



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 13th March 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);
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);
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 10.53 a.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

Leave of absence granted

10 **The Speaker:** Hon. Members, I have given leave of absence to Mr Cregeen and Mr Singer who are off-Island on parliamentary business; and to Mr Anderson for the first hour of the sitting.

Commonwealth Day Message 2012 from Her Majesty The Queen, Head of the Commonwealth

The Speaker: Hon. Members, turning to our Order Paper and Item 1, I shall read a message from Her Majesty The Queen, Head of The Commonwealth:

‘One of the great benefits of today’s technology-based world is the range of opportunities it offers to understand and appreciate how others live: we can see, hear, and enter into the experience of people in communities and circumstances far removed from our own.

A remarkable insight we gain from such windows on the world is that, however different outward appearances may be, we share a great deal in common. Our circumstances and surroundings may vary enormously, for example in the food we eat and the clothes we wear, but we share one humanity, and this draws us all together. The joys of celebration and sympathy of sadness may be expressed differently but they are felt in the same way the world over.

How we express our identities reveals both a rich diversity and many common threads. Through the creative genius of artists – whether they be writers, actors, film-makers, dancers, or musicians – we can see both the range of our cultures and the elements of our shared humanity.

‘Connecting Cultures’, our Commonwealth theme this year, encourages us to consider the special opportunities we have, as members of this unique gathering of nations, to celebrate an extraordinary cultural tapestry that reflects our many individual and collective identities. The Commonwealth treasures and respects this wealth of diversity.

Connecting cultures is more, however, than observing others and the ways in which they express themselves. This year, our Commonwealth focus seeks to explore how we can share and strengthen the bond of Commonwealth citizenship we already enjoy by using our cultural connections to help bring us even closer together, as family and friends across the globe.

To support this theme, a special song has been composed for the Commonwealth, Stronger as One. There are any number of ways in which that single piece of music alone can be played or sung anywhere in the Commonwealth. And by sharing the same music with our own personal interpretations and contributions, the wonderful human attribute of imagination is nourished, and we gain insights of understanding and appreciation of others.

The Commonwealth offers a pathway for this greater understanding and the opportunity to expand upon our shared experiences in a wider world. A world in which paths to mutual respect and common cause may also be explored and which can draw us together, stronger and better than before.

Elizabeth R.’

Thank you, Hon. Members.

Questions for Oral Answer

CHIEF MINISTER

Douglas Community Safety Partnership Status

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

15 *Whether the Douglas Community Safety Partnership is part of Government?*

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

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

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

25 **The Chief Minister (Mr Bell):** Mr Speaker, the Douglas Community Safety Partnership is purely a voluntary body without such statutory obligation or indeed Government funding. The Partnership is not part of, or responsible to, any one Government Department.

The Speaker: Mrs Beecroft.

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

Is the Chief Minister aware that the minutes of the January meeting of the Douglas Corporation's Policy and Resources Committee, which is their budget meeting, confirmed that the Treasury has granted the Douglas Community Safety Partnership £90,000 from the Seized Asset Fund towards the construction of a new CCTV control room in Shaw's Brow Car Park; and could the Minister explain how this is possible when the Fund is not available to applicants outside of Government?

The Speaker: Chief Minister to reply.

40 **The Chief Minister:** I have absolutely no idea, Mr Speaker. If the Hon. Member had actually taken the time to come and speak to me, I might have been able to give her the answer.

Freedom of Information Public Records Office

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

45 *What recent assessment he has made on the introduction of Freedom of Information with regard to Public Records; and what steps he is taking to ensure that all Department records are properly retained and protected in accordance with Public Records Office legislation?*

The Speaker: Question 2, Hon. Member for Onchan, Mr Hall.

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

50 **The Speaker:** Again, I call the Chief Minister to reply.

The Chief Minister (Mr Bell): Mr Speaker, in a Statement made in another place last month, I advised that priority is being given to finalising and assessing the implications of the proposed Freedom of Information legislation. I can confirm that this work includes an assessment in respect

55 of the interaction with the Public Records Act 1999. As the Public Records Act has been in force since 1st April 2000, I would expect all areas of the public service to be familiar with its provisions. However, there is also a need to ensure efficiency in public records and information management.

60 In July 2011, the Council of Ministers agreed a policy and strategy for the corporate management of information and records in the Isle of Man Government. A key stand of the strategy focuses on ensuring compliance with existing legislation, such as the Public Records Act. It also recognises the additional requirements, which may be placed on Government as a result of Freedom of Information legislation.

65 Mr Speaker, I reiterate the undertaking which I gave in another place that a full briefing will be arranged from Members in due course, to ensure they have the opportunity to review the proposed legislation and discuss the wider implications and likely cost of this reform.

The Speaker: Mr Hall, a supplementary.

70 **Mr Hall:** Thank you, Mr Speaker.

Can the Chief Minister spell out his thoughts on recent reports that the Freedom of Information Act in the UK is currently being reviewed in its current form? The Police, universities, central and local governments have all appealed to the Justice Committee, which I understand is conducting a reassessment of the law. I appreciate that the Act was originally designed to create open and transparent government, which I fully advocate, but can he reassure me and other Members of this Hon. House that the Bill that is being drafted takes into account the mistakes and difficulties experienced by the UK with this Act?

The Speaker: Chief Minister.

80 **The Chief Minister:** I am aware there is a review going on in the UK and I did make reference to it in another place, Mr Speaker, as the Hon. Member is well aware. I also made reference to the fact that there had been some very strong concerns expressed about the working of the Bill in the United Kingdom and some quite considerable weaknesses in that Bill. I would very much hope that the outcome of the UK review will be reflected in our own Bill, so that we do not fall into the same trap of making these errors in the Isle of Man.

The Speaker: Mr Hall.

90 **Mr Hall:** Thank you, Mr Speaker.

I thank the Chief Minister for his reply. Is the Chief Minister aware that, according to a UK investigation journalist, a lot of UK government documents were allegedly shredded during the period that led up to the induction of the Freedom of Information legislation?

95 In order to protect the integrity of the public documents in the Isle of Man, can the Chief Minister confirm what action would be taken against any members of staff at whatever level who altered, erased or destroyed any records with the intention of preventing information being held from being disclosed when the Act comes into force for Government Departments?

The Speaker: Chief Minister.

100 **The Chief Minister:** Mr Speaker, if the Hon. Member has evidence that Members or officers of this Government are destroying public records, I would be very glad to hear them.

TREASURY

CCTV Control Room Seized Asset Fund

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

105 *On what basis his Department approved £90,000 from the Seized Asset Fund towards the construction of a new CCTV Control Room for Douglas in the Shaw's Brow car park and how this complied with the rules for expenditure from the Island limiting it to:*

- (a) *countering criminal activities relating to drug abuse on the Island; or*
(b) *against drug and alcohol abuse?*

110 **The Speaker:** Question 3, Hon. Member for Douglas South, Mrs Beecroft.

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

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

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

The purpose of the Fund is twofold: firstly, to enable the proceeds of international drug cases to be applied to the specific countering of criminal activities related to drugs in the Island; and secondly, to enable the proceeds of all crime seizures to be applied to the more general initiatives against both drug and alcohol abuse.

120 The basis of this particular proposal being that it is a multi-agency initiative designed to prevent and detect crime and assist in the improvement of the evidence submitted to court, funding of £87,829 for the Douglas CCTV command and control room situated at Shaw's Brow car park was approved by the Treasury in October 2011 for the Douglas Community Safety Partnership. This Partnership consists of representatives from Douglas Borough Council and the Government
125 Departments of Education and Children, Social Care, Community, Culture and Leisure, Infrastructure, Home Affairs and the Department of Environment, Food and Agriculture. The application was for equipment to enable both wide and retrospective viewing and recording of CCTV images through a central console. The specification of the equipment was sufficient to ensure that the clarity of images will be robust enough for the purpose of securing court evidence,
130 which has not always been the case in the past.

The £87,829 was to meet the equipment, building and electrical costs, together with furniture costs for the facility which provided for two observation stations and a large screen for viewing by up to four people. Staffing will be met by the Constabulary's community volunteers and Special Constabulary, who will carry out real-time monitoring and routine downloading where images are
135 required for evidence. All future ongoing running costs will be met by Douglas Borough Council.

I am content, from a Treasury and governance perspective, that this investment meets the criteria established for assistance provided through the Seized Asset Fund and will contribute to our policing activities in this area, sir.

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

Mrs Beecroft: Thank you, Mr Speaker.

Could the Treasury Minister confirm what steps they take when approving such funding, that it is actually going to a Government Department and as the Chief Minister has already confirmed
145 that, this Douglas Community Safety Partnership is not part of Government, what steps do Treasury take to ensure that it is being funded correctly and legally?

Also, even if it is, would the Treasury Minister not agree that it could be better utilised as value for money for all our people, if it was more effectively targeted, such as helping and supporting
150 DASH or training and deployment of sniffer dogs at ports of entry?

The Speaker: Minister for the Treasury.

The Minister: I am satisfied that this funding and the guidelines fell within the conditions attached to the Seized Assets Fund and I am quite happy to share that with the Hon. Member and
155 also others who are interested in it. It is Appendix A21, but there is no mention in that of any requirement that it is to fund Government.

The last point, when she said, 'could it be used to support revenue?', that is not the object of the Fund. The revenue implications should be dealt with by Government as part of their revenue bids, not through the Seized Assets Fund.

160 The third thing is, would it be better utilised by more effective targeting? The Hon. Member may not be aware, but there was criticism of CCTV in a court case, which was presided over by Deemster Moran in 2010 and this is part of the response. I would say that, as the prime beneficiary of this initiative is her own constituency, I am surprised by her comments, sir.

165 **The Speaker:** Hon. Member, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

170 Although this is not exactly the Minister's area, can the Minister recall, before his Department approved this money, whether there were options to have this facility located in the Emergency Control Room, (**A Member:** Hear, hear.) rather than a remote control room that will only be viewed on a part-time arrangement, probably during an evening? Can he perhaps explain that, although I appreciate he is coming from a different area.

175 **The Speaker:** Mr Teare.

The Minister: Those details are not in my briefing papers, but what I would say is that, from my memory of the Emergency Joint Control Room, it is already fully occupied. Down at Shaw's Brow, there was space available. It is in the middle of town and it was felt to be an appropriate place.

180

A Member: It could be on the moon; it wouldn't matter.

The Speaker: Mr Henderson, Hon. Member.

185

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Will the Shirveishagh agree with me that the provision of this funding is highly appropriate? Can he agree with me that the use of high-quality CCTV imaging is a critical part of reducing crime, but more importantly, the evidence in all areas of the British Isles has shown that it is crucial at times in producing the evidence for convictions as well?

190

A Member: Hear, hear.

A Member: Oh, yes.

195

The Speaker: Mr Teare.

The Minister: I am pleased to confirm that; but not only that, sir, it is the deterrent effect as well. It is the eleventh commandment: thou shalt not get caught. If people think they are going to get caught, they will think twice about it.

200

The Speaker: Mrs Beecroft, supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

205 The Minister previously referred to – I think it was appendix 21... but could he confirm how, then, the Public Accounts Committee Report of 2009 states that the Fund is not available to applicants outside of Government? There seems to be a direct contradiction.

The Speaker: Mr Teare.

210

The Minister: Obviously, I am going by appendix A21, which is quite clear. From my reading of it, it does not say that it is restricted to Government.

215 What I would say here is aren't we splitting hairs? There is a Partnership which has five Departments of Government on it and only one external body, which is a local authority. That is part of the Government of this Island as well, and what we are saying here is it is an appropriate use of Government's resources. I would say that, from the comments which were addressed by Deemster Moran and other issues as well, the deterrent effect of this... It is an appropriate use of resources and an appropriate use of the Seized Asset Fund, sir.

220

A Member: Just in the wrong place, that's all.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

225 Would the Treasury Minister not agree with me that, whilst he might perceive that it is splitting hairs, it is actually a legal framework and Government has to apply with the rule the same as everybody else?

The Speaker: Mr Teare.

230 **The Minister:** I was satisfied that this was an appropriate use of the funds, sir.

The Speaker: Hon. Member, Mr Quirk.

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

Could I ask the Minister regarding the protocol or the memorandum of understanding between all these parties, if there is one, could he circulate it to Hon. Members?

240 Secondly, could I ask that the chosen point for the control room, I am just wondering what the operational hours would be? And, if he is not aware, could he find out for us then how many cameras will be connected to this particular system? Are there any other cameras like this? If the Department of Infrastructure is involved, are the cameras on the harbour side and the harbour control side involved as well?

245 **The Speaker:** This is broadening the Question. (*Interjections and laughter*)
However, Mr Teare.

The Minister: That was my view entirely, sir.

EDUCATION AND CHILDREN

Minister for Education and Children School visits

2.4. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Education and Children:

What school visits he has undertaken since his appointment and on what dates?

250 **The Speaker:** We turn to Question 4. The Hon. Member for Michael, Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.
I ask the Question standing in my name.

255 **The Speaker:** I call the Minister for Education and Children, the Hon. Member for Onchan, Mr Karran.

260 **The Minister for Education and Children (Mr Karran):** Vainstyr Loayreyder, Ashley Hill Primary School, I visited on 8th February; Ballacottier Primary School on 10th February; Ballakermeen High School on 23rd January, 6th February, 29th February; Ballaquayle Infants School on 2nd March; Ballasalla Primary School on 29th February; the Bunscoil on 15th February; Fairfield Junior School on 2nd November, 8th February; the Isle of Man College on 14th February; Marown Primary School on 10th February; Peel Clothworkers' Primary School on 25th January; Ramsey Grammar on 3rd February; Scoill Ree Gorree on 9th March; Scoill Vallajeelt on 8th February; St John's Primary School on 15th February; St Mary's Roman Catholic School on 9th March.

Gura mie eu, Vainstyr Loayreyder.

The Speaker: Supplementary, Mr Cannan.

270 **Mr Cannan:** Thank you very much, Mr Speaker, and I thank the Minister for his Answer.

Can the Minister now tell us, having had so many visits and such obviously fruitful discussions with teachers and head teachers, what new initiatives have been brought about as a result of these visits?

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

280 **The Minister:** Vainstyr Loayreyder, what I am trying to do is make sure that the first visit around all my schools... What I want them to do is try and build the confidence of them to be able to talk to me directly without any fear as far as what they want to say. I have asked each headmaster... given the opportunity to give me a hit list of what they would like to see if they were Minister for Education and to send it either to my parliamentary office or my home address.

285 As far as the issue of visiting the schools, I have obviously had representations from the unions, meetings, courtesy visits from the heads of unions like the head teachers' union, to the Department's head office.

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

Mrs Cannell: Thank you, Mr Speaker.

290 I wonder if the Minister could advise the House on whether or not he actually made any visits to pre-schools before his decision to axe them.

The Speaker: Minister to reply.

295 **The Minister:** Vainstyr Loayreyder, where the facilities are... The whole idea of these visits is to actually discuss issues of concern. As far as the primary heads were concerned, some of the schools, I went around the facilities as far as around the whole school – but very limited, the ones I did go round all the schools.

300 The issue is that some people in this Hon. House have to realise that in the last administration some of us were pleading for common sense and sensible Government. We are now in an unprecedented situation. I could have followed the previous administration and knocked another 30 teachers out of primary and secondary to try and balance the budget. What I have done is what is best as far as education is concerned – maybe not what is popular, but this administration is going to have to address these issues.

305 **The Speaker:** Hon. Member for Michael.

Mr Cannan: Thank you, Mr Speaker and can I thank the Minister again for his answer to my last supplementary regarding initiatives, which is obviously none.

310 Can I ask him whether there is a firmer programme for engagement with teachers and head teachers, rather than just an e-mailed hit list?

The Speaker: Minister.

315 **The Minister:** Obviously, the Hon. Member did not listen to what I said. I made the point of visiting those schools. We had detailed discussion about issues of concern. Many of those schools were grateful that I did take the decision to ring-fence statutory issues that need to be protected, as far as education is concerned. I think that the issue of cheap swipes at something that has to be addressed demeans the Member, as far as the whole issue is concerned.

320 **The Speaker:** Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

325 I wonder if the Minister will grace us with a straight answer in terms of: did he take the opportunity to visit the *pre-school* facilities before his announcement to cut them from Education altogether? Did he, or did he not?

330 **The Minister:** Vainstyr Loayreyder, I took the advice of looking around Education. Obviously, I did not go around the schools. I have been busy trying to sort out the mess that you were part of before the General Election that some of us that have –

Mrs Cannell: Point of order.

The Minister: What's your point of order? (*Laughter*)

335 **Mrs Cannell:** Point of order. (*Laughter*) The Hon. –

The Speaker: Mr Karran, I am in the Chair. (*Laughter*)

Resume your seat. Your point of order being?

340 **Mrs Cannell:** My point of order is the Hon. Member is becoming very personal in the House, which I believe is against Standing Orders.

The Speaker: You have the floor Minister.

345 **The Minister:** Vainstyr Loayreyder, I am talking about facts now, not the issue of anything else. The facts are as I have given a detailed Answer to the Question and I would say that the Hon. Member understands the difficulties we face, as far as the next year, that is potentially another £30 million worth of cuts, if we are to rebalance the Budget. We have got to make sure that we provide the right policies as far as education is concerned. I took the right decision –

350

Mrs Cannell: No, you didn't.

The Minister: – as far as it is concerned – it may not be the popular one. I would hope, Vainstyr Loayreyder, that the Hon. Member would listen to the thing and maybe she would understand –

355

Mrs Cannell: If you would speak English, I might be able to understand.

The Minister: – why I am making these decisions. The fact is that, what we have, is we could have quite easily taken another 30 jobs out of Education at primary and secondary level. Is that what the Hon. Member wants us to do, or does she want to stay on the fence and just pretend that we are not in a dire, financial situation, that she was part of the administration last time that did not do anything about it?

360

365 **The Speaker:** I am not going to tolerate trading of innuendo and that, (*Interjections*) so I will take one last supplementary. Mr Cannan.

Mr Cannan: Thank you very much, Mr Speaker.

370 I just want to refer... Obviously, it was 15 months ago in December 2010 that the Hon. Minister did suggest to the former Minister for Education, when the House was discussing remuneration of supply teachers, he said:

375 'Why has he gone for the easy meat like this, which will have an effect on confidence, will mean good teachers not being prepared to do the job, the supply work, instead of going after some of the cushy numbers that have been allowed to be developed in the Department of Education in the last 15 years?'

Could I ask, during his school visits, what reassurance he has been able to give teachers that he is going after the cushy numbers in the Department of Education and could he inform the House, exactly which cushy numbers these are?

380

The Speaker: Minister.

The Minister: Vainstyr Loayreyder, the situation is, as far as the cuts are concerned, the cushy numbers would have been quite easy not to go for the things that are politically not popular in this House. As I tell the Hon. Member, we have seen 60 jobs gone in Education in the last two years. That is without the ones before, the fact that the College of Further Education has had in the region of £300,000 of cuts each year, for the last several years, to try and balance its books.

385

I think the situation is the cushy numbers have gone now and the fact is that we have got to now make sure that we prioritise our statutory obligations and not be worried about public opinion on a situation where the core things need to be protected.

390

One of the things that I have to say is that it might not be what is in the public domain, but the number of teachers that have said to me, 'Thank you for not actually cutting again the teacher-pupil ratio to go up further, thank you for not taking the easy option and taking out more staff out of our primary and secondary schools, to increase the pupil-teacher ratio.'

395

Vainstyr Loayreyder, it is important that the people who have not had the experience from round here... and being a member of the Board of Education from 1982 to 1985 and then from 1991 to 1995, that one of the proud boasts that we had was the fact that education had a better teacher-pupil ratio than the United Kingdom. It had a better funding mechanism than the United

400 Kingdom. I am afraid, Vainstyr Loayreyder, Members have got to smell the coffee and realise that that is not the case and we have got to protect the core services that need to be developed and not just worry about bandwagon short-term policies, as far as protecting central Government central responsibility of education.

405 **The Speaker:** Minister, I must stop you. It is broadening into a debate and a very long statement that goes well beyond the Answer to the Question that was asked.

**Primary school French lessons
Cost**

2.5. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Education and Children:

What the cost to the Department of Education was for providing French lessons to primary schools in 2011-12; and what the cost saving to the Department will be through the removal of this subject in 2012-13?

410 **The Speaker:** We turn to Question 5. Hon. Member for Michael.

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

415 **The Speaker:** Again, Minister for Education and Children.

The Minister for Education and Children (Mr Karran): Vainstyr Loayreyder, the total estimated cost of providing the primary modern language lessons is £442,900 for the year 2011-12, in that financial year. Removing this provision of primary modern language will come into effect from 1st September 2012 and will result in an estimated saving of £180,100 in the 2012-13 financial year, and £309,000 in future years thereafter.

The Speaker: Mr Cannan.

425 **Mr Cannan:** Thank you.

A supplementary: is the Minister aware that French, as a foreign language, is the second most frequently taught language in the world, and that French, along with English, is the official working language of the following international organisations, amongst others: the United Nations, UNESCO, NATO, OECD, the International Olympic Committee? Does his Department recognise, and still recognise, the value of French?

The Speaker: Minister.

435 **The Minister:** Vainstyr Loayreyder, I would suggest that the reality is that if we are wanting to be going into the future... Listening to Radio 4 last night about the issue of how a lot of the Asian countries are now actually going into Chinese... (**A Member:** Hear, hear.)

440 But the issue again that has to be addressed, and has to be addressed by the Department of Education as a priority, is how we are going to sort out, through this Government of National Unity, trying to balance the books in order to make sure that these children are going to have a secure future in the future as far as the Isle of Man is concerned. Our generation, Vainstyr Loayreyder, is the only one that can remember the hard times.

445 What we are trying to do is rebalance the books, and that means we have got to look at different ways of developing how we are going to provide services in the future. We will not have the luxury of the Rolls Royce; we will have to try and develop other ways of providing a service – maybe not as advantageous as we would like to do, but we will provide that service – and what we will be doing is making sure that we develop the French through the schools as best we can, allowing for these severe financial cuts that we have got, and Hon. Members have got to realise that.

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

The Speaker: Mr Cannan.

455 **Mr Cannan:** Does the Minister agree that worldwide research shows that studying foreign
languages has been shown to have a positive effect on mental development, particularly in the
very young people and an enhanced overall intellectual growth; that many studies have shown that
studying other languages at a very young age can improve maths and critical thinking skills, as
460 well as strengthen the use and understanding of a child's native tongue and go on to enhance their
results at the 11-to-16 group? Does the Minister consider that withdrawing French lessons will
negatively impact on some children's future potential?

The Speaker: Minister.

465 **The Minister:** Vainstyr Loayreyder, I also feel it would be negative on the children, as far as
the teacher-pupil ratio going up. The fact is that we are now seeing some disturbingly high
numbers in different schools. We are having to mix school age groups. We have to prioritise and
because we actually do recognise that, one teacher is being retained to develop resources to train
staff in primary schools so that a degree of language training can be maintained as part of the
470 curriculum primary schools offer. This will be built on to make the language skills of staff, in the
individual skills, which will help the facility to stay – maybe not like we would like to, but I do
remind the Hon. Member that we have just had a Budget. We have to make hard decisions. I
believe that with the fact that in the last two years we have had 60 jobs disappear in Education,
and it is a hard decision to make, do we cut there, or do we cut and put more teacher-pupil ratio in
our schools for our teachers?

475 Most of my teachers, who have made representations to me, have been absolutely delighted
that we did not take the politically simple way out of being popular and not addressing... non-
statutory obligations of my Department.

480 **The Speaker:** Mr Henderson.
Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

485 Is the Minister of the opinion, then, that the Manx language is more important than the French
language? If that is his opinion, can he advise the House whether the Manx language is a statutory
provision, bearing in mind he has got to protect the statutory provisions? Further, is the Manx
language going to help further the opportunities for the Island and the Island's young people when
they reach the economic world?

490 **The Speaker:** Minister.

The Minister: Vainstyr Loayreyder, I have to say that the issue of a second language... As the
previous Hon. Member said about trying to broaden out the language skills, it does not particularly
matter whether it is Manx or French as far as that is concerned, but there is the old saying, *gyn*
çhengey, *gyn çheer* – no language, no country. (**Mr Henderson:** Hear, hear.)

495 May I tell the Hon. Member I was delighted with the Chief Minister in his support as far as the
Manx language service was offered up on the same lines as the French was offered up, but the
difference is the Manx language, if it was to be destroyed, would never be replaced because we
have got to the 11th hour of making sure that the *çhengey* of this nation was not lost forever. So
500 the issue is that that offer was put on the table. Fortunately, the Chief Minister intervened and
made sure that, whilst Manx language will be cut, as far as its service is concerned, it will not be
destroyed, which would have been a great tragedy because I am afraid you would not ever replace
that, once it was gone forever.

505 **The Speaker:** Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.

The Minister will obviously be aware that much of the French in the primary schools is taught
by peripatetic teachers, or 'peri's' as they are known, who also cover statutory planning,
preparation and assessment (PPA) time for teachers. When the removal of French happens, how
510 will the cost of covering the PPA time be met?

The Speaker: Minister.

The Minister: Vainstyr Loayreyder, it will have to be in the budgets of the individual schools concerned.

515 I think it is important that this move has not just happened overnight, as far as the French is concerned. The establishment as far as the reduction in the French came about from 12 full-time equivalents in September 2011 to 7.47 full-time members in the previous years and, unfortunately, we have got to prioritise. We have to find out where our priorities are and, as Minister of Education, there are hard decisions. I am afraid the days of where we could all just live in La-La
520 Land over economics are over. We have got to make our decisions. If we do not make them now, then what legacy are we going to give to the next generation?

It is difficult. It is more, Vainstyr Loayreyder, difficult for me. I can give root and branch from *Hansard* over issue, over issue, over issue, but my commitment is to try and make sure that this Government of National Unity addresses the serious economic problems that this Island faces, and education is a priority and I would hope that maybe next time the Hon. Member can give me more
525 money and I will be more than happy to employ whoever they want.

The Speaker: I will take one final supplementary. Mrs Cannell.

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

Will the Minister confirm, in terms of languages, that there is no statutory obligation to provide the Manx language and that it is one of those items that it is nice to have? Bearing in mind his pre-stated position in terms of services that we provide that are not core services, that are not covered by statutory obligation but are deemed to be nice to have, have to go, why is there a difference in
535 terms of the Manx language?

A Member: It is our language.

The Speaker: This debate has... I do not want it broadened out and I am going to curtail the questioning, but briefly you may reply, Minister.
540

The Minister: Vainstyr Loayreyder, as far as the Manx language is concerned, it was offered up like the other things. Fortunately, the money was found to save that. It was found because of the fact that people recognise the importance. The amount of money that actually... It encourages
545 by the Island... the number of foreign people who actually go to the Bunscoill and create tremendous PR for this Island... What I would remind the Hon. Member is the fact that *gyn chengey, gyn cheer* – no language, no country – and I think (*Interjections*) that we have shown our maturity in the fact that we are not a suburb of Surrey and I think it was very good of the Chief Minister to ringfence the money to protect that service.

ECONOMIC DEVELOPMENT

Isle of Man Employers' Federation Fees

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

550 *Why the Isle of Man Employers' Federation have increased their fees?*

The Speaker: We turn to Question 6. Hon. Member for Onchan, Mr Quirk.

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

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

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

I have assumed that the Question asked by the Hon. Member refers to membership fees levied by the Isle of Man Employers' Federation. This Federation is an independent organisation, which is operated by its members for their own benefit. The Federation has made a decision to increase

565 the fees payable by most members to cover the period 1st April 2012 to 31st March 2013 because of a need to raise adequate income to cover increasing operating and administration costs.

General economic conditions and the resultant impact upon levels of construction activity have led to a reduction in the number of active contractors. This has adversely affected the Employers' Federation income and been a factor in the proposed increase in fees.

570 **The Speaker:** Mr Quirk, a supplementary.

Mr Quirk: Thank you, Mr Speaker.

575 I thank the Minister for his Answer. Can I just ask, though, that the Employers' Federation has a relationship with his Department and I am just wondering, now that they are taking on extra duties, was that the implication that they had to increase their costs? For example, they now electronically – which is an easier way to do things – notify their contractors of Government work and local government work which is available. Is that the reason?

580 **The Speaker:** Minister.

The Minister: As I have tried to indicate in the Answer, they are an independent organisation for their own benefit of their members. We work closely with them. Myself and the Member for Rushen, Mr Skelly, have regular meetings with them. The reality is that we pay a small amount for when we use their facilities, but we do not have an ongoing contract; but we do work very closely and we are grateful for the relationship. I do not believe that that is a cost that we have imposed upon them. It is something that they may have agreed to do, working with the Government.

The Speaker: Mrs Beecroft.

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

595 Could the Minister confirm whether it is fact or not that anybody wishing to tender for Government contracts has to be registered with the Employers' Federation; and is the increase in fees likely to have an adverse effect on the smaller companies and possibly the independent people working on their own who, to be able to tender, would have to pay this money, where they could actually tender direct prior to this?

The Speaker: Minister to reply.

600 **The Minister:** Well, Mr Speaker, it is an awfully long time since companies have been able to tender for Government work without being on the approved list. The Employers' Federation operate and administer what is now called the Manx Accredited Construction Contractors Scheme, known as MACCS. A fee is charged for accreditation under MACCS and any contractor seeking accreditation can then elect to apply for annual membership to the Federation at no additional cost. However, any construction party that are not members of that cannot evidence and prove that they have sufficient working practices in operation with regard to Health and Safety, holiday pay etc, and therefore would not be available to tender for Government work. This is an historic position that has been there for many years. So people who wish to work with and on behalf of Government or local government would have to be signed up to MACCS and by doing so, they would then potentially automatically become members of the Federation at no extra cost.

610 **The Speaker:** Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

615 Just asking the Minister then, with reference to the Manx accredited scheme, I would say that the Department, or all Government Departments or local authorities... Would he not agree with me that all Government Departments and local authorities rely on the accuracy of the database which the Employers' Federation has in its possession? Could I ask the Minister then to check the current position on the website, because we are awarding contracts to companies which do not exist on that particular website.

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

The Minister: I am grateful for that information. If the Hon. Member can see me at the end of the sitting, I will take any further details.

625 **A Member:** Have another punch-up with him!

The Minister: The Federation has recently advised that it currently has 356 members, which I assume would be on their database, whereas included on the Government's list of approved contractors previously the number was up at around the 550 stage. Inevitably, in recent times of low levels of construction activity, there will have been a significant reduction both in the members of MACCS but also the Federation, which is probably one of the reasons for the increased fees being proposed.

635 **Mr Quirk:** Finally?

The Speaker: Finally, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

640 Can I just ask: would his Department, as a matter of courtesy to the public purse, really, check that those persons who are on the accredited list are actually awarded the contracts and that those who are not on the list, are not?

The Speaker: Minister to reply.

645 **The Minister:** Once again, Mr Speaker, the Hon. Member makes comments that I cannot evidence or not. Had he taken the time to actually raise that with myself or Mr Skelly, the Member responsible, we could have ensured there would have been a retained confidence in this Scheme, which is there to protect and safeguard construction workers and governments of the Island to actually be able to have an understanding of getting people who are genuinely working for and on the Isle of Man.

650 Once again, the Hon. Member has chosen to raise something like this and I am more than happy to try and look into it, because this is for everybody's benefit – the industry and the taxpayer – and it can be dealt with very quickly. If he has evidence, it would nice to let him bring it forward to the Department when it occurs, rather than waiting for a Question.

INFRASTRUCTURE

Eastern Plan Statement

2.7. The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Infrastructure:

655 *If he will make a statement on the Eastern Plan?*

The Speaker: Question 7. Hon. Member for Onchan, Mr Quirk.

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

The Speaker: I call on the Minister for Infrastructure, Hon. Member for Douglas South, Mr Cretney.

665 **The Minister for Infrastructure (Mr Cretney):** Thank you, Mr Speaker.

Preliminary background work has been undertaken on the Area Plan for the East. Given the recent publication of the Inspector's Report on the Area Plan for the South, priority is being afforded to the finalisation of that Plan, and once this is approved, work will begin in earnest on the Area Plan for the East.

670 At this stage, it is not possible to quantify timescales as the Planning and Building Control Division is also looking into the need for reviewing the Strategic Plan. However, once the Southern Area Plan is further progressed, a full statement will be made as to the programme for the Strategic Plan and the Area Plan for the East before the summer recess.

675 **The Speaker:** Mr Quirk, a supplementary.

Mr Quirk: I thank the Minister for his helpful response, but I am disappointed that the Minister cannot provide the Members of this House or myself with a timeline, which would be useful to Members and those local authorities. Would the Minister not agree with me that a timeline would be beneficial as this is one of the areas which has potential for development, both for housing and industrial, and would give a good steer to those local authorities and builders and organisations with land, to put their houses in order before this comes forward?

The Speaker: Minister to reply.

The Minister: Yes, I acknowledge the point that the Hon. Member makes about the importance of the eastern area, and we will be bringing that forward as soon as possible.

I also have to make the point though that my planning officers are, under a number of areas, being instructed by myself as to the importance, in particular, of the economic factors facing this Island presently, and what I am trying to do is make sure that our house is in order in that regard.

I am also trying to make sure – and my colleague, the Chairman of the Planning Committee has worked very hard as well, to make sure – that we come to Tynwald Court with a Permitted Development Order to free up the time of the planning officers and to help builders and people in the community. We have a number of priorities. They are also being contacted on a daily basis by some people who have a big issue about planning, and that takes a lot of their time as well. So they have a number of issues to deal with. I am telling them that the Government's most important priority at this time is the economy and as I said at the start of this, the Eastern Plan, obviously, is an integral part of that and we will get to it as soon as we can.

The Speaker: Mr Quirk, (A Member: Finally.) a final supplementary.

Mr Quirk: Thank you, Mr Speaker, it is helpful.

The Minister has indicated, regarding the Strategic Plan, and I am just wondering whether he has a timeline for that, because would he not agree with me that trying to open up the Strategic Plan for the whole of the Island could set us back a number of years?

The Minister: The Strategic Plan, as far as the planners are concerned, has to be reviewed, but what I have tried to say here this morning to Hon. Members, and to anybody else who is listening, is that that is not my key priority at the moment. My key priority is the economy and making sure that the planning system is focused on playing its part in taking the Island's economy forward so that we can survive the difficult times we have ahead and make sure that we have the services that our people deserve.

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

Questions for Written Answer

TREASURY

E-book downloads VAT revenue

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

What the estimated impact on VAT revenue forecasts from the recent significant change to the VAT rate on e-book downloads in Luxembourg (3%) and France (7%) compared to the UK and the Isle of Man (20%) is?

Answer: For both this year 2011-12 and next 2012-13, the Island's share of VAT is fixed by earlier agreement with HM Treasury. Therefore, the change to the VAT rates in Luxembourg and France can have no impact on the Island's VAT revenue forecasts in these two years.

Looking to 2013-14 and beyond, whilst my Department collects many statistics, it cannot collect them on everything and the number of UK and Manx residents choosing to download e-books is a statistic we do not maintain.

725 The EU has already indicated its willingness to rethink how VAT is imposed on electronic services and has indicated that it wishes to treat similar goods and services to the same VAT rate. It will also change how VAT is applied to electronic services so that VAT will be applied at the rate of the country where the service is received, in this case the UK/IOM, rather than where it was drawn from – but not until 2015.

730 Assuming that the EU introduces its planned change in 2015, which effectively will see VAT being charged at the rate applicable in the country of the consumer, and given the fact that any impact on IOM VAT revenues will thus be limited to the period from 1st April 2013 to 1st January 2015, then whilst being mindful of the lack of data previously mentioned, the impact on the Island's VAT revenue share forecasts for 2013-14 and beyond is thought to be negligible.

Dormant account deposits
Estimated value

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

735 *What the estimated value is of dormant account deposits held in Isle of Man regulated institutions?*

Answer: The term 'dormant account' is one already used by financial institutions and is generally applied to accounts of customers who have lost contact with their bank for a sustained period. The current convention adopted by many jurisdictions is that accounts should be considered dormant after a period of 15 years during which there has been no client initiated contact.

740 The Treasury has been in discussion with Isle of Man based institutions as to the scope or nature of any prospective scheme for the Island.

745 From the information that has been made available to date, and subject to the many caveats which will determine the validity of such accounts, Treasury estimates that the figure may be in excess of £10 million.

EDUCATION AND CHILDREN

Onchan and Ashley Hill Primary Schools
2012 intake

3.3. The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Education and Children:

750 (a) *How many places are available at (i) Onchan School; and (ii) Ashley Hill School;*
(b) *how many places have been guaranteed in respect of September 2012 intake; and*
(c) *whether the Department has been involved in discussions with Onchan School or Ashley Hill School?*

Answer: (a) Both schools have nursery units with the capacity to take 20 children for each session. So based on two sessions per day, there are 40 places available at each school.

755 (b) No places will have been confirmed to parents yet as that does not happen until June before the children are due to start in September. So although parents may have registered an interest, there is no guarantee that would have resulted in a nursery place for their child.

760 (c) All head teachers were consulted about possible areas for cost reduction in January 2012. The Department informed the heads of all the schools affected by the decision to close nurseries on Wednesday, 15th February. Schools have also been informed that it is likely the Department will be seeking to offer out their nursery accommodation to private providers. Human Resources officers from the Department have also been liaising with the head teacher at Onchan School, where the nursery staff are directly employed by the Department, to advise on the process that needs to be followed to identify which staff are in redundant posts.

765

**Ashley Hill Primary School
Nursery**

3.4. The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Education and Children:

770

- (a) *What the tender terms are for Moonjer Veggey at Ashley Hill Primary School;*
- (b) *what staff are employed;*
- (c) *who pays for the upkeep of the nursery; and*
- (d) *what number of children it can hold?*

775

Answer: (a) The key service requirements are as follows:
The service provider shall be required –

780

- To generate a learning climate which is happy and caring, but at the same time provides challenging and purposeful activities appropriate to each child's needs, so as to stimulate their intellectual, physical, social and moral development.

785

- To deliver an appropriate curriculum through application of the Qualifications and Curriculum Authority's 'Curriculum Guidance for the Foundation Stage', the Isle of Man Department of Education's 'Curriculum for 3 and 4 Year Olds' and 'The Foundation Stage Profile'.

790

- To establish an adult:pupil ratio of 2:20, the minimum staffing being one qualified teacher and an NNEB (or equivalent) qualified nursery nurse.
- To offer 20 morning and 20 afternoon pupil places, i.e. places for a total of 40 children each of whom may attend for half-day sessions only up to a weekly maximum of five.
- To offer places free of charge to the pupil.

795

- To admit pupils in accordance with the school's catchment area policy, after priority has been given to those families from the area, nominated by the Department of Education in consultation with the Social Services.

800

- To provide sessions of 2.5 hours duration, the precise timings of which will be negotiated and agreed with the head teacher of the school.

805

- To provide places for children on each of the 190 days of the school year, adhering to the Department of Education's termly dates.

- To make the staff available for professional development on the five days set aside in schools for in-service provision.

- To have available, as part of their Health and Safety policy, a contingency plan for dealing with the care of children who may have an accident or injury whilst in the care of the service provider.

- To be responsible for their own fully comprehensive public liability insurance arrangements, which must provide cover for both their staff and the pupils. The Department will need to satisfy itself of the suitability of such insurance by the submission of the insurance policy prior to the start of each school year.

810

- (b) One qualified teacher and an NNEB (or equivalent) qualified nursery nurse.

- (c) Maintenance of the nursery building is carried out by the Department of Education and Children Works Division at no cost to the service provider, unless the work needed has been caused by the service provider.

Basic storage and floor coverings are provided by the Department of Education and Children.

Heating, lighting and cleaning are provided by the Department of Education and Children.

The service provider purchases all necessary equipment and learning resources.

815

If the service provider makes use of the premises provided, outside the times and dates of the contract, this is subject to lettings arrangements to be decided upon by the Department of Education and Children.

- (d) Twenty children.

**Manx language education
Cost**

3.5. The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Education and Children:

- (a) *What the cost to his Department is of a Manx Language Officer;*

- 820 (b) *what the cost of the Bunscoill at St John's is in salaries, books, materials and other overheads;*
 (c) *what the maintenance cost is for the building; and*
 (d) *what other ancillary costs there are?*

825 **Answer:** (a) The salary cost of a typical Manx Language Officer would be in the region of £50,000 including employer's costs.

The total budget for the provision of Manx Language teaching in schools is £263,100 for the 2011-12 financial year.

830 (b) The Bunscoill is operated on behalf of the Department by Moonjer Veggey under a three-year contract. The cost of this contract is £287,500 per year.

In addition to this, the Department provides caretaking, cleaning and ancillary staff, together with budgets for furniture, books and utilities. The total budget for this was £26,400 for the 2011-12 academic year.

Overall costs are consistent with similar sized schools directly operated by the Department.

835 (c) The Department's planned maintenance programme includes an annual budget of £7,300 for routine maintenance of the Bunscoill building.

(d) There are no additional ancillary costs other than the cost of advisory support and administrative services that are provided centrally to all schools. However, landlord refurbishment and *ad hoc* repairs to the building are carried out when the need arises.

COMMUNITY, CULTURE AND LEISURE

Public Transport Directorate Pink Book

3.6. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Community, Culture and Leisure:

840 *Why on page 36 of the Pink Book under 'Administration and Commercial' a figure of £2,449,400 is quoted which is almost £500,000 greater than 2010-11 and income is estimated at £4,822,000 in 2012-13 some £1.1 million greater than the previous financial year?*

845 **Answer:** In respect of the first part of the Question, the difference referred to relates to the comparison between the 2010-11 actual spend for the administration and commercial section of public transport and the 2012-13 budget estimate. The actual difference between the two figures is £445,455, but the actual increase over the 2011-12 current year budget estimate (£2,361,000) is £88,400.

The Answer therefore needs to be explained over the two budget years 2011-12 and 2012-13:

850 (1) 2011-12 –

The actual difference between the 2010-11 actual spend figure (£2,003,945) and the 2011-12 budget estimate (£2,261,000) is £357,055. The main causes of this increase are:

- 855
- Loan charges £272,900
 - Marketing £43,000
 - Equipment licensing £40,000
 - Energy £25,000

860 (2) 2012-13 –

The difference between the 2012-13 budget estimate (£2,449,400) and the 2011-12 budget estimate (£2,361,000) is £88,400. The main causes of this increase are:

- 865
- Loan charges £116,200
 - Transfer of water charges £28,400
 - Energy £12,000
 - Events £9,500
 - Vehicle purchase (£20,000) decrease
 - Transfer of training budget (£30,000) decrease

