I hope the Member will take that on board, Vainstyr Loayreyder.

1085 **The Speaker:** Hon. Members, before I call the next Member, I will just make a general observation that the naming of outside private companies in support of an argument is a matter that Members will wish to reflect upon when they exercise the parliamentary privilege, which they, rightly, are entitled to.

1090 I call the Hon. Member, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

1095 I would echo your words, Mr Speaker, yes, we will get the opportunity, if Members support the
leave to introduce today and the Member comes back and he is looking for Second Reading, where
he will ask all Members to approve in principle what the legislation is providing for. I, too, will get
to my feet and say that I always support the principle of a Member in this House given leave to
introduce a Bill, which he or she thinks should be before us for consideration. It is almost a
common courtesy in the House of Keys to actually do that and so I will do that and I echo the
words of the previous speaker in respect of that.

1100 However, I too am a little concerned – and, of course, I do not know what the Member is
planning to put into this piece of legislation – we know what his thought process is and what has
prompted him to bring it forward and he cites, by way of example, the prison. There are other such
examples, of course, which are in the ownership of the private sector at the moment and Castle
Mona is another, which upsets the people and it certainly has exercised the minds of previous
1105 Ministers in the past.

A word of caution, really, because, if it is going to make it easier to deregister a property, then
it is, as the previous speaker said, it will have to apply a level playing field right across the board,
so that anybody who has a listed building can also go through the same process and apply for
deregistration in order to have that building removed and a development go forward. Then, of
1110 course, we will have to exercise our minds in ‘why have listed buildings in the first place?’ What
is the importance of conservation? What is the importance of listing these buildings of
architectural merit? There is great importance – great importance – and we do, in fact, have a
policy, which has been developed over the years and fought very hard for by previous Members
prior to my time here. I would not like to see that jeopardised in any shape or form.

1115 What I am curious about, and perhaps the Member, when he is replying, can come back and
answer this query, really, is that currently, I know that we do have a process for deregistration. So
once a building has been registered and it is listed, that is not for all time. You can go through a
process to have the property deregistered. Yes, it is lengthy and, yes, a lot of scrutiny is applied to
ensure that if that is granted, it will not be something that the people and the nation and the
1120 Government will regret in the future. So it is lengthy and, yes, it does make planning problematic
in that it will take a little bit longer, possibly, to try and get what you want.

If the Member is trying to make it easier in terms of planning, that is where my alarm bells go
off, and they go off because I, like many Members in this House, Mr Speaker, have occupied the
chair of planning in the past and understand planning law a lot better now than I did prior to that
1125 position and appreciate why we have it.

So, whilst I will give him support in principle, I would echo the words of the previous speaker,
that it is a cautionary approval because I am quite concerned about what he is planning to put in
the legislation, but I would ask the House to give him leave.

1130 Thank you.

The Speaker: If no-one else wishes to speak, I call on the mover to reply. Mr Crookall.

Mr Crookall: Thank you, Mr Speaker and may I, first of all, thank Mr Quirk, the Hon.
1135 Member, for his seconding and also for his support.

The Hon. Minister for Environment, Food and Agriculture, his support also, but he is quite
1140 right: it has got to be a national interest or national need and I quite agree. This issue is not as
simple as it seemed when I first picked it up, I must admit, and having had a conversation the other
day with the new Planning Director and the Conservation Officer, they are going to make it even
more difficult for me, I know. But that is fine. That is the way it has got to work and it has got to
be seen and it has got to be impartial, as the Minister for Education said. I have no problem with
that. It has to be impartial for everybody and fair.

1145 Again, as the Hon. Minister for Education – no, the Hon. Member for Onchan, sorry – said,
what is good for the goose is good for the gander, and that has to be. He said principles have to
apply to any registered building. What I am looking at is this is actually before any building goes
onto the register. This is about deregistering, I think. This is about a decision before anything goes
onto the list. I just want to make that clear.

1150 The Hon. Member for Douglas East, Mrs Cannell, I thank her for her support for leave to
introduce, and she did the same and she said the same last year, and I appreciate that. I take on
board your concerns. This is about buildings, as I said, before they go onto the register, not for
deregistering, so it does not really make things any easier. The system will still be the same, but it
is just... We have not got the way at the moment to sort out this situation, and I did give the old
prison as an example because they have had that report done, which says it basically should be

1155 registered, and I think at least one, if not two Ministers now, and I do not include the present Minister beforehand... No, it is two, including the present Minister are now in the situation where they feel they ought to make a decision on it and we are in such a situation, having spoken to the Planning Director the other day, he feels there may be something we might be able to do with it, even if it is registered, so I will need to make sure that the whole thing is going to work, even if it does get registered in the end, parts of it can be demolished and just save the registered bits. It is not easy, the whole thing is not easy and I take that on board.

1160 I thank Members for their support today. As I said, I respect the impartiality bit and I hope Members can today support me in leave to introduce. I will leave it at that.

1165 **The Speaker:** Hon. Members, the motion is that set out at Item 5.1, that leave be given to introduce a Bill to amend the Town and Country Planning Act 1999 relating to entering a building in the Protected Buildings Register under section 14 of the Act and for connected purposes.

All those in favour, please say aye; against, no. The ayes have it.

A division was called for and electronic voting resulted as follows:

FOR

Mr Quirk
Mr Hall
Mr Karran
Mr Ronan
Mr Crookall
Mr Anderson
Mr Bell
Mr Singer
Mr Quayle
Mr Teare
Mr Cannan
Mr Cregeen
Mr Houghton
Mr Henderson
Mrs Beecroft
Mrs Cannell
Mr Robertshaw
Mr Shimmin
Mr Corkish
Mr Watterson
Mr Skelly
Mr Gawne
The Speaker

AGAINST

Mr Cretney

The Speaker: With 23 votes for, and 1 vote against, the motion therefore carries.

Leave of absence granted to the Speaker for the next sitting

The Speaker: Hon. Members, that brings us to the end of business on our Order Paper today.

1170 Before I adjourn, I would ask the House if they would kindly grant leave of absence to myself from the next sitting, a week today, 31st January, to enable me to attend business meetings in London related to the British-Irish Parliamentary Assembly, on which, of course, I am the Tynwald representative. May I have your permission to be absent?

1175 *Members agreed.*

The Speaker: In which case, the Deputy Speaker will take the chair. (**A Member:** Hooray!)

Hon. Members, the House will now stand adjourned until the next sitting at 10 o'clock on 31st January in this Chamber.

The House adjourned at 11.19 a.m.