



# HOUSE OF KEYS OFFICIAL REPORT

RECORTYS OIKOIL  
Y CHIARE AS FEED

# PROCEEDINGS

## DAALTYN

### HANSARD

**Douglas, Tuesday, 6th March 2012**

*All published Official Reports can be found on the Tynwald website  
[www.tynwald.org.im/Official Papers/Hansards/](http://www.tynwald.org.im/Official%20Papers/Hansards/)Please select a year:*

*Reports, maps and other documents referred to in the course of debates may be consulted on application to the Tynwald Library or the Clerk of Tynwald's Office. Supplementary material subsequently made available following Questions for Oral Answer is published separately on the Tynwald website, [www.tynwald.org.im/Official Papers/Hansards/Hansard Appendix](http://www.tynwald.org.im/Official%20Papers/Hansards/Hansard%20Appendix)*

**Volume 129, No. 14**

**ISSN 1742-2264**

*Published by the Office of the Clerk of Tynwald, Legislative Buildings,  
Finch Road, Douglas, Isle of Man, IM1 3PW. © Court of Tynwald, 2012*

## Business Transacted

|                                                                                | <i>Page</i> |
|--------------------------------------------------------------------------------|-------------|
| Leave of absence granted.....                                                  | 399         |
| Welcome to Mr Hans Brattestå, Clerk of the Storting, Oslo .....                | 399         |
| Written Answers and supplementary information - Statement by the Speaker ..... | 399         |

### Questions for Oral Answer

|                                                                                      |     |
|--------------------------------------------------------------------------------------|-----|
| 1.1. Income creation – Suggestion box scheme.....                                    | 400 |
| 1.2. CinemaNX Ltd – Treasury ownership of rights; profits share .....                | 401 |
| 1.3. TT course safety provision – Awarding of contract.....                          | 402 |
| 1.4. Glenside Residential Home – Reconciling policy with previous Tynwald resolution | 403 |
| 1.5. Oral Questions – Publication of supplementary information .....                 | 409 |
| 1.6. Water and Sewerage Authority – Introduction of sewerage rate.....               | 410 |

### Questions for Written Answer

|                                                                            |     |
|----------------------------------------------------------------------------|-----|
| 2.1. Heavy goods vehicles – Numbers registered; ownership; use.....        | 410 |
| 2.2. Highways legislation – Consultancy contracts .....                    | 411 |
| 2.3. Fire extinguishers in public places – Maintenance and inspection..... | 411 |

### Orders of the Day

|                                                                       |     |
|-----------------------------------------------------------------------|-----|
| 3.1. Legal Aid (Amendment) Bill 2012 – Second Reading approved.....   | 412 |
| 3.2. Partnership (Amendment) Bill 2012 – Second Reading approved..... | 414 |
| 3.3. Casino (Amendment) Bill 2012 – Second Reading approved.....      | 415 |
| 4.1. Gambling Duty Bill 2012 – Third Reading approved.....            | 417 |

*The House adjourned at 11.07 a.m.*

## 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);  
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.

## 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*

### Leave of absence granted

10 **The Speaker:** Hon Members, I have given leave of absence to the Hon. Member for Douglas East, Mr Robertshaw, who is away on ministerial business and to Mr Houghton for the first part of the morning, as he is attending a funeral. The Hon. Member for Rushen, Mr Gawne, will be joining us later.

### Welcome to Mr Hans Brattestå, Clerk of the Storting, Oslo

15 **The Speaker:** Hon. Members, I wish to take this opportunity of welcoming to our Chamber, Mr Hans Brattestå, who is the Clerk of the Storting in Oslo. You are most welcome, sir. Mr Brattestå traces his ancestors back to the Norse Kingdom of Mann and the Isles and he is accompanied by our former colleague, Mr David North. You are most welcome.

**Members:** Hear, hear.

### Written Answers and supplementary information Statement by the Speaker

20 **The Speaker:** Hon. Members, I wish to make a Statement about two matters: firstly, the treatment of Written Answers; and secondly, letters sent to Members as supplementary answers to matters raised at Question Time, and I note that this second matter is the subject of a Question on the Order Paper.

25 Firstly, Answers to Keys Written Questions will be uploaded to the Tynwald website, following distribution to Members, in the format in which they are sent to us by the Government Department. This will mean that there will be no delay because of formatting complex tables. The Answers will continue to be properly formatted, as previously, for inclusion at a later date into the formal edited *Hansard*.

30 Secondly, from now on, an appendix to *Hansard* will be created, which will be populated with the letters, which Departments send to Members conveying information, which was promised during the answers to Oral Questions in the Keys Chamber. These letters will be made available via the Tynwald website as soon as possible so that a record will be made public. The current practice of putting such letters in the Library as they become available, as deposited papers, will continue as now, unaffected.

Thank you, Hon. Members.

## Questions for Oral Answer

### CHIEF MINISTER

#### Income creation Suggestion box scheme

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

35 *If he will introduce a suggestion box, for example at the Sea Terminal, so that members of the public can make suggestions of how to save or create income?*

40 **The Speaker:** We turn now to Question 1 on the Order Paper and I call the Hon. Member for Douglas South, Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.  
I ask the Question standing in my name.

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

**The Chief Minister (Mr Bell):** Mr Speaker, as the Hon. Member will be aware, I have stated my commitment to openness and transparency in Government and to the need to have an improved dialogue with the people we serve about the challenges we currently face in Government.

50 I believe are already several ways in which members of the public can contact Government to suggest ideas for raising income or reducing costs. I am sure the Hon. Member will recognise that Members of this very House can provide a useful channel by which the public can raise such matters as she suggests. I would also state, Mr Speaker, that there are several internal suggestion schemes already in operation in Government where staff themselves can suggest improvements to the way Government operates.

55 Mr Speaker, members of the public can also directly contact the Departments, Boards and Offices of Government with their ideas. All contact details are publicly available on our website and people can get in touch via letter, e-mail, or on the telephone. In addition, all parts of Government now follow the guidelines on public consultation, allowing further participation in the democratic process.

60 Additionally, Mr Speaker, I will shortly be announcing details of a series of public meetings where I, as Chief Minister, and Members of the Council of Ministers will take part in an open discussion about any aspect of Government and the services it delivers.

65 Mr Speaker, when one considers the options already available to the public in respect of engagement with Government, I think the Hon. Member's suggestion will only serve to create an additional administrative burden to Government officers. As always, Mr Speaker, my door is always open to the Hon. Member should she wish to discuss this further.

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

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

75 Would the Chief Minister agree that actually not everybody wants to make their identities known, which is why I was suggesting a suggestion box somewhere away from Government offices so that people can just drop a note in of something they become aware of without putting their name to it? Would the Chief Minister consider, for the ones who are prepared to put their names to suggestions, promoting a scheme whereby they got a cash payment of any savings, a percentage of any savings that were made if their scheme was adopted, if their suggestion was adopted, to encourage them? This is done in the private sector with very good results.

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

**The Chief Minister:** Mr Speaker, I have already initiated a review of the suggestion scheme within Government with that very end in mind with the knowledge that the private sector, in

particular, frequently uses internal suggestion processes to try and improve the service delivery and the efficiency of the company.

85 In terms of providing cash rewards for the public, that is not something that I have considered, but I think the body of my Answer, Mr Speaker, still stands.

**The Speaker:** Mrs Beecroft, a further supplementary.

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

With regard to the anonymity that some people want, how would the Chief Minister suggest under the current situation that somebody who does have a suggestion, or possibly even works within Government but does not want to put their name to it, can have that suggestion reviewed by anybody?

95

**The Speaker:** Chief Minister.

**The Chief Minister:** I do not know about other Members, Mr Speaker, but I certainly get a steady flow of anonymous letters (*Laughter*) suggesting all sorts of things – some of them perhaps not repeatable here today!

100

The process is there, Mr Speaker. We will do our utmost and I would like to extend this still further in the future to encourage people, if they can see ways of improving the service, to be able to contact us.

I would just like to make comment on one point, Mr Speaker. The United Kingdom carried out a similar exercise, not too long ago, which actually attracted over 60,000 responses initially. Ultimately, only 31 ideas were chosen as having any potential benefit to Government.

105

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

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

Can I ask the Chief Minister... In the previous legislative year, the last parliament, a number of suggestions were made by members of staff associations and also unions. I am just wondering whether the Chief Minister could possibly maybe review those in this context.

115

**The Speaker:** Chief Minister.

**The Chief Minister:** I am sure suggestions are made every day of the week right across Government, Mr Speaker. We do not keep a record of every suggestion that is promoted.

120

## TREASURY

### CinemaNX Ltd

125

#### Treasury ownership of rights; profits share

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

130 *Whether the Treasury has any ownership of the rights to any of the projects that have been funded under CinemaNX Limited; what the agreed profit share between CinemaNX Limited and the Treasury is; and how long the profit share element in the agreement with CinemaNX will last and on what date that profit sharing element is going to terminate?*

135 **The Speaker:** Question 2. Again, Hon. Member for Douglas South, Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.  
I ask the Question standing in my name.

140 **The Speaker:** I call on the Minister for the Treasury, the Hon. Member for Ayre, Mr Teare.

**The Minister for the Treasury (Mr Teare):** Thank you, Mr Speaker.

I can confirm that CinemaNX Ltd have no entitlement to the profits made on any IOM funded film. The Treasury, through the Media Development Fund and charged account that is managed by

145 CinemaNX on behalf of Government, will have secured rights and profit sharing arrangements in respect of each of the investments made during this period of engagement. In this respect, Treasury will continue to be the beneficiary of such ongoing profits or revenue, whether or not the CinemaNX management agreement stays in force when it expires later this year.

## ECONOMIC DEVELOPMENT

### TT course safety provision Awarding of contract

1.3. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Economic Development:

150 *Whether the contract to erect all elements of course safety provision around the TT course has been awarded?*

**The Speaker:** Question 3. Hon. Member for Middle, Mr Quayle.

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

160 **The Minister for Economic Development (Mr Shimmin):** Thank you, Mr Speaker.  
I can report that the competitive tendering exercise for the TT course contractor has now been concluded. The new contract is with the Island-based company Marlow Construction. The contract was awarded following an evaluation by representatives of my Department and Treasury, taking into account value for money and the quality of the tender submissions. The course contractor performs a critical role in the physical preparations for both the TT and MGP races and it was important to select a company that could demonstrate ability to devote appropriate resources to the work and deliver the course requirements within the specified timescale. This exercise was managed by Procurement Services in the Treasury on behalf of my Department.

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

**Mr Quayle:** Thank you for the Answer, Minister.  
Could the Minister please advise me how much this process has saved the taxpayer, and does the person/company – which you have just mentioned now as Mr Marlow – who have been awarded the contract have the necessary experience required for running such an important role as the TT and Manx Grand Prix?

**The Speaker:** Mr Shimmin.

180 **The Minister:** Thank you, Mr Speaker.  
In common with most other contracts, this contract contains a clause that prevents disclosure of contractual details, unless both parties to the contract give permission for this information to be divulged. As Mr Marlow is currently off Island servicing a piece of equipment for the contract, it has not been possible to get his permission.

185 With regard to the idea of saving money, this was never an exercise to save money. It evolved because the previous incumbent for some 35 years, although doing an outstanding job, had not actually had a formal contract. This was put out to tender, as is common practice, and on this occasion the incumbent, Kissack Bros Ltd chose not to tender. Therefore, it is unlikely there will be any saving. Indeed, after many years experience, it may well be initially more expensive to the taxpayer whilst the new company gears up for the same work as has been done in the past.

190 With regard to Marlow's experience, certainly they will not have experience in this area, because one incumbent has been doing it for so many years; however, my Department have been satisfied that they do have the experience to take responsibility for the necessary work to be done.

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

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

I would just like the Minister to really clarify that he is confident that preparations for TT and Grand Prix 2012 are on schedule and that there will be no disruption or reduction in service levels as a result of this new contract being awarded. The safety of the TT course and the work done by the operator is a firm foundation for the success of the TT and I would just like to be reassured by him that he is confident it will be okay.

**The Speaker:** Mr Shimmin to reply.

205 **The Minister:** Thank you, Mr Speaker.

I regret the Hon. Member effectively trying to start hares running, looking for guarantees that nobody can provide. The reality is that my Department, more than anybody else with the possible exception of the Department of Infrastructure, are fully aware of the value and importance of ensuring that we have the safety levels in place. We are confident that Marlow Construction have the necessary skills, but as a new person coming in to do this contract, it will require a great deal of effort on our behalf, as well as the Department of Infrastructure and the new persons awarded the contract, to ensure that everything is done to a safe level so that all involved in the TT can enjoy with as much confidence as possible that the course is secure for those competitors and visitors to the Island.

## SOCIAL CARE

### Glenside Residential Home Reconciling policy with previous Tynwald resolution

215 1.4. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Social Care:

*How he reconciles his policy in relation to the closure of Glenside Residential Home with the resolution of Tynwald of July 2008?*

220 **The Speaker:** We turn to Question 4. Hon. Member for Douglas South, Mr Henderson.

**A Member:** North.

**Mr Henderson:** Douglas North, Vainstyr Loayreyder.

Gura mie eu, Vainstyr Loayreyder.

225 Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

**The Speaker:** And in the absence of the Minister for Social Care, I call on the Hon. Member for Ramsey, Mr Singer, to reply.

230 **Mr Singer:** Thank you, Mr Speaker.

The Minister for Social Care has asked me to give his apologies. He is off Island attending a Ministers' meeting of the British-Irish Council. He did ask the Hon. Member to defer his Question by a week to enable him to address this important matter personally, but Mr Henderson declined. So I will therefore answer the Question on behalf of the Department.

235 Much has changed since the Tynwald resolution of 2008. Since that time, we are all very much aware of the changes to the Customs and Excise union revenue sharing agreement with the UK, which has reduced the Government's annual income by £100 million, which is equivalent to around 20% of the Government's total spending.

240 Hon. Members, I know, recognise that all expenditure is being scrutinised more carefully than ever to see if we can meet the Island's needs from Government in a more cost-effective manner and at the same time working to ensure that vital public services are maintained.

245 It is of note that the combined budget for Health and Social Care in the 2007 Budget represented 44% of all Departments – this rose to 54% in the 2012 Budget. Therefore, Health and Social Care cannot be immune from the substantial savings that must continue to be made if the budget is to be balanced in the next four years as specified in this year's Budget.

As the Minister noted in his Answer to this Hon. House on 7th February, last year the Department undertook detailed analysis and modelling of all of its costs for older people services,

250 which revealed that the Department would require additional funding of approximately £700,000  
in real terms, each and every year up to 2026, if we are to retain our current service model. This is  
due to the growing numbers of older people on our Island. This fact is well known to all Members  
of Tynwald and has been widely reported, and to repeat the key statistics which have been  
provided by the Treasury to Tynwald on several previous occasions during the period 2006-26, the  
number of people aged over 65 years is forecast to increase by 56%. For those aged over 75 years,  
255 who are typically most in need of the Department's services, this increase rises to 73%. Therefore,  
it was clear in 2008, and is even clearer today, that it is not realistic to try and maintain what is a  
high-cost service model in the face of both financial constraints and the growing numbers of older  
people.

260 I must add that it is also not what the majority of older people state is their preference these  
days. Since 2008, the Department has sought the views of older people. The large majority have  
expressed their desire to be assisted to remain in their own homes, where possible. Since 2008, the  
Department has substantially increased its homecare service provision. The feedback from the  
large majority of service users is favourable. They are delighted they are receiving assistance to  
remain in their own home near their family and friends.

265 In addition, the Department has provided, for over two years, a Hospital to Home Service from  
Southlands on a pilot basis. This service helps individuals who may have been admitted to hospital  
and who need some assistance to return to their own home. This pilot has been highly successful,  
based on the Department's close collaboration with the Department of Health. Those individuals  
benefiting from the service have successfully been able to return to their own home and there have  
been no unplanned hospital admissions from this group since. This is a major boost to the  
270 independence and quality of life of the individuals affected, while avoiding substantial costs in  
health and care.

275 Also since 2008, the Department has worked closely with the third sector to provide a wider  
range of activities to ensure that older people in their own homes have the opportunity to socialise  
with others. I understand that in the debate of July 2008 some concerns were raised that  
individuals could become isolated. Mr Speaker, we believe the third sector will be able to support  
the Department's view that there is a wider range of activities for older people available now than  
ever before on the Island, and I am confident that this range will grow wider as we implement the  
rebalancing strategy.

280 Throughout this work, since 2008, key staff and managers have been involved to consider  
options to meet service needs in a manner linked to the wishes of the older people themselves and  
affordable to the taxpayer. To summarise, the Department has worked with older people  
themselves, who surprisingly were omitted from Tynwald's motion in 2008, as well as with its  
staff, other Government agencies and the third sector, to consider the appropriate mix of services  
to meet the Island's current and future needs. This work has resulted in the rebalancing strategy,  
285 which the Minister explained at length in this Hon. House and subsequently in Tynwald. As a  
result, the Department believes that it has both complied with the will of Tynwald and has acted in  
the best interest of the community.

290 As the Department has noted in all communications with Tynwald, affected staff, staff  
representatives, residents of Glenside and their families, it is anticipated that Glenside will close in  
2014. Detailed consultation with all of the affected individuals is now well underway. The wishes  
of service users and their families are being sought to help us find suitable alternative  
accommodation. The wishes of staff are being sought to help us find suitable alternative  
employment. The matter is and will be dealt with in a very sensitive manner with the welfare of  
service users and staff foremost.

295 Mr Speaker, in closing, I hope I have demonstrated that the Department has sought to handle  
this important and sensitive matter with the due care and consideration that is appropriate.

**The Speaker:** Mr Henderson, a supplementary.

300 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I want to ask the Hon. Member, in pursuing the closure of Glenside and in respect of the 2008  
motion, how has his Department not produced the assessment and strategy that that motion called  
for, and why has his Department failed to bring that information to Tynwald in the first place for  
debate, instead of launching this unexpected attack on the elderly of the Isle of Man?

305 Can he confirm that the Tynwald motion, in fact, was advised and informed by older people of  
this Isle of Man, by third-sector organisations within the Island and indeed by the staff sides  
themselves of this Island?

310 **The Speaker:** Mr Singer to reply.

**Mr Singer:** Mr Speaker, I thought that the Answer to the Question explained why the changes that had taken place had made a difference, that in fact the Department has been most concerned, since 2008. I do not think anybody who is in the Department now was in the Department at that time, but the main thing now is that we get this right, we do these things right and make sure that the service that we provide is going to be the right service.

315 Perhaps it might be useful, Mr Speaker, to refer, in this case, to a meeting that happened yesterday between – and it was an excellent meeting – the Minister, myself, Mr Henderson and Mr Salter, the union representative, in which the Department answered questions and gave assurances that this is not, as has been indicated, an attack on the elderly, and I think that it would be useful for Members to understand about this meeting that we had yesterday. The Department was there to answer questions and give assurances, and it is unfortunate that there have been misinterpretations of the Department's intentions, which we talked about yesterday and those have been circulated, with no ill intent, but which have added to the concerns of the residents, families and the staff of Glenside.

320 The Hon. Member for Douglas yesterday asked for assurances, like he is asking for assurances now, and received assurances which – if I may, Mr Speaker, because it is important – I would like to outline here, to demonstrate what was said yesterday and the Department's goodwill.

325 First of all, it is important for the public to know as well, the residents of Glenside, their families and the staff will be appraised, will be approached individually to identify where residents and staff wish to go and the timescale.

330 For staff, all Social Care vacancies will be firstly circulated to Glenside staff for redeployment and/or retraining. Help will be given to them with their CVs, if required, and help with interview techniques. Circulation of vacancies in other Departments will be available to Glenside staff. There seems to have been for some reason, Mr Speaker, a blockage of information getting to Glenside staff from the Department, so a newsletter, jointly agreed by Mr Henderson and the Department, on the current position and an overview of the Department thinking will be produced for the staff. An individual letter will go to all Glenside staff, bringing them up to date. The Department do not want any further misunderstandings or breakdown in communications.

335 The opening of two new EMI units will also offer opportunities to staff. I would also like to stress that when staff are in meetings on an individual basis with management, we would welcome them bringing with them a friend, a colleague or a union rep. Now, this seems to have been all misunderstood.

340 Finally, I would like to say that it is important that we all work together for the residents, their families and the staff.

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

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

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

I appreciate the Member is in a difficult position this morning, having to answer in the absence of the Minister, but bearing in mind that the Member is experienced in this place from previous years being a representative in this House, does he not agree with me that, in fact, he is missing the point in terms of the Question?

355 The Question is asking him, or asking his Minister how the Department, how the Minister reconciles the policy to close Glenside in view of the resolution of Tynwald in 2008. Does the Member not agree with me that, when a resolution is unanimously passed in another place, which requires the obligation of reporting back, the Department should, in this instance, report back to Tynwald, outlining its assessment and its strategy of future care of the elderly, whether it be in the community or whether it be in state-run residential homes, and that there is in fact an obligation for the Department to do that?

360 Further, is the Member aware that in terms of the relatives of those residents of Glenside, they are being given mixed messages from senior management within the Member's own Department and how does he think that that can be sorted out, because it is really not good enough?

365 **The Speaker:** Mr Singer to reply.

**Mr Singer:** I will take the last point first. That is why I have just made this statement, because there have been misunderstandings and I have seen the letter that was sent to you, because of the

370 misunderstanding and I hope that I have clarified this matter, to say that we all intend to work together for the future.

As far as the first part of the question is concerned, the answer is that – well, I said it in the first... The situation has changed now and the fact is that consultation has taken place and I really believe that this needs to be referred, perhaps, to the Minister, that question, because now that I have outlined the policy as it is now, since I have been in the Department and I believe that we are going the right way about this and hopefully we will come to a successful conclusion and everybody will feel much happier about the situation.

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

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

I was just listening to the Member who is answering, and I know it is quite difficult for him, but can I ask him a question regarding Glenside itself and the closure of it? What was the consultation with the residents of the Glenside home, and was the Department aware that certain individuals were under great difficulty at Glenside and letters were not received by relations who were in charge of those people who were in that particular place?

385 Also, can I ask... I find it quite appalling, really, when you find out afterwards that the first job – would he confirm for me – was the manager's job at another place? It would be helpful if the Member answering on behalf of the Minister could provide the notes that he had with those parties he had the other day.

**The Speaker:** Mr Singer to reply.

**Mr Singer:** Certain parts of that I cannot answer because I was not involved.

395 The notes... I see no reason why we should not be able to refer to those or agree those with Mr Henderson as he was there at the meeting, and Mr Salter, if necessary.

Could you repeat the first part of the question again, please?

**Mr Quirk:** Regarding the residents... Sorry, the residents receiving notification –

400

**Mrs Cannell:** No notification.

**Mr Quirk:** – and those persons in... the people who looked after them were not even aware that a letter had been sent.

405

**Mr Singer:** I cannot answer that question, but I will certainly ask the Minister.

**The Speaker:** Mr Henderson.

410 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Would the Hon. Member agree to circulate the information by whatever is the most convenient means to Members, where he is struggling with some of the information, which I can understand.

415 But, secondly, Vainstyr Loayreyder, can the Hon. Member confirm that in the Tynwald resolution of 2008 – the Department is to come back to Tynwald with a strategy for the care of the elderly into the future of the Isle of Man – it asked his Department to recognise the fact that there was a growing elderly population in the Isle of Man. The warning signs have been there for about 30 years now, so it is nothing new. It has been a building problem that unfortunately has been let slide.

420 Could he also confirm that the resolution recognised that, if an elderly person wished to stay in their own home for longer periods... it recognised that, providing that the right resources were in place. So could he confirm now that he is content that the right resources will be in place in the future for somebody who wishes to stay in their home for a longer period of time?

**The Speaker:** Mr Singer.

425

**Mr Singer:** Yes, first of all, I can confirm and give an assurance to the Hon. Member that anyone who is professionally... First of all, let me say this: anyone who is professionally assessed to be in need of a place in a residential home will be given a suitable place. Those people who wish to stay in their home will also be professionally assessed and they will be given the services they need.

430

435 It might be interesting to Members to know that the average cost of keeping somebody in residential care per annum is £39,000; the average cost of keeping somebody in homecare is £6,700, which is less than one-fifth. That is an average, so that will mean that when people are assessed who wish to stay in their own home, some people will be getting a service that will cost more than that, some will be less, but the intention is to allow people to make their own choice. No-one will be made to go from being in a residential home to going to homecare, and nobody who wishes to be in homecare will be forced to go into a residential home. It will all be done on assessment and according to the people's wishes.

440 I would ask Mr Henderson, would he be happy to look at these notes with me, so those can be circulated?

**The Speaker:** Hon. Member for Middle.

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

Would the Hon. Member for Social Care agree with me that, whilst it is pleasing to note that new nursing homes will be built in the south and north of the Island, a replacement facility should have been planned for the Douglas and Braddan area, as sadly, senile dementia and severe health problems mean that a Glenside-type facility will always be required?

450 **The Speaker:** Mr Singer.

**Mr Singer:** I would suggest that he refer that to the Minister for his answer.

455 **The Speaker:** The Hon. Member for Douglas East, Mrs Cannell.

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

Will the Member take back a message to the Minister from me that I am very disappointed that the only analysis of this system has been one of cost analysis and not of the social benefit of someone who lives in a residential care home?

460 Does the Member not agree with me that, whilst it might cost in terms of monetary terms, the benefits are also 24/7 hour care, social interaction and constant companionship, something which, when an elderly person is at home, they do not get, despite various people calling at various times?

465 Will he take a message back to his Minister and advise him to read *Hansard* of 2008, where there was a lengthy debate in another place and to advise him that he does require to come back to Tynwald and make a report? There is an obligation from the highest court in the land for him to do that and will he advise him to so do?

**The Speaker:** Mr Singer.

470 **Mr Singer:** I am sure the Hon. Member could advise him as well, as she sits next to him. *(Laughter)*

**Mrs Cannell:** You see him more than I do.

475 **Mr Singer:** I do not agree with what you have said. The point is, the majority of people have made a clear indication, the older people, when they were asked, they would like to remain in their own homes and that has been a policy of this Department to help people to be able to what they wish to do in their older years. The Member may not agree with that, but it is not the policy, as it was in the past, to say to people... to immediately put people into a residential home, whether they  
480 wanted to or not.

Those people who are capable and wish to remain in their homes will remain in their own homes with the help of the Department. Those people who cannot stay in their own homes and are professionally assessed as being in needs of a residential place, will get that residential place. So we will be looking after all the old people to the best of our ability and helping them to live out the remainder of their years in the way they wish to live out the remainder of their years.  
485

**The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

490 Can the Hon. Member confirm that my resolution of 2008 specifically addressed the point that he is alluding to now, that if the resources were available for an elderly person who wished to stay at home, that they could do just that?

495 Could he also confirm that the point of the resolution was expressing grave concern that in fact for an elderly person to stay at home would require more resource than was available at that point, and he, himself, Vainstyr Loayreyder, has just indicated residential care costs in the region of £30,000 to £40,000 a year. (**Mrs Cannell:** Thirty-nine.) Home care may cost somewhere in the region of £6,000, so there is a deficit of the resource there, and that is the point that people are worried about, that somebody may not receive the care in the future that they may wish to.

500 Could he also confirm that, if elderly people thought the resource was not there to assist them to stay in their own home, in fact they would say that they would then have to look more at a residential care setting?

**The Speaker:** Mr Singer.

505 **Mr Singer:** The Department's intention is to make sure resources are available. There will be resources available to ensure that this happens because, as I have said, we can look after the average of five people at home to having one person in a residential home – it is their choice.

510 In the Isle of Man, we spend 75% of our old people's services budget on 19% of clients. We spend 25% on 81% of our clients at home. Therefore, it is to the advantage of both the person living at home who gets the service, and the Department as well, being able to use the money to a much greater effect and to get greater advantage from that.

**The Speaker:** It is the last supplementary, Mr Quirk.

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

Can I ask the Member responsible, what is the future use of Glenside? Also, would he provide a cost analysis from his Department regarding the £6,000 which you can provide at home and the £39,000 in residential care? Would he not agree with me, in residential care, for those people who are getting older, towards the end of their lives, that they need a bit more attention?

520 **The Speaker:** Mr Singer.

**Mr Singer:** I would think, with the quality of staff that we have, the people who need the attention in their homes are getting the attention they need in their homes.

525 As far as the analysis of the £6,700 is concerned, that is a figure that has been given to me as an average by the Department, and maybe if you talked to me afterwards, we can find out exactly the information you want and we will get that to you.

530 **The Speaker:** Mr Karran has caught my eye and this will be the last supplementary.

**Mr Karran:** Vainstyr Loayreyder, would the Member not agree that the seeds for the changes that had to take place were when he was not a Member of this Hon. House over the last five years?

535 Would the Member also not agree that we do not have the luxury of what we have had in the past, as far as being able to spend money without any accountability, and that is the reason why we are having to make sure that we review the corporate policies of how we deliver our services in the future?

540 Would he also not agree that it is alright Members in here who just nodded through Budget after Budget, when they ridiculed this Hon. Member, and now this administration is going to have to address the serious issues that have come about because of the lack of accountability in this Hon. House? (*Interjection*) I hope that Members that are on the Treasury will prioritise this.

**Mr Quirk:** Somewhere.

545 **The Speaker:** Mr Singer.

**Mr Singer:** I thank the Hon. Minister (*Interjection by Mr Karran*) for his questions, and I think we need to give assurances that – (*Interjection by Mr Henderson*) I am trying to give the assurances that, whilst money is tight and getting tighter, the service we will provide we are hoping and we expect will get better for each individual person who needs that service, whether it is in a home or whether it is in their home, that they will be well looked after by our Department.

We are a small-knit community, we all know each other, we are all interested in each other's welfare.

555 It is interesting that in the UK they typically spend 30% of their budget for older people's services on residential care. In the Isle of Man we spend over 75% of our budget (**Mr Karran:** Hear, hear.) and I think that quite clearly demonstrates our concern and our determination to look after our old people to the best of our ability, and that is what we hope to do.

## TYNWALD MANAGEMENT COMMITTEE

### Oral Questions

#### Publication of supplementary information

1.5. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Vice-Chairman of the Tynwald Management Committee:

*Whether Members' letters which are circulated to Members after sittings in response to matters raised during Oral Question time are published in Hansard or elsewhere?*

560 **The Speaker:** Moving to the next Question, Members will notice there has been a misnumbering, so the next two Questions are 5 and 6, not 4 and 5.

I call the Hon. Member for Douglas South, Mrs Beecroft.

565 **Mrs Beecroft:** Thank you, Mr Speaker.  
I ask the Question standing in my name.

**The Speaker:** I call on the Vice-Chairman of Tynwald Management Committee, Hon. Member for Douglas South, Mr Cretney.

570 **The Vice-Chairman of Tynwald Management Committee (Mr Cretney):** Thank you, Mr Speaker.

Can I say to the Hon. Member that Mr Speaker has already made a Statement today about this matter and provided a comprehensive reply. I do hope that satisfies her requirements.

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

**Mrs Beecroft:** Thank you, Mr Speaker and I thank the Speaker for his Statement this morning, but there are just a couple of matters that I would be grateful for clarification.

580 For instance, would the Vice-Chairman state by what mechanism, when a Member says that he will circulate an answer, is this recorded? Is somebody keeping track of these? If they are, if they are keeping a list for ones that have been stated that it will be circulated to Members, how many are actually outstanding at the moment?

585 **Mr Cretney:** I certainly cannot answer the second part. I can do no better than respond in relation to reading as per Mr Speaker's Statement previously, which I hoped was clarification in itself.

590 'From now on an appendix to *Hansard* will be created, which will be populated with the letters which Departments send to Members conveying information which was promised during the Answers to Oral Questions in the Chamber. These letters will be made available via the Tynwald website as soon as possible, so that the record will be made public. The current practice of putting such letters in the Library as deposited papers will continue unaffected.'

I do hope that assists.

595 **The Speaker:** If it is of assistance to the Hon. Member, the Clerk has advised me that he would be very happy to discuss with any Member the mechanism by which track is kept of these letters. I think that was the substance of your supplementary.

**WATER AND SEWERAGE AUTHORITY**

**Water and Sewerage Authority  
Introduction of sewerage rate**

1.6. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chairman of the Water and Sewerage Authority:

*Whether consideration is being given to the introduction of a sewerage rate?*

600 **The Speaker:** We move now to Question 6 and again, Hon. Member, Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.  
I ask the Question standing in my name.

605 **The Speaker:** I call on the Chairman of the Water and Sewerage Authority, Hon. Member for Malew and Santon, Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.  
No.

610 **The Speaker:** Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.  
Would the Chairman agree that no such consideration should be given either now or in the future because really it would just be a way of passing on the cost of IRIS to the ratepayers?

**The Speaker:** Mr Cregeen.

620 **Mr Cregeen:** Thank you, Mr Speaker.  
Presently, a grant is given by Treasury and it is at the behest of Treasury and the Council of Ministers, so it is not at the behest of the Water and Sewerage Authority.

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

## Questions for Written Answer

### INFRASTRUCTURE

#### Heavy goods vehicles Numbers registered; ownership; use

2.1. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Infrastructure:

625 *In relation to each class of HGV –*  
*(i) how many vehicles are registered;*  
*(ii) how many are privately owned and not used on a commercial basis;*  
*(iii) how many are owned by commercial rental/hire and drive companies i.e. van and lorry hire companies;*  
630 *(iv) how many are licensed as vintage at £10 per year; and*  
*(v) how many are licensed for commercial use?*

635 **Answer:** The licensing database, on Tuesday 28th February 2012, shows the following details relating to heavy goods vehicles. It is stressed the registered figure will change as transactions are recorded. The number of vehicles registered differs from the numbers currently licensed. Vehicles

are not licensed for a variety of reasons. They may have been scrapped, left the Island, not licensed due to not being used and so on:

| 640 | <b>Vehicle Class</b>       | <b>Total number of vehicles registered</b> | <b>Registered and currently licensed</b> |
|-----|----------------------------|--------------------------------------------|------------------------------------------|
|     | C – Goods Vehicle          | 1451                                       | 481                                      |
|     | C1 – up to 7.5T            | 2841                                       | 444                                      |
|     | C+E – Articulated vehicles | 105                                        | 55                                       |

645 Of the vehicles currently licensed, commercial and non-commercial heavy goods vehicles that are taxed on 28th February 2012 are as follows:

| 650 | <b>Class</b>               | <b>Commercial</b> | <b>Non-commercial</b> |
|-----|----------------------------|-------------------|-----------------------|
|     | C – Goods Vehicle          | 382               | 99                    |
|     | C1 – up to 7.5T            | 310               | 134                   |
|     | C+E – Articulated vehicles | 53                | 2                     |

These figures are indicative and change on a daily basis.

655 Unfortunately we are not able to answer question (iii) as it has been presented, as the licensing database does not include information on what each vehicle is used for.

#### **Highways legislation Consultancy contracts**

2.2. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Infrastructure:

*Further to his Written Answer 28 at the February 2012 sitting of Tynwald and the Written Answer at the January 2012 sitting of Tynwald in relation to highways legislative matters how he reconciles the two Answers?*

660 **Answer:** The Chief Minister's response to the Speaker's Question on cost of consultants contained details of all payments made to consultants by Highways Division in the 2010-11 period. It was made clear in the Answer given that the total figure related to the 2010-11 period only as other information was not available at the time this Answer was prepared. The Answer given included all work undertaken by this consultant and that work included both Heavy Goods Vehicle operator licensing as well as work on taxi legislation. The fact that the work included taxi legislation was not made clear in this Answer, only for the sake of brevity, and I apologise if this has caused any confusion.

670 The Hon. Member's Question in the February 2012 sitting of Tynwald asks for the costs incurred by the consultant for Heavy Goods Vehicle operator licensing only. These costs are naturally less than the figure that includes both elements of this consultant's work and that is why the figure given in regard to this element of the consultant's work is lower than the sum in the January Answer which included all work.

#### **HOME AFFAIRS**

##### **Fire extinguishers in public places Maintenance and inspection**

2.3. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

675 *Whether the Fire and Rescue Service is regulated to carry out frequent inspections of the maintenance of fire extinguishers in public places; and, if so, how often; and over the last three years how many prosecutions have been brought against persons in breach of maintenance regulations of fire extinguishers?*

680 **Answer:** The requirement to provide portable firefighting equipment in certain public places is contained within schedule 2 of the Fire Certificate, issued under the Fire Precautions Act 1975. The uses of premises which are designated under section 1(2) of the Act are: entertainment premises, licensed premises, hotels and nursing homes.

There is also a requirement under the Fire Precautions (Flats) Regulations 1996 to provide portable firefighting equipment in both the communal areas and within flat premises.

685 Both the above pieces of legislation require the person responsible for the premises to maintain portable firefighting equipment in efficient working order and to ensure that the equipment is serviced annually by a competent person with the result of the servicing recorded in the fire precautions log book.

690 During fire safety inspections of the above designated premises and flats, officers of the Fire and Rescue Service will ensure that the correct documentation relating to the servicing of the portable firefighting equipment is provided by the person responsible for the premises. However, fire safety officers of the Service are not regulated or formally qualified to inspect the maintenance work carried out by third party competent persons on portable fire extinguishers.

No persons have been prosecuted in the last three years for failure to maintain a record of the servicing of the portable firefighting equipment for which they are responsible.

695 The Health and Safety at Work Inspectorate of the Department of Infrastructure is responsible for enforcing fire safety in most public places, which are places of work. Accordingly, the Fire and Rescue Service of the Department of Home Affairs does not enforce fire safety in such premises.

## Orders of the Day

### BILLS FOR SECOND READING

#### Legal Aid (Amendment) Bill 2012 Second Reading approved

3.1. Mr Teare to move:

*That the Legal Aid (Amendment) Bill 2012 be read the second time.*

700 **The Speaker:** Turning to our Order Paper, Item 3, Bills for Second Reading and we begin with the Legal Aid (Amendment) Bill and I call on the Hon. Member for Ayre, Mr Teare, to move.

**Mr Teare:** Thank you, Mr Speaker.

705 I am pleased to put before the House today, the Legal Aid (Amendment) Bill 2012 promoted by the Treasury. This Bill seeks to amend the Legal Aid Act 1986.

710 The Bill comprises 20 clauses and is directed towards four primary objectives, which are (1) to allow Legal Aid to be made available for mediation at the earliest possible stage of a dispute; (2) to provide for greater recovery of Legal Aid costs by way of contributions from the assisted person; (3) to create a Legal Aid Appeals Tribunal; (4) to reconstitute the existing Legal Aid Committee, so that its membership is predominantly made up of non-lawyers and to extend its functions to include oversight of the Legal Aid Certifying Officer and Legal Aid administration.

715 Mr Speaker, if I may, I would like to provide a summary of the background, which has led to this Bill being presented to the House today. In 2002, the Council of Ministers announced the appointment of a Legal Aid Commission with the following terms of reference: to consider the provision of administration of Legal Aid and advice and assistance in the Isle of Man. In 2003, the Commission produced its Report and submitted it to the Chief Minister for consideration. In 2006, Council of Ministers agreed to a phased approach to the implementation of the recommendations contained within the Report of the Legal Services Commission. Between 2006 and 2008, work was undertaken in relation to implementing changes to secondary legislation, and this most notably led to a new financial means test for Civil Legal Aid being introduced in August 2008.

720 Included in the Report of the Legal Services Commission were also a number of issues, which it was recognised would require amendments to primary legislation and subsequent rafts of new

secondary legislation. These issues included the provision of a Legal Aid Appeal Tribunal, the introduction of Legal Aid for mediation proceedings and the introduction of a statutory charge.

725 In 2009 a Select Committee of Tynwald was appointed to consider a Petition for Redress of Grievance from Mr Stephen Broad. The remit of the Select Committee was extended in 2010 to also consider a Petition for Redress of Grievance from Mr Paul Smith. After taking written and oral evidence, the Select Committee made a number of recommendations within their First and Second Reports, and which included: (1) the introduction of a new board which has a general  
730 remit to oversee Legal Aid administration and to review the actions of the Legal Aid Certifying Officer; (2) that another person or body be able to review the actions taken by the Legal Aid Certifying Officer in response to representations made by the opponent of the assisted person; (3) that steps be taken to introduce a statutory charge as soon as possible.

735 Mr Speaker, the Legal Aid (Amendment) Bill addresses all of these recommendations and issues. In addition, the Bill includes the minor amendment to the Advocates Act 1976 to extend the powers of the Advocates' Disciplinary Tribunal. Hon. Members have received advance copies of the Bill, as well as the explanatory notes that provide a paragraph-by-paragraph account of the effect of all the clauses and schedules in the Bill.

740 Mr Speaker, part 1 – that is clauses 1 and 2 of the Bill – provides for its short title and commencement.

Part 2 amends the Legal Aid Act 1986.

Clause 3 introduces the amendment.

745 Clause 4 amends section 1 so as to provide Legal Aid for mediation and where it is so given, Legal Aid will be unavailable for proceedings during the currency of mediation. Under the present legislation, there is a perceived lack of clarity as to the point at which Legal Aid is available for mediation. The Bill clarifies this matter and will allow Legal Aid to be granted for mediation at the earliest possible stage in the dispute.

750 Clause 5 makes changes to section 2 for the purpose of clarification. An application for Civil Legal Aid has to satisfy two main tests: the legal merits test and the financial means test. This amendment is a relatively minor amendment, which arises from the Report of the Legal Services Commission who felt that it was necessary to provide greater clarity in relation to the legal merits test within primary Legal Aid legislation.

Clause 5 also clarifies that a Legal Aid application has to pass both tests.

755 Clauses 6, 8, 9 and 18 remove all references to the specific Social Security benefits, which presently provide automatic financial qualification for Legal Aid, and instead will enable qualifying benefits to be prescribed by regulations.

Clause 7 is an enabling provision which will allow regulations to be funded, either wholly or in part, and will also allow for a statutory charge to be introduced in relation to Civil Legal Aid.

760 Clause 10 amends section 14, so as to require the written consent of the assisted person before any information provided in support of a Legal Aid application can be disclosed to a third party.

Clause 10 also allows disclosure for audit purposes.

Clause 11 amends section 16, so as to introduce specific provision for the appointment of the Legal Aid Certifying Officer and deputy Legal Aid certifying officers.

Clause 12 makes consequential amendments, which include the definition of 'mediation'.

765 Clause 13 replaces section 23 and provides for a newly constituted Legal Aid Committee to be appointed by the Appointments Commission. The Committee is to consist of five to seven members, of which the majority are to be non-lawyers. The Committee's functions will include overseeing Legal Aid administration and the actions of the Legal Aid Certifying Officer.

770 Clause 14 inserts section 23A and establishes a Legal Aid Appeals Tribunal. The jurisdiction of the Tribunal will be established within regulations.

Clause 15 replaces section 24 with the provision that includes power for regulations to contain supplemental, incidental, consequential or transitional arrangements.

Clause 16 inserts a definition of 'Appointments Commission'.

775 Clause 17 inserts transitional provisions to enable regulations to make procedural rules in relation to the Legal Aid Appeals Tribunal, until such time as rules are made under the Tribunals Act 2006.

Part 3 amends other enactments.

Clause 19 adds the Legal Aid appeals tribunal to part 2 of the schedule to the Tribunals Act.

780 Clause 20 amends section 18 of the Advocates Act 1976, to enable the Advocates Disciplinary Tribunal, where a complaint is proved, to discharge the advocate against whom it was made, either conditionally or unconditionally.

Mr Speaker, having now outlined the broad purpose and contents of the Bill and explained its background, I hope that Members will now give it their full support.

785 I beg to move that the Legal Aid (Amendment) Bill be read for a second time.

**The Speaker:** Mr Watterson.

**Mr Watterson:** Mr Speaker, I am happy to second and reserve my remarks.

790 **The Speaker:** Hon. Member, Mr Quirk.

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

795 Can I just thank the Minister for bringing this forward. I know there are a lot of people waiting for more clarity on this particular issue to do with mediation and Legal Aid, and some that get it and some that do not and cause stress. So I wish the Minister a fair wind in this particular Bill.

**The Speaker:** Does any other Hon. Member wish to speak to the Second Reading?  
In that case, Mr Teare, do you wish to reply, sir?

800 **Mr Teare:** No, thank you, sir.

**The Speaker:** I put the motion that the Legal Aid (Amendment) Bill be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

### **Partnership (Amendment) Bill 2012 Second Reading approved**

3.2. Mr Henderson to move:

805 *That the Partnership (Amendment) Bill 2012 be read the second time.*

**The Speaker:** We turn now to the Partnership (Amendment) Bill, and I call on the mover, the Hon. Member for Douglas North, Mr Henderson.

810 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Vainstyr Loayreyder, Hon. Members, this Bill amends the Partnership Act 1909. The purpose of the Bill is to insert additional accounting requirements into the Partnership Act 1909 in respect of limited partnerships. This is to ensure that the Island complies with a recent recommendation of the OECD in respect of limited partnerships and that the accounting records of those partnerships reflect the OECD standard.

815 Care has been taken to ensure that compliance with the recommendation has not been at the expense of the commercial attractiveness of the Isle of Man, which this Bill also aims to achieve, and there has been no adverse comments from the industry itself.

The Bill is divided into four clauses. The first clause gives the Act resulting from the Bill its short title.

820 Clause 2 makes the provision for the resulting Act to be automatically repealed on the day of promulgation.

Clause 3 inserts a new subsection (2) that provides for additional accounting provisions to apply to limited partnerships – this is through the insertion of a new section 48E.

825 The fourth clause inserts new additional accounting requirements for limited partnerships that are registered under the Partnership Act 1909. These requirements ensure that the Isle of Man has met its obligations in complying with the OECD standard of June 2011.

Consultation with the industry has taken place and information and consultation has been sent out to Hon. Members, Vainstyr Loayreyder.

830 No financial impact is envisaged for Government as such, or with the industry itself. The industry aspires to general accounting principles in the first instance, so there will be limited impact with the Bill in the first place. The purpose of the Bill is that it enshrines the principles in law to apply formally to limited partnerships, thus closing the gap in legislation applying to those entities, especially in reference to the length of time in keeping records, records in the background, papers in support of accounts that are now required, and the preparation and explanations of

835 paperwork and accounts. In other words, it provides for greater transparency.

I beg to move, sir.

**The Speaker:** Mr Watterson.

840 **Mr Watterson:** I beg to second and reserve my remarks, sir.

**The Speaker:** Any other Member wish to speak?

In that case I put to the House that the Partnership (Amendment) Bill be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Casino (Amendment) Bill 2012**  
**Second Reading approved**

3.3. Mr Henderson to move:

845 *That the Casino (Amendment) Bill 2012 be read the second time.*

**The Speaker:** We turn now to the Casino (Amendment) Bill, and again I call Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

850 Online gambling is one of the Manx economy's recent success stories. The Department of Economic Development has identified a significant and important opportunity to capitalise on the excellent foundations that the gambling sector has established here by allowing the staging of live gaming tournaments. This is an important business opportunity to grow the Island's economy and a chance to assist in mitigating the negative effects of the VAT reductions from the sharing arrangement we had with the UK.

855 It will also pave the way for other initiatives. Live gaming tournaments are competitions in which players come together in a single location and compete against one another to win prizes. They are very high profile events in the gambling world and usually attract significant comment and coverage from the gaming community. They are typically televised and often make celebrities of their most successful participants. A typical tournament attracts a large number of participants, as well as spectators and organisers and it is important that the venue chosen is large enough to accommodate the visitors. Tournaments held in the UK and Ireland last year by a local e-gaming company attracted between 500 and 1,000 players each time.

860 Live tournaments can take place in the Isle of Man already, but they must be held in the permanent premises of a casino or directly adjacent to it. This naturally limits the size of any tournament that can be held. In order to facilitate larger live tournaments this amendment Bill proposes that premises other than those belonging to a casino can be temporarily used for the purposes of gambling. With this legislation the casino licence holder would be able to enter into a business agreement with any tournament provider to provide a venue of any size to suit the tournament.

870 The Isle of Man has some splendid facilities, which would provide many suitable venues for such events. If this Bill is enacted, it is proposed that the Gambling Supervision Commission will be permitted to issue temporary premises certificates, which allow the casino to use a venue other than its own facilities, in order to host a live tournament. Such a tournament would be extremely advantageous for the Isle of Man's economy. Visitors would utilise local accommodation and retail outlets, as well as the transport links to and from the Island. The extra business opportunities created for casino licence holders would allow for business development and greater revenue.

875 As with the expansion of any activity, safeguards must be put in place to ensure that the interests of citizens and consumers are protected. The Isle of Man Gambling Supervision Commission has established an enviable global reputation for the strength and quality of its regulation and it is through regulation that citizens and consumers in the Isle of Man will continue to be protected if this Bill is enacted.

880 Regulation will exist to allow unsuitable tournaments to be declined by the Commission. Tournaments will need to be advertised in good time and citizens who have concerns about a particular venue will be able to write objecting.

885 The laws that govern minimum age and standards of conduct within an Isle of Man casino will be the same in the temporary premises and the inspection regime will operate to the same standard.

Mr Speaker, given the favourable feedback from the public consultation and the potential benefits that I have outlined today, I am very pleased to be able to promote this Bill which

890 supports the Isle of Man and all those who choose to do business with us, and I beg to move that  
the Casino (Amendment) Bill 2012 be read a second time, sir.

**The Speaker:** Mr Teare.

895 **Mr Teare:** I beg to second, sir, and to reserve my remarks.

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

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

900 Can I ask the Hon. Member for North Douglas moving this legislation who he, or the  
Department responsible for this, consulted with? Did it go out to public consultation? If so, to  
whom?

905 If he can give us an idea of whether or not... He talked about the temporary licence, that if a  
temporary licence was granted it could be beneficial to the Island in terms of a boost to our  
economy, our retail sector, hotels, etc. Can he advise as to whether or not there is any interest been  
expressed in this area? Indeed, is there anybody in the pipeline who would wish to apply for such a  
temporary licence?

**The Speaker:** Mr Henderson to reply.

910 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I thank the Hon. Member for her questions. I am just checking the consultation summary, and  
the simple answer is yes, as I indicated in the opening brief, that consultation had taken place and  
with various and numerous, including all Hon. Members here.

915 The consultation, basically, although we have not got a list of consultees here, I can have that  
circulated to Hon. Members for the record, but favourable, and people were quite interested.

Also, the other part of the Hon. Member's question is that the industry is very interested in this  
and it opens up an opportunity for the Island and, as such, it would seem that, to use this vehicle is  
the way forward to provide those opportunities and work up the interest from the industry itself,  
Vainstyr Loayreyder.

920

**The Speaker:** I put the motion that the Casino (Amendment) Bill be read for a second time.  
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 Hall      | Mr Anderson |
| Mr Karran    | Mrs Cannell |
| Mr Ronan     |             |
| Mr Crookall  |             |
| Mr Bell      |             |
| Mr Singer    |             |
| Mr Quayle    |             |
| Mr Teare     |             |
| Mr Cannan    |             |
| Mr Cregeen   |             |
| Mr Henderson |             |
| Mrs Beecroft |             |
| Mr Shimmin   |             |
| Mr Corkish   |             |
| Mr Cretney   |             |
| Mr Watterson |             |
| Mr Skelly    |             |
| Mr Gawne     |             |
| The Speaker  |             |

**The Speaker:** With 19 for, 2 votes against, the motion therefore carries.

**BILL FOR THIRD READING**

**Gambling Duty Bill 2012  
Third Reading approved**

4.1. Mr Henderson to move:

925 *That the Gambling Duty Bill 2012 be read the third time and be sent to the Council.*

**The Speaker:** We turn now to the last Item on our Order Paper, Bill for Third Reading, Gambling Duty Bill, and I call on the Hon. Member, Mr Henderson.

930 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

If I could just beg your indulgence in relation to the previous Bill, and the queries there, I can advise Hon. Members that the consultation –

935 **The Speaker:** Hon. Member, no, we have moved on to the next Item. By all means, at the next Reading or in writing you may communicate, but no, we are on to the Gambling Bill, if you could move that, please.

**Mr Henderson:** I was just going to confirm that wide consultation did take place. *(Laughter)* It saves on paper and time and effort!

940 **The Speaker:** Hon Member! The Gambling Duty Bill.

**Mr Henderson:** Thank you, Vainstyr Loayreyder.

945 This is the Third Reading of the Bill, and it is being introduced by the Treasury with the intention of consolidating and updating the law relating to the excise duties on gambling, to simplify administration, improve flexibility, and to enable the law to better cope with anticipated developments affecting an industry that has been a continuing success for the Island. It ensures the administration has the legal *vires* to govern existing and new gambling products.

950 Treasury considers the Bill to be an important support for the continued success of an already successful industry, Vainstyr Loayreyder, and I commend the Bill to the House.  
I beg to move.

**A Member:** Hear, hear.

955 **The Speaker:** Mr Teare.

**Mr Teare:** I beg to second and to reserve my remarks, sir.

960 **The Speaker:** I put the motion that the Gambling Duty Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business before the House today. The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on 13th March in this Chamber.

*The House adjourned at 11.07 a.m.*