



TYNWALD COURT OFFICIAL REPORT

RECORTYS OIKOIL
QUAIYL TINVAAL

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 21st November 2017

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Present:

The President of Tynwald (Hon. S C Rodan)

In the Council:

The Lord Bishop of Sodor and Man (The Rt Rev. P A Eagles),
The Attorney General (Mr J L M Quinn QC),
Mr D M Anderson, Mr M R Coleman, Mr C G Corkish MBE, Mr D C Cretny,
Mr T M Crookall, Mr R W Henderson and Mrs J P Poole-Wilson
with Mr J D C King, Deputy Clerk of Tynwald.

In the Keys:

The Speaker (Hon. J P Watterson) (Rushen);
The Chief Minister (Hon. R H Quayle) (Middle);
Mr J R Moorhouse and Hon. G D Cregeen (Arbory, Castletown and Malew);
Hon. A L Cannan and Mr T S Baker (Ayre and Michael);
Hon. C C Thomas and Mrs C A Corlett (Douglas Central);
Miss C L Bettison and Mr C R Robertshaw (Douglas East);
Mr D J Ashford and Mr G R Peake (Douglas North);
Hon. K J Beecroft and Hon. W M Malarkey (Douglas South);
Mr M J Perkins and Mrs D H P Caine (Garff);
Hon. R K Harmer and Hon. G G Boot (Glenfaba and Peel);
Mr W C Shimmins (Middle);
Mr R E Callister and Ms J M Edge (Onchan);
Dr A J Allinson and Mr L L Hooper (Ramsey);
Hon. L D Skelly (Rushen);
with Mr R I S Phillips, Clerk of Tynwald.

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Tynwald

The Court met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The Deputy Clerk: Hon. Members, please rise for the President of Tynwald.

The President: Moghrey mie, good morning, Hon. Members.

5 **Members:** Moghrey mie, Mr President.

The President: The Lord Bishop will lead us in prayer.

PRAYERS

The Lord Bishop

Leave of absence granted

10 **The President:** Hon. Members, I have given leave of absence to the Hon. Member of Council, Mr Turner, who is unwell.

1. Congratulations to Her Majesty and the Duke of Edinburgh – Statement by the President

15 **The President:** Item 1. Hon. Members, I am sure it is with your good wishes that I place on record our heartfelt congratulations to Her Majesty Queen Elizabeth II, Lord of Man, and His Royal Highness the Duke of Edinburgh on their Platinum Wedding Anniversary, which was celebrated yesterday.

Members: Hear, hear.

20 **The President:** His Excellency the Lieutenant Governor has already conveyed to Her Majesty congratulations on behalf of the people of the Isle of Man and expressed the continued loyalty of the Manx people, and we as their representatives in this Hon. Court would also wish to celebrate with them what is a remarkable achievement of 70 years of marriage.

25 **Members:** Hear, hear.

The President: Thank you, Hon. Members.

2. Papers laid before the Court

30 **The President:** Item 2. There is a Supplementary Order Paper with two draft Orders on it for laying. Does the Court consent to their being laid?

Members: Agreed.

35 **The President:** I call on the Clerk to lay papers.

The Clerk: Ta mee cur roish y Whaiyl ny pabyryn enmyssit ayns aynr nane jeh'n Chlaare Obbyr.

Ta mee cur roish y Whaiyl ny pabyryn enmyssit ayns aynr nane jeh'n Chlaare Obbyr Arbyllagh. I lay before the Court the papers listed at Item 1 of the Order Paper.

40 I lay before the Court the papers listed at Item 1 of the Supplementary Order Paper.

Government Departments Act 1987

Transfer of Functions (Part 2 of the Water Pollution Act 1993)(No2) Order 2017
[[SD No 2017/0321](#)] [[MEMO](#)]

European Communities (Isle of Man) Act 1973

European Union (North Korea Sanctions) (Amendment) (No.4) Order 2017
[[SD No 2017/0296](#)] [[MEMO](#)]

European Union (North Korea Sanctions) (Amendment) (No.5) Order 2017
[[SD No 2017/0298](#)] [[MEMO](#)]

European Union (North Korea Sanctions) (Amendment) (No.6) Order 2017
[[SD No 2017/0317](#)] [[MEMO](#)]

European Union (Mali Sanctions) Order 2017 [[SD No 2017/0294](#)] [[MEMO](#)]

War Memorials Act 2016

War Memorials (Ecclesiastical Exemption) Order 2017 [[SD No 2017/0328](#)] [[MEMO](#)]

War Memorials (Planning) Order 2017 [[SD No 2017/0327](#)] [[MEMO](#)]

Government Departments Act 1987

Transfer of Functions (Economic Development and Education) Order 2017
[[SD No 2017/0325](#)] [[MEMO](#)]

Disability Discrimination Act 2006

Disability Discrimination (Services and Premises) Regulations 2017 [[SD No 2017/0284](#)]
[[MEMO](#)]

Social Security Act 2000

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2017 [[SD No 2017/0313](#)] [[MEMO](#)]

Social Security Legislation (Benefits) (Application) (No.5) Order 2017 [[SD No 2017/0311](#)]
[[MEMO](#)]

Social Security Contributions and Benefit Act 1992

Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) Regulations 2017
[[SD No 2017/0315](#)] [[MEMO](#)]

Reports

Mid-Year Report on the Programme for Government [[GD No 2017/0064](#)] [[MEMO](#)]

The remaining items are not the subject of motions on the Order Paper

Documents subject to no procedure

Currency Act 1992

Currency (Christmas Peace) (£5 Coin) Order 2017 [[SD No 2017/0292](#)]

Criminal Procedure and Investigations Act 2016

Criminal Procedure and Investigations (Time Limits) (No.2) Regulations 2017
[[SD No 2017/0305](#)]

Draft Order

Terrorism and Other Crime (Financial Restrictions) Act 2014

Terrorism and Other Crime (Financial Restrictions) Act 2104 (Amendment) (No.2) Order
2017 [[SD No 20XX/XXXX](#)]

Documents subject to negative resolution

European Communities (Isle of Man) Act 1973

European Union (Mali Sanctions) Regulations 2017 [[SD No 2017/0295](#)] [[MEMO](#)]

European Union (North Korea Sanctions) (Amendment) (No.4) Regulations 2017
[[SD No 2017/0297](#)] [[MEMO](#)]

European Union (North Korea Sanctions) (Amendment) (No.5) Regulations 2017
[[SD No 2017/0299](#)] [[MEMO](#)]

European Union (North Korea Sanctions) (Amendment) (No.6) Regulations 2017
[[SD No 2017/0318](#)] [[MEMO](#)]

Immigration Act 1971

Statement of Changes in Immigration Rules [[SD No 2017/0314](#)] [[MEMO](#)]

Appointed Day Orders

War Memorials Act 2016

War Memorials Act 2016 (Appointed Day) Order 2017 [[SD No 2017/0326](#)] [[MEMO](#)]

Reports

Isle of Man Government Accounts for the year ended 2016/17 [[GD No 2107/0047](#)]

Isle of Man Financial Intelligence Unit Strategic Delivery Plan 2017-18 [[GD No 2017/0059](#)]

Annual Report of the Manx Heritage Foundation trading as Culture Vannin 2016-17
incorporating the report of the Gaelic Broadcasting Committee [[GD No 2017/0060](#)]

Depositors' Compensation Scheme Annual Report of the Scheme Manager for the year ended 31
March 2017 [[GD No 2017/0062](#)]

Public Services Commission Annual Report 2016-17 [[GD No 2017/0063](#)]

Council of Ministers Response to Social Affairs Policy Review Committee re Personal Capability Assessments [[GD No 2017/0068](#)]

Memorandum of Understanding between Isle of Man Government represented by the Chief Minister and the United Kingdom of Great Britain represented by the Home Office regarding the Exchange of Information between the Isle of Man and the United Kingdom as part of the Ongoing Cooperation to Preserve and Enhance the Operation of the Common Travel Area [[GD No 2017/0066](#)]

Annex to the Memorandum of Understanding between the Isle of Man Government represented by the Chief Minister and the United Kingdom of Great Britain and Northern Ireland represented by the Home Office. Regarding the Exchange of Information between the Isle of Man and the United Kingdom as part of the Ongoing Cooperation to Preserve and Enhance the Operation of the Common Travel Area (CTA) Concerning Passenger Data [[GD No 2017/0067](#)]

Council of Ministers Public Engagement and Consultation Principles [[GD No 2017/0061](#)] [[MEMO](#)]

Council of Ministers Immigration Sponsor Licensing Policy [[GC No 2017/0006](#)] [[MEMO](#)]

Economic Policy Review Committee First Report of the Session 2017-18: Vision Nine (Volume 1) [[PP No 2017/0154\(1\)](#)]

Economic Policy Review Committee First Report of the Session 2017-18: Vision Nine (Volume 2) [[PP No 2017/0154\(2\)](#)]

Supplementary Order Paper

Documents subject to no procedure

Draft Orders

Anti-Terrorism and Crime Act 2003

Anti-Terrorism and Crime Act (Compliance with International Standards) Order 2017 [[SD No 20XX/XXXX](#)]

Proceeds of Crime Act 2008

Proceeds of Crime Act (Compliance with International Standards) (Amendment) Order 2017 [[SD No 20XX/XXXX](#)]

Questions for Oral Answer

CHIEF MINISTER

1. Island's reputation and business confidence – Action following negative media coverage

The Hon. Member for Middle (Mr Shimmins) to ask the Chief Minister:

What actions he is taking to restore business confidence and the Island's reputation following the Panorama programme and other media coverage?

The President: We turn then to our Question Paper. I call on the Hon. Member for Middle, Mr Shimmins, Question 1.

45 **Mr Shimmins:** Thank you, Mr President.

I would like to ask the Chief Minister, what actions he is taking to restore business confidence and the Island's reputation following the *Panorama* programme and other media coverage?

50 **The President:** I call on the Chief Minister, Mr Quayle to reply.

The Chief Minister (Mr Quayle): Thank you, Mr President.

I am pleased to be able to provide an update to Hon. Members on our progress to defend our Island and our economy against what has been a deliberately orchestrated attack from the international media.

55 Whilst a large part of our diverse economy is not directly affected by the media focus we cannot underestimate the impact it has had on our reputation, and those of other international finance centres around the world.

Our overall message has been clear and consistent, Mr President: the Isle of Man is not a place that welcomes those seeking to evade or aggressively avoid taxes. (**Mr Corkish:** Hear, hear.)

60 Where the Isle of Man's integrity is challenged, we will not be complacent. Against a backdrop of significant allegations surrounding VAT treatment on business jets, we acted swiftly and decisively to take action, demonstrating that the Island is a well-regulated, open and transparent member of the international community.

65 In order to defend and protect the Island's reputation our approach has been to engage. We will continue to articulate our position to the international community through interviews, answering media queries, addressing allegations against us, and robustly correcting errors.

On Island, the Cabinet Office together with colleagues from Treasury and the Department of Economic Development have all been engaging directly with local businesses and industries. This dialogue has enabled us to understand concerns they have and provide reassurance on the actions we are taking to defend the Island's reputation.

70 Off Island we are engaging with key stakeholders in the UK and the international community who understand the value international finance centres play in the global economy. We are now seeing some more balanced and reasoned arguments coming forward from expert commentators, which we welcome.

75 We will continue this engagement to help us ensure the debate is balanced, based on fact and that our hard-won reputation for international compliance and transparency remains front and centre.

And Hon. Members, it is not only us saying how compliant the Isle of Man is. Last week the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes published its latest ratings following the start of its second round of reviews. The Isle of Man has retained its top 'Compliant' rating. This makes us one of only six countries to be awarded the top Compliant rating during the second round of reviews and we are currently one of only three to have been rated Compliant in the first and second rounds of reviews.

Mr President, if I may, I would like to take the liberty of reading the OECD's summary of their review of the Isle of Man:

The Global Forum concluded that the Isle of Man continues to be Compliant with the international standard on transparency and exchange of information upon request. The Isle of Man's legal framework for the availability of ownership, accounting, and banking information is in place and legal obligations are subject to proper oversight. The new obligation of availability of beneficial ownership information was previously primarily addressed under the anti-money laundering rules.

To address the gap relating to entities that are not required to engage an anti-money laundering obliged service provider, the Isle of Man passed the Beneficial Ownership Act 2012, which now extends obligations to identify the beneficial owner(s) to all relevant entities except for general partnerships. Provisions requiring entities to hold and register information on their beneficial owners. Isle of Man has successfully exchanged both legal and beneficial ownership information in practice. The Isle of Man also addressed a weakness identified in its practice during the last round of reviews, namely the sharing of information received under an EOI request with the financial intelligence authority.

In terms of exchange of information, the Isle of Man has been commended by peers for its highly efficient and cooperative EOIR practice.'

That is Exchange of Information on Request (EOIR).

I am delighted with this rating, which demonstrates clearly our high levels of international co-operation.

So Hon. Members, in closing, my message to our businesses is clear: we as a Government are determined to create an Island of enterprise and opportunity.

We want to grow our economy, we want to increase our economically active population, and we want to encourage a skilled workforce to relocate to the Island.

We have the skill, talent and drive among our people and we will continue to grow and we will continue to flourish.

Thank you.

Several Members: Hear, hear.

The President: Supplementary question, Mr Shimmins.

Mr Shimmins: Thank you, Mr President, and thank you to the Chief Minister for that comprehensive reply.

I think we all very much welcome the OECD review, especially as decisions made elsewhere can affect us all here on the Island.

How confident is the Chief Minister that he is effectively engaging the key external stakeholders in the UK and Europe, to drive the necessary positive outcomes for the Island?

The President: Chief Minister.

The Chief Minister: Thank you, Mr President.

I thank the Hon. Member for his questions.

We have undertaken interviews and provided material to defend the Isle of Man for the BBC, *Guardian*, *Telegraph*, *i Paper*, *Evening Standard*, Radio 4, Radio 5, RTE, ITV and trade press in the UK, Germany, France, Italy, Japan and the USA.

Also, we have been working closely with the UK government to facilitate responses to media and parliamentary questions. We have also been ensuring key contacts, particularly in the UK

120 Parliament, have accurate and comprehensive information on the work the Isle of Man has taken in respect of meeting international tax and transparency standards, and it was pleasing to see that some of our friends did stand up and defend the Isle of Man in the House of Commons with the information that we had provided to a number of key contacts.

The President: Hon. Member for Douglas North, Mr Peake.

125 **Mr Peake:** Thank you, Mr President.

It is really great to hear that we have been awarded the top Compliant rating by the OECD.

Does the Chief Minister believe that the external support he has received, particularly from Lansons in London, is of an acceptable standard?

130 **The President:** Chief Minister.

The Chief Minister: Thank you, Mr President.

Yes, I would like to thank our external relations advisers, Lansons, who are based in London. The advice they gave us on some of the strategy has proven to be highly successful, culminating in a letter I received from a senior UK government official, praising the Isle of Man for its
135 proactivity in attacking the allegations made against us, especially on the VAT and the aircraft registration of jets.

The President: Mr Shimmins, supplementary.

140

Mr Shimmins: Thank you, Mr President.

Clearly a lot of work is being undertaken at the moment in engaging with external parties, and I guess how effectively we respond to these challenges will have long-lasting implications for the Island.

145 How will the Chief Minister consult with his Ministers and others, prior to taking further action to restore confidence and reputation?

The President: Chief Minister to reply.

150 **The Chief Minister:** Thank you, Mr President.

Obviously, I think I give my answer, Mr President: the fact that Treasury and Economic Development had been involved in the defence of the Island – the Hon. Member is a member of Treasury at last count, so therefore I would have thought he would be aware of what was going on.

155 But we are actively out there engaging, all three Departments, with the business community and we will continue to do that.

The President: Hon. Member for Ramsey, Mr Hooper.

160 **Mr Hooper:** Thank you, Mr President.

In light of the recently renewed calls to make beneficial ownership information public, would the Chief Minister agree that there is a difference between privacy and secrecy, and the Island's work to date very clearly shows that we are not a secrecy jurisdiction?

165 **Members:** Hear, hear.

The Chief Minister: Can I genuinely thank the Hon. Member for Ramsey, Mr Hooper, for asking that question, because it is worth pointing out that the international standard,

Mr President, on beneficial ownership is to have a register, but to have a *private* register, not a public register. It is only the UK that has gone down the road of having a public register.

Now, the Isle of Man has exchange of information treaties with every country in the European Union, with America and the UK, obviously, so we are open and transparent. It is not just me saying that; it is the OECD, who have just given us a fantastic rating. I do take on board his comments, but as I say, we comply with the international standard.

The President: Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

Would the Chief Minister agree with me that the wealth of papers that have been released, illegally obtained, have yet to show any particular illegal activity on behalf of any of the people involved?

Would he also agree with my perception that some of the comments made about the Isle of Man and its international reputation seem to be born from minor personal political agendas, rather than an overall view of the international business that the Isle of Man carries out across the world?

The President: The Chief Minister.

The Chief Minister: Thank you, Mr President.

I thank the Hon. Member for Ramsey for his question, because he is absolutely correct, Mr President.

We to date have received no evidence of any wrongdoing and as was put I think by the Cayman Exchange chairman, the only evidence of wrongdoing is that there has been an illegal hack of information. (**A Member:** Hear, hear.) That is the only evidence of wrongdoing.

If anyone has an ISA – money based in an ISA investment in the UK – well, what are they doing? They are reducing their tax liability. That is all these allegations are: that people have reduced their tax liability, but it is legal and all above board.

So I thank the Hon. Member for his question.

The President: Hon. Mr Speaker.

The Speaker: The Chief Minister has alluded to the point I am trying to make in my question here, which is that he has highlighted that the only illegal activity has been the theft of the papers themselves: is the Chief Minister aware as to whether the papers were taken from this jurisdiction, and whether or not the Police have been informed?

The President: Chief Minister.

The Chief Minister: Thank you, Mr President.

I am not aware of any attacks on the Isle of Man or leaks from the Isle of Man or theft of information from the Isle of Man. I have always been led to believe that this happened in Bermuda, I think was the place where the information was taken.

The President: Hon. Member for Arbory, Malew and Castletown, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

I would like to ask the Chief Minister, given the importance of getting across the correct message, has the time arrived for the Chief Minister's Office to retain editorial rights where interviews of national importance are given?

The President: Chief Minister.

The Chief Minister: Thank you, Mr President.

225 I would love to live in a world where editorial rights could be retained, (*Laughter*) but sadly, if I had said to the likes of *Panorama* or *Le Monde* or whoever that I want to retain my editorial rights, I do not think we could print on *Hansard* what the answer would be. (*Laughter*)

2. Single EU VAT area – Potential pre-Brexit VAT changes

The Hon. Member for Onchan (Ms Edge) to ask the Chief Minister:

Whether the Isle of Man Government Brussels Office has reported on the impact of the European Parliament's investigation into the action plan for a single EU VAT area and any changes to VAT which may come into force prior to Brexit; and if he will make a statement?

The President: Question 2. Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

230 Can I ask the Chief Minister whether the Isle of Man Government Brussels Office has reported on the impact of the European Parliament's investigation into the action plan for a single EU VAT area and any changes to VAT which may come into force prior to Brexit; and if he will make a statement?

235 **The President:** I call on the Chief Minister to reply.

The Chief Minister (Mr Quayle): Thank you, Mr President.

The European Commission's Action Plan on VAT was published in April 2016 and received the support of the European Parliament in November of that year.

240 The Action Plan sets out a number of measures to modernise EU VAT rules, including the key principles for a future single European VAT system, short-term measures to tackle VAT fraud, an update to the framework for VAT rates to set out options for granting member states with greater flexibility in setting these rates, plans to simplify VAT rules for e-commerce in the context of the digital single market strategy and for a comprehensive VAT package to make life
245 easier for small and medium-sized enterprises.

The Isle of Man Brussels Office has ensured that the Isle of Man Customs was aware of the Action Plan. I would also add that, in addition, the Isle of Man Customs and Excise Division works closely with HMRC in the UK and has quarterly governance meetings where the EU's proposals on VAT are regularly covered. Of course the UK is the responsible member state in respect of
250 VAT, and under the terms of the Customs and Excise Agreement the Isle of Man must keep its VAT rules in line with those in the UK and the EU more broadly.

The Action Plan on VAT proposes a number of measures which will make their way through the European legislative process and will subsequently be implemented through our own legislative process by Isle of Man Customs and Excise. Naturally, any changes which come into
255 effect before Brexit will need to be introduced in the Isle of Man.

The effects of any changes introduced after Brexit will depend on the nature and scope of the UK's withdrawal agreement and whether it includes an interim or transitional arrangement, how that will apply to the Isle of Man and the other Crown Dependencies, and also on the nature of the UK's new relationship with the EU. We do not envisage there being any changes to our

260 longstanding relationship in relation to our Customs and Excise Agreement, other than very minor consequential amendments to reflect the new relationship with the European Union.

The President: Supplementary, Ms Edge.

265 **Ms Edge:** Thank you, Mr President.

On 9th May this year, representatives from the Government financial sectors of Jersey, Guernsey and Gibraltar held a meeting with the Panama Committee over co-operation in tax matters within the European jurisdiction. Could the Chief Minister say if the Island was represented at this meeting; and, if not, why not?

270

The President: Chief Minister.

The Chief Minister: I am sorry, Mr President, I do not have any information in relation to that – it was not under the remit of the Question – but I am more than happy to write to all Hon. Members by the end of today giving them that update.

275

The President: Further supplementary, Ms Edge.

Ms Edge: I am sure you are aware, Chief Minister, that on 5th December the European Commission will be putting forward a list of non-co-operative tax jurisdictions. Would the Chief Minister assure the Court that, as the Island was not present at this meeting in May, it will not affect our classification as being non-co-operative?

280

The President: We are straying somewhat from the Question on the paper, but Chief Minister.

285

The Chief Minister: Thank you, Mr President.

The Isle of Man cannot attend certain EU meetings on that sort of the area, the UK is there to represent us, but I can assure the Hon. Court that we do take this topic exceedingly seriously and have been actively working to ensure that the Isle of Man remains fully compliant.

290

TREASURY

3. Free TV licences for those aged 75 and over – Plans to simplify application process

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for the Treasury:

What plans he has to simplify the process for claiming free TV licences by those aged 75 and over?

The President: Question 3, Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.

I beg to ask the Treasury Minister, what plans he has to simplify the process for claiming free TV licences by those aged 75 and over?

295

The President: I call on the Minister for Treasury, Mr Cannan.

The Minister for the Treasury (Mr Cannan): Mr President, Hon. Members will recall that last November, following this Hon. Court's support for the restoration of free television licences for those aged 75 or over through a rebate scheme, I introduced the TV licence repayment scheme. Treasury had only a few weeks to devise, legislate for and roll out the scheme which is now in place.

Mr President, I am pleased to confirm that since its introduction we have made over 6,000 payments to eligible applicants and that payments are now being made to almost all applicants within a week of receiving their claim.

Like all social security payments, there is a legal requirement for a person to have made a claim or to make a claim within the prescribed time by completing the relevant form and providing evidence of their eligibility. In this case, either their TV licence renewal notice or their new TV licence if they have already obtained one. As regards TV licence payments, they have a three-month window around the time their licence is due for renewal to make their claim. Claim forms and information about the TV licence payment scheme are available at social security offices and post offices, can be requested over the phone or by email and are available also on our webpages.

Mr President, I fully appreciate that the requirement for elderly persons to make such a claim for a payment each year is not ideal, but currently there is no viable alternative. However, I am happy to commit to a review of the way in which the current scheme operates, during the first half of next year, to see if any improvements or easements could be made.

The President: Supplementary question, Mr Ashford.

Mr Ashford: Thank you, Mr President.

Can I start by thanking the Treasury Minister for the positive reply there. It is very much appreciated the work that Treasury has undertaken in this area, particularly by those aged over 75 and entitled to a free TV licence.

Would the Treasury Minister, though, be willing to look into the form that has to be completed? Whilst I appreciate that a form does have to be completed, because it is a benefit claim, the TV1 form that they fill in confuses a lot of people. Would he accept that in relation to the fact that it asks whether you or your partner are in receipt of Income Support or income-based Jobseeker's Allowance, so there are certain individuals aged over 75 thinking they cannot claim unless they are in receipt of Income Support or income-based Jobseeker's Allowance. Would he accept, when he comes to do the review, a separate form, purely for those aged over 75 who are claiming under that heading would be probably less confusing?

The President: Mr Cannan.

The Minister: Mr President, I would like to thank the Hon. Member for that feedback.

I am committed to reviewing – in the first half of next year – this matter. I take those comments on board and I will ensure that the relevant officers look specifically at the form and whether indeed those questions that are put on that form could in some way be improved for clarity.

The President: The Hon. Member of Council, Mr Cretney.

Mr Cretney: Thank you, Mr President.

Could I ask the Minister, whilst it may not necessarily be his Department, can he give this Court the assurance that it is still the intention of the Government to seek a fair settlement with the BBC for Isle of Man citizens, the same as applies to other jurisdictions?

The President: Treasury Minister.

The Minister: Yes, thank you very much, Mr President.

The Member questioning will appreciate that my Department is in fact not engaged in that matter. However, I do have some assurance from the Cabinet Office that we continue to seek a fair deal for the Isle of Man and, of course, monitor the ongoing situation in respect of the TV licence fees.

The President: Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to thank the Treasury Minister for his determination to make this a fair process. However, would he agree that in the United Kingdom the emphasis was put on the BBC to fund licences for elderly people, and surely a better way would be to exempt people over the age of 75 from having a licence altogether, which would get round this problem of people completing the forms? Would he also agree that if the UK Government could persuade the BBC to bring in an exemption criteria that that should be applied to people on the Isle of Man as well?

A Member: Hear, hear.

The President: Treasury Minister.

The Minister: Mr President, as many of you know, this is slightly more complex than the position the Hon. Member for Ramsey has just outlined. The provision of a free TV licence for the over 75s by the BBC, but paid for by the Isle of Man Government, was in fact legislated for in UK regulations at the request of the Isle of Man Government. And the UK Department of Culture, Media and Sport laid a statutory instrument before Parliament in July of last year which, amongst other things, removed the concession for the over 75s living in the Isle of Man from 1st September 2016. The BBC made it clear at the time that it would be unwilling to resurrect the previous process, should the Isle of Man Government subsequently decide to restore universal provision.

So this is a decision that was made before this current Hon. Court came into being. As I said, I am assured that the Cabinet Office are looking very carefully at a number of issues in respect of TV licence fees and, of course, we are seeking clarity on a number of issues before 2020 and will continue to monitor the situation.

4. Manx Radio – Radio visualisation camera technology

The Hon. Member for Garff (Mrs Caine) to ask the Minister for the Treasury:

How much Manx Radio has invested in Radio visualisation camera technology, the anticipated staffing and operating costs; and how it plans to develop this in future?

The President: Question 4. Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.

I would like to ask the Treasury Minister, how much Manx Radio has invested in radio visualisation camera technology, the anticipated staffing and operating costs and how it plans to develop this in future?

The President: I call on the Treasury Minister.

The Minister for the Treasury (Mr Cannan): Mr President, the 2016-17 Manx Radio Annual Report laid before Tynwald in October provided a detailed overview of the station's plans for introducing radio visualisation – subsequently renamed Manx Radio Vision – which Members can refer to for further details.

Manx Radio Vision was soft launched on Tuesday, 7th November and Manx Radio have reported to me that in the seven days to Tuesday, 14th November, 22,370 views of the video content had been recorded.

I have been informed by the Chief Executive of Manx Radio that their investment in vision camera technology is £2,830 per annum for seven years. The investment has been kept low because Manx Radio Vision primarily utilises the studio software and hardware that has been a central part of its studios for a number of years. There are no anticipated staffing or operating costs, as the system is fully automated.

Manx Radio informs me that they will continue to monitor public uptake for its imaginative new service and if, as expected, there is significant audience use will look, in time, to roll out the service across its studios and utilise the facility during outside broadcast coverage.

The President: Supplementary, Mrs Caine.

Mrs Caine: Thank you, Mr President.

I thank the Treasury Minister for his Answer.

Is he aware that in the Manx Radio Annual Report, it states that there is a business partner, business sponsor, for Radio Vision but on air I heard, in an interview with John Moss, Manx Telecom say although they were the business partner, they were not paying for the system?

Also, when Manx Radio receives a subvention from Government of £875,000 and it makes a loss of £82,000 on its year, goes off and spends more money buying equipment to expand the service, does anyone in Treasury approve such spending and does the Treasury Minister feel that this represents value for money in terms of Manx Radio?

The Minister: I think, Mr President, many of these questions actually come down to whether or not Tynwald requires Manx Radio to deliver public service broadcasting. In fact, I must remind Hon. Members that in March 2014 Tynwald agreed at that time the subvention of Manx Radio to the tune of £850,000 per annum, during the debate of the Select Committee Report on Public Service Broadcasting.

It is clear to me, Mr President, that there remain a number of questions about value for money being received from a public service broadcaster, and the size and scale of the subvention, given the many challenges facing Government finances. It is my expectation that once again this subject will be brought to this Hon. Court for confirmation and discussion as to whether or not the Members of this Hon. Court wish to carry on providing subvention to Manx Radio and on what basis.

The President: Mr Speaker.

The Speaker: Thank you.

As the shareholder of Manx Radio, can I ask what input the Treasury has into business cases or the strategic vision of the organisation; and secondly, given the overspend highlighted by the Hon. Member for Garff, what the implications are in terms of the overspend and how the organisation will be held accountable for that?

The President: Reply, sir.

The Minister: Basically, Mr President – as the Hon. Member well knows, having been the Minister for Home Affairs – Manx Radio has its own board of directors and the board of directors

are responsible for delivering a public service broadcasting programme that is currently set out in an agreement and monitored by the Communications Commission. So, in terms of direct input into what is happening with Manx Radio, that board of directors is ultimately responsible for delivering that programme and ensuring that we receive value for money.

Clearly, there are some items, including capital expenditure, that do come to the Treasury, but ultimately those items of course come before Tynwald and it is Tynwald which will ultimately decide what money and what funding the radio station receives. That is why it is almost certain that within the next couple of months we will indeed debate the radio, debate the subvention that is being received, and of course Hon. Members will have the opportunity to propose any changes that they wish to the current system in order to ensure that the public is receiving what they regard as fair value for money.

A Member: Hear, hear.

The President: Hon. Member for Douglas East, Miss Bettison.

Miss Bettison: Thank you, Mr President.

I wonder if the Treasury Minister sees the provision of video footage as being actually key to the public service broadcast obligation that Manx Radio hold.

The President: Treasury Minister.

The Minister: Mr President, I am not about to start expressing my personal interpretation of whether or not the radio station is delivering its actual commitments in respect of public service broadcasting. That, I would suggest, is a matter for the Communications ...

I keep repeating myself: this matter will be in front of Hon. Members in the next couple of months and they can express whether or not they believe that radio visualisation, as it has been termed, is appropriate for the radio station. And if they wish to exert that level of control then they are perfectly entitled to do so, on the basis that we continue to require Manx Radio to be a public service broadcaster and to meet its requirements as outlined in the relevant agreement and legislation.

The President: Mr Speaker.

The Speaker: Thank you.

The Treasury Minister will know that we do not like to wait in Tynwald, we like to know now.

He seemed to forget to answer both parts of the question that I put to him earlier. Firstly, that was: as the shareholder of Manx Radio – Treasury is the shareholder – what input does it have into its business cases and its strategic vision going forward? And secondly, as other Departments in here would have to come back for a supplementary vote for an overspend, I asked what the accountability mechanism is for Manx Radio when they overspend.

The President: Treasury Minister.

The Minister: Mr President, what I can tell the Hon. Member is that I am currently engaging with the chairman of the directors and the board at Manx Radio, to understand what exactly the radio station intends to deliver in the future, in terms of meeting its requirements and also bringing forward any proposals where it will find itself staying within the current subvention limits, but more importantly whether it has any proposals to be able to deliver its services with less subvention. Once I have got that detail through I will be in a better position to bring forward to this Hon. Court what sort of proposals Manx Radio may or may not have in the circumstances, or whether in fact they require further subvention.

I am concerned, clearly, that the accounts showed a loss, and clearly that matter will have to be addressed with the directors and we will have to understand whether or not that loss at the moment can be put forward in a suitable way, so that it is built into the funding that the radio station has got outlined at the present time for next year.

500 But I will clarify, when I bring the motion to this Hon. Court for support or otherwise for public service broadcasting, how we are going to meet that deficit that Manx Radio have reported in their accounts, and I will understand that once I receive further information from the chairman of the board.

505 **The President:** Hon. Member for Ayre and Michael, Mr Baker.

Mr Baker: Thank you, Mr President.

510 Would the Minister agree with me that it is entirely appropriate for the board of directors of an organisation such as Radio Manx to actually be investing within appropriate parameters in order to take the offering forward, so that the organisation does remain relevant in the changing marketplace that it faces and changing public expectations?

The President: Minister.

515 **The Minister:** I think the answer to that question in general terms is that it is up to any organisation to make sure that it remains relevant in a fast-changing environment. I think, though, the slight difference with Manx Radio is that it of course received a public subvention – a significant public subvention – which of course represents the partial cost of delivering these services and of course the radio station, Manx Radio does need to stay current in order to
520 ensure that it can fund the rest of its services through the income that it receives from advertising and other income streams.

So yes, I agree, but I also agree fundamentally, it is the right of Tynwald to ensure that in exchange for the public subvention, in exchange for delivering a public service broadcasting requirement, that it also receives proper value for money and that that is balanced in ensuring
525 also that competing interests, competing businesses are also given a fair and level playing field within which to operate.

The President: Final supplementary, Mrs Caine.

530 **Mrs Caine:** Thank you, Mr President.

I thank the Treasury Minister for his competitive reply and undertaking to further challenge the board of Manx Radio.

535 A couple of points, first of all, I do not this to reflect on the output of Manx Radio, which I would like to say I think is a very high standard. Just in terms of this expansion of the radio's output, is the Minister concerned that, given it is a publicly financed public service broadcaster, this could be seen as unfairly competing with other commercial providers on the Island, who have also invested in video technology?

The President: Treasury Minister.

540

The Minister: Well, I accept partially the points that the Hon. Member makes, but I also rather compare that to BBC radio competing on the same basis with local private radio or national privately run radio stations.

545 I do think the question from the Hon. Member for Ayre and Michael probably more accurately reflects the position. I think the radio station itself will need to keep pace with modern technology, in order to continue to attract advertisers.

550 The basis, however, on which it does so and whether there are any limiting factors that Tynwald wished to place on the radio station in exchange for receiving public funds will of course now need to be a matter of further debate, and I think it is appropriate that in the very near future, Tynwald does have that opportunity to be able to express its views and decide whether or not, first of all, public subvention is appropriate, and on what basis that public subvention is received and what the expectation is, therefore, from the radio station and its directors.

POLICY AND REFORM

5. National Income Report – Referenced to calendar or tax year

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Policy and Reform:

Whether the data in the Cabinet Office report on National Income 2015/16 [GD No 2017/0057] refer to calendar years or tax years?

555 **The President:** Question 5, Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

I would like to ask the Minister for Policy and Reform, whether the data in the Cabinet Office report on National Income 2015/16 [GD No 2017/0057] refers to a calendar year or a tax year?

560 **The President:** I call on the Minister for Policy and Reform, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

The National Income Report is calculated on the basis of tax years, as the information is derived from Income Tax information.

6. National income figures – Quarterly to date

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Policy and Reform:

If he will provide quarterly national income figures for the year 2015-16 to date?

565 **The President:** Question 6, Hon. Member, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

I would like to ask the Minister for Policy and Reform if he will provide quarterly national income figures for the years 2015-16 to date?

570 **The President:** Minister to reply, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

575 Due to the way in which the national income accounts are calculated using Income Tax records, it is not possible to calculate national income figures on a quarterly basis, as it is based on tax returns which are submitted on the basis of the 12-month period of April 6th to April 5th for individuals and for companies, the accounting period which ends during that period.

580 **The President:** Supplementary, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President; and thank you, Minister, for that detailed Answer. But it does leave me wondering, after 32 years of economic growth, have we and are we continuing to be in a recession, because technically a recession is two consecutive quarters of negative growth?

585 Going forward, would it be possible to have some form of breakdown of the data?

The President: Mr Thomas to reply.

590 **The Minister:** I think a rule for a politician should not be to discuss academic economics with another economist, but –

The Speaker: It did not stop you in the last House! *(Laughter)*

595 **The Minister:** I do not think it would be helpful to get into a discussion over recession and whether it is quarterly or annual. Also, there is a profound difference in the size of the Isle of Man relative to the United Kingdom; there is a profound difference in the nature of our statistics office compared to the Office for National Statistics; and most importantly there is a profound difference in the tools that we have available to deal with the economy and economic growth compared to the tools available to the Bank of England and to Treasury, more generally, across.

600 So I am quite happy and content that we carry on calculating our national income on an Income Tax return basis, which is profoundly different from the way that the UK calculates it. Their income approach is different, but they also have an expenditure approach and an output approach. They have hundreds of surveys, practically, that feed into it and they produce all sorts of information about satellite economies and regional economies that we do not necessarily
605 need to have to the same depth, and I am happy with the way we produce national income results.

Ultimately we have had 32 years of GDP/GNI growth. Our recession will turn around in 2016-17, or 2017-18, or 2018-19 – recessions in the British Isles do not last for more than three years and there are lots of signs already that our economy is buoyant – and I am looking forward to
610 being able to announce information about that in coming years.

7. Census and population trends – Progress of white paper

The Hon. Member for Middle (Mr Shimmins) to ask the Minister for Policy and Reform:

When he will bring forward his white paper on the census and population trends?

The President: Question 7, Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

615 I would like to ask the Minister for Policy and Reform, when he will bring forward his white paper on the census and population trends?

The President: I call on the Minister to reply, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President, and to the hon. questioner for the Question.

620 The paper, 'Meeting our population challenges' will be complete by 21st December 2017. This is an early stage policy development paper, similar to the documents referred to as white or green papers across, and in Jersey now, I believe.

The intention is that this paper will encourage debate about the information, and proposals are still at a relatively formative stage. Firmer policy statements could come next.

625 The paper is likely to have three main sections to help inform and shape the discussion: section 1 on population projections and the underlying methodology for their calculation; section 2, thoughts about some possible policy challenges; and section 3, background, contextual information, including from the British-Irish Council demography workstream.

630 Mr President, Hon. Members, it is hoped that this paper will encourage Hon. Members in Tynwald and its Committees and others outside this Hon. Court to contribute to policy development around meeting our population challenges.

The President: Supplementary, Mr Shimmins.

635 **Mr Shimmins:** Thank you, Mr President and thanks also to the Minister.

We have been eagerly awaiting the Government's proposals for meeting our population challenges since March. It is slightly unclear from his response – when the paper 'will be complete by 21st December' – when it will actually be published, so that is my first question.

640 Perhaps more importantly, the second question is how can the Government develop insightful policies without first understanding the profound impact that demographic changes will have on our Island?

The President: Mr Thomas.

645 **The Minister:** Thank you, Mr President.

The indication, when the white paper was first mentioned, was that the autumn would be the date for completion. Autumn in the Isle of Man carries on until 21st December; honestly, winter is three months from 21st December.

650 The second point is that Government already has its policy response to the population blip that started in April, that went from 2013-16 with a declining population, and the population already is rising. So we have our policy response in the Programme for Government and in the Medium-Term Financial Strategy. We have also already published information and analysis about certain issues. More information is available after the census than has ever been published before.

655 The absolute hard deadline for publishing this information is the middle of May, when we need population projections for the planning discussion around the draft Eastern Area Plan, but I am pretty confident that by 21st December we will be able to complete this work. And as it is based on international standards, on standard econometric and statistical approaches, we hope that we will be in a position to publish this information more widely so it can be taken into
660 account by others, as well as Government, when it develops and refines and finesses its responses to the challenges we have from population issues.

The President: Hon. Member, Mr Peake.

665 **Mr Peake:** Thank you, Mr President.

Would the Minister for Policy and Reform agree that the paper showing the reflection on the census and the population increase, do you think this is actually going to be an important

document, that the Government will then finally offer a policy, a clear policy, on the commitment of growing the population and growing the economy of the Isle of Man?

670

The President: Mr Thomas.

The Minister: Thank you, Mr President.

I hope the President does not mind me referring to the exchange of information that we have had in recent months even, but particularly in recent weeks, which is that we have got to remember what a white paper is; it is a discussion document about policy options. It will be for the Government to bring proposals to this Hon. Court to change any legislation or to change any major policy.

What a white paper is, or a green paper or a discussion paper or whatever it is called in the Isle of Man context, it is a document of analysis based on statistical approaches, econometric approaches – trying to understand fertility changes, trying to understand why young adults are leaving, trying to understand what it means to be getting old in the Isle of Man and what the implications are. We have some very good analysis of that now, in my view. We have some projections about what the population could do inside ranges and I am very much looking forward to making that available to this Hon. Court and to the wider public as soon as possible. I will do everything I can to keep the 21st December deadline as being the date on which this work is completed and the information is made available.

The President: Final supplementary, Mr Shimmins.

690

Mr Shimmins: Thank you, Mr President.

It was gratifying to hear the definition of autumn and winter from the Minister. *(Laughter)* That obviously was helpful, but I think it is disappointing, given that this is such an important matter, that it is still unclear when the Government's proposals will be debated in this Court.

Will the Minister please give a commitment to which sitting of Tynwald he will bring the recommendations forward?

The President: Minister.

The Minister: Thank you, Mr President.

I think, unfortunately, the hon. questioner has misunderstood my last answer. The last person to attempt to bring the idea of a population policy to Tynwald Court was me, and I lost the debate, but I think I have won the argument from the fact now that it is accepted that we should have a population policy.

The Isle of Man has had population policies in the past; other countries have population policies. For the last couple of decades we have not had a population policy. This is different – we are not talking about population policy here. We are talking about a discussion document with econometrics statistics to help us understand crucial issues in terms of our population challenges. Once that is available this Hon. Court, including the Hon. Member for Middle, can reflect on whether Tynwald Court thinks we need a population policy, and I can assure you that inside Government we will be reflecting on whether we need to bring everything together into a population policy.

Before I sit down, I just remind people as well, that we have all sorts of aspects of population policy in existing documents all around Government. For instance, in the Department of Infrastructure there is an excellent medium-term and long-term plan for infrastructure, every chapter of which comments on the suitability of the infrastructure according to the demography of the Island.

In Health and Social Care they are racking their brains to deal with the challenges from an ageing population in terms of health and social care provision across the piece. In Treasury and

720 in Cabinet Office we are trying to deal with some massive issues arising from demography inside state pension schemes, but also inside our own public sector employment pension schemes. So there are all sorts of dimensions of population and it might well be that we need to bring all of those together into a population policy. (Mr Shimmins: Indeed.)

725 But that is not what this white paper, this discussion paper, this green paper is all about. This is about laying out the statistical and economic and human issues around fertility, having children, why it is that the fertility rate has declined in the Isle of Man. It is about laying out why it is that young adults leave and at what age they leave and whether they could be persuaded. It is about thinking through the implications of an ageing population.

730 I am very much looking forward to having all that information in the open by 21st December, and I really hope I can pull it off. (Interjection by Mr Shimmins)

ECONOMIC DEVELOPMENT

8. Manx Museum – Sunday opening

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

Why the Manx Museum is not open to the public on a Sunday?

The President: Question 8, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

735 I would like to ask the Minister for Economic Development, why the Manx Museum is not open to the public on a Sunday?

The President: I call on the Minister for Economic Development, Mr Skelly.

The Minister for Economic Development (Mr Skelly): Gura mie eu, Eaghtyrane.

740 The Manx Museum and National Trust is an independent body at arm's length from Government and our Department's role as sponsor does not extend to policy. Manx National Heritage has, however, drafted the following response to the Question from the Hon. Member.

745 'The Manx Museum has never opened on a regular basis on Sundays for all of its history. However, from 2007 to 2009 potential opening of the Museum on a Sunday was investigated and a programme of ad hoc Sunday opening for special events was trialled. The trial was inconclusive on the level of demand; however, the significant challenges to budgets meant that Sunday opening became a lower priority.

750 The Museum continues to review its services and since 2010 has opened occasionally on Sunday for cruise ship visitors, during the TT and Festival of Motorcycling and for community events. Manx National Heritage has also developed relationships with partners and stakeholders working closely with others in the visitor economy to increase the number of visitors coming to the Island to enjoy its heritage and culture. The Museum is now a significant part of the visitor economy as well as a major facility for local residents, which MNH would welcome the opportunity to make more accessible through increased opening. It is busy for existing opening hours though, and with the continued pressure on budgets opening on Sundays would currently require the diversion of resources from other areas of delivery.'

755 In summary, MNH has confirmed that whilst it would like to support opening on Sundays it is unable to do so within its existing budgetary constraints. Our Department also would like to see extended openings on Sundays for both residents and visitors in support of our ambition to be a

760 special place to live and work, and therefore we are committed to working with the new Board of Trustees to explore the options and costs required to achieve a limited opening on Sundays for the 2018 season. I would be happy to update the Hon. Member in due course as these discussions progress.

765 **The President:** Supplementary, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

And thank you to the Minister for his reply and also for confirming the relationship between his Department and Manx National Heritage. It is good to hear that he is in favour of the
770 Museum opening on a Sunday.

Is the Minister aware that the equivalent national museums in Belfast, Cardiff, Edinburgh, London, Dublin, St Peter Port and St Helier are all open on Sundays? Why is the Isle of Man public being denied access to its national museum when our neighbours and peers benefit from the organisations in their places, which prioritise their financial resources to make their
775 museums accessible at family-friendly times?

The President: Mr Skelly.

The Minister: Gura mie eu, Eaghtyrane.

780 I thank the Hon. Member for his supplementary question; he does highlight other jurisdictions with regard to their opening hours.

I am aware that many other jurisdictions have their heritage facilities and museums open on Sundays. Of course here, with Manx National Heritage, this is a policy decision on their behalf, but I would point out that the House of Manannan is open virtually every day, except some key
785 holidays, and it is a fantastic facility. Manx National Heritage does have a portfolio of sites of which it does try to extend the opening hours and I would applaud them for extending that over the years working with our heritage railways and our tourism industry by expanding the season across the portfolio of sites.

But clearly taking on board the point here with regard to the museum specifically, we will be working with the Board of Trustees. The Board of Trustees is a new board and they have not
790 been *in situ* for very long. We do have representation with my hon. colleague, Mr Callister, who is one of 11 trustees and will be able to voice these points.

The President: Supplementary, Mr Moorhouse.

795

Mr Moorhouse: Thank you, Mr President.

I would like to ask the Minister why the Manx Museum is able to open all year, virtually, and offer free entry, while the Heritage sites in Castletown and Malew charge an entry fee and are closed for winter – that is over 133 days. Given the Castle's key position in Castletown and the
800 change which is clearly taking place in the town, can this policy also be reviewed by Manx National Heritage?

The President: Minister.

805 **The Minister:** Gura mie eu, Eaghtyrane.

Thank you very much to the Hon. Member for highlighting the wonderful sites Manx National Heritage has in Castletown. As stated, it is a policy matter for Manx National Heritage and clearly these points need to be raised. What I will suggest is that we take this on board and we will feed this through our representation on the Board of Trustees to consider that, but I would highlight
810 once more that they have extended the opening hours over recent years, which has been a benefit, I think, to the Island in terms of residents and tourists alike.

The President: Hon. Member, Mr Ashford.

Mr Ashford: Thank you, Mr President.

815 Can I ask the Minister, during his initial reply he spoke about the cost of opening on Sundays but he did not give any indication as to what that cost would be. Can I ask, does he have those figures with him?

Also, in relation to the other sites to which the Minister has now referred and although some close during the winter, when they *are* open they open on Sundays. So can I ask why that is affordable for those sites but it is not for the Manx Museum?

820

The President: Minister.

The Minister: Gura mie eu.

825 This is obviously in line with regard to terms and conditions with regard to their staffing. Those are the costs that are involved. I do not have those particular figures but as stated previously we will raise this matter with them as we do have one seat, so we are therefore one voice of 11 on the Board of Trustees in terms of trying to change the policy matter.

830 **The President:** Final supplementary, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

It was good to hear confirmation that there are 11 trustees on the Board of Manx National Heritage in addition to the day-to-day senior management and executive team. The organisation of course has seen substantial financial support from the Government. Will the Minister press this matter again with the trustees, particularly in relation to the financial support that is provided?

835

The President: Minister.

840

The Minister: Gura mie eu, Eaghtyrane.

Yes, absolutely, we will pick this matter up. And as the Hon. Member highlighted, yes, the Government is responsible for funding Manx National Heritage and clearly those representations do come before Treasury and there is another opportunity to get that point over at that juncture.

845

Gura mie eu.

9. Rally events – Economic benefit to Island; Government support

The Hon. Member for Ayre and Michael (Mr Baker) to ask the Minister for Economic Development:

What assessment he has made of the economic benefit to the Island of Manx National Rally, Rally Isle of Man and the PokerStars Rally; what the basis of this assessment is; and what financial or other support his Department provides to each of these events?

The President: Question 9, Hon. Member for Ayre and Michael, Mr Baker.

850 **Mr Baker:** Thank you, Mr President.

I would like to ask the Minister for Economic Development, what assessment he has made of the economic benefit to the Island of Manx National Rally, Rally Isle of Man and the PokerStars Rally; what the basis of this assessment is; and what financial or other support his Department provides to each of these events?

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The Minister for Economic Development (Mr Skelly): Gura mie eu, Eaghtyrane.

In answer to the Hon. Member's Question, I can inform him that the three Rallies are not currently funded by the Department. The Department does not routinely collect economic data on events it does not directly fund. As such, I cannot provide an event-specific assessment of their economic benefit to the Island.

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However, we have been working with Rally Isle of Man, held each September, to gain an insight into its economic value.

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Rally Isle of Man organisers have provided their own estimates that some 1,500 visitors stayed on the Island for an average of six nights. Using the average spend data from the official Isle of Man Passenger Survey 2016, this would equate to a gross visitor spend in the region of £800,000.

870

The Rally organisers believe, though, that their event visitors have an above-average spend. This is due in particular to the additional spend on petrol, rally entry fees and the fact that the majority of visitors will stay in hotel accommodation. This increased spend would mean that Rally Isle of Man may have a gross visitor spend of over £1 million.

The Hon. Member asks what support our Department provides for the car rallies. This is mainly around support 'in-kind' by making the TT Grandstand available as Rally Headquarters, as well as providing ancillary services at the Grandstand to help rally organisers.

875

Gura mie eu.

The President: Supplementary, Mr Baker.

Mr Baker: Thank you, Mr President.

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It is very encouraging to hear the Minister say that the Rally Isle of Man may have an economic benefit of over £1 million. Would the Minister agree with me that, really, we should have that information accurately and not just for one event that the organisers estimate, but actually all three, given that these are three integral parts of the motorsport offering on the Island?

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Can he commit to actually looking more fully at the economic benefit of these events, which do of course also have a significant cost, in terms of the disruptive effect on the local residents, those living on the courses and the impact of the rallying event on the road surfaces and the associated environment of the Island?

890

The President: Minister to reply.

The Minister: Gura mie eu, Eaghtyrane.

895

Yes, I do take the Hon. Member's points. He highlights the disruptive issue and of course the impact on infrastructure. We fully accept that, and I think the Isle of Man is obviously very well known to be motorsport friendly. Rally is another part of that and has been here for many, many years, and we do need to understand its economic benefit, to take into account the overall point, the overall issue and the balance in trying to support this.

Clearly, other parts of Government play a role with regard to this – road closures, and that does need to follow through with regard to advising the residents. We need to be wary of that and the infrastructure impact.

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So, yes, having an economic value and assessment is very helpful, but I would point out once more, we are not funding this event; we are purely supporting this through 'in-kind' and we do take that on board.

The President: Hon. Member for Douglas East, Mr Robertshaw.

905 **Mr Robertshaw:** Thank you, Mr President.

I should say, before I commence my question, that I need to declare an interest, because the focus of my question relates to the importance of this sort of event on the accommodation sector and that effectively 30 of the leading accommodation providers are my customers. However, I think it is legitimate for me to ask this question because my understanding of the data in this area is sophisticated.

910 That understanding has been reinforced recently by Government producing data which shows that the accommodation sector was in recession from 2009 continuously to 2016. The specific reasons for this – I am coming to the question, Mr President, bear with me, sir, please – my slightly encouraging comment is that I think there has been something of an uptick in the last year.

915 But does the Minister understand the importance that the likes of car rallies, etc. have on the accommodation sector, insofar as the accommodation sector itself has slipped into this recessionary environment, because the value of the main line of its business, which is coach operators, is a lower margin and the business traffic in the winter has receded and will remain in recession?

920 I recently did some numbers for the first few weeks in November and what stood out was the importance to the accommodation sector of the likes of the recent car rally. Can he reassure me that his Department fully understands the continuing importance, *vital* importance, of this sort of event?

925 **Mr Cretney:** Hear, hear.

The President: Minister to reply.

930 **The Minister:** Gura mie eu.

I thank the Hon. Member for his question and yes, it is very important to recognise the value of this business, particularly at this time of year, before we move into the full off-season, so September is obviously a very important time to increase our visitor spend here on the Island. So special events work very well. This is an event that has obviously been ongoing for a number of years and clearly we need to understand that economic value, but this is about not just higher spend, but higher value and we recognise that our accommodation industry, our tourism industry is very important to the Island, because it is all about imported revenue to our Island, and that is of great value.

940 So when we talk about the Programme for Government, a special place to live and work, we also have to have a special place to visit, and tourism is very high on that agenda. I am delighted to hear a lot of other results with regard to the tourism economy now starting to be on the growth mode.

The President: Hon. Member for Douglas North, Mr Peake.

945 **Mr Peake:** Thank you, Mr President.

950 Would the Minister agree with me that in a sport where the average Clubman Rally Car can cost £20,000 and a World Rally Car can cost a quarter of a million pounds and at the last rally, last weekend, I think I saw three World Rally Cars in that event, for a sport that has so much money in it, with the amount of teams that come over here, the spend ... You touched on earlier about an average spend of £800,000 to the Isle of Man, possibly £1 million – I think it would be a lot more than that.

I think it is important that the Isle of Man keeps these events going. Certainly in the 1980s, the Isle of Man Constabulary *encouraged* more of these events to go on closed public roads,

955 rather than open roads. So would the Minister agree with me that this is an important contribution to the Isle of Man's economy?

The President: The Minister.

960 **The Minister:** Yes, along the same lines, absolutely I would agree that this is important to our economy, and it is well worth picking up and reiterating that point once more. The passenger survey that we conduct, that does the calculation for this data, said it may be £800,000 but it is estimated to be higher because of the higher spend and the nature of this particular activity.

965 So, yes, and it is spread out, I believe, across the economy, but again it is all about balance, because there is disruption. We do have to accept that and we do need to make sure that we get the communication right. But if we can increase the visitor spend, clearly that is a benefit to the economy and we would want to obviously endorse that.

The President: Final supplementary, Mr Baker.

970 **Mr Baker:** In view of the clear importance to the economy of the tourism sector and the real insight that can be provided by really understanding where the money is coming from, and the events that are driving it, has the Minister in his new plans for the executive agency for Visit Isle of Man reflected this and is it part of how he sees the future evolving for the visitor economy?

975 **The President:** Minister.

The Minister: Gura mie eu.

980 I think the Hon. Member raises a very good point. This would be in the space of what we would regard as product development, which would be responsibility that we would see for these executive agencies, and clearly I just back to (a) we are a motorsport-friendly nation, (b) we are very event-friendly in terms of our skills that we can actually produce, and just last year the two-wheel ... not just the motorised, but of course the cycling version, the British National Championships were actually here and performed exceedingly well and we were compared with the best in the world in that respect too. (**A Member:** Hear, hear.)

985 So once more, sport is a very important to us and this is just another avenue of it and we will take on board the comments made by Members here this morning.

Gura mie eu.

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

EDUCATION AND CHILDREN

10. Tuition fees – Plans to revise or review

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Education and Children:

What plans his Department has to revise or review the level of tuition fees?

The President: Question 10, the Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.

995 I beg to ask the Minister for Education and Children, what plans his Department has to revise or review the level of tuition fees? And in doing so, Mr President, I would like to thank the Department for the positive engagement they had with me ahead of this Question being asked.

The President: Minister for Education and Children to reply, Mr Cregeen.

1000 **The Minister for Education and Children (Mr Cregeen):** Thank you, Mr President.

If I can answer the Question in two parts, one as it is set out and also the answer, I think, the Hon. Member wants to a question that I think has been misworded.

Tuition fees are determined by UK universities, so it is not an area for the Department to review or revise.

1005 On the question that I think the Hon. Member wanted, the Department is currently reviewing the student awards regulations that determine the funding available to students to pay their tuition fees.

1010 My Department Member, Mr Hooper, is carrying out this review, which will look at all areas for determining the level of funding given, from the number of UCAS points needed to be eligible for funding, maintenance grants, through to the amount of student loans available. It is hoped that this review will be completed next year and revised regulations brought to the Department and then to this Hon. Court in the spring.

Thank you, Mr President.

1015 **The President:** Supplementary? No.

ENVIRONMENT, FOOD AND AGRICULTURE

11. Land categorisation – Data analysis and maps

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Environment, Food and Agriculture:

If he will arrange for data to be analysed and maps produced showing how much of the Island falls into the categories: (a) farmland; (b) natural; (c) built on; and (d) green urban?

The President: Question 11, Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

1020 **Mr Moorhouse:** Thank you, Mr President.

I would like to ask the Minister for Environment, Food and Agriculture, if he will arrange for data to be analysed and maps produced showing how much of the Island falls into the categories: (a) farmland; (b) natural; (c) built on; and (d) green urban?

1025 **The President:** I call on the Minister to reply, Mr Boot.

The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr President.

1030 I can confirm that we do not currently have the land categorised on this basis, though I am aware that the EU do use this methodology for their Co-ordination of Information on the Environment (CORINE) project, and this was initiated by the European Commission. As the Island is not part of the European Union we are not included in that project.

1035 Whilst the cartography team sits in DOI, I am informed that we do have all the necessary data to undertake a similar study – mapping, aerial photos, infrared imagery and other overlays – but I think before we go down that line we should establish why the work would be justified. The Island's Strategic, Spatial and Area Plans all use this information to inform their preparation.

The President: Supplementary, Mr Moorhouse.

1040 **Mr Moorhouse:** Thank you, Mr President, and thank you, Minister, for that Answer.
This data is now available in all council areas on the adjacent island, and technology should make it possible to get here. As you say, the data is already available to a certain extent. Going forward, could the Minister consider the possible values of collecting this data and bringing it together, because when you look at areas like the Dark Skies, Government Departments, people moving to the Island, it has some value?

1045

The President: Minister.

The Minister: Thank you, Mr President.
Well, the information is available, but we are a small jurisdiction. We have Area Plans and that information is used to inform those plans, as I said earlier.
1050 I am not sure whether additional information, put out in a different form, would inform people in a better way, but I am willing to consider it.
Thank you.

12. Registered buildings – Enforcement powers

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Environment, Food and Agriculture:

Further to his Answers in the Keys on 7th November 2017, what enforcement powers his officers have in relation to registered buildings?

1055 **The President:** Question 12, Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.
I beg to ask the Minister for Environment, Food and Agriculture, further to his Answers in the Keys on 7th November 2017, what enforcement powers his officers have in relation to registered buildings?

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The President: I call on the Minister to reply, Mr Boot.

The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr President.
The enforcement powers the Department has in relation to registered buildings primarily relates to carrying out works affecting registered buildings that affect its character, without seeking consent to do so. A person who carries out such work, or causes such work to be executed, is guilty of an offence and is liable on conviction to either a custody term of up to six months, or a fine of £20,000, or both. A defence to this can be that the works were urgently necessary in the interests of safety or health, or for the preservation of the building.
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1070 Alternatively, a registered building enforcement notice can be served and this can require those works that have been undertaken to be undone and the building returned to its former

state, or for works to be carried out to alleviate the effect of works which were carried out without registered building consent.

1075 The Hon. Member may, however, be referring to my answer of 7th November in relation to what powers the Department has to ensure proper *maintenance* of registered buildings. Section 32 of the Town and Country Planning Act allows the Department to carry out any works which appear to it to be urgently necessary for the preservation of an unoccupied registered building. The Department then may recover the expenses for undertaking such work, although this is subject to appeal to the High Bailiff.

1080 Section 33 of the Act states that if it appears to the Department that reasonable steps are not being taken for properly preserving a registered building, the Department may serve on the owner of the building a repairs notice specifying the works which the Department considers necessary to properly preserve the building. Again, such a notice is subject to a High Bailiff's appeal.

1085 **The President:** Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

1090 Can I ask the Minister, is it the Department's view that the powers available under section 30 and section 33, to which he referred, are adequate or are there any changes planned or likely to come forward in the near future?

The President: Mr Boot.

1095 **The Minister:** Thank you.

The current powers *are* adequate. I think there is a misconception that we have a lot of registered buildings that are subject to disrepair and require action taken against the owners. This is not the case and in fact most owners are responsible and maintain their buildings and, as was the case with the Castle Mona, when the owners were approached and it was pointed out that works were required, they conformed voluntarily.

1100 It is an expensive process, carrying through notices and the appeal process, so it is much better to get owners to co-operate with us rather than take enforcement action which costs money and obviously, shall we say, puts us against them rather than a co-operative atmosphere.

1105 **The President:** Final supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

Can I ask the Minister, how many notices has it been necessary for the Department to issue?

1110 **The President:** The Minister.

The Minister: I have carried out some research and I can confirm that, as far as I am aware, no notices have been served.

HEALTH AND SOCIAL CARE

13. On-Island patient transport services – Date for advertisement of tender

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Health and Social Care:

When the contract for on-Island patient transport services will be put out for competitive tender?

The President: Question 13, Hon. Member for Ramsey, Dr Allinson.

1115

Dr Allinson: Thank you, Mr President.

I would like to declare a pecuniary interest in some of the following important matters for discussion as I am a GP partner at the Ramsey Group Practice and up until October last year I was also contracted to provide medical services to the Ramsey District and Cottage Hospital, but

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resigned the post after being elected to represent the people of Ramsey.
I would like to ask the Minister for Health and Social Care when the contract for on-Island patient transport services will be put out for competitive tender?

The President: I call on the Minister for Health and Social Care, Mrs Beecroft, to reply.

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The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.
The tender for online and patient transport services will be advertised next month

The President: Supplementary, Dr Allinson.

1130

Dr Allinson: I would like to thank the Minister for making that statement.

Could she outline whether there will be a role for the voluntary sector or charities in terms of patient transport? And also whether there is the future for universal access to transport to Noble's Hospital or whether her Department is thinking about bringing in a needs assessment?

1135

The President: Minister.

The Minister: Thank you, Mr President.

I have not seen the details of the tender document yet, but I am sure that all these things will be taken into account and I will be able to give a fuller response in due course.

1140

14. Ramsey and District Cottage Hospital – Future of minor injury unit

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Health and Social Care:

In the light of the reorganisation of the Ramsey and District Hospital what plans she has for the future of the minor injury unit and the medical support for the nurse-led service there?

The President: Question 14, Hon. Member, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to ask the Minister for Health and Social Care, in the light of the reorganisation of the Ramsey and District Cottage Hospital what plans she has for the future of the minor injury unit and the medical support for the nurse-led service there?

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The President: Minister to reply.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

1150

There are currently no changes planned for the minor injuries unit at Ramsey and District Cottage Hospital. The hours of opening will remain as at present, which are 8 a.m. to 8 p.m. seven days a week, 365 days a year. Activity in the unit will be monitored, as with all of our hospital services. It is hoped that in time the number of patients seen each day in the minor injuries unit at Ramsey and District Cottage Hospital will increase from the current average of 24 patients.

The unit is currently staffed by experienced, advanced nurse practitioners and these staffing arrangements will be maintained. Additional clinical support to the minor injuries unit will be provided by the middle grade doctor who will be employed as part of the reorganisation referred to by the Hon. Member. In addition to this, medical support will also be available from those Noble's Hospital-based doctors who are delivering outpatient clinics at Ramsey. Telephone advice and guidance will also be available from the clinical team in Noble's Hospital emergency department. In the event of a difficult or emergency clinical situation, the patient will be transferred by ambulance from the minor injuries unit to the emergency department at Noble's Hospital, as is the case now.

The President: Supplementary, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to thank the Minister for that reaffirmation. The minor injuries unit at Ramsey, although it is minor injuries, sometimes does deal with major trauma, particularly when the north of the Island is cut off during the TT and Festival of Motorcycling. And also, there has been considerable investment in that area.

Would she also look into perhaps the role of telemedicine in terms of increasing the links with the A&E department in Noble's, so that people can get the right treatment at the right place in the north?

The President: Minister.

The Minister: Yes, thank you, Mr President.

I think I said in my original response that there would be links with the emergency department and there will be advice on hand whenever it is needed at the minor injuries unit. I am hoping with the broadcast of all this information that people will actually realise the minor injuries unit is available to everybody on the Isle of Man. Some people, including myself up until fairly recently, thought it was just for the north and sometimes the waiting lists at the minor injuries unit in Ramsey are considerably less than those in Douglas. So it is worth bearing in mind and we hope that footfall in Ramsey will increase in the future.

The President: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.

I would like to thank the Minister for confirming that the nurse-led service and the MIU are going to continue in their current form. She mentioned there the level of experience the staff have up in Ramsey and I just want some clarification: will the Department be working with the staff and with the GPs who have been providing the service for quite some time to help develop the new service – the new medical support – to make sure it is adequate and appropriate, and make sure that all that experience they have is not lost?

Mr Cretney: Hear, hear.

The President: Minister.

The Minister: Thank you, Mr President.

1205 I can absolutely give that assurance. We will be working with everybody and, as I say, it will be a consultant-led service in the north. We will have a consultant, we will have a speciality doctor and we will have all the very ably trained people that we have now.

So it is going to improve the service massively to the north of the Island.

**15. Noble's Hospital chemotherapy suite –
Infection control issues**

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Health and Social Care:

In the light of the decision to move the chemotherapy suite at Noble's Hospital to Ward 5, what consultation took place with regard to infection control issues raised by the placing of this service inside the main hospital?

The President: Question 15. Again, I call Dr Allinson.

1210 **Dr Allinson:** Thank you, Mr President.

I would like to ask the Minister for Health and Social Care, in the light of the decision to move the chemotherapy suite at Noble's Hospital to Ward 5, what consultation took place with regard to infection control issues raised by the placing of this service inside the main hospital?

1215 **The President:** Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

1220 Dr Khan, our consultant microbiologist, has confirmed that the move of the chemotherapy service 18 months ago from Ward 7 to the main building of Noble's Hospital to Ward 20 outside the main hospital building was a temporary move. The infection prevention and control team was part of the consultative process which ensured all infection control standards were met.

1225 Patients undergoing chemotherapy treatments are high-risk group as they are immunocompromised and usually severely ill. Dr Khan has reassured that the infection prevention and control team has been invited by Noble's Hospital management to be part of the team that will manage the transfer of chemotherapy service back from Ward 20 to Ward 5, which is planned to take place early in 2018.

1230 The participation of Dr Khan and his team is essential in ensuring that Ward 5 is suitable for chemotherapy treatments, in terms of isolation facilities, hygiene requirements, treatment areas, consultation bays, the medicine preparation area, the waiting room and the cleaning standards.

The President: Supplementary, Dr Allinson.

Dr Allinson: I would like to thank the Minister for that comprehensive reply.

1235 Prior to the decision to move the chemotherapy suite to Ward 5, was consideration made to moving it to anywhere else in hospital instead of Ward 20? Also, what consideration was made to have liaison with some of the various charities on the Island who I understand were willing to fund various improvements in patient care?

1240 **The President:** Minister.

The Minister: Thank you, Mr President.

I am not aware of all the different areas that were discussed or considered. I am only aware of the recommendation that everybody agreed was the best thing to do.

1245 With regard to charities I think I have already made an announcement, but I cannot remember the details, but it is certainly over £200,000 that we have been ... I think it was a legacy that was gifted for those patients.

So we continue to be very grateful to the various charities that support both Noble's and Ramsey.

INFRASTRUCTURE

16. Demand-responsive bus service – Commencement of trial period; length; feedback

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Infrastructure:

When the trial period for a demand-responsive bus service for the north will commence; how long the trial will be for; and whether customer feedback will be included in the evaluation at the end of the trial period?

1250 **The President:** Question 16, Hon. Member, Dr Allinson.

Dr Allinson: Thank you, Mr President.

1255 I would like to ask the Minister for Infrastructure, when the trial period for a demand-responsive bus service for the north will commence; how long the trial will be for; and whether customer feedback will be included in the evaluation at the end of the trial period?

The President: Minister for Infrastructure, Mr Harmer.

The Minister for Infrastructure (Mr Harmer): Thank you, Mr President.

1260 Work is in hand on the preparation to undertake this trial and the Department is ready to start, subject to the approval of the RTLC. My hope is that we will be able to start in the first quarter of the new year.

1265 The first review of success will take place after three months, but the trial will be developed and will evolve as it moves along. If the trial goes to plan the arrangements will be made permanent. Knowledge and experience gained will be used to decide what other areas might benefit from demand responsive transport. Customer feedback is one of the key elements of any trial and certainly will be taken into account in the evaluation.

The President: Dr Allinson.

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Dr Allinson: I would like to thank the Minister for that very comprehensive reply.

1275 I am completely supportive of this trial of demand-responsive transport. Would he, though, also agree that it is very important to have a user's opinion of this, particularly if we move towards demand-responsive transport taking over from the traditional, and perhaps outdated, bus route system?

The President: Minister.

The Minister: Thank you, Mr President.

1280 Absolutely, particularly because it is demand responsive – and customer demand responsive, if you like – the user or the customer is absolutely vital as part of that process.

The President: Mr Speaker.

1285 **The Speaker:** Thank you, Mr President.

This matter was first floated before the last general election, and here we are 12 months later and the trial has not yet started. Can the Minister give us some indication of some of the issues that have been getting in the way of it actually starting?

1290 **The President:** Minister.

The Minister: Gosh! That is a ... I think with everything – sometimes I would agree there can be lots of frustrations, I have lots of frustrations, but there is a process. Obviously, part of that was the technology, but we have got through that now, we have got the technology.

1295 Now, with the RTLC, and subject to their approval – because they will need to approve it – that is why we are in a place now to actually start it in the new year.

There are obviously issues that have been overcome but we are now, finally, in a position to move forward.

POLICY AND REFORM

17. Plurality of non-subsidised media outlets – Council of Ministers' policy

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Policy and Reform:

What the Council of Ministers' policy is on maintaining plurality of media outlets on the Isle of Man free from state subsidy?

1300 **The President:** Question 17. Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.

I would like to ask the Minister for Policy and Reform, what the Council of Ministers' policy is on maintaining plurality of media outlets on the Isle of Man free from state subsidy?

1305 **The President:** I call the Minister for Policy and Reform, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

1310 The Broadcasting Act 1993 contains provisions under section 3 of that Act, and defined in schedule 1 of the Act, which aim to ensure plurality of media outlets in the Isle of Man, whether state-funded or not. I am advised that the Communications Bill will contain similar provisions.

The President: Mrs Caine, supplementary.

Mrs Caine: Thank you, Mr President.

1315 I would like to ask the Minister further that, given the Treasury Minister's earlier answers about Manx Radio, would he accept there appears to be a mission creep by Manx Radio going into TV and that this risks putting some commercial operators potentially out of business and

reducing the number of independent media outlets on the Island? Would he be concerned about that?

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The President: Minister.

The Minister: Thank you very much, Mr President.

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Manx Radio, I believe, is a private limited company, although it has got the major shareholder being the Government. I think radio, broadcasting, media in general, have come closer together. I think there are many examples of private companies across doing exactly what the visualisation process is all about.

1330

We heard it was expensive to the extent of less than £3,000. I think it is an interesting experiment. I think the licence conditions are relevant. The Act that I have cited, in particular schedule 1, is relevant and I for one am interested to watch the results of this experiment.

The President: Hon. Member for Douglas East, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

1335

The Minister will not be surprised to hear that I do not subscribe to *Le Monde* or, perhaps more surprisingly, *The Guardian*. What I do subscribe to – and again, he will not be surprised by this – is, like thousands and thousands of others, to Netflix and Amazon.

The Speaker: Others are available.

1340

Mr Robertshaw: And others are available!

I also subscribe to the BBC. Like many others, I recently signed my cheque for £147, which cumulatively, to the BBC, provides around about £6 million a year.

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I wonder, Mr President, whether the Minister thinks that we are actually over-focusing on the nuances of the local arrangement, and whether we are actually arguing about issues in a paddling pool, when in fact the deep-sea issue is the £6 million going to the BBC.

1350

I ask this question particularly because I have always previously supported the BBC, but in light of the scurrilous and infantile behaviour of the BBC recently, which effectively has brought the concept of investigative journalism into disrepute, (**Several Members:** Hear, hear.) does he not think perhaps it is time for us to sit back and think about how we support our local media and where we want to go?

Thank you, Mr President.

1355

The President: Minister to reply – and do not feel that you need to reply to every detail of the comments leading up to the question.

The Minister: Thank you, Mr President, for allowing me the possibility to constrain my answer, and I will try to do that. (*Laughter*)

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A Member: There's always a first!

1365

The Minister: By chance, I brought with me a few paragraphs from the most recent review of public service broadcasting. Paragraph 123 in the conclusions of that report made the point that a high quality public service broadcaster is essential to a properly functioning democracy. The Isle of Man is fortunate to have in Manx Radio just such a broadcaster, and I think the BBC, whatever any failings in coverage in one programme recently, is also a high quality public service broadcaster (**Mr Cretney:** Hear, hear.) and I think the whole issues of public service broadcasts are beyond those of a court, a parliament, a set of politicians feeling angry at one moment. To

me, it is absolutely profoundly important for the functioning of a good democracy that we have free media, (**Mr Cretney:** Hear, hear.) in the papers, in the radio and in the television.

The other point I am minded to say, though, in response to the Hon. Member for Douglas East's question, is that paragraph 124 in the conclusions of that report was that every five years – in fact, every four years – a report like the one that came to us in 2012, 2013-14, comes around. We have had 12 reports on the future of public service broadcasting in the lifetime of Manx Radio, and it sounds like, from what the Treasury Minister has just said, we are about to have another one and another debate. But I just wanted to put that other debate and another decision in the context of the fact that we have had 12 of them in the life of Manx Radio previously.

And then finally, building on the point of Manx Radio/BBC competitors, we do have to remember that the licence conditions in schedule 1, and in section 3 of the original Act, do actually comment on links between newspapers and radio stations, broadcasters across and radio stations. They are all covered in the Act. They are all covered in public policy. One of the recommendations this Hon. Court passed back in 2014 is that we had to take great care to separate out what the subvention was used for and what it was not used for, the difference between commercial broadcasting and public service broadcasting. So I am well up for the debate, as I am sure every other Member of this Hon. Court is. But this debate has gone around every four years, 12 times previously, in the last 54 or 53 years, or whatever it is.

The President: Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

Does the Minister agree with the assertion that journalists must be watchdogs and no dog bites the hand that feeds it?

If so, how do we ensure a range of free press in our democracy?

The President: This sounds a bit like '*Any Questions?*'! (*Laughter*) A very good question, and I am not sure ... I will leave it to the Minister (*Interjections and laughter*) but caution – we are going to have a debate clearly on media issues before too long, and bearing that in mind, Minister.

The Minister: It is great when the presiding officer can answer the question for the Hon. Minister! (*Laughter*) But all I would say, additional to that, is that freedom of the press is important and also making sure that this is a public service broadcasting arrangement, not a national broadcasting arrangement, not a Government broadcasting arrangement. Manx Radio cannot be 'North Korean State Broadcaster', or whatever the name of the broadcaster is out there. It is very important. That is presumably why it is a private limited company with directors and the Treasury does not itself have a director on the board, as far as I remember. That is presumably why we have important people, who we take very seriously, who are put there and who have governance arrangements around them to make sure that they remember that they are there to manage a private company in the public service broadcasting interest, not as a state broadcaster.

So the hon. questioner makes an important point, and I think the safeguards are there and they are adequate, it seems to me.

The President: Hon. Member, Mr Peake:

Mr Peake: Thank you, Mr President.

Would the Minister agree with me that maybe the reason that the debates come round every four years is because it is not really a level playing field, and maybe now, with another debate in the offing, we can actually get a level playing field, with subsidies perhaps removed from radio?

The President: Minister.

The Minister: Thank you very much, Mr President.

1425 I suppose I just put two things on the table. The first point is that public service broadcasting needs to be separated out. That is what the money is spent for. It is not spent to distort competition. That is very clear in the recommendation that Tynwald most recently put together.

1430 The second point is Government resources get spent all over various parts of the media, broadcasting, print media. Isle of Man Newspapers take adverts which various parts of Government pay for. Mr Berry put together what can even be called a white paper, a discussion document on some of these issues back in 2012, (*Interjection*) making some of these points and about what was the nature of the content and what you got for your subvention.

1435 These are very complicated issues. I think we should listen and hear our presiding officer, which is that if we are going to have a debate about this again, we need to have a debate, not just a series of supplementary questions to this Hon. Minister – genuinely honourable. (*Laughter*)

The President: Hon. Member of Council, Mr Cretney.

1440 **Mr Cretney:** Could I just ask the Minister, would he not agree with me that whilst I understand the analogy referred to by the Hon. Member for Middle, about journalists being watchdogs and that we live in a small jurisdiction, that it is slightly insulting to journalists to assume that they might do other than independently carry out their functions?

The President: Minister.

1445 **The Minister:** Thank you very much, Mr President, and to the Hon. Member of Council for that very perceptive and enlightening and truth-revealing question.

1450 Every professional, whether they be a social worker, a doctor, a public servant in the Civil Service or a media person, is professional and has professional standards that they are trained in and they abide to. That is most important thing to say.

Mr Cretney: Yes. Hear, hear.

The President: Hon. Member, Mr Malarkey.

1455 **The Minister for Home Affairs (Mr Malarkey):** Thank you, Mr President.

1460 Would the Minister agree with me that the Communications Commission has a responsibility to monitor and look into any breaches of licence within all radio stations on the Isle of Man, and that is their job; and that the Act is clearly written out that Manx Radio cannot go outside certain parameters, and that is monitored on a regular basis by the Communications Commission? In fact, Manx Radio are going to appear before the Communications Commission next week.

The President: Minister.

1465 **The Minister for Policy and Reform:** Thank you very much, Mr President, and to the Hon. Minister for Home Affairs for that helpful clarification question.

1470 Yes, under section 4 of the Broadcasting Act 1963, conditions of licence are very clearly spelled out and the monitoring process is spelled out there as well, later on in the legislation. So that is definitely the case.

**18. Charities' financial affairs –
Legislation revision**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Policy and Reform:

Whether the legislation relating to charities publishing accounts, declarations of interests and pay of executives and directors requires to be revised?

The President: Question 18, Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

1475 Can I ask the Minister for Policy and Reform, whether the legislation relating to charities publishing accounts, declarations of interests and pay of executives and directors requires to be revised?

The President: Minister to reply, Mr Thomas.

1480 An Answer has been circulated; you may wish just to refer to that fact, Minister.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

1485 As you say, Mr President, I have circulated a Written Answer to help this Hon. Court prepare even better supplementary questions to put me in an even more dangerous and fraught situation. Obviously, it is frustrating for people listening to this or to the journalists, but that information will be available very shortly, the written form of information that I have circulated in advance.

The following Written Answer was circulated before the sitting:

1490 'The requirement for charities to file accounts is set out in section 5 of the Charities Registration Act 1989, which requires each registered charity to cause its accounts to be made up at least once in each calendar year and to be audited or examined dependent on the level of its gross income.

1495 There is presently no requirement for charities to file an annual report or annual return as to their activities. Such reports and returns would provide more information than is apparent from the accounts alone. As a result of a stakeholder engagement exercise earlier this year by the Attorney General's Chambers, consideration is being given to the introduction of a similar requirement in the Island, which, in order not to place a disproportionate burden on charities, would be tailored in its application in a similar way to that which applies in relation to the audit/examination of the annual accounts.

1500 The opportunity will also be taken to review the current regulations to identify whether any changes need to be made to matters concerning the format and content of the annual accounts in order to make them more informative as to the financial affairs of charities.

1505 There is no legislation governing declarations of interests and pay of executives and directors and, indeed, as charities are private bodies, these are properly matters for internal governance, rather than for legislation. Consideration is being given, however, to prescribing matters which should be provided for in a charity's constitution, which include matters pertaining to trustees/directors and their dealings with the property of the institution. It should be noted, however, that the fact that an issue is a matter for internal governance rather than legislation does not prevent it from being the subject of an Inquiry by the Attorney General if the activities of the trustees or directors in managing or administering the charity are such that they amount to mismanagement as referred to above. Trustees and directors of a charity are obliged to act in the best interests of their charity at all times and activities such as sanctioning inappropriate levels of pay or acting in circumstances which give

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rise to a personal conflict would clearly be contrary to that obligation, in which case the Attorney General would be able to seek a court order removing them from office.

1515 The Government's legislative programme shows that a Bill to modernise existing charities legislation is scheduled and it is hoped that the Attorney General's Chambers will be consulting on the proposed Bill early in the New Year.'

The President: Ms Edge.

1520 **Ms Edge:** Thank you, Mr President and I thank the Minister for his written response.

I am pleased that there is going to be a consultation that will take place. Would the Minister confirm that he will aim to include questions within this about public reporting of charities' accounts for greater transparency?

1525 **The President:** Minister.

The Minister: Yes, Mr President.

1530 There has already been stakeholder consultation and the transparency of the accounting information was one issue that was consulted on internally. I believe, when the draft legislation is prepared and that goes out to consultation, the Hon. Member will see that the way in which accounting information is presented and its nature will also be considered in that consultation, and thereafter in the legislation that we hope to have in the Branches of this Hon. Court, with a fair wind, and with a bit of space being created in legislative drafting time, this year.

1535 **The President:** Supplementary, Dr Allinson.

Dr Allinson: Thank you, Mr President.

1540 Would the Minister agree that the Isle of Man consistently has been shown to be an incredibly generous place, with reference to the Poppy Appeal, amongst others, but also, I think, there is an obligation on charities to show where that money goes?

And so would he also agree that actually publishing charity accounts and showing the pay for executive members is very important to show that evidence of transparency and that the money that the people of the Isle of Man are giving goes to the right cause?

1545 **Two Members:** Hear, Hear.

The President: Minister.

The Minister: Thank you very much, Mr President.

1550 The requirement for charities to file accounts is set out in section 5 of the Charities Registration Act 1989, which requires each registered charity to cause its accounts to be made up at least once in each calendar year, to be audited and then they are filed. It is normally possible, subject to good practice, for the public to obtain information in those accounts; I have always found that I could.

1555 There is presently no requirement for charities to file an annual report or annual return as to their activities. This is something that I do believe can be developed, as do the legislative drafters and the policy-makers behind this. I think it is something that the hon. questioner will be pleased to see in the legislation. It will have to be risk based and it will have to be proportionate, but I think it will be something that will be there.

1560

The President: Supplementary, Mr Baker.

Mr Baker: Thank you, Mr President.

1565 Would the Minister agree with me that the number of charities we have on the Island is part of the rich fabric of Island life and that we need to be careful to both support those charities, at the same time as encouraging them to improve their transparency and professionalism, so that we do not end up with a loss of charitable giving in the third sector on the Island, which could result from more regulation and bureaucracy?

1570 **The President:** Minister to reply.

The Minister: Thank you very much, Mr President.

1575 There is obviously a conflict between the valid aspirations of the Hon. Member for Ayre and Michael, enshrined in the question that he just asked, and the one from the previous questioner from Ramsey, because if we want the public to be able to know information about what happened to their money, we need a degree of law around this and we need a degree of transparency around this. So we have got to balance what was termed bureaucracy with the need for transparency. We do need a risk-adjusted and proportionate Manx system. I doubt we will end up having a charities commission here, but I do think that the law should encourage transparency.

1580 The other point to make, given that this was in my Written Answer, is how Government relates to the third sector and the internal governance of charities as separate issues from what the law needs to put in place, I contend and argue, and that will be more apparent when the law is proposed for Members and the general public to consider as part of the forthcoming consultation.

The President: Supplementary, Mr Baker.

Mr Baker: Thank you, Mr President.

1590 I thank the Minister for his answer there and I would ask him just to confirm that in order to encourage some of these smaller charities to move to the standards that we are going to require going forward, there is going to be appropriate support provided to ensure that they can make that transition?

1595 **The President:** Minister.

The Minister: Thank you, Mr President, for the chance to answer that question.

1600 But when you start needing to provide support, could that not be perceived as being bureaucratic and providing red tape? To me, it is a very major undertaking to take money off people for a charitable purpose; you should not go into it lightly. It does involve risk, to you, for having taken somebody else's money for another purpose.

1605 What I would say is I have got in mind now a particularly wise person in the Island, who whenever gets approached about somebody setting up a new charity, that person really asks them to think whether the Isle of Man really does need a new charity in memory of something, some purpose or some event. Would it not be better to work with an existing charity? Because there are systems and there are bureaucracies, so I have wanted to put that on record as well.

1610 There was a famous moment in the 1960s, 1970s, 1980s when we had nearly 20 cancer charities and there was talk about setting up a 21st one, or something like that. I would ask everybody thinking about doing something worthwhile – providing time, providing money, providing energy, providing enthusiasm – could they not do it inside existing charitable structures, rather than having new charitable structures? Because it is onerous taking on the burdens of being a trustee and taking part in the governance arrangements of charitable activities.

1615 **Two Members:** Hear, hear.

The President: Supplementary, Mr Speaker.

1620 **The Speaker:** To build on the previous question by the Hon. Member, Mr Baker, will the Minister support the work of John Wilkinson, Martin Blackburn and others in bringing charity trustees together and explaining their obligations and how to support them and to bring them together and also to exchange information and best practice as part of an ongoing programme of raising standards?

1625 **The President:** Minister.

The Minister: Thank you, Mr President, and to the hon. questioner, Mr Speaker.

Yes, working together, co-operating, collaboration is always valuable. I am sure that sounds like a very good initiative.

1630 Earlier this morning, we talked about the demand-responsive transport initiative and I think that arose out of a Red Group project years ago, as part of the public service development programme, in part. I have certainly seen a report from a number of years ago.

1635 This year, I believe, some of the senior leadership training programmes have revolved about best practice in charities and the third sector, and I think they have talked about having a charities' champion in the Island. I am sure we do need to make sure that people are realistic when they set up charities, but they are also encouraged and enabled to realise the enthusiasm that they have.

HEALTH AND SOCIAL CARE

19. Ramsey and District Cottage Hospital – Martin Ward

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Health and Social Care:

With the transformation of Martin Ward at Ramsey and District Cottage Hospital to an intermediate care unit, whether the current respite beds will be retained and palliative care and day case treatments will continue for patients who require them?

The President: Question 19, Hon. Member for Ramsey, Dr Allinson, noting his earlier declaration of interest.

1640 **Dr Allinson:** Thank you, Mr President.

I would like to ask the Minister for Health and Social Care, with the transformation of Martin Ward at Ramsey and District Cottage Hospital to an intermediate care unit, whether the current respite beds will be retained and palliative care and day case treatments will continue for patients who require them?

1645 **The President:** I call on the Minister for Health and Social Care, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

1650 I can confirm that the Martin Ward respite beds at Ramsey and District Cottage Hospital will be retained as at present. These beds provide important support to those families who are caring for a loved one at home, providing them from time-to-time with a much-needed break to ensure that their own welfare needs are met.

1655 The respite beds at Ramsey and District Cottage Hospital also serve to avoid unnecessary admissions to Noble's Hospital. At present four beds are designated for providing respite care. I understand that there are advance bookings of these beds and can confirm that these bookings will be honoured. The Director of Hospitals gave the information which I have just mentioned to staff at a meeting held with them on 2nd November 2017 and again at a further staff meeting held on 15th November 2017.

1660 Palliative care will also continue to be provided at Ramsey and District Cottage Hospital. All requests for admission to the Hospital, once the medical model has changed from the current GP-led service, will be referred to the consultant geriatrician.

The President: Supplementary, Dr Allinson.

1665 **Dr Allinson:** Again, as before I would like to thank the Minister for her affirmation of the services in the Ramsey Cottage Hospital and she is quite right in terms of the respite beds that are an all-Island facility, and perhaps expansion of that could be looked at.

1670 Would she also value the next couple of months in terms of a handover period that it is a chance to look at some of the day procedures that take place in the hospital, such as iron transfusions, blood transfusions and intravenous treatments which are done for all patients in the north? At present quite a few people from the north – whether that be Laxey, Ramsey, even Peel – have to come to Noble's Hospital to the day assessment unit there for treatment, but there is a facility now with a consultant-led service to provide more of those treatments where people live.

1675 **The President:** Mrs Beecroft.

The Minister: Thank you, Mr President.

1680 I am delighted to confirm it is all-Island and, as it is with the other questions that I responded to, particularly being asked by the northern Members, I was wanting to assure them that it would be a benefit to the north, but of course it is an all-Island facility so it will benefit everybody.

1685 I am sure that all the other services that are currently in there will all be looked at, and I am sure that the Department would be happy to hear directly from the hon. questioner if he has any suggestions of how we can make things better going forward.

20. Island's per head NHS costs – Comparison with other jurisdictions

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

How the Island's per head costs for the NHS compare with other jurisdictions including the UK, Jersey and Guernsey?

The President: Question 20, Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.

1690 I beg to ask the Minister for Health and Social Care, how the Island's per head costs for the NHS compare with other jurisdictions including the UK, Jersey and Guernsey?

The President: Minister to reply.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

1695 Unfortunately, given the complexities involved in calculating this information, I am unable to answer the Question in the timeframe given.

I have advised my hon. colleague of this and I will provide an Answer to the December sitting of Tynwald.

1700 **The President:** Mr Ashford.

Mr Ashford: Thank you, Mr President.

I would like to start my supplementary by thanking the Department again for the engagement with me prior to the Question and I think everyone appreciates it is an Answer that is going to require some time.

1705 Can I ask the Minister: as part of the Answer provided to the December sitting, will the Department also be looking at the individual costs in terms of the cost per head, for instance, of Noble's Hospital and of mental health support, and will that form part of the Answer as well?

1710 **The President:** Minister.

The Minister: Thank you, Mr President.

I am sorry, I am not in a position to clarify whether it will go down to that level of detail, but it will certainly accord with the original Question.

21. Living at home longer – DHSC strategies for next year

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

What strategies her Department intends to bring forward in the next year to help progress the Government strategy of ensuring people can live in their own homes longer?

1715 **The President:** Question 21, Mr Ashford.

Mr Ashford: Thank you, Mr President.

I beg to ask the Minister for Health and Social Care, what strategies her Department intends to bring forward in the next year to help progress the Government strategy of ensuring people can live in their own homes for longer?

The President: I call on the Minister to reply.

1725 **The Minister for Health and Social Care (Mrs Beecroft):** Mr President, my Department has a number of key strategic plans in train which will support people to live in their own homes. Following an external review of the Home Care Service we will now increase the time for each home care visit so that we can maintain and improve service users' functional ability. This will lead to a corresponding reduction in the need to increase care packages and allow people to stay in their own homes for longer.

1730 We will change the focus of the service from carrying out tasks for people to helping people achieve agreed outcomes. Again, this will help people to stay in their own homes for longer. In addition, my Department is committed to introducing integrated intermediate care services which will help people leave hospital earlier and remain independent longer. Based at Ramsey and District Cottage Hospital this ambitious scheme will strengthen the Island's ability to deliver

1735 care for older people who become unwell. Its aim is to help people either to remain in their own homes or to return home more quickly from hospital.

Improving intermediate care is an exciting and significant development that will modernise how we deliver health and social care whilst improving outcomes for patients. I will comment on this service in more detail in my response to a later question.

1740 My Department continues to help people with the extremely successful reablement service, which offers short-term intensive home-based support focused on identified outcomes. Of the people who used the service in the first quarter of 2017, 91.6% of those aged 65 and over were still at home 91 days after their discharge from hospital to reablement services, and this compares favourably with the UK average of 82.7%. The proportion of older people being
1745 offered the service on discharge is also 2.1% higher than in the UK.

In 2016-17, 313 people began using the reablement service and we plan to increase the geographical range of the dementia care home and the dementia care service from Douglas and the East to the whole of the Island over the coming year. This service supports people living with dementia to stay in their own homes longer by providing both physical and social support. The
1750 Department is in the process of commissioning a shared live scheme, which will support people with a learning disability to stay part of the community.

The President: Supplementary, Mr Ashford.

1755 **Mr Ashford:** Thank you, Mr President, and can I thank the Minister for the comprehensive Answer.

The Minister made reference to increasing the time for home care visits: can I ask the Minister what is the current time limit in place and what is it being increased to?

1760 **The President:** Minister.

The Minister: Thank you.

The Home Care Service currently delivers 700 hours of care per week and this is supported by 300 hours of commissioned support through flexible funding from private providers.

1765 The Dementia Care Service, which currently covers Douglas and the east of the Island, recently advertised for additional workers to allow growth. Colleagues throughout Health and Social Care are working to establish how intermediate care can be effectively and sustainably established to ensure people are supported to stay at home for longer. This includes the plans for the Ramsey and District Cottage Hospital and how reablement can be used to support people
1770 effectively using short-term, targeted, outcomes-based intervention.

The President: Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President, and apologies if I missed it there, but I asked the
1775 Minister in relation to what the time was – which was the answer she gave – and what it is being increased to, but I did not actually hear that part of the answer, Mr President.

So could I ask the Minister again, what is it being increased to?

The President: Minister.

1780

The Minister: Thank you, Mr President.

I think that would depend on each individual assessment, which will be what the needs of that person are.

1785 **The President:** Mr Speaker.

The Speaker: Thank you.

With regard to this Question and the next I probably ought to declare an interest, that I am an unpaid director of Southern Befrienders, a southern live-at-home scheme.

1790 With regard to the integrated intermediate service that the Minister outlined, I think she said that was going to be based at Ramsey Cottage Hospital, but could she just advise what steps are being taken to ensure that this does not turn into a postcode lottery only available to people in the north of the Island?

1795 **The President:** Minister.

The Minister: Thank you, Mr President.

1800 My understanding is that the geriatric consultant will be responsible for assessing the people to go into the intermediate care beds that are being provided in Ramsey, but are available to everybody on the Island.

The Speaker: They have got to get to Ramsey?

The President: Mr Ashford.

1805

Mr Ashford: Thank you, Mr President.

The Minister mentioned in her original Answer about strengthening the integrated intermediate care services, can I ask the Minister are there any set timescales in place for that to be implemented or is the Department still assessing that?

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The President: Minister.

The Minister: Thank you, Mr President.

1815 I am sorry, I do not have the timescales with me, but I will happily get them and forward them.

22. Meals on Wheels – Withdrawal of service

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Health and Social Care:

(a) Whether Meals on Wheels is considered a frontline service; (b) when the decision to withdraw the service was made; (c) what consultation occurred; (d) what professional advice was received; (e) when the contract with Age Concern ends; (f) whether a social impact assessment has been done; and (g) what plans the Minister has to reduce social isolation?

The President: Question 22, Hon. Member, Mr Speaker.

1820 **The Speaker:** Thank you, Mr President, and noting my earlier declaration of interest, I beg to ask the Hon. Minister for Health and Social Care, whether Meals on Wheels is considered a frontline service; when the decision to withdraw the service was made; what consultation occurred; what professional advice was received; when the contract with Age Concern ends; whether a social impact assessment has been done; and what plans the Minister has to reduce social isolation?

1825 **The Minister for Health and Social Care (Mrs Beecroft):** Thank you, Mr President.

Meals on Wheels is not considered a frontline service as there is no statutory obligation to provide meals to individual. The Department is not withdrawing a service; it is withdrawing the subsidy for the delivery of meals.

1830 This was put forward as one of a range of options for reducing the Department spending. The decision to withdraw the subsidy for the delivery of meals was taken at the Department meeting on 4th August 2017. The decision was taken following internal consultation and approved by departmental Members in August. There was consultation about impact with social work professionals. The contract with Age Concern concludes on 12th January, 2018.

1835 An impact assessment has been undertaken and individual risk assessments are being offered to all people in receipt of the service to ensure that they are able to access alternative services. There is capacity within day services for older people which can support the people felt to be at risk of becoming isolated, to enjoy daytime support and activity. My Department also supports third sector and charitable organisations who address social isolation and support social inclusion for people at risk of becoming isolated in our community.

1840

The President: Supplementary, Mr Speaker.

The Speaker: Thank you. A few parts, if I might, Mr President.

1845 Am I right then in thinking that the Minister only considers frontline services to be statutory services; and can I ask at this stage also whether in the internal consultation that occurred, whether adult social workers were engaged in that?

The President: Minister to reply.

1850 **The Minister:** Thank you.

Taking the last part first, yes, adult social workers were involved in that. It is the technical terminology of a frontline service that is not ... We do not have a statutory obligation. It is obviously a very important one, which is why we have been very careful to make sure that people have that choice and that they are able to continue having their meals delivered; and it is why the Department originally was subsidising it, because there were no others in the marketplace who were doing it. Now there are people in the marketplace who can give the same, if not better, service and not charge the Department any money for doing it.

1855 I think we would be being quite reckless with taxpayers' money were we to continue subsidising an organisation where somebody else was going to provide something of the same quality at a comparative price and, in effect, just wasting taxpayers' money.

1860

The President: Mr Speaker.

The Speaker: Thank you.

1865 Can the Minister confirm that no payment as regards this contract would be made to Age Concern beyond 12th January? Can I also ask, when it came to the Department's attention that there were other players in the market for this Meals on Wheels style service? The reason for asking the second part of the question, Mr President, is in 2016 the Adult Social Care Market Position Statement and Commissioning Intentions stated:

The service plays a vital role in providing social contact in health and social care surveillance and has a positive influence on older people's mental and physical health. The support provided enables older people to remain living independently at home.'

1870

That is from the Department's text just from last year, sir.

The President: Minister.

The Minister: Thank you, Mr President.

1875 Again, I would like to reassure Members that individual assessments are being carried out and where people are in danger of being socially isolated additional steps will be taken to help them to go to the day care centres.

I am sorry, I cannot remember what the question was about the contract.

1880 **The Speaker:** Payments beyond 12th January.

The Minister: No, it terminates on 12th January, the contract, so yes, no payments would continue.

1885 **The President:** Mr Ashford.

Mr Ashford: Thank you, Mr President.

1890 The Minister made reference to the alternative suppliers. Can I ask the Minister, is she any clearer on when the details of those alternative suppliers and the charging structures will be circulated to service users?

The President: Minister.

The Minister: Thank you, Mr President.

1895 I thank the Member for his question, because I missed that in my response to Mr Speaker; I did not mean to, I apologise.

1900 There are several already in the marketplace. There are more saying that they are interested in providing that service. We will certainly have a list of those and I am quite happy to circulate it to Members when it is complete, but at the moment when other people are saying, 'We are interested in coming into this market,' it would actually be wrong just to say the names of those who currently do provide that service, as it would, I suppose, disadvantage anybody thinking of coming into the market, were we just to go public and say who it is.

1905 It is actually quite easy to find out who they are. I am more than happy to provide the information offline to Members, but I just do not feel it is appropriate to give out the names of individual companies who currently provide the service when other ones are looking to come into the market.

The President: Mr Ashford.

1910 **Mr Ashford:** Thank you, Mr President.

1915 While I accept what the Minister is saying there, would the Minister accept that we are now only seven weeks away from the contract ending, and two of those weeks are going to be the Christmas and New Year period, so would the Minister accept that although there may be other people now saying they are interested, the list needs to be circulated sooner rather than later, so people can make the appropriate decisions?

The President: Minister to reply.

The Minister: Thank you, Mr President.

1920 I think that is very different to what was being asked of me previously. Those using the service will be given the list as it currently stands and will be told that there will be others entering the marketplace. However, I feel it would be wrong of me to go into the public domain being aired on Manx Radio and give individual companies at the moment. But I can assure all Members that the service users will be given those details and will be given the assistance to
1925 choose what they want and what best fits their needs.

**23. Ramsey and District Cottage Hospital –
Statement on benefits of reorganisation**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Health and Social Care:

If she will make a statement on the anticipated benefits and outcomes that will result from the reorganisation at Ramsey and District Cottage Hospital?

The President: Question 23, final Question, Mr Hooper.

Mr Hooper: Thank you, Mr President.

I would like to ask the Minister for Health and Social Care, if she will make a statement on the anticipated benefits and outcomes that will result from the reorganisation at Ramsey and District Cottage Hospital?

The President: I call on the Minister to reply, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

As announced on 2nd November 2017, a new all-Island intermediate care service to bridge the gap between the care that is provided in hospital and people's homes will be launched in February 2018.

The expanded 'step-up, step-down' 31-bed in-patient service, for those with moderate care needs, will also serve to reduce the current pressure on acute beds experienced at Noble's Hospital. The 31 beds at Ramsey and District Cottage Hospital represent an increase of 10 beds, compared to the 21 currently available, and is a significant investment. The beds will be available to *all* Island residents. Instead of being admitted to Noble's Hospital, older people with medical problems will be able to step up from home to the new unit in Ramsey, if their condition requires it. This should further help reduce admissions to Noble's Hospital, 999 calls and emergency department attendances.

The service will be led by a consultant doctor, specialising in medicine for older people, who will be supported by an additional speciality doctor. This new approach will bring significant benefits, as one would expect with a consultant-led service, including intermediate and dedicated access to specialist clinical expertise. The consultant will work closely with colleagues who care for older people in the community, such as residential care staff, GPs and district nurses, meaning that these professionals will have more readily available specialist medical advice when managing those patients with complex age related health care needs.

This additional expertise means that more people will be able to have treatment at home, benefit from quicker and more appropriate care and avoid potentially unnecessary admissions to Noble's Hospital. Discharges from Noble's Hospital should also be faster, as patients who meet the criteria will be able to step down to the new unit in Ramsey as their condition improves, with support and rehabilitation available before they return home. It means that Noble's Hospital will focus on delivering only the most complex and specialist health care on the Island.

This investment demonstrates the Department of Health and Social Care's commitment to Ramsey and District Cottage Hospital and illustrates its vital and ongoing role as a national asset for the benefit of our whole community.

The President: Supplementary, Mr Hooper.

Mr Hooper: Thank you, Mr President.

1970 I would like to thank the Minister for that quite comprehensive Answer. The only follow-up I have got really is how will all these outcomes that she has just talked about be measured and how will they be communicated to the public?

The President: Minister.

1975 **The Minister:** I am sorry, Mr President, I did not hear the beginning of that question over a sneeze! (*Laughter*) I beg your pardon. Could I ask the questioner to repeat it for me?

Mr Hooper: The question was: how will these outcomes be measured and how will that be communicated to the public?

1980 **The Minister:** How will the outcome be measured, did you say, the outcome of patients? Sorry, I am still a bit slightly confused with what the questioner is asking.

The President: Mr Hooper.

1985 **Mr Hooper:** The Minister, in her original Answer, talked about faster discharge times from Noble's, a reduction in the use of Noble's beds, things like that. How will that be measured and will that be attributable to the expanded service at Ramsey; and if it is, how will that be communicated out to the public?

1990 **The President:** Minister.

The Minister: Thank you, Mr President.

1995 We are very keen to have everything measured and benchmarked and reported on, and that will all be available. The waiting times etc. and the turnover times, that will all be available as we go forward, putting more and more things on the website that will be available to the public.

The President: Hon. Members, that brings us to the end of Questions for Oral Answer.

Questions for Written Answer

TREASURY

24. Tax Returns for 2017 – Number submitted; refunds; payment

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for the Treasury:

- (a) How many tax returns were submitted during (i) April; (ii) May; and (iii) June 2017?
 (b) Of these how many received an assessment identifying a refund by the end of (i) April; (ii) May; and (iii) June 2017?
 (c) Of those received in each of the months (i) April; (ii) May; and (iii) June 2017 how many were paid out in (i) one month; (ii) two months; (iii) three months; (iv) to date; and (v) remain outstanding?

2000 **The Minister for the Treasury (Mr Cannan):** Data in respect of the number of tax returns submitted during April to June 2017 inclusive, together with details of assessments and refunds issued on a month-by-month basis are set out in Tables 24A, 23B and 23C below.

With regard to (b), I would draw to the Hon. Member's attention that a credit balance may exist upon the issue of an assessment but it is only after internal checks have been carried out in respect of an individual's tax position (i.e. no outstanding arrears exist) that it can be determined if a refund is payable.

In considering the data provided it is important to note the following:

- Where it is necessary for the Assessor of Income Tax to raise enquiries in respect of any tax return submitted it can delay the issue of an assessment
- At the end of each tax year, every employer is required to submit an annual return of their employees' remuneration and tax deducted which requires verification and crediting against the accounts of the relevant individual taxpayers. An individual's tax assessment can only be issued when the verification process for their own remuneration/occupational pension has been completed.
- Data is based upon the date of the first assessment and initial refund issued to an individual. There are a small number of cases whereby a refund has only been generated as the result of the issue of a subsequent revised assessment.

Table 24A
April Tax returns

Total number of returns received	6,148
Total number of returns assessed	6,040
Total number of returns not assessed	108
Total number of refunds	2,650

		Refunds By								
Assessed by		30 April 2017	31 May 2017	30 June 2017	31 July 2017	31 Aug 2017	30 Sept 2017	31 Oct 2017	7 Nov 2017	No of refunds
30 April 2017	147	35	13	1	1	0	0	0	0	50
31 May 2017	668		83	118	3	1	0	0	0	205
30 June 2017	2,968			988	263	9	3	2	1	1,266
31 July 2017	1,655				716	111	10	1	0	838
31 August 2017	422					175	33	2	1	211
30 September 2017	94						49	3	0	52
31 October 2017	59							24	4	28
7 November 2017	27								0	0
TOTALS	6,040									2,650

Table 24B
May tax returns

Total number of returns received	6,957
Total number of returns assessed	6,814
Total number of returns not assessed	143
Total number of refunds	3,286

Refunds By

Assessed by		31 May 2017	30 June 2017	31 July 2017	31 Aug 2017	30 Sept 2017	31 Oct 2017	7 Nov 2017	No of refunds
31 May 2017	316	65	66	4	0	0	1	0	136
30 June 2017	1,684		559	268	6	4	2	0	839
31 July 2017	3,456			1,421	235	13	7	1	1,677
31 August 2017	969				404	61	2	0	467
30 September 2017	243					101	6	0	107
31 October 2017	106						45	14	59
7 November 2017	40							1	1
TOTALS	6,814								3,286

Table 24C
June tax returns

Total number of returns received	5,694
Total number of returns assessed	5,494
Total number of returns not assessed	200
Total number of refunds	2,447

Refunds By

Assessed by		30 June 2017	31 July 2017	31 Aug 2017	30 Sept 2017	31 Oct 2017	7 Nov 2017	No of refunds
30 June 2017	658	169	131	3	1	2	0	306
31 July 2017	1,914		522	376	16	2	1	917
31 August 2017	2,322			915	97	4	0	1,016
30 September 2017	249				90	17	0	107
31 October 2017	279					88	13	101
7 November 2017	72						0	0
TOTALS	5,494							2,447

**25. Brexit Fund –
Breakdown of spend**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for the Treasury:

If he will provide a breakdown of the spend, by category, from the Brexit Fund in this financial year?

The Minister for the Treasury (Mr Cannan): The Brexit Fund was established as part of the approved 2017-18 Budget proposals, with an initial transfer of £1 million into the Fund.

To date there has been just one application approved by Treasury for expenditure drawdown from the Fund. This is in respect of additional staffing resources required by the Cabinet Office in support of Government's preparations for Britain's departure from the European Union. Approval was given for a maximum drawdown of up to £120,000 over three financial years.

Claims for expenditure actually incurred requiring reimbursement from the internal reserves are not normally received by Treasury from Departments until financial year end, although in

this instance the Cabinet Office has confirmed that £nil spend had been incurred against this approved initiative for the first two quarters of 2017-18.

**26. Land Development Tax Holiday –
Number of applications; taxable profit exempt**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for the Treasury:

How many companies have applied for the Land Development Tax Holiday to date; and how much taxable profit is expected to be exempted for these applications?

The Minister for the Treasury (Mr Cannan): I can confirm that the Assessor of Income Tax has received applications from three companies.

2030 Companies are statutorily obliged to submit their tax return to the Assessor one year and a day after the end of their accounting period including any company subject to the Land Development Tax Holiday.

2035 However, it is only at the point that the relevant profits or income crystallises that the taxable profits eligible for the Land Development Tax Holiday can be quantified. I can confirm that the Assessor holds no such relevant information at the present time.

EDUCATION AND CHILDREN

**27. Secondary school catering staff resources –
Details of those transferred in 2014 to DHSC**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education and Children:

What catering staff resources were (i) in place in secondary schools in 2013; and (ii) transferred from secondary schools to the Department of Health and Social Care in 2014, showing in each case for every school (a) the number of full-time equivalent posts; (b) the staffing structure; and (c) costs?

The Minister for Education and Children (Mr Cregeen): The catering staff resources in place in secondary schools in 2013 were transferred to the DHSC in April 2014. They totalled 45.73 full-time equivalents with a cost of £855,700. The breakdown by school was as follows:

Ballakermeen	FTE		Ramsey Grammar	FTE	
Catering Manager	0.95		Catering Manager	0.95	
Cook Supervisor	0.95		Assistant Cook	0.95	
Cook	0.95		Cashier	0.52	
General Kitchen Assistant	5.68		General Kitchen Assistant	3.96	
	8.53	£172,300		6.38	£125,100

Queen Elizabeth II	FTE		Castle Rushen	FTE	
Catering Manager	0.95		Catering Manager	1.00	
Cook Supervisor	1.90		Cook Supervisor	1.00	
General Kitchen Assistant	6.37		General Kitchen Assistant	7.50	
	9.22	£171,400		9.50	£157,900

St Ninians	FTE	
Catering Manager	1.00	
Cook Supervisor	0.94	
Cook	0.94	
Cashier	0.43	
General Kitchen Assistant	8.79	
	12.10	£229,000

HEALTH AND SOCIAL CARE

**28. MARS Scheme –
DHSC funding**

The Hon. Member for Onchan (Mr Callister) to ask the Minister for Health and Social Care:

How her Department intends to fund the MARS Scheme being offered to staff?

The Minister for Health and Social Care (Mrs Beecroft): As part of its cost improvement plans, the DHSC is seeking applications under a department-specific Mutually Agreed Resignation Scheme (MARS), focused particularly on reducing management level employee costs. It should be noted that the MARS scheme for the Civil Service has been used regularly since its introduction in 2012.

A MARS panel for the DHSC scheme has been formed, comprising senior management from the Department, the Treasury and the Office of Human Resources. The panel will be able to consider applications from 16 November 2017.

The terms of reference for the DHSC MARS require that when considering each application, the panel will take into account:

- the revised arrangements which will deliver a saving;
- the payback period in respect of its cost; and,
- other associated financial implications if applicable, e.g. public sector pension impact.

The Government's policy is that funding of MARS (and similar expenses such as redundancy) should be from a Department's budget. However, where Departments are unable to meet such costs, the Invest to Save Fund (previously called the Restructuring Fund) may be used to defray them. As it is not known at present how many DHSC employees will apply under MARS, the total cost of the scheme cannot yet be forecast.

**29. DHSC Business Development Managers –
Reason for appointment; connection with MARS Scheme**

The Hon. Member for Onchan (Mr Callister) to ask the Minister for Health and Social Care:

Why her Department appointed three HEO Business Development Managers in October/November; and what the connection was between the timing of these appointments and the announcement of a freeze of the recruitment of non-essential staff and the offering of the MARS Scheme?

The Minister for Health and Social Care (Mrs Beecroft): The DHSC appointed a significant number of employees in October 2017 and during November, to date. Some of these appointments will have filled vacancies, and a small number will have been reconfigured or new roles designed to meet the rapidly changing operational needs of the Department.

Even during a period where the recruitment to roles which are not frontline or essential frontline support positions has been frozen, and a Mutually Agreed Resignation Scheme (MARS) has been introduced, the size and scope of the DHSC means that appointments will continue to be made.

The three Business Manager posts were created to support the operational management of the hospital as well as contribute towards our business planning process (such as the development of business cases and service development proposals). Fundamentally, these posts

will ensure that the hospital runs more efficiently and we continue to develop our services for the benefit of the Island.

2070 The three posts were created using funding released following a senior managerial restructure in 2016 and an internal reorganisation of divisional portfolio. The creation of these posts has allowed the disestablishment of two Executive Officer posts elsewhere in the business, which has released £75,500 for cost efficiencies.

2075 The Business Manager posts were conceived in March 2017 and a job description was submitted for job evaluation in May 2017. Following confirmation that the post was banded as Higher Executive Officer, the post was advertised on 15th August and applications closed on 15th September, which is over one month prior to the announcement around the recruitment freeze and opening up of the MARS scheme.

30. Orthopaedic Services – Waiting list; appointments due in next six months

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

What the waiting list is for orthopaedic services; and how many appointments are due to take place over the next six months?

2080 **The Minister for Health and Social Care (Mrs Beecroft):** The waiting list for orthopaedic outpatient appointments currently stands at 649 patients, 98 of whom have an appointment booked and 551 are awaiting an appointment.

Based on current activity, there will be 1,456 new patient appointments available in the elective orthopaedic service across both general and specialist clinics.

2085 Further developments in respect of orthopaedic outpatient capacity are currently being finalised and will be announced in the near future.

31. Noble's Hospital – Occupied bed capacity

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

What the average occupied bed capacity has been at Noble's Hospital for each of the last 18 months?

The Minister for Health and Social Care (Mrs Beecroft): Bed occupancy is measured at midnight and should not be used in isolation to determine the busyness of a hospital. It is only one measure and does not take into consideration important factors such as patient dependency, day cases or outpatient activity.

2090 However, the average occupied bed capacity at Noble's Hospital for each of the last 18 months was 69.7% and this is detailed in detail in the following Table 31A.

Table 31A

Month	Year	Bed complement	Beds available	Beds occupied	Beds unoccupied	Occupancy	
April	2016	7772	7069	4974	2085	70.4%	69.90%
May	2016	8040	7438	5579	1859	75.0%	
June	2016	8020	7434	5228	2206	70.3%	
July	2016	8068	7643	5135	2508	67.2%	
August	2016	8088	7651	5163	2488	67.5%	
September	2016	7720	7436	5052	2384	67.9%	
October	2016	7472	7192	4679	2513	65.1%	
November	2016	7440	7401	4928	2473	66.6%	
December	2016	7688	7544	5354	2190	71.0%	
January	2017	7432	7353	5304	2049	72.1%	
February	2017	6961	6886	4861	2025	70.6%	
March	2017	7691	7608	5706	1974	75.0%	
April	2017	7446	7340	5233	2108	71.3%	69.40%
May	2017	6944	6851	4732	2119	69.1%	
June	2017	7368	7336	5097	2245	69.5%	
July	2017	7647	7577	5273	2305	69.6%	
August	2017	7688	7610	5102	2508	67.0%	
September	2017	7260	7063	4930	2133	69.8%	
		136745	132432	92330	40172	69.7%	

For the 12 months April 2016 to March 2017, average occupancy was 69.9%. Our 2017-18 year to date average occupancy is slightly lower at 69.4%. During the 18-month period, the highest average occupancy month is May 2016 at 75%, and the lowest 65.1% in October 2016.

However, there is significant occupancy variation by Division which is described in the following Table 31B.

Table 31B

Division	Month	Year	Bed complement	Beds available	Beds occupied	Beds unoccupied	Occupancy
Medicine	Apr 16 to Sep 17		57623	54051	48010	6038	88.8
Surgical	Apr 16 to Sep 17		48592	48351	32241	16183	66.7
W&C	Apr 16 to Sep 17		30241	30030	12079	17951	40.2
Total	Apr 16 to Sep 17		136456	132432	92330	40172	69.7

The Medical Division had the highest occupancy during the period with an average of 88.8% of beds occupied, compared to 66.7% of Surgical beds and 40.2% of beds across the Women & Children's Division.

The occupancy range for the Medical Division during the period is between 84.3% and 92.3%. Furthermore, when one reviews occupancy at Ward level further variation is identified.

Table 31C below provides further detail of bed occupancy by ward in 2016-17.

Table 31C

Ward	Type	Bed Complement	Beds Available	Beds Occupied	Beds Unoccupied	Occupied
Ward 1	Male Surgical	7200	7194	5717	1549	79.5%
Ward 2	Female Surgical	7217	7127	5335	1792	74.9%
Ward 4	Gynaecology	4680	4628	2353	2275	50.8%
Ward 5	Medical & Elderly	7560	7537	7315	222	97.1%
Ward 6	Medical Assessment Unit	7560	7532	5306	2226	70.4%
Ward 7	Medical & Elderly	4320	4318	3684	634	85.3%
Ward 8	Medical & Elderly	7560	7507	7229	278	96.3%
Ward 9	Medical & Elderly	7560	7480	7153	317	95.6%
Ward 11	Ortho Trauma	5760	5760	3925	1835	68.1%
Ward 12	Ortho Elective	5400	5130	2423	2707	47.2%
Ward 18	CCU	1800	1800	1235	565	68.6%
Ward 19	Private Patients Unit	4751	5027	3187	1840	63.4%
						74.8%
Ward	Type	Bed Complement	Beds Available	Beds Occupied	Beds Unoccupied	Occupied
Ward 5	Medical & Elderly	7560	7537	7315	222	97.1%
Ward 6	Medical Assessment Unit	7560	7532	5306	2226	70.4%
Ward 7	Medical & Elderly	4320	4318	3684	634	85.3%
Ward 8	Medical & Elderly	7560	7507	7229	278	96.3%
Ward 9	Medical & Elderly	7560	7480	7153	317	95.6%
						88.9%
Ward	Type	Bed Complement	Beds Available	Beds Occupied	Beds Unoccupied	Occupied
Ward 5	Medical & Elderly	7560	7537	7315	222	97.1%
Ward 7	Medical & Elderly	4320	4318	3684	634	85.3%
Ward 8	Medical & Elderly	7560	7507	7229	278	96.3%
Ward 9	Medical & Elderly	7560	7480	7153	317	95.6%
						93.6%

**32. Prescription pre-payment certificates –
Number issued**

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

How many individuals currently hold valid prescription pre-payment certificates; and how many new certificates have been issued in each of last two months?

2105 **The Minister for Health and Social Care (Mrs Beecroft):** As at 31st October 2017, 2,104 people held a pre-payment certificate.

The number of pre-payment certificates which have been issued in the last two months are:

September: 199

2110 October: 174

This figure includes both new and renewed certificates.

**33. Government Catering Services –
Staff structure and costs**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Health and Social Care:

If she will provide a breakdown for Government Catering Services in each of the last four years showing, for (a) each secondary school; (b) each primary school; (c) the Government Canteen; and (d) University College Isle of Man, (i) how many FTE posts there were; (ii) how many individuals occupied those posts; (iii) the staffing structure; and (iv) staff costs?

2115 **The Minister for Health and Social Care (Mrs Beecroft):** Government Catering Services operates with less than five posts on a number of sites, including many primary schools and the Central Government Office Canteen. Therefore, consolidated information for these sites has been produced so that individual post holder salaries are not identifiable.

The following Table 33A is an analysis of Government Catering Services in each of the last four years showing FTE posts, individuals occupying those posts and staff costs, for (a) each secondary school; (b) all primary schools; and (c) the Government Canteen and University
2120 College Isle of Man

The Department took over the running of these services from 1st April 2014 so has provided three years information only.

Table 33A

Site	2014-15	2015-16	2016-17
Secondary Sector			
Ballakermeen			
Staffing Cost	176,150	183,095	193,216
FTE	7.99	7.99	8.04
Individuals in Post	13	13	12
QE II			
Staffing Cost	179,190	184,341	186,833
FTE	8.15	8.77	8.77
Individuals in Post	10	10	11
Ramsey Grammar			
Staffing Cost	151,104	157,349	178,383
FTE	6.08	5.65	6.1
Individuals in Post	9	8	9
Castle Rushen			
Staffing Cost	185,089	181,570	191,053
FTE	8.35	8.33	8.33
Individuals in Post	10	10	10
St Ninian's			
Staffing Cost	239,189	242,823	263,681
FTE	10.78	10.75	10.78
Individuals in Post	18	18	19
Isle of Man College & Gov Canteen			
Staffing Cost	199,904	221,562	228,907
FTE	14.45	16.89	14.23
Individuals in Post	18	18	16
Primary Schools			
Cost	1,100,622	1,026,962	1,029,030
FTE	41.93	41.79	42.69
Individuals in Post	74	76	71

2125 Until 1st April 2017, the catering sites operated by the Government Catering Services had different operational structures. For example:

- Isle of Man College and the Government Canteen both have onsite supervisors who manage cooks and catering assistants;
- Primary Schools have no onsite management, with supervision from the central GCS management;
- Secondary schools have an onsite Catering Manager, and an Assistant/Supervisor who manages cooks and catering assistants.
- Secondary School catering is no longer managed by the DHSC.

34. Transfer of DHSC staffing resources to schools – Staff structure and costs per secondary school

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Health and Social Care:

What staffing resources were transferred from her Department to secondary schools in April 2017, showing for each school (a) the number of full-time equivalent posts; (b) the staffing structure; and (c) costs?

2135 **The Minister for Health and Social Care (Mrs Beecroft):** The staffing resources, including full-time equivalent posts, structure and the budget that was transferred for each school, are shown as follows.

Ballakermeen High School £191,315

Position Name	Position FTE
HSTSSB**Manageress*IOM Whit*	0.95
HSTSSB**Catering Assistant*IOM Whit*	0.27
HSTSSB**Cook Supervisor*IOM Whit*	0.95
HSTSSB*001*General Kitchen Assistant*IOM Whit*	0.87
HSTSSB*002*General Kitchen Assistant*IOM Whit*	0.70
HSTSSB*003*General Kitchen Assistant*IOM Whit*	0.26
HSTSSB*004*General Kitchen Assistant*IOM Whit*	0.70
HSTSSB*005*General Kitchen Assistant*IOM Whit*	0.03
HSTSSB*006*General Kitchen Assistant*IOM Whit*	0.51
HSTSSB*007*General Kitchen Assistant*IOM Whit*	0.51
HSTSSB*008*General Kitchen Assistant*IOM Whit*	0.50
HSTSSB*009*General Kitchen Assistant*IOM Whit*	0.38
HSTSSB*010*General Kitchen Assistant*IOM Whit*	0.51
HSTSSB*011*General Kitchen Assistant*IOM Whit*	0.27
HSTSSB*012*General Kitchen Assistant*IOM Whit*	0.58
Total	7.99

2140

Castle Rushen High School £207,857

Position Name	Position FTE
HSTSSC**Manageress*IOM Whit*	1.00
HSTSSC**Cook Supervisor*IOM Whit*	0.95
HSTSSC*001*General Kitchen Assistant*IOM Whit*	0.08
HSTSSC*002*General Kitchen Assistant*IOM Whit*	0.70
HSTSSC*003*General Kitchen Assistant*IOM Whit*	0.70
HSTSSC*004*General Kitchen Assistant*IOM Whit*	0.70
HSTSSC*005*General Kitchen Assistant*IOM Whit*	0.83
HSTSSC*006*General Kitchen Assistant*IOM Whit*	0.70
HSTSSC*007*General Kitchen Assistant*IOM Whit*	0.79
HSTSSC*008*General Kitchen Assistant*IOM Whit*	0.67
HSTSSC*009*General Kitchen Assistant*IOM Whit*	0.47
HSTSSC*010*General Kitchen Assistant*IOM Whit*	0.74
Total	8.33

2145

Queen Elizabeth II £210,497

Position Name	Position FTE
HSTSSQ**Catering Manager*IOM Whit*	0.84
HSTSSQ*001*Cook Supervisor*IOM Whit*	0.84
HSTSSQ*002*Cook Supervisor*IOM Whit*	0.84
HSTSSQ*001*General Kitchen Assistant*IOM Whit*	0.67
HSTSSQ*002*General Kitchen Assistant*IOM Whit*	0.84
HSTSSQ*003*General Kitchen Assistant*IOM Whit*	0.67
HSTSSQ*004*General Kitchen Assistant*IOM Whit*	0.67
HSTSSQ*005*General Kitchen Assistant*IOM Whit*	0.84
HSTSSQ*006*General Kitchen Assistant*IOM Whit*	0.84
HSTSSQ*007*General Kitchen Assistant*IOM Whit*	0.72
HSTSSQ*008*General Kitchen Assistant*IOM Whit*	0.84
Total	8.61

Ramsey Grammar

£149,474

2150

Position Name	Position FTE
HSTSSR**Assistant Cook*IOM Whit*	0.84
HSTSSR*001*Cashier*Analogous CS*	0.05
HSTSSR*002*Cashier*Analogous CS*	0.42
HSTSSR**Catering Manager*IOM Whit*	0.84
HSTSSR*001*General Kitchen Assistant*IOM Whit*	0.78
HSTSSR*002*General Kitchen Assistant*IOM Whit*	0.51
HSTSSR*003*General Kitchen Assistant*IOM Whit*	0.51
HSTSSR*004*General Kitchen Assistant*IOM Whit*	0.67
HSTSSR*005*General Kitchen Assistant*IOM Whit*	0.81
HSTSSR*006*General Kitchen Assistant*IOM Whit*	0.22
HSNCR*001*General Kitchen Assistant*IOM Whit*	0.43
Total	6.08

St Ninian's £258,988

Position Name	Position FTE
HSTSSS**Cashier*Analogous CS*	0.41
HSTSSS**Catering Manager*IOM Whit*	0.95
HSTSSS**Cook*IOM Whit*	0.83
HSTSSS**Cook Supervisor*IOM Whit*	0.83
HSTSSS*001*General Kitchen Assistant*IOM Whit*	0.80
HSTSSS*002*General Kitchen Assistant*IOM Whit*	0.70
HSTSSS*003*General Kitchen Assistant*IOM Whit*	0.26
HSTSSS*004*General Kitchen Assistant*IOM Whit*	0.30
HSTSSS*005*General Kitchen Assistant*IOM Whit*	0.30
HSTSSS*006*General Kitchen Assistant*IOM Whit*	0.70
HSTSSS*007*General Kitchen Assistant*IOM Whit*	0.73
HSTSSS*008*General Kitchen Assistant*IOM Whit*	0.74
HSTSSS*009*General Kitchen Assistant*IOM Whit*	0.70
HSTSSS*010*General Kitchen Assistant*IOM Whit*	0.41
HSTSSS*011*General Kitchen Assistant*IOM Whit*	0.7
HSTSSS*012*General Kitchen Assistant*IOM Whit*	0.7
HSTSSS*013*General Kitchen Assistant*IOM Whit*	0.38
HSTSSS*014*General Kitchen Assistant*IOM Whit*	0.30
Total	10.74

35. Ramsey and District Cottage Hospital – Bed availability and occupancy

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Health and Social Care:

In respect of Ramsey and District Cottage Hospital:

- (a) How many beds were available for patient use in each of the last 12 months; and
(b) what the average occupancy of these beds was for each of the last 12 months?

The Minister for Health and Social Care (Mrs Beecroft): In respect of Ramsey and District Cottage Hospital the number of beds available for patient use in each of the last 12 months, covering the period November 2016 to October 2017 was 21 beds.

Four of these beds were allocated for the provision of respite care. The remaining 17 beds were available for either step-up care from the community or step-down care from hospital.

The average occupancy of the 21 beds during this period was 72.5%.

2155

This average is calculated based on a percentage occupancy ranging between 51.3% in December 2016 to 83.3% in October 2017.

2160

Average occupancy in the period, shown in Table 35A below, indicates that an average of 15 beds were utilised. Usage ranges between 11 beds in December 2016 to 17 beds in October 2017.

Table 35A

Month	Occupied beds	Beds available	Occupancy	Avg Bed Usage
Nov-16	420	630	66.7%	14
Dec-16	334	651	51.3%	11
Jan-17	509	651	78.2%	16
Feb-17	448	588	76.2%	16
Mar-17	436	651	67.0%	14
Apr-17	503	630	79.8%	17
May-17	473	651	72.7%	15
Jun-17	497	630	78.9%	17
Jul-17	487	651	74.8%	16
Aug-17	457	651	70.2%	15
Sep-17	450	630	71.4%	15
Oct-17	542	651	83.3%	17
TOTAL	5556	7665	72.5%	15

Order of the Day

4. Public Sector Pensions Legacy Funding – Statement by the Minister for Policy and Reform

The President: We turn now to Item 4 on our Order Paper, Public Sector Pensions Legacy Funding, and I call on the Minister for Policy and Reform, to make a Statement. Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

In February 2017, Tynwald approved further sustainability changes to the Government Unified Scheme which had been negotiated via a Joint Employer and Employee Working Group.

These changes were: a 6% reduction in future service benefits for all members and a 2.5% increase in employee pension contributions effective from April 2018.

Tynwald Members' benefits were separately reformed under the Government Unified Scheme from September 2016 to include, for re-elected Members, a 10% pension contribution rising over five years to 15%, and for newly elected Members, a 20% reduction in benefits and 10% pension contributions. Control of Members' pensions now also resides with the Public Sector Pensions Authority.

Tynwald also resolved in February 2017 that the PSPA and Treasury should further investigate options for managing the legacy position in the long term in order to report back to the Council of Ministers so that it could put forward full options and proposals to Tynwald by November 2017.

Hon. Members, the PSPA and Treasury have been working together to develop options and ideas for managing the legacy position. Detailed work could not commence until after the 2016 valuation of schemes had been completed by the PSPA actuaries, which was only in early June 2017.

Although the scope of possible options had been developed beforehand, this is an extremely technical piece of work. It requires detailed actuarial input in order to be as precise as possible on the implications of the options being explored. Unfortunately, it has not yet been possible for this work to be concluded for consideration by the Council of Ministers, in order to produce a final report and options for debate in Tynwald.

However, significant progress continues to be made in the other areas of pension reform and I am pleased to report that the changes to the Government Unified Scheme approved by Tynwald in February have now been implemented by the PSPA.

I am also pleased to announce that reforms to the Police Pension Scheme are imminent, following consultation with the Department, the Police Federation and police officers and approval by the PSPA and the Treasury. These reforms will make further sustainability changes to that scheme and Tynwald will be asked to approve these changes shortly.

Hon. Members, ongoing discussions are also taking place between the PSPA and the various teaching unions on reforms to their scheme and also with members of the Judicial Pension Scheme. It has been clearly stated to both groups that reforms to those schemes must be in place by April 2018. **(A Member:** Hear, hear.) Whilst judicial scheme members are still awaiting the outcome of legal challenges in the United Kingdom to reforms of that scheme, this should not stop discussions taking place on how the scheme should be reformed in the Isle of Man. **(Two Members:** Hear, hear.)

I am sure this Hon. Court will join me in encouraging both groups to reach an appropriate agreement with the PSPA on sustainability changes as a matter of priority and therefore to take forward, positively, the motion from June 2016 Tynwald for reform of both schemes, irrespective of any changes awaited from the United Kingdom.

2210 Cost-sharing discussions are also continuing between the trade union pensions specialists and the PSPA, with anticipated legislation for formal consultation on this very technical subject currently due around the end of this year. Hon. Members will recall that formal cost sharing does not impact on public sector pension schemes until 2020.

Therefore, I hope that my hon. colleagues will see that, even though progress on developing options to address the legacy issue has been slower than we would have wished, the public sector pensions scheme agenda in other areas continues as planned.

2215 With regard to those options for managing the legacy position, it is currently hoped that these will be available for consideration by this Hon. Court early in 2018.

Thank you, Mr President, Hon. Members.

2220 **The President:** Hon. Members, this is an opportunity for questions, but this is not a debate and I will not permit speeches – questions only.

Mr Speaker.

The Speaker: Thank you.

2225 The Minister would not expect me to let him get away with such weasel words as ‘early in 2018’; will he provide a backstop date for that? Will it be, say, no later than March, no later than April? Can he give us a slightly firmer timetable? (**A Member:** Winter!) Yes, by the end of winter, perhaps! (*Laughter*)

Would he also perhaps be able to elaborate on any ideas that are being considered by the PSPA at this time?

2230

The President: Mr Thomas.

The Minister: Yes, thank you, Mr President. It is becoming quite frustrating that presiding officers are so excellent, they keep stealing my best lines from my answers!

2235 But I was expecting to answer ‘before the end of the winter’ (*Laughter*) and I do hope that will be in January/February – no later than March – exactly as we define winter in the Isle of Man!

The Speaker: And the other part about ideas?

2240

The Minister: The ideas for managed legacy funding position have been very well developed. The PSPA and Treasury really have worked very hard.

2245 Actuaries are now in discussion: to make sure there is common understanding about the assumptions; to make sure there is common understanding about the inputs and the options that are likely to include using borrowing to manage the funding shortfall position going forward until income received is closer to expenditure payments; taxation options; managing expenditure via future income growth; closing schemes to some or all future new employees and introducing a new defined contribution scheme for some or all employees; offering a salary incentive to move to a defined contribution scheme; the option of a mirror money purchase scheme; and, as a last resort, cutting accrued benefits and pensions and payments, subject to additional legal advice.

2250 But before anybody starts thinking or saying or believing anything, I was asked what are the options and we are considering options, and that is all it is. We are considering options and in good faith I have laid out to you the wide range of options that have been discussed in this Hon. Court for the last four years, and now we are getting to the stage in January, February or March where we will be putting something on the table costed, risked, and everything else for this Court and Government and the Members to actually agree something for the future.

The President: Question from Mr Robertshaw.

2260 **Mr Robertshaw:** Thank you, Mr President.

My question relates to that part of the Minister's Statement concerning pension schemes for judicial scheme members. Reading it, it does not give quite the clarity that I would hope it might. It says:

Whilst judicial scheme members are still awaiting the outcome of legal challenges in the UK to reforms of that scheme, this should not stop discussions taking place on how the scheme should be reformed in the Isle of Man.

2265 Has it stopped? Or are the judiciary aware that with such a huge range of changes taking places elsewhere in public sector pensions and indeed the main state pension, that it would be completely unacceptable for the judiciary to step back and perhaps hide behind legal action in the UK? Could he bring more clarity to his statement, please?

2270 **The President:** Minister.

The Minister: Thank you, Mr President, and to the hon. questioner.

Discussions are ongoing but when you discuss there has got to be a realistic chance and a realistic expectation that those discussions will be concluded, and that is what I have said today: discussions are ongoing and they will be concluded.

2275 The hon. questioner makes a very good point, which is that the Tynwald resolution a couple of years ago does talk about ongoing legal challenges across, but I think that has to be seen in the context of whatever you want to call it – whether you call it fairness or parity or equivalence or equality – there has to be an expectation across the public service that everybody is doing something about having contributions increased and benefits reduced, so that we can make, in
2280 the public interest, also a fairness to all people who have got benefits that they are expecting, quite rightly, from the past and expecting things in the future from our scheme, so they can have a realistic expectation that they will get those benefits because the scheme is entirely sustainable.

2285 I hate to use the phrase, but everybody, from the Deemsters through to politicians with every other public servant in between, has to be in this together.

The President: Question, Mr Hooper.

Mr Hooper: Thank you, Mr President.

2290 I was also going to pick up on the Minister's rather ephemeral relationship with deadlines. Earlier in the statement, he talks about some of these legislative changes being in place towards the end of this year. I am just wondering if he can give us a more firm date on that.

2295 Secondly, in connection with the judicial scheme and the teachers' pension schemes, the statement does not fill me with confidence when it says it has been clearly stated to these groups that reforms must be in place by April, but then in his answer to the Hon. Member for Douglas East, he has confirmed that these talks will be concluded. There is a substantial difference between telling somebody they must be in place and confirming these discussions will be concluded. Can the Minister please clarify that?

2300 **The President:** Reply, sir.

The Minister: Thank you, Mr President.

2305 I think we are going back to this whole notion about the difference between a discussion paper and discussions, and a policy statement which results in a change, or legislation which results in a legal change; and to change the Police Pension Scheme, we will need an order in Tynwald and I would not be at all surprised if that was not here in December. To put in place cost-sharing agreements, which will come into effect in practical terms in 2020, we will need

legal instruments and I would not be at all surprised if they were on the table by the end of the year and I would be looking for early in the spring, which starts on 21st December and goes through ... no, sorry, 21st March ... well, whatever you want it to be. *(Laughter)*

Sometime in the near future we will talk about cost sharing; but to me, it is better to put something to bed and then move onto other discussions; and what we are putting to bed here is the principle that we have got major issues to do with the legacy funding gap, which we are addressing, and we will be coming to Tynwald with the options on the table costed and risked. At that point we will then be in a position to talk about cost sharing.

Also I hope by that stage Tynwald will have seen it right to approve orders brought to us by the Police, definitely – and I do hope the teachers out there are listening, because there is an issue of fairness and parity and equivalence in all this. The discussions have been excellent, the understanding on both sides have been excellent, but we have got to move towards a resolution, and likewise with the members of the Judicial Pension Scheme.

The President: Further question, Mr Hooper.

Mr Hooper: I would like to thank the Minister for that answer. Just one follow-up really. I do join with the Minister in encouraging both these groups to try to reach an appropriate agreement, but the question is what are the plans if there is no agreement reached by April?

The President: Mr Thomas.

The Minister: Thank you.

Okay, let's go harder on this. I do really hope that cost sharing will have been agreed by January. Teachers' changes *must* be agreed by April. But there has been many a politician who have said in history that things will be agreed and then things have happened beyond their control.

So let's understand each other here: we are making very good progress; we are developing a consensus based on discussions and what everybody involved is hearing in this Hon. Court today is, from our side, we have to be serious about this because members of the GUS scheme, since February, have put in place legally binding arrangements in respect of contributions and benefits. They come up to a cost to the employing body which is inside the cost sharing arrangements. We are now facing up to a three-decade-old funding legacy as now valued for us by the actuaries that completed their work this summer.

So there is one public employer, although it has different legal manifestations in the Isle of Man, and there has got to be equivalence and parity across that piece, and I hope everybody is hearing that.

**5. Programme for Government –
Mid-Year Report; legislative programme 2017-19; revised policy –
Debate commenced**

The Minister for Policy and Reform to move:

That the Isle of Man Government's 'Mid-Year Report on the Programme for Government' [GD No 2017/0064] and the provisional programme of legislation for years 2017-2019 be received, and that revised policy statements and actions in the Programme for Government are laid before the January 2018 sitting of Tynwald.

The President: With that, Hon. Members, we turn to Item 5, Programme for Government. Minister for Policy and Reform to move.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

This motion is in line with this Hon. Court's resolution last November that the Council of Ministers would provide a Programme for Government update for debate.

2350 The Report before you today includes Government's provisional programme of legislation for 2017-19. With around 40 Bills planned in the coming two years this is ambitious but is aligned with the Programme for Government. New or amended primary and secondary legislation should be ready when it is needed for emerging Government policy. This programme will provide the legislative framework for departmental and cross-Government policy as the
2355 Medium-Term Financial Strategy sets the framework for the use of finance to an extent, and as the Digital Strategy does for ICT to an extent.

The bulk of this short Report is information which makes clear whether our policy interventions to meet the aims in the Programme for Government are working as intended. It is a SMART presentation of the first year of smarter, financially responsible Government which is
2360 promoting an inclusive and caring society and an Island of enterprise and opportunity.

This Government's programme is policy and reform aimed primarily to: increase median earnings after tax and the number of people who say that Government policies and actions are making a positive difference to people's lives – the so-called 'inclusive and caring society' objective; reduce the structural financial deficit and increase confidence in Government – the
2365 'financially responsible Government' objective; and increase the economically active population and the number of businesses registered to pay ITIP – the 'Island of enterprise and opportunity' objective.

Mr President, I am delighted to announce that the Programme is on track. Fourteen of the 92 actions set out last January have been completed and three quarters of the remainder are on
2370 target to be completed on time. But our living Programme for Government will need refreshing in January and thus I move today that Tynwald resolves that revised Government Programme policy statements and actions are laid before the January 2018 sitting of Tynwald on the first anniversary of its launch, just as the Chief Minister announced last month. We will be 'unwrapping the present after Christmas', as one MHK described it last year.

2375 The trend for both Island of enterprise and opportunity indicators chosen to indicate whether our Island is one of enterprise and opportunity was positive last year. Specifically, Income Tax data shows that the number of people registered to pay ITIP and NI increased since April 2016 by around 400 after declining for three years. The number of economically active people is now increasing again and this is important as more jobs provide more opportunity for more people.
2380 The same data source also shows that there has been an increase in the number of organisations registered to pay ITIP. This should generate income in the Island and strengthen and diversify our economy; real businesses providing better employment creating private wealth and public revenue to provide crucial public services.

2385 But there is no room for complacency. We must continue to acknowledge and deal with the population and planning challenges we face, and with the apparent divergence between the fortunes of locally and internationally facing businesses.

Earnings matter most for nearly all of us. With more money we can spend with more confidence, benefiting our businesses and our community: so-called trickle-up economics and the fountain effect. Thus this Government agreed to focus policy to encourage economic growth
2390 which would benefit most people – 'useful' or 'inclusive' growth, as it has been called in this Hon. Court before. And the small increase since 2014 in median earnings after tax and inflation demonstrates some success. This has contributed to a small rise in personal income for the third year in succession, despite the first fall for 33 years in the GDP and GNI measures of economic growth.

2395 Growth is becoming more inclusive, but I will not pretend that everyone is feeling better off as yet – in fact, they are clearly not better off as yet. Many in the middle are still struggling and we know that some people are working more than one job just to get by. But this is where increases in Child Benefit and Personal Income Tax Allowance should be helping, and why it is so

important to strengthen our economy to allow higher wages to be paid. Minimum wage increases in recent years, and perhaps eventually the living wage, should help the lowest paid too.

Things also remain tough for many with fixed incomes from pensions and benefits. The recent increase – regrettable – in the use of food banks shows that there is a need in society, but it also shows that we are a caring society and our ring-fenced £850 million market-value National Insurance fund is bedrock for social security provision.

Cash goes further when prices are not as high and there are still concerns about the cost of living here, as shown in the 2017 Social Attitudes Survey. Freezing some utilities prices this coming year should help, as should emerging policy around regulation of the Island's natural monopolies, but global price inflation and pound sterling depreciation inevitably increase prices here, so our room for a policy response is constrained.

Hon. Members, that same Social Attitudes Survey found that only 30% of respondents felt Government policies have a positive impact on their lives. Many seem to doubt Government and whether Government is taking things in the right direction. Everyone knows Manx people care, so the information from this particular target and indicator of our inclusive and caring society is particularly disappointing. We need to understand what is influencing this indicator, why people think this, and we need to do something about it. That is an important point in this way of going about government with a Programme for Government. The indicators tell us how we are doing, and if we do not know we cannot act – and also, once we do know we do have to act.

Moving to financially responsible Government, a regrettable reality for this Government is that money is tight and only financially responsible public service is affordable. The Government needs to eliminate the underlying £80 million annual imbalance between Government receipts and spending that we currently have. The public sector pension legacy funding gap and other financial challenges are all part of this. Reducing this imbalance has to be an important target.

Thus, perhaps it is hardly surprising that the second indicator of financially responsible Government we chose is only mildly positive at the moment. The proportion of the public which has confidence in Government has increased slightly between 2016 and 2017, but it is still the case that only half of us have confidence in Government, despite two thirds of us being satisfied with Government services.

This is not the speech today to lay out any aspect of equality, health, housing, infrastructure, safeguarding, social care, social security or any other policy, but surely confidence will ensue if each is tackled with financial responsibility. Surely confidence will come from Government openness, telling things as they really are, and explaining what really needs to be done. To help this openness, Government – and we should begin to take credit for this, I hope – has extended Freedom of Information, established the Ombudsman from 31st December this year and enhanced consultation and stakeholder engagement.

In that spirit of openness, and despite some dark clouds around us, and hesitation, I think now is the right time to announce that the New Year will bring the launch of the 'Year of Our Island'. This year of celebration, as set out in the Programme for Government for launch now, is a themed year celebrating the Isle of Man as a special place to live and work.

One element of our Island's international identity is our compliance with OECD and other international tax and regulatory standards as an international business centre, but the other story is the one about who we are as a nation, the story we tell about ourselves to others nationally and internationally.

Our Island is a special place for people and for nature, acknowledged as a UNESCO biosphere. However, Hon. Members, 2018 will bring opportunities for us to value not only our environment but also our culture, heritage and community, and to remind ourselves how these enhance our quality of life and our health and well-being.

This project is cross Government already. I expect cross-community partnerships to evolve for this celebration of our Island.

2450 Hon. Members, Mr Bill Dale of Beach Buddies explained to us last week how powerful this narrative can be – or is, even, in that case – and how it resonates internationally, and I really do think with dark clouds around us now is exactly the right time to remind us of the good things in our Island everywhere you look, starting from the community and ending up in the landscape.

2455 Hon. Members, our system works on consensus through debate. Input is welcomed today and in coming weeks. Where does our Programme for Government need updating, given what the indicators are telling us about the challenges we face? Are we responding in the right way, ‘dealing in facts and figures’, as the Chief Minister put it in his state of the nation speech last month?

2460 Of course the performance framework itself can evolve, perhaps becoming simpler, but the debate today and in coming months is going to be crucial. Substance not flannel, transparency not camouflage. This first year refresh of our Programme for Government should evidence gathering momentum in our policy and legislative response to the challenges we are facing, building on the achievements that we have already made.

Mr President, I beg to move.

2465

The President: I call on the Chief Minister.

The Chief Minister (Mr Quayle): Thank you, Mr President.

I rise to second the motion from my colleague the Minister for Policy and Reform.

2470 According to reports from the time, when asked what would be his most difficult challenge as Prime Minister, Harold Macmillan replied, ‘Events, dear boy, events.’ I do not think that as we sat together a year ago to plan our Programme for Government we could have foreseen events as they have unfolded over the past two weeks. But we should not underestimate the scale of the challenge that is facing us.

2475 But, Hon. Members, as I said in November, we are in good shape to tackle those challenges. The Programme for Government has set a solid foundation on which we can build. It remains and continues to remain our focus when considering policy and priorities. Our plans should not be static though. They should respond both to emerging challenges on the horizon and, where necessary, to those threats which require a more immediate response.

2480 I believe our plan is standing up well to the recent challenges. We continue to maintain our commitment to international standards and transparency. Our policy of economic diversification remains relevant and financial responsibility is key to ensuring a sustainable future.

2485 I am encouraged by the signs of continued economic growth, particularly in the increase in median earnings. I remain concerned though that the population is not growing fast enough to meet the needs of employers. I look forward to the Minister for Policy and Reform’s paper on population growth, (**A Member:** Hear, hear.) which I know he will be publishing shortly. (*Laughter*)

2490 Mr President, our motto on this proud Island is *Quocunque Jeceris Stabit* – whichever way you throw me, I will stand. Hon. Members, we will continue to be resilient and to stand firm in the face of adversity. I believe our Programme for Government has withstood the test of its first year and that it is fit for purpose for the future.

Thank you, Mr President.

2495 **The President:** Hon. Members, we will resume our debate at 2.30, when the first to speak will be Mr Cannan. The Court will now stand adjourned until 2.30.

*The Court adjourned at 1.05 p.m.
and resumed its sitting at 2.30 p.m.*

**Programme for Government –
Mid-Year Report; legislative programme 2017-19; revised policy –
Debate continued**

The President: We resume our debate on Item 5 and I call the Hon. Member for Ayre and Michael, Mr Cannan.

The Minister for the Treasury (Mr Cannan): Mr President, I want to thank the Minister for Policy and Reform for his introduction to this debate detailing both our economic success to date and outlining some of the broader challenges for our Island nation. I do not want to cover old ground so I will focus, initially at least, on some of the 12 specific actions for Treasury outlined in the Programme for Government, half of which I can report have already been completed.

The actions that the Treasury have progressed are not small or minor items but significant and fundamental reviews and contributions towards the way we operate. As Members will be aware, we have recently completed the review of Manx Utilities long-term financial plan which has resulted in Tynwald supporting a £95 million write-down of that debt, placing the Authority, I would suggest, in a stronger financial position whilst at the same time protecting consumers from significant increases in prices for essential utilities services.

In contributing to a financially responsible Government, the SAVE team and their initiatives have generated over 1,000 suggestions from the public. Every one of these has been reviewed and responded to, and all of this can be seen on the Government website. This was the first time that Treasury has engaged with the public in this way and welcomes, I would suggest, a more open era of Government engagement. Work is continuing in this respect to meet the targets that we have set out in the financial plan detailed at the last Budget.

The Treasury has launched a new procurement policy to update the way that Government procures goods and services. Work on reform of the Manx State Pension is well underway and the new Manx State Pension is on course to be introduced from April 2019. A consultation on the pension freedoms has been undertaken and you can expect further announcements in the near future in this respect.

Extensive work also been undertaken in reviewing our approach to welfare benefits, ensuring they are focused on supporting those most in need and also encouraging people into work which is good, not only for the individual, but for society as a whole. We are reviewing benefits on an ongoing ensure to ensure that they continue to meet the needs of recipients and making the relevant changes where appropriate. Again, I will be evidencing this work in more detail over the coming months.

Although our credit rating has moved downwards, reflecting a similar change in the United Kingdom, I think it is clear from the mid-year economic report that even in these tumultuous political and economic times there remains a strong confidence in the Manx economy. This is reflected not only in the indicators that show the number of individuals registered for Income Tax has increased, but also through a higher than budgeted receipt of Income Tax for the year to date.

But despite our achievements, I want to emphasise to you in this Hon. Court that we must not and indeed cannot afford to be complacent with either our public finances, or in underestimating the challenges ahead of us. I think we must recognise that the old days are well and truly gone and that these serious and significant challenges are now a part of Manx political life. The world has changed significantly in the last 10 years and will continue to change and evolve. We, increasingly in this Hon. Court, are dealing in some respects with global problems in a micro-environment: the cost of living, spiralling healthcare costs and age demographics, to name but three.

Alongside that we must accept that increasingly the Island is recognised as having more direct international responsibilities when it comes to developing our industries and businesses;

2545 and that accordingly we must now strive to ensure we are working to secure the frameworks
that will allow us to build, and build further, our rightful place in an increasingly global
marketplace. In undertaking these serious and defining external challenges over this
forthcoming year, I am sure that Hon. Members will want to join me in emphasising to all
concerned that now is the time to seek opportunity, not negativity; that now more than ever we
must work together across the public and private sectors to find solutions, not problems; that
2550 we must recognise that the Island can build and sustain its economy with positive and proactive
thinking and by recognising and accepting that change is likely to happen with or without our
engagement. It is critical that we get our approach right in this respect and particularly that key
personnel across Treasury, the Cabinet Office, the Department for Enterprise and the private
sector engage successfully to achieve the right outcomes.

2555 Success of course is with the Programme for Government but critical success, I would
suggest, lies beyond these shores. We must work hand-in-glove with energy and with realism to
keep both on track.

The President: Hon. Member for Garff, Mrs Caine.

2560 **Mrs Caine:** Thank you, Mr President.

Part of me thinks I should keep it brief and say only say: so far, so good – carry on, CoMin.

The Speaker: Carry On CoMin? A film?

2565 **Mrs Caine:** But given the opportunity to feed back and influence policies, here are a few of
my observations.

It is disappointing that the majority of residents feel Government policies have a negative
impact on their lives – that must be a key target to see positive change if this administration is to
2570 achieve its aim of an inclusive and caring society.

Indications that the economy is buoyant once again, with an increase in the number of
businesses registered and the number of people paying Income Tax, is to be welcomed. Indeed,
through my role within the Department of Economic Development, I sense a buzz of optimism
and a general positive momentum of businesses wanting to relocate or to expand here, and that
2575 must be supported by the refocused Department for Enterprise and by us removing barriers and
fostering enterprise across all of our many diverse business sectors.

I note the new measure in the Programme for Government to ‘Improve the ease of doing
business in the Isle of Man’ and look forward to the Business Confidence Survey data due out in
the next quarter. Likewise, I await with interest the development of a suitable measure to
2580 establish what we are achieving in terms of vocational employment and skills training provision
linked to social and economic needs. Bridging the skills gap between available skilled jobs, for
instance in IT, must be a priority.

There are other significant strategic policies that need careful consideration, and indeed
public airing, if we are to understand and support the direction of this administration. Amongst
2585 the completed actions is the Department of Infrastructure's target to ‘Implement the strategic
sea services policy and strategy’. Can the Minister confirm that the policy will be made public?
Can the Minister also confirm if this strategy includes consideration of the deep sea berth for
cruise ships and the Deloitte Assessment commissioned by the Department of Economic
Development? Is that all going in the public domain?

2590 In terms of the Sustainable Island targets, improvements will be made to our procurement
policy to spend more money locally where possible. Again, the target has been completed by the
Hon. Treasury Minister and it sounds good. However, can I ask that the system of procurement
is kept under review? While it is a laudable ambition to seek to encourage more local spend, in
some cases I hear suppliers are being deterred from applying for Government contracts by the

2595 overly bureaucratic and time-consuming procurement process. Can the process itself be reviewed and, if necessary, streamlined?

Next under the 'Inclusive and Caring Island', it is noted that the Hon. Environment Minister, Mr Boot, has completed the action to ensure we have affordable and accessible housing which meets our social and economic needs. However, much as a standards and monitoring regime will assist for houses in multiple occupation, the Island does not have enough affordable, accessible housing of a satisfactory standard. Will the provision of more affordable social housing remain a priority? Will the Departments of Infrastructure and Agriculture, Food and Environment set higher standards for supporting the construction of sustainable, energy-efficient housing in the future?

2605 Turning to forthcoming legislation, I look forward to finding out the detail of the proposed Education Bill. Despite the presentation to Members, its objectives remain obscure to me.

Will CoMin rethink proposals for a Single Resident Register Bill? If this is the direction the Isle of Man should be travelling, will they continue that direction in light of serious concerns expressed by the Information Commissioner?

2610 Also, given recent criticism over the Island's Temporary Taxation Orders by the former Assessor of Income Tax, I would like to know what exactly is proposed in the Income Tax Bill? Will the Treasury Minister be consulting on what is proposed before it is brought to Members for approval? Likewise, regarding the Trusts (Amendment) Bill to reform Trust Law: I wonder how the Bill proposes to 'Increase the competitive advantage of the Trusts Sector in the Isle of Man'.

On both of these pieces of forthcoming legislation I feel some public explanation is due from the Policy and Reform Minister or the Treasury Minister. The Island has received much negative and ill-informed criticism in the UK and international press over recent weeks and it would be a positive step for Treasury to announce the future direction of the Island law in this area.

2620 Other legislation concerned with Rating and Valuations must surely follow confirmation of plans to revise the rating system and consideration of local authority reform by this Hon. Court.

There are other areas that I would like to see progress reported on here; for instance, how a comprehensive road safety strategy is developing and when will it be implemented? Greater focus on households becoming less reliant on traditional energy sources and instead the positive encouragement of eco-housing, rather than the less ambitious counting of the average percentage of household income used for energy purchase. Encouraging households not to require gas or oil heating would be a better policy direction, in my view.

In terms of our natural environment it is hugely disappointing that the outcome of the tender process on the Meat Plant has not resulted in a new operator being appointed. That is a whole year wasted and DEFA needs to act quickly to reassure people in the agricultural industry, to provide clarity for farmers and landowners and develop a fairer system of support that will sustain the environment of this Biosphere Island, and sustain traditional agriculture along with the proliferation of artisan producers. In terms of our uplands and public footpaths, glens, etc. surely is it also time to rethink access for all and seek to prevent damage to our Island to better maintain footpaths, greenways and bridle paths.

2635 And, to conclude, I have to admit I am not surprised that Planning received the low public confidence rating of only 41%. Significant reform of the planning appeals process is required to ensure the public can have confidence in the planning system along with our historic building conservation. In fact, I do not support the inclusion of a target to measure satisfaction with a flawed planning system; better surely to focus our energy on improving the planning system itself and then confidence will surely improve. Can the Hon. Minister confirm what progress he has made with his proposals to reform the planning system and when they might be implemented?

2645 Overall, there is much in this Progress Report worthy of praise – the fact that targets are set and monitored is itself a step forward. But we also need to consider how we can look further ahead and how we want the Island to look in 50 years' time not only five years ahead. Also, that

while our economy is boosted and new workers are attracted here we ensure improved standards of living for the least well-off and opportunities for all in our society, looking to that useful and inclusive growth referred to by the Hon. Minister for Policy and Reform. That is indeed where we need to see a positive trend.

The Island is a special place to live and work and I welcome the special year of activity planned to celebrate our Island in 2018. Despite those looming black clouds, the uncertainty over Brexit, the negative media coverage of the Paradise Papers, also the Pension liability and the other challenges, the Isle of Man has much to celebrate and this special year should enhance the feel-good factor for everyone and promote the many positive aspects of the Island encompassing culture, heritage and the community.

With the Programme for Government to focus our minds and the ambitions of this administration I feel we can look forward to 2018 with optimism.

Thank you, Mr President

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mi eu, Eaghtyrane.

I want to start off by congratulating the Minister for Policy and Reform, and indeed the Council of Ministers, for progressing the Programme for Government as they promised they would do from the outset of this new administration. As I have said many times, Eaghtyrane, we have never had anything like this in previous administrations and it is a very welcome progression and way of doing business, and certainly we want to see it continue. It is a breath of fresh air to me and I can see that there has been a lot of hard work, tireless work, in producing some of the excellent, respectable and good results that we see in our Report before us today.

So as far as that goes, Eaghtyrane, we have to acknowledge the hard and good work that has been put in and the results that are starting to bear fruits. I am absolutely sure that this is no easy task; it is some mountain to climb with all the challenges that we face. And as the Minister for Policy and Reform pointed out, it is no time to be complacent either; and it is a world, as the Treasury Minister said, where we are now used to these challenges and have to manage them.

What I would like to point out, Eaghtyrane, is that the Minister's input – the Shirveishagh – made big play on the economic growth, economic success, which is fine, good and so he should do. But in the background there is mention of what I would call middleman and lower middleman – those who are not big earners, those who are not earning fortunes, those who are just above the benefit line, and indeed those people who are in receipt of benefits. The Shirveishagh made a very poignant observation in that the use of the food bank is increasing.

I think that nettle needs to be grasped. To be fair, he did say it would be, but I would say to the Minister that we really do need to keep an eye on that situation in the moving of policies forward and in moving the Programme for Government forward as a whole. We cannot afford to leave – as I call it, middlemen and grey area people – those folk who are just out of the area to claim benefits on small, meagre incomes, making ends meet but that is all they are doing.

We also know food prices are increasing; we also know fuel prices are increasing; and we also know the state of the UK pound balanced off against the Euro which is one of the main contributory factors to our inflationary rises to food and fuel, basic necessities for a reasonable quality of life or a decent quality of life. I am not making a call for anything other than a decent quality of life where working parents can put a decent meal on the table for their family. Nothing more than that, Eaghtyrane. But in my view, in the 21st century, it is an essential – and something that we need to be aspiring to. I know we are, but I am making my point.

I certainly know that we are looking at issues such as the living wage, for which I have to again applaud the Minister, the Council of Ministers, in approving the progression of the principle of that, because in the 20 years I have been here that is a paradigm shift from the old days – where, in fact, a Chief Minister at the time voted against introduction of the minimum wage and one or two other Ministers did as well. So to see the social shift in responsible

attitudes and how it is presented to us is excellent, and thanks for that has to go on record, Eaghtyrane.

Now, in making quite a point with regard to the less well-off, I need to move on really to one of the main points I want to put into the debate this afternoon, which is covered by the highlights within the Programme for Government and indeed the Report, and I think the Minister, Shirveishagh, covered international matters briefly in his opening gambit. We have headings such as 'Our Island: A special place to live and work', so think it is right that I direct some of my attention to international matters; unfolding international matters which have launched as to the forefront of a negative publicity campaign orchestrated by a few – a few who have conveniently made the Paradise Papers their grandstanding bandwagon for the populist view, innuendos and as far as I am concerned baseless accusations using the disclosure as their conduit to pseudo-stardom. Stolen documents, in my view – documents that would not be admissible in any court as evidence because of the way in which they were obtained, in my view.

So my message at this juncture, Eaghtyrane, is to ask Richard Bilton of *Panorama*, publicly, to come to the Island and answer some questions which he needs to share with the greater British public and elsewhere to balance off his enquiries into our Island. I would say one of the most pressing questions he needs answers for is why do delegation after delegation from the Commonwealth Parliamentary Association come to the Island to study our parliament which is world renowned and respected? Why is it we do not have fully blown party politics? Has an 85,000 population got anything to do with it? Is it the fact that to operate such a system we would need probably at least five times the number of Members to make that viable? And will he ask our public what they think about such an expansion of parliamentary membership and costs?

I want to ask Richard, why hasn't he picked up on the fact that the Isle of Man is at the forefront of financial standards and recognised for being so, and latterly by the OECD? (**Mr Corkish:** Hear, hear.) How come we are ahead of the UK? I want him to answer that.

I want to put the message out, Eaghtyrane, that matters of financial business in all its forms are a global issue. It is easy to target one jurisdiction by innuendo and inference, but world trade in all its legitimate configurations needs a globally acceptable platform to operate from. And practical for business and commerce to work – one which the Isle of Man has been working tirelessly to build. So I ask another question: does this mean that every Freeport, tax-free zone and enterprise zone around our planet is implicit in these allegations as well? Do we want to stifle world trade, then, and end up with insular, poorer economies – dismantle our global economy?

On closer inspection it turns out that offshore finance centres are used by just about everyone. They are part of the infrastructure of globalisation as much as the container ships, airports and fibre-optic cables we are so used to.

Eaghtyrane, a further message would be that no matter what you do, what laws are brought in, applying to whatever business and in whatever jurisdiction, the ingeniousness of the criminal mind knows no bounds. There will always be someone, somewhere, wanting to subvert the law for their own gain. So to the detractors out there, let's not fool ourselves, look in your own backyards first. And that is why the Isle of Man has been at the forefront of co-operation and sharing of information initiatives with the EU, Moneyval, the OECD and least of all the UK. We are, and wish to continue to be, a responsible, international finance sector.

Eaghtyrane, some of the wording there I have to attribute to a *Spectator* article as well, because I do not wish to be accused of plagiarism. (*Laughter*) However, in the main it is my own words, but there are some observations made there with regard to globalisation and I think we need to give credit where credit is due. I am so pleased that the OECD has marked us up, the way they have in their latest report.

Eaghtyrane, moving on, I could not leave a debate such as this without talking about conservation, biodiversity and our Biosphere status for the Isle of Man and knowing how special and unique our natural world and natural heritage is here. Yet within this Report it is a little light

on mentioning anything with regard to that. There may be good reason for it and I am sure I may get a fulsome answer from the Shirveishagh when he winds up, or indeed from the Minister for DEFA who may be itching to have a few observational points when I conclude.

2755 However, we do have a special and unique environment. It is of European significance and of world significance in many cases. It has been recognised by UNESCO and they have awarded us Biosphere status. Why am I rambling on, Eaghtyrane? (**The Speaker:** Hear, hear.) (*Laughter*) Because we need to sustain what we have got and improve our biodiversity and our biosphere status. The scientific facts are coming out now from local studies, UK and European studies, that in fact bird species numbers are falling, especially the incredibly rare birds that live here, such as
2760 hen harriers and peregrine falcons. We also note throughout the national and UK press the diminution of insect numbers, which are critically important to a biodiverse habitat area.

There is much we can do to improve our lot, Eaghtyrane, and it does not cost any resource at all – maybe small beer money in real terms – if we want to make some changes that would have real, meaningful benefit to our environment. This could have been hammered home more than
2765 by the talk we had the other day from Bill Dale from Beach Buddies and his extraordinary presentation with pictures of what is happening not just around our own Island but UK, world, and so on. We also have the *Blue Planet II* at the minute showing on BBC1 and we can see the messages coming out from that excellent documentary series.

So I would charge the Council of Ministers with coming forth over the next 12 months with
2770 some good initiatives to help promote our biodiversity and increase our biodiversity so that we, ultimately, keep our biosphere status when we come to be reviewed as and when that point is. I cannot make those points strongly enough, Eaghtyrane, because the facts at the minute are stacking up where we really do need to be getting off the ground initiatives, joint working initiatives, with the Manx Wildlife Trust, Manx Birdlife, Manx Whale and Dolphin Watch and all
2775 the others, in a joint partnership to move our Biosphere status forward and indeed improve our biodiversity, which is critical the health of our environment in general and our natural heritage which we are still lucky enough to be world famous for.

So, Eaghtyrane, I think those are the main points I want to say.

Thank you very much.

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The President: Hon. Members, I have given permission for Members to remove jackets, so you may do so if you wish.

Hon. Member for Douglas East, Mr Robertshaw.

2785 **Mr Robertshaw:** Thank you, Mr President.

My contribution to this important debate comes from a slightly different angle, but before I start I would just like to reflect a moment on the fact that just a year ago a brand-new House of Keys came into being with 12 brand-new Members and a lot of new Ministers, and yet within a matter of a few weeks it was able to construct a Programme for Government which has stood
2790 the test of time. I think that is quite a remarkable thing to have achieved when you consider, for example, lots of jurisdictions that have political parties have the party in opposition spending five long years trying to formulate their programme for government only to find after they get elected it crashes but a few weeks later. So I think that all Members should quietly perhaps pat themselves on the back.

2795 The important thing, though, for me is to look through the Programme for Government and look at the influences that have been brought to bear on us over the last 12 months and try to work out how we can improve our Programme for Government and how we can improve the way we work. I have boiled it down to three fundamental requirements that I think we have got to focus and work on. They are the introduction of much more sophisticated data, much better
2800 strategic analysis, and realistic forecasting and modelling. I would like to take up each of those three in turn and then give a few examples in closing.

Turning first to sophisticated data, I passionately believe that anonymised and aggregated data based upon the work that the Minister for Policy and Reform is doing under the resident record initiative is incredibly important, along with – and the Member for Ramsey, Dr Allinson, touched on it a few weeks ago – the importance of JSNA, which I was partly responsible for getting off the ground with a lot of hard work of a lot of officers across Government. But I really would like to see a revisiting of JSNA and see it, along with the aggregation of data and its anonymisation, creating a much more powerful model for us to analyse what is actually happening on the Isle of Man, because I think if we do so it will result in some very important outcomes. One is much more efficient use of taxpayers' funds, and secondly a greater capacity to move towards the personalisation of service delivery – which a number of you have heard me talk about perhaps too often in the past, but again I am passionate about that – because creating a society that can deliver personalisation of service delivery is one that is capable, finally, of addressing that issue of what vulnerability is and how we address it. I think we have not used that word particularly in the last year, 'vulnerability', but I think it should come back more into our general discourse.

Turning to strategic analysis, we are weak on this – we are *really* weak on this. We should have not a strategic analysis capacity in each Department, we should have a central strategic analysis capacity in the centre of Government and it should have recourse to information from leading university forecasts, respected think tank reports, appropriate input from our private sector and beyond and consideration of the best practice in other jurisdictions. What is it that other jurisdictions are doing that we can copy, draw in and amalgamate with other ideas? Let's not be shy about being magpies – if somebody is doing something better than us, let's go and borrow it, keep it. Analysis, again for the Strategic Analysis Group, would include looking much more closely at sophisticated data, as mentioned just before, so that we would be creating a socio-economic model which allowed us to apply policies to it and measure the outcomes directly of those policies and then identify where we were getting it wrong and where we were getting it right, not repeat the mistakes but accelerate the points that we got right.

The third point I want to raise is the forecasting and modelling. Forecasting and modelling should be based on strategic analysis and sophisticated data, the two issues that I have already mentioned, but use of all these together would effectively allow our political will to move forward from what has been effectively, in political terms, a reactive model – in other words, we see something has gone wrong and we try to fix it – to one where we are beginning to anticipate issues before they arrive, and developing policies which diminish, reduce or eradicate those problems before they occur. So let's become a proactive Court and Government, rather than a reactive one. That also does something else: it brings us closer towards a point where we are much more closely combining the development of policy and resource as a single concept. At the moment I think we are some way off that aim.

I want to just quickly then go through four examples as to how application of those principles is important. We have heard it already from a number of speakers and from the Minister for Policy and Reform himself this morning, and that is what I call a split society thing. I do not think the Programme for Government report so far sufficiently identifies those areas where we are having significant success and those areas where we still have problems. I think I would ask the Minister for Policy and Reform to look, as we move forward, at developing much more sophisticated data that tells us clearly that these groups are not achieving the necessary level of success or income or whatever it is that we are concerned with that we are desirous of. Here, if I can be just a little critical of Government in the sense that the general spin it sometimes puts on promulgations can have the wrong effect in terms of being heard by a significant proportion of the public who hear that this is going well and that is going well but actually it does not relate to them, not in their personal circumstances.

Is that really why we have got this big question mark over the degree of trust that Government enjoys? Trust comes from the concept of telling the truth, telling it as it is, and I think we need to be more ready to say we are not getting it right for this element of the

population. That data I just touched on this morning shows that a significant proportion of industry, a significant proportion of incomes, flatlined at best for seven or eight years and now this administration has effectively inherited that and we need to focus on that and recognise that and have those people listen to this Government and say yes, they understand our circumstances and 'yes, we know it is not going to be easy to respond to it but they will'. I think that will do more than anything else to help encourage greater confidence in Government. And it is not just our problem – right across the western world we are seeing this problem about the left-behinds and leftovers, or whatever you want to call them, not achieving in the political turmoil in Europe, in the UK and America. Let's make sure that it does not wash up on our shores. Let's deal with it, because we have the capacity to do so.

The second point is knowing what is an operational issue to be handled by a Department and what is a big-ticket strategic issue, and I think we have got an awful lot to learn here. I think because we have such a departmentalised system we require all the big-ticket issues to migrate into specific Departments and then often to an operational officer. If I can just for a moment talk about – and I have said this on the radio – this issue about ... and it is my constituency, so forgive me for that, but 25 years, is it, we have had Lord Street sitting there with nothing happening and we have taken it, over time, as an opportunity to criticise that specific Minister at that specific time, and a number have been in the frame. Look deeper than that and what we were actually asking an operational officer to do – who has got a full day job looking down at his or her operational area – is to step up onto an international platform and deal with people who were doing multi-million-pound international projects day in, day out, right through their working year. Were we putting our operational officer in those circumstances at a huge disadvantage? A huge yes, and then we were going to criticise them.

I once said, of one attempt to get Lord Street to happen, that what we had done reminded me more of somebody trying to submit a tender for some new office furniture rather than a multi-million-pound project. It needs a completely different way to handle it than our routine departmental methodology. We need once and for all to accept that. We need to put strategic capacity in the centre, then Departments can interact, if it is an area of their concern, with that strategic capacity. Before us next month, I think it is, so I will not touch on it much, we have got Vision Nine: there is another perfect example of that issue about strategic thinking, being in the right place and having the right resources. So yes, if you want to you can beat the Minister up again; it will not achieve anything, because the fundamental problem is there and that is what we have got to deal with.

Thirdly, understanding where cross-departmental co-operation needs to be followed thoroughly redesigned. Here I want to pull out two examples: the Scottish inspector's report that we dealt with last month and later on, I think today, hopefully, the Chairman of the Social Affairs Policy Review Committee report on Personal Capability Assessment. In both those cases the indicators are identical. They are saying we have got to be a lot better in cross-departmental integration of services. We must do that, and yet we continue to burden ourselves with a totally vertical system. Okay, there is every effort to try to negate those issues, but let's deal with it at its source, let's create opportunity within a future structure to allow budgets and personnel to work cross departmentally. So let's work horizontally as well as vertically.

My final example is a much more complex one, and that is the circumstances that our Minister for Health and Social Care finds herself in the moment. She probably has, along with the Minister for Policy and Reform, the biggest job in Government. I am going to just go through those three things and relate them to Health and Social Care: sophisticated data, strategic thinking and realistic forecasting and modelling.

Recently, the Minister has come under a certain amount of pressure over prescription charges. Well, she was absolutely right to say that we need to recover more money from prescription charges, but we let her go hang, really, because we had not got means testing in place to deal with it. I recovered I think it was about £10 million from the Child Benefit budget because I applied means testing to that system. People did not like it, but they said actually it is

sort of fair. Because the Minister for Health and Social Care has not got access to means testing, she has to go back to a sort of a post-war structure and criteria, and then it upsets everybody – a lot of people, anyway. So she was not given the tools to deliver the job, but we are quick enough to criticise her when she brings something out that she needs to bring out. The future of Health and Social Care is not just with the current Minister; it is all our problems and we have to solve these issues together and we have to be honest enough to drill down to the fundamental issues and deal with them.

Let me just talk, then, about strategic thinking. Are we going to leave the whole matter of the future of our Health Service to those sitting in the Department of Health and Social Care, or are we going to engage a strategic thinking body which will interact with Health and all the rest of us to make sure that we fully understand the challenges coming down the road? We run a general hospital. Just by way of example, the general hospital is a dying concept. Almost everywhere else, hospitals are specialising and there are all sorts of reasons why they are doing that, and I will not bother you with going on about them, but they are increasingly moving towards specialisation and hospitals as teams working together and moving their patients around following the competency on that specialism. So we have got to seriously think about what our hospital in the future is going to look like and what it is that we are going to deliver in the regions in terms of initial healthcare delivery and what our A&E is going to look like and what going to spend on it.

These are massive issues and it is no good waiting until the Department of Health and Social Care do their best to deal with these things and then say, ‘Boo-hoo we don’t like that.’ We have got to engage, all of us, in the fundamental challenges – debate and discuss them and understand the pressures and tensions that that Department will face in the future, and as has already been said, they are increasing challenges, not decreasing challenges.

Finally, I want to just touch on realistic forecasting and modelling. The relationship between Treasury and Health is in the wrong place. I feel sorry for the Department of Health and I feel sorry for Treasury because they have an impossible task. The Treasury’s task is to keep the lid on Health Service costs, so they apply crude budgets which the Department has to do its best to find its way to stay within, and yet in reality the demand cycle for Health over the next 10 years is going to go one way and that is up. So how do you correlate the fact that in the future the Department of Health will need a lot more money but Treasury must, in their forecast to date anyway, demand them to almost flatline? Well, the answer is that is impossible. Somehow or other we have to – again, going back to the other points about strategic analysis and sophisticated data – work out what our accelerating costs to Health and Social Care are going to be, put them to one side and then set them alongside the capacity for the Department to develop new efficiencies, and be sophisticated enough to know which is which. Right now, we have not. Are we going to go again to a situation where the Health Department – I do not know – stands up and looks for another supplementary budget and we have a row about that? Let’s become much more sophisticated in the way we do our business and we will give ourselves a chance to end up with a good and respected Health Service in the future. Let’s stop this business about pinning all the responsibility on one person at a time, call the Minister and then kick them around the room when things do not go right. Let’s all accept responsibility and engage in it.

So, in conclusion, I just want to say this, Mr President. The Chief Minister often speaks about the need for a more collaborative approach. Well, let’s progressively migrate to a structure that encourages exactly that. I suppose I would disappoint everybody if I did not mention the Single Legal Entity (**A Member:** Hear, hear.) before I sat down. Do not be frightened of a Single Legal Entity. There will still be Departments, there will still be Ministers, but it permits us to create strategic capacity in the centre. Along with the other work the Minister for Policy and Reform is doing, it enables quality needs testing, means assessment and looking after the vulnerable.

So, Mr President, we have now successfully embarked on Programme for Government mark 1. Let's start thinking now about what it is we need to do to make sure that mark 2 and mark 3 in future years are really successful programmes.

Thank you very much, Mr President.

The President: Hon. Member, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President, I think that was perfect timing!

Before I read from my notes I would like to thank the Member for Douglas East, Mr Robertshaw, for clarifying some of the things that I think we all think at times. I am not going to go into the prescription charges and the regulations that will be coming forward soon, because we have not made a final decision within the Department yet so it would be inappropriate for me to comment on that. However, I would say it has been a real consultation. We have listened to people and we are discussing options that we hope will satisfy everybody on that score.

But I would like to thank him for his understanding as well of the incredibly difficult role that it is. However, it is one that, if anybody asks me, I am quite prepared to tell them I absolutely love. (**A Member:** Masochist!) I think I must be a masochist, yes, but it is something that I have been interested in, as everyone knows, for a long time.

Again, I think the previous speaker will be interested to know that for a long time I have said if we cannot do something excellently and we cannot do it safely here, we should not be doing it, but I am not clever enough to know what that is – what is safe, what is excellent, what should we do be doing here, what should we be sending over to centres of excellence, which patients should go to the centres of excellence and where we should be bringing services over by the excellent people to give those excellent services here. I am not a clinician and I am certainly not clever enough to even try to pretend that I could get to the bottom of that, but we have got a lot of excellent people in the Department – excellent clinicians, excellent consultants, excellent nurses – and they are working on that very thing at the moment. I hope – and I hope you will be patient because it will not be too far away – that we will be bringing the very broad strategy of our vision of how we see that we want to take the Department in the future. I am quite excited about it, so I am not going to talk any more in case I give anything away, but I think that Hon. Members will see that there has been an incredible lot of hard work going into the strategy and I hope you will share the vision when it is presented to you in the not-too-distant future.

(**Mr Cretney:** Autumn or winter?)

Going back to what I am supposed to say for the Programme for Government – because I got slightly side-tracked – as a Government we are all working together to deliver that Programme and we are working with our departmental Members and the officers as well.

I am delighted to see a Programme for Government because it is something that I advocated for a long time in the previous administration – and unfortunately was shot down and ridiculed at times for mentioning such a silly thing. But I am delighted to see that it is working and I think it will carry on working if we all continue to embrace it and take it for what it is meant to be: something that we all contribute to; something that we can achieve an awful lot more by contributing to that rather than working in little individual clusters and not getting anything really achieved of what we want to. It is much better to be part of a whole Programme and everyone knows where you are going and what the big picture is that you are trying to achieve there.

I think it would be realistic to say that obviously my Department has challenges this year and will continue to have them, but we are not the only Department; I think all Departments have faced challenges this year. From the quarterly reports for my Department it can be seen that we still have significant work to do to ensure that our performance can deliver against the measures that we have set for this year. We have to acknowledge that while there is good work going on,

and we can see this in those indicators that are on target and green, we have not yet achieved a positive result against some of our more challenging indicators, which show amber or red.

3010 During this year, the focus of the work for the Department has been about two key deliverables: to try and balance our budget and to deliver noticeable actions against the integrated care agenda. Balancing the budget is a clear priority for the Department and it is a struggle – I think everybody knows it is a struggle – but we have to do our absolute utmost to try to come in on target. That is what we have committed to do, and we have recently announced
3015 two initiatives that we hope will deliver demonstrable cost savings.

The first is a freeze on non-essential recruitment with greater scrutiny of individual requests before the recruitment process commences. The Department has been very clear that this initiative does not include frontline roles and it is vital that there is no impact caused by this action on critical services.

3020 The second is the introduction of a Mutually Agreed Resignation Scheme (MARS) for all management grades across the Department. Again, the scheme is not designed to reduce frontline services. This is about management posts, and applications from frontline colleagues, even when they fit the management grade definitions, are unlikely to be successful.

Our target for integrated care is rated amber in this quarter's report as progress to move
3025 more services from the acute area to the community has needed considerable planning and work. Having said that, we recently announced the beginning of this process, with a restructure of the services in Noble's Hospital and the relocation of services to Ramsey District Cottage Hospital. We are also beginning consultation with residents and stakeholders in the west of the Island about how integrated care can be delivered here.

3030 We are also consulting on potential new models of service delivery for eye care on the Isle of Man and we have been running telemedicine pilots this year which are intended to facilitate the shift of services away from the acute setting over time.

Work continues to digitally transform our services and ensure that information is easily accessible to people, both service users and practitioners, where it is needed. Whilst we are
3035 rated amber on this target, with some areas not delivering to schedule, I am pleased to say that over the past six months we have continued to move this area of work along at a pace.

We have delivered a number of initiatives and service redesigns including, in February 2017, the introduction of Patient Track on all medical wards in Noble's – this provides a digital patient monitoring and observation system, helping to deliver enhanced care and a range of safety
3040 benefits; in March 2017, the introduction of a text messaging service for outpatient clinics, reducing the need to send second and third reminder letters for appointments; in May 2017, significant progress on implementing the Digital Health Record project, which will see all health records available digitally – this will be achieved by scanning over 16 million sheets of paper by the time the project is complete; GP Patient Access was launched in July this year with the
3045 Department actively encouraging patients to register digitally with their GP practices; we have also seen the introduction of new IT systems to support our existing services, with digital ordering of tests for pathology and radiology in June this year; and in August, progress in purchasing a new electronic prescribing system for Noble's, Ramsey District Cottage Hospital and Mental Health Services.

3050 However, I am disappointed to have to report to this Court that we have fallen behind in delivering our targets on reducing waiting times for operations and also publishing information about waiting times because of issues with data accuracy. These are areas that we are working hard to improve, but unfortunately we have not been able to show improvements for this quarter. We have, however, delivered a significant piece of work around the validation of
3055 waiting lists and this, we hope, will start to show in our performance next year.

You will also see that we have not managed to communicate as effectively as we would have liked to this year both with our patients, key partners and the public, and indeed internally with our own colleagues. This is an area that has caused me genuine concern, as the work that we do to deliver the Five-Year Health and Care Strategy for the Isle of Man will be dependent on

3060 sharing information and consulting with people as we progress. We have invested in additional resource for our communications work, and I would hope that going forward you will be able to see an improvement in this area.

3065 Whilst I have explained where the Department has slipped below performance against its targets, it would not be fair or balanced not to mention that in a significant number of areas we are on or ahead of target at this stage.

I could talk about the new services – the Intermediate Care, the change in the way we are operating between Noble's Hospital and Ramsey District Cottage Hospital – but I think in Questions today, and statements and Questions fairly recently, everybody is well aware of those, so I am not going to go over those.

3070 I think I would like to emphasise though that absolutely nothing can be achieved without team work and at this point I would like to thank my Department Members for their support and all the staff, who work so hard for our community, for their incredible efforts, which continue to be valued by all of us. I sincerely thank them.

3075 **The President:** Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

3080 I would like to echo the comments made by the Hon. Mr Robertshaw that it was only a year ago that we all met together, all Members of Tynwald from backbenchers to Bishop, to decide and determine this Programme for Government. In some ways it has been a really interesting and inclusive way of bringing us all into the process of government, which I do not think has ever been done before. We now take it for granted that we will get a report and I would like to thank the Minister for Policy and Reform for giving this to us today. It is a work in progress, I completely agree with you, but it is a good work in progress and it shows progress. What we
3085 were committed to is the evolution of the Programme for Government, that as we met these various criteria ... and I would like to thank the Treasury Minister for the help he gave in terms of working with the MUA to devise this independent review and then act on that in such a speedy manner, but as we cross off these targets we need to look forward and we need to do better and do more and look at the way the world is changing around us to make sure we adapt to that.
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I have just got one question for the Minister for Policy and Reform, which slightly concerns me because this is ambitious but it is attainable, and I just ask him, because the ambitions and the promise of the Programme for Government must be met by resources, whether he has the confidence that we have got sufficient drafters and drafting time to meet the deadlines and aspirations. We are making decisions and I think it is important, both for us and for the public,
3095 that those are acted upon and realised, and I have just a slight concern, with the weight of legislation that we need to bring in to achieve these changes, that that can be brought in. I think for all of us we need to keep the momentum going, we need to move on to the next challenge and meet that head on, and so I would just be interested in his assessment of whether we as a
3100 Government have got the right resources to actually deliver on this.

Thank you.

The President: Hon. Member for Glenfaba and Peel, Mr Boot.

3105 **The Minister for Environment, Food and Agriculture (Mr Boot):** Thank you, Mr President.

I am proud to be able to stand before Tynwald today and speak about my Department's contribution to the Programme for Government that shows significant progress in a number of sectors; but there is still much to do and we are learning lessons all the time.

3110 Before I delve into the positives and those that are work in progress, I would pass comment on the way in which I perceive better co-operation between Departments which I think is good

news for all of us, and I would congratulate the Chief Minister on his leadership in bringing Tynwald unanimously on board with a Programme that we are delivering on.

3115 The debate today is teasing out areas where Members feel we could make better progress or changes, and certainly within my Department the political Members work as a team, with common goals, and I thank them for helping me deliver what we have here today.

3120 Looking at matters specifically, when I first became Minister and I was facing my first challenge tackling what was a race to fish on the first day of the King Scallop season last year. This just could not go on and an emergency bag limit slowed effort down. Since then, working with Bangor University, we have real scientific evidence of where our fishery stocks lay and we set up a new combined Scallop Board, combining the Queen and King Scallops, advising us, and we have made really good progress and in fact I am pleased to say that I think we are probably well ahead of other jurisdictions around the Irish Sea. We are looking at licensing and we are trying to capture more GDP on Island, which plays well to our food strategy.

3125 Going to Mr Henderson's comments with regard to biodiversity and conservation, that also has not been forgotten, the marine and on land, but particularly in the marine environment we are zoning more marine conservation areas and we are working with the fishing community to ensure that we conserve stocks as well as look after the biodiversity within our marine environment.

3130 Then I turn to Planning. There were widespread concerns around the planning system and the way it can potentially hold up economic development. My Department has worked closely with the Cabinet Office and we have launched a comprehensive review of the planning system, which is now out to consultation. In the meantime operationally within the Department we have revisited the enforcement process, which is now being administered in a robust way and I am pleased to say that over the last few weeks we have reinvigorated the registration process for
3135 our historic buildings that protects our built heritage. We are about to launch a consultation on new building regulations that will help our Programme for Government commitment to energy efficiency and I am pleased to say that I will be able to make a statement in December's Tynwald about progress with the Energy Efficiency Scheme.

3140 Our food sector is of real importance to the Island through the Programme for Government and our Food Matters Strategy. We are driving progress to reconnect producers to the marketplace. The new provenance labels, and latterly the butchers' label, are good examples of this. We are obviously a small Island and we are never going to achieve the economies of scale that enable us to compete purely on price. We need to produce premium quality products that meet our consumers' requirements. The recent launch of the Creamery's grass-fed accreditation
3145 for milk and dairy products facilitated by my Department is an excellent example of Government co-operating with industry to deliver what the consumers want and at the same time adding value to the product.

3150 When it comes to agriculture, we are reviewing the way agricultural support is paid and the ADS Scheme will shortly move into consultation to keep our farmers and their farms viable, contributing to the resilience and sustainability within the food sector and at the same time recognising the environmental benefits and the biodiversity that comes from our farmers' husbandry and management of the landscape.

3155 It would be remiss of me not to talk about the Meat Plant. It has not been an easy process, if the problems had been easy to solve they would have been solved years ago. We have released a press release today announcing that the tender process has been cancelled and that we are moving on to Plan B, as alluded to in the Keys earlier this month. This will result, I hope, in big changes to the management structure and UK-related pricing for our farmers. I think there is a lot to commend the way we are moving forward but there is still much work to be done there.

3160 My Department owns a substantial area of land particularly the uplands, the forested areas and national glens. We are proud to have contributed to lots of the wider objectives in the Programme for Government around health and wellbeing, active lifestyle and overall quality of life with continued development of sustainable access to these valuable community and tourist

assets. These areas also contribute to our resilience in terms of controlling watercourses, intercepting flows at an early stage and biodiversity. We are developing models around this that also plays to our Climate Change Strategy locking CO₂ into our peaty upland areas.

Probably one of the proudest moments as DEFA Minister was to witness the Chief Minister accepting on behalf of the Government and the people of the Isle of Man, the UNESCO Biosphere certificate. This was a first-ever accreditation of a whole country. It was a project led by my Department but supported by many others. It succeeded because of the enormous pride of our Government and community in our Island. Wonderful as that award is, we need to drive forward the values that encapsulate the Biosphere status and we are shortly appointing a Biosphere champion to do just this and we have also appointed a dedicated eco-system manager and team.

Finally, Mr President, I am pleased and proud that my Department has contributed so much to the delivery of year one of the Programme for Government. Whilst it is nice to look back on the achievements, and I hope I have highlighted a few of these, there is still much to do; the challenges are substantial but so must be the commitment to succeed.

Thank you very much.

The President: Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President; and thank you also to the Minister for his succinct report which brings out the key points. I will try and adopt a similar approach.

I note that the revised policy statements and actions are due to be laid before Tynwald in January – so, this winter, if you like. I would suggest to the Hon. Minister that it would be helpful to have the population white paper when this is considered. The Member for Douglas East eloquently espoused the benefits of strategic analysis. I fully support this and would suggest that it is misguided to develop a revised Programme for Government, without a better understanding of the population dynamics. It really is fundamental to all aspects of Government policy. As such, I do hope that the Hon. Minister will bring forward the white paper in December. It is clear that we need to grow the economically active population.

The year of the ‘Special place to live and work’ sounds like a really exciting initiative which should help us celebrate the many great things about our Island – so I will look forward to hearing much more about that soon.

Thank you.

The President: Minister to reply. (*Interjections*)
Mr Harmer.

The Minister for Infrastructure (Mr Harmer): Thank you, Mr President.
Sorry, I was expecting – (*Interjections*)

Mr Henderson: It’s too late!

The President: Please indicate in good time, Hon. Members.

Mr Harmer: Okay, thank you, Hon. Members, I will keep it brief.

I know there are a number of comments so I do want to just answer those in particular, which is why I am speaking now. Obviously one of the key areas that is part of the Programme for Government is that we have a big difference as the Ministers actually come together to work towards the Programme for Government and that actually is a huge change. I have noticed that actually in the Programme for Government it has both positives and negatives which are really, really important.

3215 I will not go into much more depth, but just to say there were some comments. Obviously our Department has the responsibility for 16 defined actions within the Department which reflects the number of wide ranging functions to ensure that the Island has the infrastructure on which to build its economic and social success.

3220 Great progress has been made in the delivery of these actions. Four have already been completed, such as the National Infrastructure Strategy and Active Travel Strategy, and we are well on target for delivering a further nine, in particular with regard to the completion of the Douglas Promenade in this administration, which gained the support of this Court in July.

3225 But that also talks about some other work that we are doing with other Departments, and I would include Lord Street, and there is some good progress happening on that; and also with regard to Hon. Member, Daphne Caine, with respect to sea services. We did come to Tynwald and we had the Sea Services Policy and Strategy agreed and that now is formulating the next step, which is the Harbour Strategy, and we will working with all Departments on that.

3230 As I say, the performance of the Department of Infrastructure makes a significant difference to everyday life on the Island. Having key performance indicators – which is new – in place in the Programme for Government means we can measure how well we are doing to support the Island's social and economic needs.

The Department has 17 KPIs and is meeting or exceeding seven of these. Only one is currently not being met and this is being addressed through the progression of a requirement for landlord registration, as part of the work to safeguard the interests of landlords and tenants in private rented accommodation.

3235 Hon. Members, my Department is committed to playing its part in achieving the outcomes of the Programme for Government and therefore to deliver the priorities agreed by Hon. Members, and which can only be done with the help and co-operation of all Members in this Court and for that I would like to thank them.

3240 Thank you, Mr President.

The President: Hon. Member for Rushen, Mr Skelly.

The Minister for Economic Development (Mr Skelly): Gura mie eu, Eaghtyrane.

3245 So, the Isle of Man Government Mid-Year Report for the Programme for Government: this reminds me of the old Manx saying, 'Don't tell me what I was, but tell me what I am'. And that is exactly what we want from each of you as the Members and you have contributed to that.

3250 I do not have a planned speech here, but I just wanted to acknowledge a few of the comments that have been made. What does that old saying mean? That says tell us now what you think, not after the fact and when the deed is done. Several Members have picked up, while Mr Henderson highlighted, that the Programme for Government is new ground for any Government of the past, and I think is a vital piece of manifesto that we can always refer to. It was interesting when Mrs Caine highlighted in the Social Attitudes Survey that the negative view the public have of Government is still quite high, so we have got to ask ourselves, why is that?

3255 I would suggest to you, you refer to that Programme for Government, because there are so many action points in there owned by many of you in this Court, not just as Council of Ministers, this is actually Tynwald that has signed up for this and many of you have your own action points and your own KPIs.

3260 The Minister for Policy and Reform has indicated that 75% are on target – that is a remarkable achievement in a very short space of time. There are national indicators, macro-indicators and there are a whole host that sit within Departments.

One of the most poignant statements and contributions came from Mr Robertshaw. Why was that? Because he talked about strategy, talked about policy and to make it not horizontal but vertical and fluid, and capacity is exactly what we need.

3265 Later in the Order Paper here, I am asking for the transfer of functions to become a new Department, a refocused Department, to relaunch the Department, and to have a focus on its

core responsibilities, strategy and policy for the economy. Obviously I would like to highlight some of those points because, again, the Minister for Policy and Reform highlighted the increase in median earnings. That is very, very important. If you want to change those social attitudes out there you increase median earnings. We have done what we can, make it legal with increasing the minimum wage, and there is work ongoing – and I thank Mr Hooper, who is not here at the moment, for his efforts to promote the living wage which we have now embraced and we need to move to try and work towards. But we have increased the minimum wage significantly these last three years and that has a knock-on effect going further up.

Increase the economically active population: we now have statistical figures that will tell you that numbers are moving here, more people are in work and more businesses are paying ITIP as well. So what is that translating to in an economy? That means it is real businesses with physical substance right here. Real jobs paying real tax. And if you think about the attacks that we have been under these last few weeks from the international press, it is very hard to actually challenge that because they are legitimate, tangible businesses right here on the Isle of Man and they are growing and the confidence in the economy is growing too. I will look forward to the Business Confidence Survey coming forward.

But I would just like to say to a couple of points that were picked up there: Mr Henderson also picked up the UNESCO point, and Mrs Caine did, and I am delighted to hear my colleague, Minister Boot, highlight how important that is, because that is an accreditation and an endorsement of what the Programme for Government is all about – a special place to live and work. And that is endorsed right there.

Mr Henderson noted that there has been birdlife reduction on the Isle of Man: it is not just on the Isle of Man, but one little fact I have got for you here is that ravens are on the increase. There are 80 to 100 pairs of ravens now on the Isle of Man.

Mr Henderson: There is a drop in the other wildlife, Minister, though.

Mr Skelly: There may well be, but ravens as we all know the significance that means to the Isle of Man. You look at that crest and you know that is the strength of the people of the Isle of Man. So it is important to pick up that point.

So social economic balance: the magic formula, the difficult issues for any government, and that is our challenge. I go back to this being a mid-year report. There are numerous KPIs which we all own and we must all work together to try and achieve that if we are to improve those social attitudes. That is our biggest challenge, that we must be able to improve that. It is all very well giving ourselves a pat the back and saying yes, we are doing well, but let's look at those in black and white and make sure that we continue to deliver.

So, with that, Eaghtyrane, I will bow.

Leave of absence granted

The President: Hon. Members, just to make clear I have in fact given the Hon. Member for Ramsey, Mr Hooper, leave of absence for the rest of this sitting due to his being unwell.

Programme for Government – Debate concluded – Motion carried

The President: Mover to reply. Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you very much indeed, Mr President.

I think there are incredibly valuable contributions that have been made, which I want to acknowledge; and I am sure as well there are very important things that other people could have said and I also want to acknowledge the validity of that position. For instance, the Department of Home Affairs could have commented on the Road Safety Strategy and I am sure the Hon. Member will take it upon himself to make sure that all Members know about the Road Safety Strategy. I am sure that there are other things that came up in the debate that people will circulate information about afterwards.

The Programme for Government is in its infancy in this version. It has been around for 30 years. In big form it has been tried in the Isle of Man in different ways but a previous iteration petered out because of the hours and hours of debates with set speeches. What we want to make sure is that this is a fresh Programme for Government and a fresh debate about policy actions and actions that we need to take in the coming years. That is the main point that I want to leave people with. It is not about set speeches; it is about making sure that we have collective responsibility for policy statements and actions in coming years and for legislation in coming years, and that, to use the aphorism that the Minister for the Department of Economic Development just used, we make sure that we express intentions about what needs to happen now rather than after the event if it does not happen.

I got asked a couple of very specific questions, which I will deal with first. One specific question was from Dr Allinson, the Hon. Member for Ramsey, about the legal capacity to deal with all of the legislation that we have. I have not had a chance, I think, to say this before in this Hon. Court, but it was suggested a while back in the media that we had not been very productive in terms of legislation in our first year, but in actual fact more Bills were introduced for First Reading last year than had happened in the previous five years and our performance last year corresponds to a 30-year average, as discussed by Prof. Kermode in his history of these sorts of things – he has got a very helpful table on that score. So, 15 Bills, which is what our planning framework is, is ambitious because it is at least in line with the average, and the Hon. Member for Ramsey has noted that we have a phase 1 and a phase 2 in the Programme for this year and that takes us over the number of Bills we have ever achieved in recent times. So we are putting legislative drafters under a lot of pressure, and if we are going to put legislative drafters under pressure we cannot mess around with saying we want the policy to say this or perhaps that or perhaps something else; we have to be very precise what policy we are trying to achieve. So we draft once, we draft sensible amendments, we take them into account. It is not a question of time inside the Branches necessarily; it is just making sure that we go about giving the right instructions to the drafter. I really do hope that the legislative drafters will work with politicians to be able to achieve what the Departments have told us is necessary in the next couple of years to achieve the policy ambitions that they want, but I do acknowledge and recognise that 20 Bills a year is five more than the average we have had over a 30-year period, so we have a very ambitious target.

The other very specific question was from the Hon. Member for Garff about the Income Tax (Amendment) Bill. It has become a perfectly standard practice in our Island and in other places to use temporary taxation orders that are then integrated into an amendment Bill of the overall Income Tax Act 1970 – is that right? Or something like that. Obviously that is what you would expect when we are talking about removing opportunities to avoid tax or opportunities to set rates and so on. I think the point that the Hon. Member for Garff was making was that major changes in taxation policy should not be done by surprise in a temporary taxation order, and I am sure the Hon. Court accepts that as well. I do not think there is any question that temporary taxation orders are inappropriate; I think it is just that if we are going to have changes to the way that we raise public revenue, we need to do that collectively.

Some other points. The first point is to thank all of the staff involved. I think they would agree with me in saying that it has been a learning point for them. Last year this debate was peppered

with references to KPIs and measures and indicators and actions and making it much more specific. I think we are pleased with what we are hearing, which is that we do not want to create bureaucracy. We are not the Socialist Republic of the Isle of Man; we are a consensus Government that wants to do the right thing allocating priorities properly. What I think I have heard today is that we can think about how we present information on our performance website so that we can keep you in touch with annual indicators and quarterly indicators when they become available, not ritually every three months to be challenged in this Hon. Court. So I think we will take away from that your appreciation of the efforts across the Departments and in the centre with putting together the Programme for Government but also an expectation that we need to be realistic.

On those lines, the officers have made me lots and lots of points about everybody's invaluable contributions, which I will have in the background but I will try and make some general points.

Firstly I would like to thank the Chief Minister, namechecked by the DEFA Minister, and it is absolutely great that the Chief Minister has inculcated the spirit of collective responsibility inside this Court and inside the Council of Ministers, and I thank the Chief Minister for seconding the debate today and for the achievement of the last 12 months.

The Treasury Minister identified some important policies which were, I think, given their right emphasis by something that the Hon. Member for Ramsey said later on: without looking at the MUA finances and the £95 million debt transfer, we could not be looking at making prices better so things stack up for the man in the middle or the lower middle, as the Hon. Member of Council, Mr Henderson, talked about. Procurement policy that I think came from an initiative to do with local food from the Hon. Member for Michael and Ayre – or Ayre and Michael, or something like that; I got that wrong last time. *(Laughter)* We have a procurement policy which needs to be there to encourage the localisation of our national income so it is more valuable for local people doing things locally in the economy here and therefore making our society more sustainable.

Of course we have population challenges and the Chief Minister has now committed that we will be putting the population discussion paper, a white paper, for information on the Council of Ministers' table in the next couple of weeks and then it will be published on the Cabinet Office website to inform the debate.

I am glad that the Hon. Member for Garff, Mrs Caine, spoke. You were hesitant to speak, you said, but I think you raised some important issues, some of which have been dealt with by my colleague Ministers but some of which have not, so I come to the ones that have not already been covered.

The first one is that the Single Resident Record, aka register, Smart Service Framework, the feasibility study, is complete and I am looking forward to the debate in December. I think the Information Commissioner has expressed some concerns about the future of data protection legislation in the context of some experiences in the past, or some perceptions about experiences, and I am hoping that we can discuss with Members and in this Hon. Court in December and in the wider public, as we have started doing, such that there will be a clear separation between the Single Resident Record Smart Service Framework – as it will become called, I hope – and data protection legislation and frameworks, because they are two separate issues. Both of them have got a timetable ahead of us, I hope, but we will have that full debate in the December sitting in the Hon. Court.

Rates and valuation, yes, it is important, links with local government transition, and I am pleased to announce that the MUA and Treasury seem to have joined with Cabinet Office in setting up an internal working group to put together a plan for further discussion with other places in Government and also beyond that into the local authorities and all those other people who use the rateable valuations to raise revenue.

Planning has been a challenge. There is still talk about the systemic errors in planning, but the way I see it is that we have a solid action plan, we are refining that action plan through this

consultation and we are all agreed that we are going to make the system work. I do not think we need to attribute blame in the past, whether it was the system or whether it was people not using the system properly, but what I am certainly sure of is that we now need to show that planning is flexible like people want it to be, that you cannot disregard the planning system and we need to flesh out some aspirations that we now have. So, for instance, the Minister for Environment, Food and Agriculture has made a profound and substantial commitment to conservation and the historic built environment and that is exactly the sort of policy area where we now need to back that up with a policy statement and a series of actions timetabled and resourced over the coming years, because at the minute we have very clear indicators but we do not have, as yet, in the Programme for Government a policy statement and a series of actions timed and allocated, which we now need to do.

I appreciate Mr Henderson's comments, particularly his reminder that this is a paradigm shift. I had not realised that a former Chief Minister had voted against the minimum wage previously and it is quite something. So many people here have talked today about how important it is to make not only the Island a wonderful place to live but also to make sure that pretty much everybody, if not everybody, has got enough to enjoy that life that is available here.

I could not help but note that the Chief Minister talked with reference to Harold Macmillan's speech, and obviously Harold Macmillan was the great Balliol Tory who said things like 'the class war is obsolete' and he really cared about the middle person and so on and so on. Obviously, at the end of Harold Macmillan's career he got a bit tarnished because he said stupid things like 'You've never had it so good.' We are not anywhere near that as yet because the reality is that we have got some serious challenges in our Island for many people. We need to take them seriously and I am absolutely delighted that the consensus one-nation Tories are those that are being used by other people in their speeches to show that this Government is serious about looking after the middle man and the lower middle man, as have been termed by the Hon. Member of Council.

Mr Ashford: Don't mention the night of long knives.

The Minister: No! *(Laughter)* There are lots of Harold Macmillan stories we will not mention – foreign policy and all that sort of stuff. Who writes your speeches for you now, anyhow? *(Laughter)*

The Speaker: Beg to move.

The Minister: Conservation and wildlife –

The Speaker: Beg to move.

The Minister: Conservation and wildlife is very important. We had hen harriers mentioned, we had peregrines mentioned, we had ravens mentioned and I think the basic point that the Hon. Member of Council is making is that we need to have the policy statement fleshed out with actions, with resources and timetables, and I am sure that is something now that I challenge ... It could come up inside the planning review, it could come up inside the eastern area planning process when it comes to light. There are lots of opportunities for that action to be made live and we all know that the special year acknowledges our landscape and the wildlife in our landscape and now we need to flesh that out.

Mr Robertshaw, who I thought made a very helpful contribution, last year – unfortunately, I nearly made him crash his car – but this year I hope that we are back friends again, because he has commented on the fact that the Programme for Government has not quite been the car crash that he imagined it might be.

Data is very important and I just wanted to use this as an opportunity to extend the thanks beyond the staff who have been involved in the Programme for Government across Government Departments but also in the Change and Reform team, to the people who are putting together the data. We had lots of evidence today of evidence being collected about public health and about health and care, which is informing health and care policy.

I have got a person who arrived this week in the Planning Policy team and somebody else arriving in a couple of weeks, and two more who came a few weeks back and we are putting together a young, exciting, dynamic team to start thinking about the issues of what is in the fields and what is in the ... We are not creating new roles; we are just finally able to fill the roles that we have had for some time because planning is becoming more certain and I think there is more of an agreement about what we are now able to do. So that is planning.

In economics I have set them challenges. Mr Hooper, the other Hon. Member for Ramsey, has set them challenges with the living wage. Other challenges came up today to do with income, to do with age, and that small team there in Economic Affairs has constantly exceeded my expectations when they have produced evidence and data and I think they would appreciate me saying and everybody in this Court believing that the data that they produce and the analysis that they produce is helpful for strategic policy thinking.

Mr Robertshaw also made the point about strategic analysis in the centre of Government and liaising with think tanks, the private sector, best practice elsewhere, modelling and so on. I agree, I concur, but the other thing I would say is you have to see that in the light of our approach to open government, to freedom of information, and what we are also trying to do is provide the information to others outside Government to come in and share with us the strategic analysis, because there is a lot of intelligence outside, a lot of analysis outside, a lot of capability outside, and if that can be harnessed for the common good, even the common purpose, we will be in a much better place.

Of course we should be proactive, and the way I introduced the legislative framework alongside the Medium-Term Financial Strategy and the Digital Strategy and the Emergent People Strategy, that I know my good colleague in the Cabinet Office is working on with officers at the minute, I think is evidence of the fact that we are thinking about how we apply our resources to our policies rationally to deal with the substantial challenges we have got not only in terms of population but also in terms of what was called the split society.

The other advice that Mr Robertshaw provided was less 'spin', I think he called it, during our promulgations – make sure we relate to people and speak their language. I suppose there is a fella over in the Aran Islands – I forget whether it was Inisheer or Inishmaan – who wrote a song that was taken up by Christy Moore that was played back to me recently by Bernard Moffatt and which was about why everybody like that hated politicians, because they always talk blah, blah, blah, blah, blah, all of the day and all of the night. (*Interjections*) I suppose there is a very good point in that Christy Moore song, which is that we need to make sure that we ... I am absolutely sure that we are taking the interest of everybody in this Island society seriously but we need to make sure that that is appreciated and part of that is the language that we are using for it.

The other point that Mr Robertshaw made was that means testing keeps getting thrown about but part of the problem is that means testing was 1931, going into people's houses and asking them exactly whether or not their grandma had a bath, sharing it with the uncle or not – that is in a Christy Moore song, by the way. That cannot be what means testing is about. We need to have needs assessment, we need to have means testing, we need to have principles around all of these sorts of things, and basically that is what we are trying to do through the Council of Ministers subcommittees. I think genuinely we are considering joint commissioning, we are considering joint policies. We have got officers working together across Departments on special projects and we have got to do more of that for social policy, for environment and infrastructure and even for national strategy.

3515 So, in closing, (**Two Members:** Hooray!) (*Laughter*) I wanted to thank Mrs Beecroft for her frankness. In essence, the way to gain respect and to help people understand that genuinely people are trying to deal with the reality rather than pretending things are different from what they really are is to be open, transparent and frank about the situation we are in. If we had lots of money we could have supplementary budgets regularly and so on; but that is not the situation, so therefore we have got to take the expertise that the Minister described as available from clinicians, from nurses, even from hospital managers and administrators, to actually put together the right options and choices for politicians to be able to make inside this place for what the future of our health and our care system looks like.

3520 Accepting the challenge that the Hon. Member for Middle, Mr Shimmins, made in terms of the population white paper, I note the helpful comments from other Ministers, Minister Harmer and Minister Skelly.

3525 The presiding officer reminded us, from his long experience, of what the debates were like between 2000 and 2011 when we had the Programme for Government debates and I really do hope that this debate is not seen like those debates came to be seen by some politicians towards the end of the time.

3530 We can reflect on what we have said and how we have gone about our business. I hope you will and I hope we can all work together collectively to put together a refresh of our living Programme for Government. Our economic growth needs to be useful economic growth delivering better employment opportunities in more organisations, thus enabling better life chances for more people. Our Programme for Government needs and is aimed at putting money in people's pockets, providing public services and making a positive difference to people while reducing Government's financial deficit.

3535 The Treasury Minister reminded us that there were global events that needed to be dealt with in the micro level and that is very important, and as the Chief Minister concluded his Awards for Excellence speech last week, we will always be a proud independent nation, proud of its buoyant economy, proud of its identity and proud to do business all over the world.

3540 Therefore, Mr President, Hon. Members, I beg to move.

A Member: Hooray!

3545 **The President:** The motion is that set out at Item 5 in the name of Mr Thomas. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

6. Operation of Personal Capability Assessments – First Report received and recommendations approved

The Chair of the Social Affairs Policy Review Committee (Mr Cretney) to move:

That the First Report of the Social Affairs Policy Review Committee for the Session 2016/17: The Operation of Personal Capability Assessments [PP No 2017/0113(1)(2)(3)(4)] be received and that the following recommendations be approved:

Recommendation 1

That helping people move from sickness benefits into the workplace when they are ready to do so must remain a high priority for the Government. Success in this endeavour is in the interests of the individuals concerned, the taxpayer and the wider economy.

Recommendation 2

That the arrangements for helping people move into the workplace after a long illness must not be regarded as the responsibility of any one Department. The system must be developed in such a way as to maximise the support and commitment of the Social Security Division, healthcare professionals and the Job Centre together with MHKs and other representative individuals and groups.

Recommendation 3

That if it is decided to continue with a Personal Capability Assessment based on statutory descriptors, then descriptors should be introduced into the legislation which would facilitate an appropriate assessment of people with fluctuating conditions.

Recommendation 4

That in any system for assessing entitlement to sickness-related benefits, special efforts must be made to dispel any suspicion that negative feedback might count against a claimant.

Recommendation 5

That in any system for the assessment of entitlement to sickness-related benefits, arrangements should be made to ensure that assessors gain the benefit of timely feedback from appeal hearings.

Recommendation 6

That a more convenient venue, or venues, must be found for any future Personal Capability Assessments.

Recommendation 7

That the Council of Ministers should report to Tynwald by March 2018 with its recommendations for helping people move into the workplace after a long illness, taking into account the conclusions and recommendations published in 2017 by Mr John Lancaster and by the Social Affairs Policy Review Committee.

[[GD No 2017/0061](#)] [[MEMO](#)] is relevant to this item.

The President: Item 6, Operation of Personal Capability Assessments. I call on the Chair of the Social Affairs Policy Review Committee, Mr Cretney, to move.

3550

The Chair of the Social Affairs Policy Review Committee (Mr Cretney): Thank you, Mr President.

3555

This Report goes back to a debate which some of us had in this place in February and March 2016. A lot has happened since then. For the benefit of Hon. Members who were not here at that time, I will set the scene by saying that in December 2014 there were 2,370 people who had been on incapacity benefits for at least 28 weeks. It is important to remember that we are talking here about Incapacity Benefit, which is paid to people who are incapable of working; we are not talking about Disability Living Allowance, which is a different benefit and is payable to people with care or mobility needs, or both.

3560

The financial cost of Incapacity Benefit is around £5,500 per person per year, but it is not just about the costs. The Treasury has consistently argued that getting people back to work is not only good for the taxpayer, it is good for the people themselves, and the Committee agrees with that.

Mr President, legislation was changed in 2007 to make it clear that if a person had been on Incapability Benefit for some time the authorities could go back and reassess whether they were still incapable of work. The Social Security Division started doing this in a pilot scheme, working with Atos Healthcare, which took place in 2012 and 2013. In 2014 a new scheme was announced, working with Dependability Ltd. As I said a moment ago, at the start of the Dependability initiative there were 2,370 people on long-term Incapacity Benefit. By the end, this figure had gone down to 2,163, a reduction of 207. That is potentially 200 people who had been helped back to work, and a potential saving of around £1 million per year.

So that is the context, Mr President. But our Report is not really about the figures, it is about the people. If we go back to February 2016, a number of Hon. Members were approached by people who had been through the assessment process and who were not happy. The Hon. Member for Douglas South, Mrs Beecroft, tabled a motion saying the process should be suspended until the Social Affairs Policy Review Committee had looked at it.

At the suggestion of the then Speaker of the House of Keys – which was you, Mr President – the Court agreed to adjourn the debate for a month while the Treasury looked again at the cases which we had raised. A month later, in the resumed debate, the Treasury Minister, Mr Teare, said that they had looked at the cases. They had decided not to change their decision in any of them. We later learned that three of the individuals concerned had successfully appealed.

Mr President, back in March 2016 the Treasury Minister proposed an amendment to Mrs Beecroft's original motion. The effect of the amendment was that the assessment process would continue but that the Social Affairs Committee would look at the issue at the same time. Unusually, therefore, we were faced with scrutinising something of a moving target. That situation did not last long.

In May 2016 another problem emerged with the process. The regulations required that the assessments be carried out by registered health care professionals. Dependability had not delivered on this requirement. In July 2016 the Treasury Minister announced that the contract with Dependability had been terminated. He also announced that he would be commissioning an independent review of the process. This review was done by Mr John Lancaster at a cost of around £35,000. He delivered his report in January 2017.

Mr President, the net result of these events was that by the time the Social Affairs Committee was up and running again after the General Election we were no longer looking at individual cases, because they had been reviewed by the Treasury and had, in some cases, been through the appeal system; we were no longer looking at a live process, because the process had been stopped in July 2016; and we were not looking at a process which was likely to restart any time soon, because Mr Lancaster had recommended a radically new model.

In summary, there is nothing happening at the moment. We have produced our Report at a time when there is an opportunity for Tynwald and the Treasury to work together and come up with a better way forward.

Mr President, I am glad to see from the Government response to our Report that the Treasury is accepting all our recommendations. There is very little to disagree on at the moment. As we look to the future, though, I would like to draw the Court's attention to two key points.

First of all, getting people back to work is in everybody's interest, and everybody can help. (**A Member:** Hear, hear.) The Social Security Division of the Treasury is in the lead at the moment because they pay out the Incapacity Benefit, but they cannot succeed in helping people back to work without the support of the Job Centre and the support of health professionals. If we are to make a success of this, the Social Security Division and the other agencies also need the support of Members of the House of Keys and all Tynwald Members.

I am not saying for one moment that if a constituent is unhappy with an assessment their MHKs should always take the side of the Social Security Division. I make no apology for helping people challenge the authorities if they have been mistreated. I would defend every Member's right to do this in individual cases. But we heard evidence – some of it in private – that some MHKs had gone too far in the direction of opposing the whole system.

Mr President, my second key point is about fluctuating conditions, and this for me has, from day one, been at the centre of all this. We explain in the Report how the United Kingdom and then the Isle of Man moved in the 1990s to a system of assessing capability on the basis of descriptors. These are things like walking, sitting and standing. The aim was to come up with an objective view of a person's capability to work. There have been a lot of problems with descriptors. The biggest problem, in my view, is with fluctuating conditions such as ME. We heard from a lot of people who said they might be able to walk up a flight of stairs one day, but they could not guarantee to do it every day. They argued strongly that the system of descriptors did not work for them. This problem is not unique to the Isle of Man, of course. People have been making the same point in the United Kingdom for many years. At paragraph 64 of our Report we quote a draft descriptor which is designed to cope better with fluctuating conditions. The wording we have quoted was endorsed by the independent reviewer of the United Kingdom legislation in 2011, but it does not seem to have been implemented in the UK and it certainly has not been implemented here. The Isle of Man may be about to move away from descriptors altogether, but whatever we do we must come up with something which can respond more appropriately to ME and other fluctuating conditions. This point is made in our recommendation 3 and I cannot overestimate the importance of that. The people we spoke to who had, on a day-to-day basis, difficulties in that area was humbling.

I am not going to go through all our other recommendations point by point. They are there on the Order Paper for Hon. Members to see. As I have said, the Treasury appears to have accepted them and I would encourage all Hon. Members to do the same.

And so, in closing, Mr President, I would just encourage Hon. Members to remain optimistic. Getting back to work after a period of illness is not easy, but it is very important for individuals, for the wider community, and for the economy. As the Report shows, we have seen some success over the years, but there have been a lot of mistakes along the way. Today, there is every chance of coming up with something better. Our Report and recommendations are intended to support that objective.

I beg to move.

The President: Hon. Member for Garff, Mr Perkins.

Mr Perkins: Thank you, Mr President.

Thank you, Mr President. I beg to second the motion.

The President: Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I rise to support this motion and all the recommendations here. It is a really comprehensive Report which I think is both honest and fair, and I would like to thank the Hon. Members Cretney, Ashford and Perkins for putting so much time and effort into this.

I probably need to declare an interest because obviously as a GP I work with people who are chronically ill, I have signed sick notes and I have taken part in appeals processes. The reality is that losing a job has got enormous emotional and health repercussions for that person and on losing a job there may be an overwhelming sense of loss and that somebody has lost themselves. Many people experience self-doubt, are preoccupied by feelings of sadness, anger, anxiety and even hopelessness. That is why I support the Treasury response, particularly in terms of recommendation 1, to look at the wording in terms of making sure that people are *able* to return to work rather than necessarily *ready* to return to work. A lot of people get themselves into such a pit of despair that they may not be ready but may be able, and they are the sort of people who need the encouragement and support to get back to work.

The reality is, you are quite right, that it is not about pounds and pence; it is about people's lives. A Royal Free Hospital study looked at middle-aged men and those who had experienced

unemployment in five years, and then it screened them afterwards; and those that had lost their job were twice as likely to die, as many who had remained continuously employed. So it really is an important subject to deal with, and by being employed and by being part of society it goes beyond just your wage – it is quite an intrinsic part of who many of us are.

I would like to just comment on the role of the GP, because some Hon. Members have said, ‘Well, GPs are the best people to police the system; a sick note should be sacrosanct and should not be argued against’. I would disagree with that. Although a GP is often the patient advocate, the doctor-patient relationship is incredibly complicated and often GPs are under time pressure and work pressure, as all of us are, and might feel obliged to give a sick note when in fact they themselves know that it may not be the best thing for that individual.

The British Medical Association have tried to dissociate GPs from policing the benefits system and certainly GPs on the Isle of Man would go along with that. This is why a true occupational health system is so important, really, to actually have the professional analysis of the roles and skills people have. People who come in to see me, I do not know what their job entails – in 10 or 12 minutes I cannot judge that and I have to take them on face value. So having skilled professionals who can look into somebody’s job and see if they are able to do that job; but if they are not, give them the psychological and physical support. The access to retraining is incredibly important.

Also, hopefully, a new system would actually be able to negotiate with employers to allow that person to return to work. In the UK they have brought in a ‘fit note’ system which allows a GP to tell the employer about part-time work or phased return to work. In our current system we do not have that and that is incredibly important.

Also in the Report it comments on the location of assessments, which again was something that was flagged up, that people often felt they were being dragged down to a central office somewhere, a long way from home. Certainly, talking to other GPs as I have done this week, many would be quite welcome for assessments to take place in the general practice close to somebody’s home, if that was thought to be useful.

I think this is an incredibly important Report and more so because tabled today we have got a Report from Human Resources, management information, which shows that unfortunately the number of days lost per employee has increased. The three main reasons for absence are stress, both work-related and personal, musculoskeletal disorders, and operations and hospitalisation. So what we are looking at really is a multi-departmental approach to this problem, not just Treasury, not just Health, but across the board.

In terms of stress we need to deal with why people get stressed. Is it because of the reduction in the number of Government employees that some Government Departments are under that pressure? We need to have access to cognitive behavioural therapy and dialectical behavioural therapy – ways of getting people round their problems in a more constructive way. We have very good health and safety regulations on this Island but people still have musculoskeletal problems, and I know Government Departments and industry as a whole need to look at those to prevent them happening. Also in terms of people who are hospitalised or have operations, there is a role there in terms of the stresses that the Health Service is under in terms of long waiting lists, that we can get people treated, get people diagnosed better, get people back to work better, then we can get round some of these vicious cycles.

I completely agree with the emphasis on fluctuating conditions, not just ME, but multiple sclerosis, people with chronic pain. We need to have a better way of assessing them not only to see whether they need the benefits, which often they do, but also how they can be given support to perhaps take up part-time occupations or interact with charities. Often people criticise the number of charity shops on the Isle of Man, but certainly from my experience in Ramsey they are vital often for getting people who have been on long-term sick back into employment, even if it is voluntary, and allow them to start interacting with other people, getting out there and then applying for jobs.

So, in summing up, I would just like to congratulate you on a very good Report. You have analysed the problem and come up with some really clear solutions which I think will have the backing of not only people in this House, but also in terms of the medical profession and the public in general.

Thank you.

The President: Hon. Member for Ayre and Michael, Mr Cannan.

The Minister for the Treasury (Mr Cannan): Thank you very much, Mr President.

The Council of Ministers welcomes the Report of the Social Affairs Policy Review Committee regarding the operation of Personal Capability Assessments. The Council of Ministers, the Department of Health and Social Care and the Treasury have considered the Report of the Committee in detail and are grateful to it for the Report and recommendations made. All of the recommendations are accepted.

I would personally like to thank the Committee, and in particular its Chairman, for its work on this Report, which provides evidence-based guidance in areas where changes are necessary. There are currently some 3,300 people claiming incapacity-related Social Security benefits, many of whom are unable to work. However, there are some that with the right focused and personalised support could continue to manage their conditions in work, thereby benefiting from well-researched and documented health and wellbeing benefits that work brings.

This Hon. Court debated the Personal Capability Assessments in February 2016, and at the time I along with others raised concerns then about how the process dealt with more complex cases based on my own experiences of meeting and talking to my constituents who had been affected at the time by the process that they had gone through. I was made fully aware in some cases of the most simplistic tests being applied to quite damaging and possibly long-term both mental and physical health ailments. Clearly I would like to point out that whilst recognising that some form of assessment was right, but quite rightly questioning whether the Personal Capability Assessment process was in fact delivering the objectives that it set out to do.

I expressed particular concern at the time about the amount of support available for those found capable of work and drew attention, along with others, to the cliff-edge where an ill person suddenly had to become an active jobseeker with all the extra conditions that entailed based on often one inappropriate assessment. Unsurprisingly my change from backbencher to Minister has not changed my views. **(Mr Cretney:** Hear, hear.) I still hold the belief that any assessment needs to be transparent, fair and stress free and that we need to consider a person's pathways back to work and their individual needs to achieve this. **(Mr Thomas:** Hear, hear.) We should not simply just change the label and expect them suddenly to become a member of the workforce without that critical extra help.

So our Programme for Government includes our commitment to improving pathways back to work and I am absolutely delighted that this Report includes a clear call for all other agencies to work with us to achieve exactly this goal. The first and second recommendations from the Committee relate to the key challenges in this area, to support people's moves from sickness benefits into the workplace. These are wholly in line with Treasury's objectives to improve the care and support available to sickness benefit recipients so as to enable them to move back into work and, more importantly, to be able to remain there.

We strongly agree with the Committee's sixth recommendation asking us to consider the alternative approach using occupational health as set out in the Lancaster Report. **(Mr Cretney:** Hear, hear.) We have already taken action on this, including commissioning a second report from Mr Lancaster about cost and delivery options. A project team, including the Department of Health and Social Care, Treasury and Economic Development is presently looking to establish a pilot version that will allow certain key assumptions to be tested.

We are working on amendments to the Social Security regulations around sickness benefits to allow the pilot scheme to take place, and I expect to be bringing the first amendments for

approval in the March Tynwald with secondary regulations being brought for your approval in May. We are also seeking recruitment of the necessary skilled staff who will need to be in place and trained for a June 2018 start.

Hon. Members should be aware that occupational health specialists are somewhat in demand and we therefore view time to recruit as the biggest risk to this delivery plan. Ahead of the pilot we will provide training and support for the Island's GPs to ensure that they are familiar with, and ready to deliver, the new processes. Our discussions with Guernsey, who recently changed their approach in this area, have indicated the importance of the first contact in setting the right tone for the individual involved. We have therefore enhanced this part of the model described in the Lancaster Report. But the holistic model proposed by Mr Lancaster should provide a more supportive environment with a strong focus on a 'rehabilitation to work' programme which will then address the issues raised by the Committee in the third, fourth and fifth recommendations.

Overall, the Committee have produced a fair Report that recognises the need to balance the importance of assessments in helping people back to work, together with people's needs to be treated with respect and compassion during this process. We welcome the Report and accept its recommendations.

I think this should give comfort that we do intend to use the hard work of the Committee to help create a holistic approach that centres on the needs of individuals and avoids condemning people to the status of perpetual welfare claimants. I once again would like to thank the Committee for its work and look forward to reporting back to Tynwald in March on our progress in this area.

Mr Cretney: Hear, hear.

The President: Hon. Member for Douglas North, Mr Peake.

Mr Peake: Thank you, Mr President.

As we have just heard from the Treasury Minister, we do thank the Committee for this Report. I have got political responsibility for Social Security and I know the team have welcomed the Report and are looking forward to joining with the Lancaster Report and how we can work with that.

We have listened and learned and we want to improve things. The Isle of Man has always been known for looking after its own and we want to reach out and continue that thought. It is about a change of culture and we heard earlier about perhaps we should be looking horizontally and that is a good point. It is giving the support, it is encouraging people to look to themselves to build on their self-esteem, and offers the services around that to achieve what they potentially can achieve.

We do see that individuals have got strengths, they have got gifts inside and each of them needs that support and wants to be seen as an asset – an asset that can actually help the community and encourage them back into society. There are multiple pathways back to work and individuals do not have to move through each benefit to actually get to JSA, they can actually be helped into work from any position they are in at the moment. For instance, we have the Disability Employment Services and we have two full-time workers there who assist, on average, about 35 people a week. Some of them are follow-up interviews but this does help them directly actually to gain employment whether it is paid or unpaid, and that is something that we are grateful for and we want to improve on as the Job Centre works closely with Social Security.

I would like to thank Mr Cretney and his Committee for producing the Report and we look forward to working closely with the Report.

Thank you very much.

The President: Hon. Member for Douglas North, Mr Ashford.

3825 **Mr Ashford:** Thank you, Mr President.

I will keep my remarks brief.

As a member of the Committee I must say that I pay tribute to those who came and gave evidence to us, for many of them it was quite a difficult thing to do, particularly reliving the assessments that they had been through.

3830 I think one of the interesting things, though, from those individuals that did give evidence is even those that felt the assessment may have been unfair to them or they had not had due process, they still believed unanimously (**Mr Cretney:** Hear, hear.) that there should be a process in place. No-one stated that they believed there should not be assessments and people should be left alone; every single one who gave evidence to the Committee said that they believed an appropriate process needed to be in place. I think that is quite an important point.

3835 I would like to pay tribute to the Treasury as well, Mr President, and the way they engaged with the Committee. I thought they really got involved in the process and there was a real willingness to try and design a much better system. I have been very encouraged by what I have heard from my hon. colleague from Douglas North and also the Treasury Minister today. The Chairman said in his speech that it is all about people – and it is, Mr President, at the end of the day. Any system like this has got to be about the individuals which it is assessing.

I hope that as we move forward, that is the sort of system that we will now have in place. I will leave my remarks at that, Mr President.

3845 **The President:** Hon. Member for Douglas South, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

3850 I will be brief today on this one, but I would like to support everything the Treasury Minister said and echo his thoughts without repeating them. But I would like to put on record my sincere thanks, particularly to the Chair of the Committee, but to all of its members as well.

3855 I think it is a lesson that we all need to learn from this particular instance. I make no hesitation in saying that the way it was dealt with by the previous administration was an absolute disgrace, in my opinion. People's concerns and the backbenchers who raised those concerns were not listened to appropriately and people suffered as a result of it. I still feel quite emotional when I remember some of those people, how they suffered at the time and how it has affected them to this day. I will never forgive some of the actions that went on at that time for the suffering that they have caused to those people.

3860 I think what we all need to remember is that it is the people who put us here – people have voted for us to come in and represent them, and to care for them and to have a duty towards them. And the day we stop listening to people's concerns is the day we should no longer be in Government, we should no longer be in this very special and privileged place where we have the power to make a difference to people's lives. I truly believe that. One person might raise something to you and maybe it is just their opinion and they are not looking at things correctly, but when time, after time, after time people raise things you know there is a problem; and to ignore that and to not listen to concerns of people who are raising the concerns of their constituents is immoral.

3865 We are a new administration, we are a new House, and we have new Members in here. I truly hope that we never again fall into that because I would find it totally shameful if we did so.

Thank you.

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The President: Hon. Member of Council, Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I do welcome the Report and all of the recommendations, and I think it must be right that everyone in this House would support the idea that when people are well enough and ready they should be enabled back to work.

In addition to the occupational health approach that has been outlined and this more holistic approach designed to facilitate that, I wonder whether it is also worth thinking about the employer's perspective and the fact that with our Equality Act in due course there will actually be legal duty, particularly when it comes to people with fluctuating and ongoing illnesses and disabilities. There will be a duty on employers to look at reasonable adjustments to accommodate people back into the workplace. I wonder if that is the other piece of facilitating people back into the workplace.

I think practically that the Cabinet Office is in the course, hopefully, of trying to recruit an equality adviser to Government. In due course, I wonder whether that person, in providing guidance and also support and training for our Island employers, will actually be able to play a part in helping this process and helping employers look at how they can best accommodate people coming back into the workplace after long-term ill-health problems.

Thank you, Mr President.

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

As the recipient, shall I say – partially, of the original debate anyway – I think it is worth making some commentary to the Report that the Hon. Member, Mr Cretney, has placed before us tonight. I have to say a big thank you to Mr Cretney and a big thank you to the Committee for the huge amount of work that they have conducted, and all the enquiries, and indeed for the people that turned up to give evidence and probably some in private as well, and a big thank you especially to those people.

The Report is well-balanced, it is well thought through and I have to say it is one of the more in-depth reports that I have seen in Tynwald, that gives a fair reflection and balance to what was actually going on.

I would also fully concur, Eaghtyrane, with the comments just made by the Hon. Member for South Douglas, Mrs Beecroft. Absolutely 100% of what you said is correct and I will explain why. I had the stubbornness, if you like, to go through the glass ceiling to an operational level, which is quite the opposite to what the Hon. Member for East Douglas, Mr Robertshaw, was giving us before. And I am very glad that I did go through the glass ceiling to operational level – to man-in-the-street and woman-in-the-street level – where I visited people who had made complaints about this system, in their own homes, in here in the Legislative Buildings and elsewhere, and other meetings that the Committee may not be aware of. It struck me that there were obvious issues and indeed I can confirm to the Court that there were some very robust debates within Treasury and Social Security at the time. It was apparent that the issues that the Hon. Member for East Douglas, Mr Robertshaw, alluded to earlier, as we can see now from the Report, with regard to the bureaucratic machinery – rules, rule books, 'We have to do this', set patterns, organisational culture. And I can clearly put a huge finger of blame on the procedural momentum within an organisation which has had a big part to play in leaving us where we are today. There is no question of that – the inflexibility of the system.

I am not laying any finger of blame particularly on any staff member; there was a rigid, inflexible system in place. The law said, 'You have to do this' – and, incidentally, in 1995 I think the initial concept of the capability assessments were approved by Tynwald, Eaghtyrane, and subsequently regulation was developed to implement it into a capability assessment for people who have been off work long term and claiming incapacity benefit.

So I can clearly see flaws within the system and the biggest one of the lot, really – and hindsight is a wonderful thing, I suppose – but charging one section of Government with all that responsibility when in reality they are administrators and not care workers. When you think

about that, it is obvious that everybody tried their very best. The whole ethos was the fact of trying to help people back to work and not consign people to a life of 'worklessness'.

So I think the Committee Report is excellent actually, Eaghtyrane, and the commentaries from Dr Allinson are excellent as well, from a GP's point of view. Another deep flaw in the system is exactly as the Hon. Member has explained, where GPs at times are pressurised. They have only got so much time and if you have got a surgery packed full of patients, families and children, all waiting to be seen, and you are trying your best with somebody, you certainly are pressurised. And also quite often a GP will be signing somebody from the work that they *were* doing, or thinking about it.

Dr Allinson mentioned a holistic viewpoint, as have other Members, and I think that is the key to this – when an exercise such as this is piloted again, to look at it from an occupational health point of view, operated by a predominantly care system, is the obvious way to go. And certainly, as the Treasury Minister himself said, we are very supportive of the recommendations and certainly look forward to going forward with it, Eaghtyrane.

Thank you.

The President: Mr Cretney to reply.

Mr Cretney: I think there is very little to reply. I think the vast majority of those who have spoken have been supportive of the Report and I thank them sincerely for that.

It was very difficult time. I worked together with Mrs Beecroft and I went to a number of houses with Mrs Beecroft, before we discussed the matter in here. It was obvious that what was going on was not satisfactory.

I would like to thank Dr Allinson for his honest and well-reasoned comments about it from a practical point of view, from his profession.

I would like to thank the Minister for the Treasury for indicating that the best way forward is a joint approach and following the recommendations of Mr Lancaster; and that he has had a second report already and that he is going to come back with initial recommendations in March. I welcome that the Treasury Minister has taken on board in such a positive manner, this important matter.

I make no secret that the Social Affairs Policy Review Committee is one of the areas of work which I have been given which I most enjoy. It can be very trying from time to time; it can be very hard from time to time when you are meeting people from our Island who have encountered real difficulties, as a number of the people we met during this process did. But at the end of the day if Tynwald can do what I think the will of Tynwald is today – to make things better for the future – then that is work well done.

I would like to finally thank the members the Committee, Mr Ashford and Mr Perkins, latterly, and those who have been on before with me, and in particular also Jonathan King, the officer who serves this very important Committee, which no doubt in the time ahead will continue to undertake important work like it has on this. I hope that we continue to come out with balanced, thoughtful reports which provide a way forward for Tynwald and for the Island.

I beg to move.

Two Members: Hear, hear.

The President: Hon. Member, in putting Item 6, unless any Member specifically wishes me to take a vote on each individual recommendation, (**A Member:** No!) I intend to take them as a group. Is that agreed? (**Members:** Agreed.)

In that case the motion is that under Item 6 the Report of the Social Affairs Policy Review Committee be received and its recommendations approved. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**7. Select Committee on the Functioning of Tynwald –
Second Report and recommendations –
Debate commenced**

The Chairman of the Select Committee on the Functioning of Tynwald (Mr Speaker) to move:

That the Second Report of the Select Committee on the Functioning of Tynwald [[PP No 2017/0139](#)] be received and the following recommendations be approved:

Recommendation 1 (Government minority)

The Government must not automatically have a majority in Tynwald or the House of Keys, as a result of the number of Ministers and Departmental Members present there. This has never previously been articulated, but there has long been an understanding that the Government ‘block vote’ on any issue should be a minority in Tynwald.

Recommendation 2 (Job description, etc. for MLCs)

We recommend that the following job description for Members of Legislative Council be adopted:

Job description

- *Members of Legislative Council are a fundamental part of Tynwald. They also play an active role in Government of the Island; they may be called on to take roles in Government or in Tynwald.*
- *Members of Legislative Council are an important resource, supporting the publicly elected Members of the House of Keys in their Governmental and parliamentary roles. They provide a distinct and influential voice in political life on the Island, based on an understanding and experience of Island life.*
- *Members of Legislative Council take part in debates and votes in Legislative Council and Tynwald, so an ability to express ideas in a public forum is necessary.*
- *Members of Legislative Council promote, examine and scrutinise legislation, so an ability to read legislation in detail is necessary (but tuition is provided).*
- *Members of Legislative Council scrutinise Government in Legislative Council, Tynwald and Committees in debate and through questions and motions.*
- *Members of Legislative Council provide advocacy for individual members of the public.*
- *Members of Legislative Council exercise a consultative role in the course of which they improve lines of communication between Departments.*
- *Members of Legislative Council take part in the roles of Government and Tynwald by assisting with maintaining links with interest groups on and off-Island.*

Recommendation 3 (civil servants as candidates)

The Tynwald Standing Orders Committee should examine and report on proposed amendments to the Isle of Man Constitution Acts to:

- (a) *revise the law on qualification as a candidate for election to either Branch of Tynwald to amend the minimum age for candidates and to allow those in receipt of Government salaries to be on the same footing as all other residents of the Island so that they may offer themselves for election to either Branch without having to resign first;*
- (b) *consolidate the 1919, 1961, 1971 and 2006 Constitution Acts;*

(c) propose to Tynwald any other amendments to the law on candidates and any other amendments to the Constitution Acts that may appear necessary.

Recommendation 4 *(President to promote diversity of candidates)*

The President of Tynwald should be tasked with encouraging a wide variety of candidates and to improve the accessibility of membership of Legislative Council.

Recommendation 5 *(election of Members of Legislative Council)*

We recommend that Tynwald refers to the House of Keys Standing Orders Committee the matter of the efficacy of the process for electing Members of the Legislative Council, to be reviewed after the Legislative Council elections in 2018.

Recommendation 6 *(candidates for election as MLCs not to vote)*

Members of the House of Keys should recuse themselves from debate and votes if they are candidates for election to Legislative Council; and Tynwald should refer the matter of Members of the House of Keys recusing themselves to the House of Keys Standing Orders Committee for consideration.

Recommendation 7 *(pay review)*

That in any examination of the pay and enhancements of Legislative Council Members the following principles should be observed:

- The salary and benefits must be sufficient to allow everyone to be able to serve;*
- The salary and benefits must be at a level to attract a diverse collection of community members;*
- An enhanced role in scrutiny should be recognized; and*
- Any change to the structure for pay and allowances must not result in an increase in overall costs of Members' remuneration.*

Recommendation 8 *(MLCs as Ministers)*

We recommend that Tynwald adopt the following resolution:

That Tynwald is of the opinion that the Chief Minister should not appoint a Member of Legislative Council as a Minister unless in exceptional circumstances and that any such appointment should be explained by way of a Statement to Tynwald.

Recommendation 9 *(MLCs as members of Departments)*

The Committee recommends the following alternative recommendations:

That Tynwald is of the opinion that:

Council of Ministers should introduce legislation to provide that Members of Legislative Council should never serve as Departmental Members.

(In the alternative, if the above recommendation fails)

Council of Ministers should introduce legislation to provide that Members of Legislative Council should serve in Departments only in an advisory capacity, without the power to serve in a delegated function.

(In the alternative, if the above recommendation fails)

The practice of using Members of Legislative Council as Departmental Members should continue, but that Members of the House of Keys and Ministers should take precedence when delegated functions are allocated to members of Departments. Members of Legislative Council should not exercise delegated functions unless in exceptional circumstances.

(In the alternative, if the above recommendation fails)

The Council of Ministers should only appoint a Member of Legislative Council as a Member of a Department in exceptional circumstances and that the appointment should be explained by way of a Statement to Tynwald.

(In the alternative, if the above recommendation fails)

The practice of using Members of Legislative Council as Departmental Members should continue unchanged.

Recommendation 10 *(Election of Chief Minister)*

That Tynwald refers the matter of the method of electing the Chief Minister to the Select Committee on the Functioning of Tynwald for consideration and report by February 2018.

Recommendation 11 *(votes on taxation and appropriation)*

Each appropriation and taxation measure should be based on an identifiable policy decision taken by Tynwald and put before the House of Keys, alone in Tynwald, normally immediately after the policy resolution has been taken; taxation should be for the House of Keys to give authority for on the basis of a list of statutory provisions authorizing the raising of money.

Recommendation 12 *(President to be arbiter for Keys-only votes)*

The President should identify which motions are for the Keys only.

Recommendation 13 *(Standing Order for Keys-only votes)*

We recommend that the Tynwald Standing Orders Committee should report on a draft Bill, with a view to its being introduced in the House of Keys, to provide for the power to amend arrangements for authorizing taxation and appropriation measures, basing authority for the Keys to agree such measures on specific resolutions of Tynwald in the light of the foregoing two resolutions.

The President: Item 7, Select Committee on the Functioning of Tynwald. I call on the Chairman of the Select Committee, Mr Speaker, to move.

The Chairman of the Select Committee on the Functioning of Tynwald (Mr Speaker): Thank you, Mr President.

It is never a good idea to start off with an apology, but I will: I apologise to Members who hoped to have this debate last month, when I was unwell. One of the unfortunate consequences of that is that our December deadline is almost certain to be missed, because one of the important things that we need out of this debate is a steer on a few items in order to help us go forward for the rest of the work that we have been assigned.

The Committee, as Hon. Members know, was set up in June 2017 and despite a tight timescale, I believe we did deliver a comprehensive report, investigating a wide range of issues presented to us, and have recommended some significant changes, which we did on time, notwithstanding my absence from the Court last month.

We have examined five principal matters as mandated by Tynwald: what Legislative Council can vote on; service in Government; election of Members of Legislative Council; pay and enhancements for Members of Legislative Council; and the role of the Lord Bishop.

All of these matters we considered in the context of improving diversity, which we have taken as a significant recommendation of the Lisvane Report to take forward. Encouragement of diversity is the prism through which we have viewed most of the issues before us.

I would like to thank my fellow Committee members for their 'can do' attitude, and desire to effect the changes demanded by Tynwald and the public in general. I would add to that our thanks to our Clerks, especially Roger Phillips whose counsel has been invaluable and who have gone to great efforts in servicing a committee with a tight timetable.

Our deliberations have made us aware that the current system functions very well in many areas. It is of vital importance that change is only justified where there is a clear basis for it and that possible consequences of such change should be clearly understood. Constitutional change is notoriously difficult and there is always a trap for the unwary of unintended consequences.

Contrary to Lord Lisvane's conclusions, we do not think that the present system of departmental membership is unsustainable. We believe that he was wrong in his assessment. It is an acknowledged strength of our system that it allows criticism of the Government without fear of the loss of a job in a Department, and therefore pay. The apparent lack of formal separation of powers conceals a strong tradition in this place of independence among Members of Tynwald that was not sufficiently reflected in Lord Lisvane's Report; neither did he understand the considerable latitude for Members of Tynwald who have Government jobs to oppose Government policy.

We conclude that the consensus form of politics should be preserved, with the culture of general participation being a main element of that. In a small legislature, there is a lot of merit in having an apprentice scheme where future Ministers can be tested in Government work. This is hard to appreciate for those embedded in a strongly partisan system.

During our deliberations one significant point emerged that was not adequately reflected in debate previously. That was the effect of some of the proposed changes on the power of Government in Tynwald, and the effectiveness of scrutiny and even opposition. We are especially aware of the impact that restrictions on the voting power of Legislative Council would have on the balance between the voting bloc of the Council of Ministers with Members of a specific Department and the rest of the House of Keys.

We are particularly keen to ensure that the Government must not automatically have a majority in Tynwald or the House of Keys as a result of the number of Ministers and departmental Members present there. This has never previously been articulated, but there has long been an understanding that the Government 'block vote' on any issue must be a minority in Tynwald. Recommendation 1 gives Tynwald the opportunity to establish this principle.

I, perhaps more than most, appreciate that a significant turnover in Members means that some assumptions about our system need to be better documented and better understood.

We agreed that much of the debate hitherto around the role of Legislative Council was couched in a negative tone. It was about what Members of Legislative Council should be expected *not* to do, rather than what they were for. We wish to redress this balance and focus more positively on what Legislative Council has done in the past and can do in the future.

4035 We as a Committee wish to acknowledge the important role of Members of the Legislative
Council in the political life of the Island, both in Tynwald and Government. They are a resource
which should be valued. Their collective and individual contribution to our political debate has
encouraged the consensus form of politics that has allowed the Island to prosper. They have
brought an invaluable range of skills and experience to political discussion. I would suggest that
4040 the extent to which Legislative Council's mandate is secondary to the mandate of the Keys is
fully understood in Legislative Council, but not always understood outside of Tynwald Court.

Lord Lisvane emphasised the importance of increasing diversity among the membership of
Tynwald. The new method of electing Members of the Legislative Council, introduced in 2017,
provides a starting point for engaging with this topic more actively than before.

4045 It is hard to over-emphasise the importance of achieving greater diversity in the membership
of Tynwald. This goes to the essence of how we represent the community and will influence the
trust which the community is able to place in us. If, as a Committee, we can successfully identify
ways of improving the diversity of recruitment to Legislative Council, we would count that
among our most significant achievements.

4050 The urgency of defining the role of Members of the Legislative Council is high, as there will be
elections early in 2018. Prospective candidates will be considering now whether to offer
themselves for election and we must create a realistic and attractive description of the role. We
believe that having a coherent quality statement of the requirements of the job will encourage a
wider range of people to put their names forward. It will also provide Members of the House of
4055 Keys with a clear yardstick against which to measure the competing claims of candidates. Our
recommendation 2 sets out the job description of an MLC.

The current law relating to who can stand as a Member of Legislative Council is a century old,
almost, and reflects the structure of Government at the time. This rule needs to be re-
considered, but at present to do so in detail lies outside our remit.

4060 We mention this in the context of increasing diversity. One clear matter for consideration is
the minimum age for standing for election. Twenty-one was the age of majority when the law
was passed, but no longer is. Whether the minimum age should be the same as the voting age or
the age of majority is a matter for debate and is not one on which we have been asked to form
an opinion.

4065 We also note the rule restricts the rights of civil servants and others on a Government salary
to stand for election and keep their jobs. This has been interpreted as requiring candidates to
resign from their posts before they can offer themselves for election, since a candidate must be
qualified for appointment if their candidacy is to be considered valid. We ask for this matter to
be referred to the Tynwald Standing Orders Committee, but hope Members will voice support
4070 for this reform.

If we are serious about diversity, we need to assign a person or body for its delivery at all
times, not just before an election. Tynwald needs to encourage greater participation in the
elections for Legislative Council among those who are not known to Members of Tynwald or
who otherwise feel less able to put themselves forward. The perception of Tynwald being a club
4075 is to be combated actively; it must be made easier for anyone to offer themselves as a
candidate. We propose in recommendation 4 that the President should be responsible for
promoting the diversity of candidates. He has kindly given us an indication that he is happy to
serve in this capacity, if Tynwald wishes. This is in conjunction with a wider and open application
process which will then dovetail into the election system.

4080 One of the Lisvane recommendations that Tynwald has already acted on is the proposal for
votes in elections to Legislative Council to be public. Since the Lisvane Report was published the
House agreed to the principle of establishing the system for electing MLCs in Standing Orders,
rather than in statute as before. We do not need to make any change to the current
arrangements for electing MLCs in order to ensure that the vote on the candidates is open.
4085 Accordingly, we make no specific recommendation on this matter. Recommendation 5 refers

this matter to the House of Keys Standing Orders Committee for examination after the next Council elections in 2018.

The eligibility of serving Members of the House of Keys for election to Legislative Council is not within our core remit. It is, however, part of the extension to our remit in the July instruction that we are able to consider the question as part of our general deliberations. We believe that the election system should be changed to allow for a level playing field between candidates, whether they are serving Members of the House of Keys or not. At present, Members of the House of Keys can vote for themselves if they are candidates. This is clearly unfair and is rightly one of the most common criticisms of the current system.

We have concluded that Members of the House of Keys should recuse themselves from voting in Legislative Council elections where they are candidates and that the Standing Orders of the House of Keys should have that principle referred to it for action, and Recommendation 6 proposes this.

We were asked to consider the basis of a review of the pay and enhancements for Members of Legislative Council in the light of their amended responsibilities. This is a matter of vital importance and has a major bearing on the question of diversity. The ability to serve in Tynwald is a right of all residents of the Island. It must never be restricted to those who can afford it. This means making it financially possible for anyone to serve.

If we are serious about encouraging diversity we must ensure that the job of a Member of the Legislative Council is regarded as being a full-time job, since not everyone can simply ask for time off. The salary and benefits should be sufficient to allow everyone to be able to serve – Tynwald membership must not be restricted to the better-off. **(Mr Cretney: Hear, hear.)**

It is a very difficult task to obtain agreement on what is a reasonable level of pay for any job. This involves an element of subjectivity. However, the principle of tying the pay of Members of Tynwald to the Civil Service grades has worked to provide stability in pay at a reasonable level and to limit expenditure appropriately. We believe that it is a strength of our system that pay is tied to a Civil Service grade, and that politicians do not routinely vote on their own pay. Recommendation 7 contains preliminary thoughts about a pay review.

Lord Lisvane's recommendations on membership of Departments were closely linked with the view of enhanced scrutiny roles for non-departmental Members of Tynwald, including especially Members of Legislative Council. Tynwald firmly rejected the Lisvane proposal that there be only one departmental Member per Department, but supported the proposition that appointment as a departmental Member be only made where it is clear that substantial responsibilities will be assumed in recognition of the salary enhancement.

We are particularly aware of the dangers of reducing the work and influence of Members of Tynwald in Departments. To do so would mean that civil servants would replace Members of Tynwald in many important decision-making roles and this would not enhance the publicly accountable control which is a strong element of the Island's Government system. The general aim of the proposed reforms is to increase accountability to Tynwald and thereby the public, not to reduce it.

The proposition that MLCs should not be Ministers, except in exceptional circumstances, was approved by Tynwald in setting our remit and we take it as a given. The right to nominate Ministers is a statutory one and the provision entitling the Chief Minister to nominate Ministers can only be formally amended by primary legislation, amending the Council of Ministers Act 1990.

Statute law cannot be amended by resolution. Any attempt to formalise a rule and to define the exceptional circumstances when a Member of the Legislative Council could be appointed as a Minister would require primary legislation.

We note that the agreed position of Tynwald is not that an absolute bar be created, but that the view of Lord Lisvane that 'As is the case at present, only exceptionally should MLCs be Ministers' should be adopted. This requires no formal change and could be achieved by a resolution which expressed an opinion that only exceptionally should MLCs be Ministers and

that it be appropriate practice that when the Chief Minister does make such an appointment, there should be a Statement in Tynwald justifying the appointment which will, as usual, be open to questions. Recommendation 8 covers this.

We were asked to consider the circumstances when it would be appropriate to appoint Members of the Legislative Council to membership of a Department. Again, this is a statutory right, which cannot be formally amended by resolution. This question affects the House of Keys and its operation as well as Legislative Council. There is also a potential major impact on the working of Government. The added responsibilities to the Members of the House of Keys consequent on the removal of Members of Legislative Council from Departments would mean that Members of the Keys would either have more Government roles and fewer scrutiny roles or would devolve responsibility to civil servants.

We considered various options for reform and in the end decided that there should be a declaratory resolution calling for a statement explaining the appointment of a Member of Legislative Council to membership of a Department in the same way as a Statement explaining the appointment of a Member of Legislative Council as a Minister, which would be flexible whilst establishing the principle. It would provide an opportunity to justify why the Member was needed to carry out substantial work. It would not require primary legislation.

We realise that there is a divergence of view in Tynwald about the extent to which Members of Legislative Council should be members of Departments and on what basis. We have put forward a recommendation in an unusual form, which offers a series of alternative options. This will allow Tynwald to vote on the propositions in turn, until the winning proposition is agreed, thus expressing a clear choice about the scope of work of Members of Legislative Council. We agreed that we would recommend the various options in the order of greatest change, taking the option for change which represents the most radical recommendation first, on the basis that if one option succeeds then all others fail immediately. This will reduce the need for tactical voting and reflect more straightforwardly the will of Tynwald.

We did discuss whether there should be a cap on the number of Department Members, but felt it was for Members and the Chief Minister to consider their overall workload after they had been allocated their parliamentary duties. We noted, however, that it was unfortunate that a Member wishing to devote their time in scrutiny exclusively would suffer financially for doing so.

The two principal issues which have been discussed relating to what Members of Legislative Council can vote on are financial matters and election of the Chief Minister – and, as a sub-set of that, motions of confidence. The voting for Chief Minister and on confidence motions is not part of our core remit, although it is part of the instruction to the Committee in July which allows us to take the matter into account as part of the wider context.

We are concerned that we have not had the opportunity to deliberate fully on this important area. The change in principle to give the House of Keys exclusive rights to elect the Chief Minister appears to have general support in the House of Keys. Informal notice was given in debate that it is intended to bring back the Council of Ministers (Amendment) Bill 2016, which was passed by the House of Keys before the General Election, and to ask the House of Keys to pass the Bill in its unamended form using the single branch procedure under the Constitution Act 2006.

We believe that it would be a serious error of judgement to pass the Bill in a hurry, in a single vote without an opportunity for the current House of Keys to amend the Bill. There are several issues of concern about the Bill: those of us who were in Tynwald in 2006 remember the difficulty and delay caused by the present system, which this Bill will do nothing to address. We also note that the Bill has no provision covering a persistently tied vote. A tied vote would therefore be decided on the Speaker's casting vote, as is mandated in the House of Keys procedure, if the Bill is passed in its current form.

Perhaps because of my current role, I am particularly aware of the shortcomings of this procedure, and I do not wish to be a 'king-maker' and neither is it suitable for the role of Speaker for a decision about such an important matter to be left to his or her casting vote, which

4190 the Speaker is legally required to use. We have asked that this matter be given to us to consider more fully.

Lord Lisvane's recommendation that Members of Legislative Council should not vote on measures which are exclusively on taxation or appropriation, and that the Clerk of Tynwald should formulate a definition for Standing Orders, was referred to us on the basis that the
4195 recommendation was approved and that we were to formulate a way of delivering the change. The authority to levy taxes and to appropriate funds is statutory. Therefore, changes must be by primary legislation, although it is possible to reflect the statutory provision in Standing Orders.

We note that the word 'exclusively' is used by Lord Lisvane. In other words, the motion restricted to a vote by Members of the House of Keys would only be about the narrow levying of
4200 taxes and the appropriation of funds for an already agreed purpose.

The current system for agreeing the budget and appropriation votes should be split into two distinct parts: the policy decision, which is a matter for Tynwald; and the taxation and appropriation elements which are based on the policy decision, which would be for the House of Keys alone. The appropriate mechanism would be for the second, purely financial part of the
4205 question to be voted on by the House of Keys separately from the Council.

We have agreed in principle that the new process for a financial vote should be to have the policy debate and vote as a double motion, part (a) of the motion being general policy, including finance, and part (b) being a Keys-only vote, with the question put on the second part without
4210 debate, purely on granting permission for the tax or appropriation, based on the authority of the previous part of the resolution.

We are strongly of the opinion that there should be a clear way of identifying what is exclusively for the House of Keys and what is for joint voting. As the guardian of the Order Paper, the President should be the authority who identifies Keys-only motions and who will ensure that the motions contain no policy elements.

4215 As far as appropriation is concerned, there will be an identifiable resolution of Tynwald on which the motion for the authority to spend the money would be based.

The principal financial instrument is the Budget, followed by appropriation motions, but it is necessary to identify more clearly what is exclusively taxation and appropriation and what includes a policy element.

4220 There should be statutory provisions authorising the levying of tax which would be the basis for identifying what constitutes a 'tax'. That list should be in primary legislation and would be able to be added to as required. So, for example, tax under the Income Tax Act 1970 would clearly be included. Money levied as water rates might not be, although there was some disagreement within the Committee on this point. Either way, the decision would be settled by
4225 primary legislation being agreed, under which particular levies would be specifically included. Anything not so included would not come within the ambit of 'tax'.

In the debate establishing this Committee in June 2017, Tynwald resolved decisively – 20 votes to 4 and 7 votes to nil – that the Bishop should remain a Member of the Legislative Council. We were asked to consider whether the Bishop should be included in the quorum of the
4230 Legislative Council and whether he should be allowed to abstain. We have decided that we should postpone further consideration of the points relating to abstention and making up the quorum until the new Bishop is in post – bearing in mind that this speech was written for delivery last month! – and has had a chance to become familiar with the workings of Tynwald and the demands of being a diocesan Bishop. We will then be able to consult him properly.

4235 In the meantime, we have written to the Archbishop of York and we will be considering his views at our next meeting.

To conclude, Hon. Members, we have recommended important changes in the working methods of Tynwald and Government. However, the most important change will be to the commitment of Tynwald to achieve greater diversity in Tynwald and especially of the
4240 membership of Legislative Council. This is a matter of social justice as well as one of the reputation of Tynwald on the Island and elsewhere.

On behalf of your Committee, I beg to move.

The President: Do we have a seconder? Mr Baker.

4245

Mr Baker: I beg to second and reserve my remarks.

The President: I think this will be an appropriate point, Hon. Members, *(Laughter)* to take a break and reflect on what we have heard, no doubt.

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The Court will resume at 25 minutes to six.

*The Court adjourned at 5.06 p.m.
and resumed its sitting at 5.35 p.m.*

**Procedural –
Circulation of amendments**

The President: Hon. Members, just before we resume the debate, I have asked that in future amendments are not circulated during the course of the presentation of a motion in the way it was done **(Several Members:** Hear, hear.) before the recess and that they in fact be circulated at the appropriate time.

4255

A Member: And *then* put in the bin.

**Select Committee on the Functioning of Tynwald –
Debate concluded; recommendations and amendments voted on –
Amendment to Recommendation 6 to return for combined vote –
Motion as amended held over to next sitting**

The President: The motion has been proposed and seconded. I call Mr Cannan, Hon. Member for Michael.

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Mr Cannan: Mr President, thank you for your comments, comments that I welcome but nevertheless, in receiving all these amendments, it is clear that we could be in for a fairly muddled debate with a certain amount of lack of clarity about what outcome we are actually seeking.

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It appears to me that in general terms we have shifted attention away from the Lisvane Report and recommendations and that what we are actually now effectively debating are what I, perhaps maybe slightly unfairly, would term the 'Watterson Report'. *(Laughter)* A Report that appears to have lost the clear and reasonable conclusions of Lord Lisvane and instead, I would argue, writes its own conclusions in some areas based not on evidence but based potentially on personal views of the Members of the Committee.

4270

To highlight this I simply refer you to page 4 of the Committee's Report, building up to the conclusion that the Government must not automatically have a majority in the House of Keys or Tynwald as a result of the number of Members or Ministers present. Now, this is a conclusion I think that they have based on an assumption that Tynwald will support restrictions on the voting power of the Legislative Council by limiting their input into taxation and appropriation matters and in effect infers that in actual fact the Government should not carry a majority in the House of Keys.

4275

Well, the reality of the situation is that the Government in some instances will always carry a majority where the motion involves a financial matter. For starters, the Council of Ministers, as it stands, will carry their nine votes, Treasury will carry an additional two votes and the Department concerned will carry, as it stands, at least two votes, at least 13 votes, a majority. Take this even further and a financial motion involving a statutory board will mean at least 14 votes. So this recommendation is actually meaningless without fundamentally reforming the numbers and Members of Departments, probably limiting them to one Member per Department, as recommended by – guess who? – Lord Lisvane. A recommendation that the Committee had completely dismissed, in paragraph 15 saying:

Contrary to Lord Lisvane's conclusions, we do not think that the present system of Departmental membership is unsustainable.

Well, actually on the basis of what they are asking for, that statement is wrong and contradicting, and if you support this recommendation, I will tell you now that it will be unsustainable. Not only that but what would happen if a political party does present a clear set of policies that the public do support and they do receive a public mandate? Again, this recommendation would become unworkable. And I would say again, it is anyway unworkable unless you also accept the Lisvane recommendation of one Member per Department, which has in effect been rejected by the Committee.

So we move to recommendation 2, which in the Report seeks to build on the rejection of Lord Lisvane's idea for a nominations committee, by tenuously arguing that we should adopt a new job description for the role. I can see nothing at all written down that seeks to encourage diversity in this job description. Instead, what I see is a reaffirmation of the current role of the Legislative Council. It is a harmless enough recommendation but does little to make any real change or impact to any recommendations about how different people are able to effectively adapt to the role as, say, a single working mother, a disabled person or an ethnic minority all of which, I might add, applications that a nominations commission could and would have dealt with smoothly and successfully away from the Keys. The Committee does try to overcome this by suggesting that the President take on the role in recommendation 4, for encouraging a wide range of candidates, but frankly, in my view, it is irrelevant.

I speak from personal experience that Keys Members who nominate the Members of Legislative Council only nominate those people that they know and trust, and it does not matter really, in my view, how credible the President is in attracting diverse candidates, there is a strong chance that under existing rules they will not get nominated in the Keys. In fact, I would suggest the only way to have got this right was a nominations commission, as suggested by Lord Lisvane.

And in my view voting for recommendation 4, therefore, is simply a waste of time, although I do notice that the Hon. Member for Middle, Mr Shimmins, has perhaps potentially recognised that and brought forward an amendment which I shall study. But as it stands I think it is effectively achieving nothing. And in fact it is potentially misleading and damaging in that it implies a criteria that the individual who applies will be given a fair chance for the role. I would suggest a criteria that we could not guarantee, by leaving it to the Keys to provide a proposer and seconder.

Recommendations 5 and 6 are pretty unharmful.

Recommendation 7, fails to consider that Lisvane was clearly seeking, in my view, for the role to be part-time or at least paid on a day rate. That is why he was seeking a salary review. The words written, in my view, are completely open to interpretation, or should I say, misinterpretation and I would be highly sceptical about this recommendation going forward.

Recommendation 8 is the adoption of a Lisvane recommendation and I can support this; recommendations 9 and 10 I pass without comment.

4325 But finally, I want to move on to recommendations 11, 12 and 13 and I want to urge you all
to reject these recommendations as lacking the necessary detail and clarity at this specific point
to warrant any further work. There is significant danger that in adopting these
4330 recommendations as they stand we may create a significant uncertainty in Government, and to
the wider community, that somehow the House of Keys will start deciding on taxation rates and
associated matter on a somewhat ad hoc basis, accompanying policy decisions, with decisions
on fundraising from the general public. The recommendation simply does not do enough to
bring clarity to the process and frankly, given the somewhat confusing nature of the overall
intentions and aims of this Report, I would suggest that at least for the time being,
4335 recommendations 11, 12 and 13 are rejected. (**A Member:** Hear, hear.) This is not the time for
Tynwald to create a fog of uncertainty, although I might say that somewhat of a mist has in fact
now descended with the conclusions laid out herein.

I think it is worth reflecting a little on the vision that Lisvane effectively painted. I think he
wanted a Legislative Council with a defined role, perhaps paid in a different manner, perhaps a
day rate, dealing with legislation and scrutiny and contributing possibly where asked, to
4340 Government policy. We do need to define this properly. Now is not the time for ad hoc decision-
making. We do need to ensure that the decisions that we make this afternoon, if we make
decisions, that they do carry some logic with them. But at the moment all I can see happening
potentially is – without some real proper thought to some aspects of the recommendations that
have been given – that we will end up potentially creating more confusion and that is the last
4345 thing that we need to do given the significant challenges that Government is facing in a number
of areas.

Mr Cretney: I'll put you down as a 'maybe'. (*Laughter*)

4350 **The Speaker:** Missed your ideas.

The President: The Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.

4355 I would like to rise to say how transformative this Report is, how it will move us forward into
the 21st century with confidence that we have undertaken the necessary constitutional reforms
to make us a forward-thinking and innovative democracy, more responsive than ever to public
need.

As I say, Mr President, I would like to say it, but then I read the Report.

4360 The first word, I must be honest, that sprang into my mind was 'disappointing' and the
second word was 'unimaginative'. I had hoped that the Committee and its Report was going to
be embracing Lisvane and coming forward with recommendations to this Hon. Court that would
follow on from that. The Report in many places, to my view, appears to be a 245-page carefully
worded defence of the status quo, in many cases. And as such I have laid a raft of amendments,
4365 which I am sure Members have heard clunking on to their desks. I also have a procedural motion
to lay before the Court as well today, Mr President.

I would like take a look at each recommendation in turn, Mr President, and I will speak to the
amendments that I am laying before the Court when speaking to the relevant recommendation.
In relation to recommendation 1, I share many of the concerns of the previous speaker, the Hon.
4370 Member for Ayre and Michael, Mr Cannan. I am not quite certain how it would work in practice.
While I can support the principle that Government should not have a majority in the Keys, it is
the practicality as to how that is going to work, because I certainly do not agree with Lord
Lisvane's recommendation of the Minister and one other Department Member. I have said all
along I believe that some Departments, such as Treasury and DOI, require a minimum of the
4375 Minister and two Department Members, so I am not am not certain how recommendation 1 will
actually work in practice.

In relation to recommendation 2, while I can see why a job description is a good idea, I am not sure what it is actually going to achieve. At the end of the day the electorate for Legislative Council is the House of Keys. If Members decide to ignore the job description then to be perfectly honest, it is not worth the paper it is written on. You could have two candidates, one of whom ticked every box of the job description and one who ticked none. If the one that ticked none had the personal support of 13 Members of the House then it would not matter a jot how many boxes the other candidate ticked. So while it may be helpful for prospective candidates to understand what they may be taking on, I am not convinced it will actually lead to greater diversity as that rests solely in the hands of the electorate of the House of Keys.

Recommendation 3, Mr President: I think on the whole this recommendation is sensible. Allowing civil servants to stand without imperilling their job, I think opens the Democratic franchise into the 21st-century, although I do still think there needs to be certain rules so that impartiality within the Civil Service is not damaged. So you may well have civil servants who stand and then do not get elected and need to return to their current employment with people still having confidence that they can do so impartially.

So I do have one minor amendment, Mr President, to recommendation 3, and this is to part (b) of recommendation 3. It is a bit of a tidying-up exercise. I do believe it is good idea to consolidate all the Constitution Acts but what we are missing from the list is the 1990 Constitution Act, Mr President, the one that actually created your own very role. So I think it is important that be there just for clarity. **(Mr Speaker: Yes.)** And, of course, several clauses of that Act are still in force, so I hope Hon. Members will be willing to accept that minor change.

Recommendation 3 (b)

After the word 1971 insert ‘, 1990’.

Recommendation 4: to be honest, Mr President, I would have thought that goes without saying. Several of your predecessors have previously spoken to promote Legislative Council ahead of elections in the past. I do believe there is nothing wrong with making that standard practice. **(A Member: Hear, hear.)** But again, I am not sure how much some of it will work in practice. For instance, prospective candidates submitting a CV will still need four Members of the House to nominate them, and if those Members of the House do not know them personally, are they really going to put their own reputations on the line and sign that nomination form to say, ‘We believe this person is a suitable person to sit within Legislative Council’? I see that as a major stumbling block. I will be honest, I personally would think twice about it.

Recommendation 5: while the new process is working, Mr President, it is not where I ultimately wish to see Legislative Council. I firmly believe that there should be some form of public election for Legislative Council, be that direct or indirect. I have said that *many* times and so I am slightly disappointed that the Committee has not seized the opportunity to try and propose more bold reforms in this area. So I will not be supporting recommendation 5, Mr President, as in its current form it is simply a defence of the status quo.

Recommendation 6: I agree with the recommendation but I do have a small amendment, which will hopefully make the recommendation a bit clearer. It could be argued that it is a pedantic amendment but I think it is important. My amendment would make sure that it is clear that Members of the House of Keys standing for Legislative Council will only be stepping aside for debates and votes relating to that Legislative Council election to which they are a candidate. As the person who moved through the Bill changing the Legislative Council elections and the way they are done, I am still hopeful we would get a result in one sitting, but we know from past experience that is not always the case. So I just want to make it absolutely clear that what is being referred to is just them stepping aside for that particular debate and vote, and nothing else.

Recommendation 6

After the words 'should recuse themselves from' insert the word 'any' and after the word 'votes' insert the words 'directly associated with elections to legislative Council'.

Recommendation 7, I am not sure why this recommendation is even here, to be honest, Mr President, as it makes some basic statements but it brings forward nothing new. It simply restates the current position and the preamble before it just states that nothing can be done on it until the role of Members is finalised. So depending on what the Committee come back with around any enhanced scrutiny role in February, which could yet again be simply a recommendation reinforcing the status quo. It may well have been better to have brought this forward with the report due in February when the proposals, if any, around changes in scrutiny functions were on the table so we could see the full package.

Recommendation 8, I most certainly have an amendment to this one, Mr President. Hon. Members already know my views, that I have expressed on many occasions, that Ministers should come solely from the elected House, regardless of circumstances. All Ministers should be accountable to the electorate of our Island, not an electorate of 24. If at a future election there were 14 or 15 new MHKs and that meant new Members having to become Ministers, well, as far as I am concerned, so be it. **(A Member: Hear, hear.)** That was the will of the electorate. **(A Member: Hear, hear.)** So the amendment I have tabled would state simply that MLCs should not be Ministers and remove the exceptional circumstances bit, and I hope the Members will support it.

In Recommendation 8, to leave out all words after 'Member of the Legislative Council as a Minister'.

Recommendation 9, Mr President, just for clarity, it might have confused a few Members. You have had two pieces of paper from me on recommendation 9, the amendment which is about the Chairs of the four Policy Review Committees, I will not be moving that, Mr President – that did not need to be circulated because I will be moving later a procedural motion that supersedes that. So Members can disregard that, that will not be being moved.

Recommendation 10, Mr President, the shortest of them all, because I am happy with it. In relation to recommendations 11, 12 and 13, I have to say that I am still open-minded in relation to those recommendations and I will be listening to what others have got to say, as I have just listened to the previous speaker, the Hon. Member for Ayre and Michael. Like the Hon. Member for Ayre and Michael though, I can see pitfalls with those measures and the proposals. I think that there would have to be very careful consideration before we did anything like that in this regard, and certainly the drafting of anything like that is going to cause, I think, an absolute nightmare situation and I am pretty certain it will generate huge amounts of disputes. The process that they have in Westminster is certainly not streamlined, it certainly does not remove the arguments that the Chambers have over whether it is right or not that the House of Commons should be discussing an issue themselves, and not the House of Lords. I do look forward to hearing what others have to say, but at the moment I am minded not to support those three recommendations. **(The Speaker: Good.)**

Finally – everyone will be relieved to know I will be sitting down in a moment – I have one last amendment, Mr President, and that is to add a recommendation 14. There is one item in the Report that the Committee moved over with such speed that I am amazed they did not leave tyre tracks, and that is the role played by our hon. colleague, the Lord Bishop, who I welcome here today as I did not get a chance to welcome him at the last sitting. As Hon. Members will know, my personal views are already on record. I fully believe the Lord Bishop has a very valuable role to play within this Chamber in terms of our debates, but I do not believe that the role should carry a vote. The learned Attorney also plays a valuable role in debates and within this Hon. Court and is not hamstrung by the lack of a vote.

4470 One thing I was angry about, to be quite honest, is the way the Report dealt with the issue of this and the previous votes, Mr President. It seemed to be, to me, a certain extent of rewriting history. While quickly mentioning the 17 votes in Keys for the removal in June, the Report quickly skirts over this and says that because Mr Hooper's motion was lost 10/13 in Keys and 2/6 in Legislative Council in July that, and I quote:

... indicates that no assumption can be made that there are 17 Members in favour...

4475 Well, I am afraid that does seem to be glossing over history, Mr President. The Committee must have short memories so let me remind them: let's look at what was actually said against Mr Hooper's motion in July. Mr Malarkey, my hon. colleague and Member for Douglas South, said and I quote:

Hon. Members know already that we have voted today for the Committee to come back and report to us in October, so I will emphasise in Mr Speaker's absence what would happen today if there was a combined vote of 17 in here: Mr Hooper will stand and he will ask for a combined vote to come back in October, which will really stop the Committee progressing their Report to come back in October.

And went on to say again, and I quote from *Hansard*:

Let the Committee do its job.

Mr Henderson, the Hon. Member for Council, said:

... we have appointed a Committee, we have charged it with a lengthy list of options to look at, it was amended, the amendments were approved, the main motion was approved, and the Committee has been charged to come back in October.

And finally, the Hon. Member for Douglas Central, Mrs Corlett, stated:

I would just like to say that I do not believe the Bishop should have a vote, but I intend to vote against this motion as I believe it should be considered by the Select Committee we elected and their recommendations brought back and debated at that point.

4480 So it was abundantly clear, Mr President, that the main argument put up against Mr Hooper's motion was the fact the Committee was already going to report on it in October. Yet the Committee has used that as an excuse not to bring forward a recommendation.

4485 So I have one very simple amendment, Mr President, and that is to instruct the Committee to bring forward a recommendation on the Lord Bishop's role and vote in their next report. It is not trying to guide the Committee in any one direction; it is not trying to force my personal views on the Committee. It is simply for the Committee to come back with a recommendation; so I am not trying to prejudge anything. I think it instructs the Committee to do what I, and I am sure others, thought they were actually going to do, and recommend something at this sitting.

4490 So with that, Mr President, I think I have said enough. I wish to conclude and formally move all of the amendments in my name that have been circulated, apart from the one on recommendation 9 which makes reference to the four Policy Review Chairs.

To add at the end of the motion the words:

'Recommendation 14

The Committee is instructed to bring forward recommendations in relation to the Bishop's role and ability to vote in Tynwald by February 2018'.

The President: Hon. Member, just to clarify, then, you are not moving amendment number 9 at all – (*Interjections*) to recommendation 9?

4495 **Mr Ashford:** No. The procedural motion, Mr President, I will be moving at the end of the debate. It is recommendation 9 in relation to the Chairs of the four Policy Review Committees that will not be moved. I still intend to rise at the end of the debate and move my procedural motion.

4500 **The President:** Just one moment, I would ask the Clerk for his advice here.

[The President consulted the Clerk.]

4505 **The President:** Thank you, that is very clear, I was just trying to clarify whether you were wishing to move amendment 9 in the event that your procedural motion succeeded in some way. But you are not moving your amendment to 9 at all?

Mr Ashford: Sorry, just to clarify, Mr President.

4510 I think that recommendation, if I am going to move it, would sit better with the February Report on Scrutiny. So Members have had a sneak peek maybe at what is to come.

The President: That is fine, thank you very much, that is clear to me now.

4515 The position is that amendments have been moved by Mr Ashford to recommendations 3, 6, 8 and a new recommendation 14. They have been moved, and I will expect to hear during the course of the debate as to whether or not they have been specifically seconded.

I call Mr Shimmins, Hon. Member for Middle.

Mr Shimmins: Thank you, Mr President.

4520 Firstly, please let me state that it is woeful that Lord Lisvane's independent review has been handled in this way. This should have been a valuable opportunity to modernise our democracy. The mantra that the eminent parliamentary Peer did not understand our system is often repeated to try and maintain the status quo. At times the Committee appears to be divided and at times it seems to struggle to understand the concept of conflict of interest.

4525 But turning to the recommendations: in terms of recommendation 1, Members, I agree with the Treasury Minister's comments.

4530 In terms of recommendation 2, Members will see the amendment that I have circulated. This amendment reflects the valued part that Members of the Legislative Council play in Tynwald and also recognises the vital role that they play in scrutiny, which is already the case and was clearly highlighted by Lord Lisvane as increasingly important going forward. And, Members, potential candidates for the forthcoming Legislative Council elections are already considering their positions. It seems to me that some of the debate on this Report on the Functioning of Tynwald may well continue for a while, and in the interim it does feel right that whilst we are unable to provide a full job description – and I do not think anyone would describe what is in front of us as a full job description – we should have available a brief summary of the main aspects of the role.

4535 So, Members, in good faith, that is what I have tried to provide in terms of my amendment, looking at what was produced by the Committee and highlighting the importance of the scrutiny role. I do not believe it is controversial and as such, I would ask you to support this amendment:

In Recommendation 2, to leave out the words of the first bullet point: 'Members of Legislative Council are a fundamental part of Tynwald. They also play an active role in Government of the Island; they may be called on to take roles in Government or in Tynwald' and to insert the words: 'Members of Legislative Council are a fundamental part of Tynwald. They also play an active role in effective Government of the Island'; after the words in the second bullet point: 'an important resource' to leave out the word 'supporting' and to insert the word 'scrutinising'; in the sixth bullet point to leave out the words: 'Members of Legislative Council

provide advocacy for individual members of the public'; and in the seventh bullet point to leave out the word 'consultative' and to insert the word 'scrutiny'.

In terms of recommendation number 3: I support the points that the Member for Douglas North has made, and I am happy to second his amendment to recommendation number 3.

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The Speaker: Just as a point of order, just to make sure we are all on the same page, Mr President.

I am not entirely if the Hon. Member in moving his own amendment can second other people's. So just to make sure that we are all moving forward at a steady pace and we all understand where we are going, let's not add confusion in. *(Interjections)*

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The President: I understand, Hon. Member, you have risen to move the amendments in your name? Is that correct?

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Mr Shimmins: I have.

And at the same time I was going to second the amendment.

The President: No, you cannot do that, sir.

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Mr Shimmins: Okay.

The Speaker: Stick around, you will learn something. *(Laughter)*

The President: No. You can do that, but as I understand it you have had already circulated in your name amendments to recommendations 2 and 4, and that is what you are doing now.

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Mr Shimmins: That's fine, I am sure there will be other seconders.

The President: Well, there may or may not be – you get on with your own amendment. *(Laughter)*

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Mr Shimmins: Thank you very much for that guidance, Mr President. *(Laughter)*

Turning to my amendment for recommendation 4, I question whether responsibility for the important subject of diversity should sit solely with the President. Members, I would remind you that our diversity metrics are inferior to all the other parliaments and assemblies in the British Isles. This is a genuine issue and in this context I respectfully submit that we all need to take responsibility for diversity. We have a shared responsibility and there are many local bodies which can help us with this responsibility – the international diversity conference organisers are here on the Isle of Man; the Manx Rainbow Association; Women in Business groups; and there are a number of bodies already here who have made great strides in diversity.

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The Commonwealth Parliamentary Association, of which many of us are active members, could also provide useful input, especially from fellow British Isles members who have set up similar task forces and recognise the issues that a lack of diversity causes in terms of a parliamentary mandate for its people. So I believe the amendment which I am circulating reflects best practice and the approach followed by other similar parliaments and jurisdictions.

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As you will see, I am suggesting that the President is joined by another Member of the Legislative Council and two Members of the House of Keys, because critically the first recommendation only covered Legislative Council – and I felt that was wrong. I felt diversity impacts us all in Tynwald. It also suggests that we appoint three other members from outside of this Court because many organisations have made fantastic progress on diversity and they can provide useful input. It recognises that this subject takes time, so it provides a period of

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12 months to come back to this Court with a series of recommendations for the Court to consider.

4590 Members, I would suggest that this amendment to the recommendation, would show to the Island that we take the subject of diversity seriously.

In Recommendation 4, to leave out the words 'The President of Tynwald should be tasked with encouraging a wide variety of candidates and to improve the accessibility of membership of Legislative Council' and to insert the words: 'The President of Tynwald should set up a taskforce to encourage more diversity of Tynwald membership. The taskforce should include: 1 member from the Legislative Council; 2 members from the House of Keys; and 3 members from the Isle of Man community outside Tynwald who have an interest in diversity. The task force should obtain advice from a range of sources including other British Isles Parliaments and Assemblies. The task force should present recommendations to Tynwald on how to improve diversity by the end of November 2018.'

In terms of the other recommendations that have come forward from the Committee, I will also be voting 'No' in terms of recommendation 5. I agree with recommendation 6. In terms of recommendation 7, I will be voting 'No'. I also agree with the comments that the Member for Douglas North made in terms of recommendation 8.

4595 I will reserve my remarks on recommendation 9; but I agree with the Treasury Minister's view on recommendations 11, 12 and 13.

4600 Members, it may be tempting to say this is complicated and we need to reconvene, push this back to the Committee and take this on board in future months. My real concern about that, whilst this is clearly a suboptimal debate, is what message does that send to the external environment who have elected us to make decisions on these matters? (A Member: Hear, hear.) I would submit to you that any attempt to do that would really just be interpreted as yet another 'push it into the long grass and maintain the status quo'. So I will leave those thoughts with you.

Thank you.

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The President: Hon. Members, amendments have been moved in the name of Mr Shimmins to recommendations 2 and 4, and similarly I will be looking for an indication during the debate of those being seconded before they can be debated and voted upon.

Hon. Member, Mrs Beecroft.

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Mrs Beecroft: Thank you, Mr President.

4615 I am going to be very short in what I have to say on this because to me it boils down to some very basic fundamentals, and for me the first fundamental principle is that Legislative Council who have *not* been elected should not be voting on policy within Government. Therefore, they should not be Ministers, ever, and they should not be departmental Members.

4620 I mean no disrespect to Legislative Council. I believe they have a valued role to play in the Committees and the scrutiny both of legislation and of the way that Government is performing. I do not believe that their role should involve forming policy or being in Departments having sway on how that policy is formed. Although possibly if they do not have a vote within the Department that may be acceptable. But nothing else would be to my mind, because they have not got a public mandate to do so.

The second point— and again it is because of the public mandate element — is that it is only the House of Keys who should be voting for the Chief Minister, for absolutely the same reasons. The House of Keys are the ones who have the mandate to do that, not the Legislative Council.

4625 And the third one is with regard to recommendation 6, to which I have got an amendment that I think should be circulating now, saying that Members of the House of Keys should not be eligible to stand for Legislative Council.

A Member: Everybody else is.

4630 **Mrs Beecroft:** And I do not think they should!

If you are a current sitting Member of the House of Keys you have made a commitment to your constituents when you stood for election, to serve them faithfully for five years. It gets ridiculed in public time after time, when sitting Members of Keys put themselves forward or are nominated for the Legislative Council. I believe that is fundamentally wrong. We have made a
4635 commitment to our constituents and we should stand by that. Or what sort of person does it make us in their eyes?

I am not going to go through all the different recommendations, because those three principles for me affect quite a lot of them, so it is pointless going through them all. So I have laid out what my principles are and what I will be voting against in each of the recommendations
4640 as they crop up.

In Recommendation 6, to leave out all words after 'Keys' in the first sentence and add the words: 'should not be eligible for nomination for election to the Legislative Council whilst they remain as sitting Members of the House; and Tynwald refers this matter to the Tynwald Standing Orders committee to bring forward appropriate legislative changes.'

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

What I do welcome about the Report is its emphasis on increasing diversity, as well as its
4645 positive framing of the role and contribution of Members of the Legislative Council. I know that Mr Speaker has already said this, but, to quote, the Committee states in the Report that 'Encouragement of diversity is the prism through which we have viewed most of the issues before us', and that, 'it is hard to overemphasise the importance of achieving greater diversity in the membership of Tynwald', explaining that this, 'goes to the essence of how we represent the
4650 community and will influence the trust which the community is able to place in us.'

The Committee eloquently and powerfully make the case, therefore, about why a focus on diversity is so important.

The importance of increasing diversity was debated recently in another place in the context of examining possible changes to sitting dates and times. The Hon. Member for Douglas South,
4655 Mrs Beecroft, commented that, 'there are things that we could be doing that would encourage more people to stand, and for the Keys and Tynwald to be more diverse', suggesting that we 'need to look at what it is that women do not like about what we are doing; what we can do to engage them more, to show them that it is a terribly important role ...'

Gender is of course only one aspect of diversity, but it is one that merits focus. If we look at
4660 the representation of women in Tynwald – and I know the Hon. Member for Middle, Mr Shimmins has already pointed out how we compare to other jurisdictions – but it is clear that we have some way to go.

As at the 2016 census, women comprised just over 50% of our population, yet female representation in Tynwald stands at just over 17%. Looking solely at the House of Keys, our
4665 percentage of female Members is 21% and we still compare unfavourably to other single or lower house chambers. Figures from July 2017 show the percentage of women in the House of Commons is 32%, in the Welsh National Assembly, 42%, and in Scottish Parliament, 35%. In Jersey, women make up 24% of voting Members and the figure for Guernsey is 31%.

And we compare less favourably again when we look at the Legislative Council as against
4670 other upper houses. Figures from July 2017 show the House of Lords has 26% female membership. And an inter-parliamentary union ranking of women in national parliaments shows that the Island's Upper Chamber would rank 12th from bottom if the Isle of Man were ranked along with 79 other countries with an upper house.

4675 I, therefore, welcome the fact that the Report makes some recommendations to support delivery of greater diversity in Tynwald's membership. And when we talk about diversity and increasing our diversity, it is important to think not only about gender, but as the Hon. Member for Ramsey, Mr Hooper, pointed out in another place, also about other factors such as age and disability.

4680 Recommendation 4 is important, in that I do actually think we need a mechanism for promoting the diversity of our membership. Recommendation 4, as it stands drafted by the Committee, I think, links to the fact that we have elections for the Legislative Council early next year; and the President being tasked with increasing diversity of candidates, I think, was targeted specifically at the fact we have an upcoming election early next year.

4685 However, the Hon. Member for Middle's suggested amendment I also think has merit, in that I do think it is important that we put in place concrete steps to try to hear not only from Members within this Hon. Court, but those from outside who may have relevant experience that we can draw upon in our drive to increase diversity. Therefore, I am supportive of that amendment.

4690 However, the difficulty is that it is, for realistic reasons, I think, setting a deadline of reporting of November 2018, which is after the elections for the Legislative Council next year. Therefore, I am moving an amendment, which I believe has been circulated, to suggest that we add the Hon. Member, Mr Shimmins', amendment to the existing recommendation to enable Mr President to be fixed with responsibility in terms of increasing diversity, particularly bearing in mind the election in February –

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The Chief Minister: Mr President, I would like to ask if the Member will give way on a point of order.

4700 **Mr Anderson:** Mr President, a point of order.
I do not think the amendment is seconded –

The President: Point of order, Mr Quayle.

4705 **The Chief Minister:** Thank you. I think the Hon. Member of Council has made a mistake in her amendment where she says that it should be ready for the Legislative Council 2018 election, but then goes on to say that it should be by the end of November 2018. The election is in February, so the report will come back a number of months after, the way the amendment is worded and therefore is incorrect for what she is trying to do.

4710 **Mrs Poole-Wilson:** If I could try to deal with that point, (**The President:** Yes.) what I am trying to achieve is that Mr President be tasked, as is currently written, with encouraging a wide variety of candidates and to improve the accessibility of membership of Legislative Council in readiness for the election in 2018, but *additionally* a taskforce be set up to encourage more diversity of *Tynwald* membership.

4715 So this is not only thinking about the Legislative Council now, this is thinking about our broad membership and to report back on recommendations around that by November 2018.

The President: Two distinct propositions.

4720 **Mrs Poole-Wilson:** Two distinct propositions. I do not necessarily think they conflict; I think they are complementary.

The President: That is the way I read it.

4725 **Mrs Poole-Wilson:** And that was my intention.

The President: Thank you for clarifying.

Mrs Poole-Wilson: As the Hon. Member for Middle has pointed out though, I would also ask Members to recognise that increasing diversity is all of our business – (**A Member:** Hear, hear.) whether this Hon. Court votes in favour of the amendment I have proposed, the existing recommendation or indeed Mr Shimmins’ amendment today.

While tasking the President with any role, we all have our part to play. Research published in the Harvard Business Review earlier this year suggests that diversity initiatives work best in workplaces when social accountability of individuals for delivering change is fostered.

It is also vital that we are open to, and look critically at, mechanisms we can embrace, or changes we can make that the evidence suggests will deliver tangible change. The relative lack of party politics in the Isle of Man means that list mechanisms that have been used elsewhere to help increase the diversity of candidates is not a practicable option here.

However, the work of the Keys Standing Orders Committee on looking at sitting dates and times and the impact that might have on our drive to improve diversity is important. Similarly, the Committee on the Functioning of Tynwald has identified the issue of age, and recommendation 3, to examine and report on proposed amendments to the Isle of Man Constitution Acts, to revise the law on qualification as a candidate for election to either Branch of Tynwald to amend the minimum age for candidates, is welcome.

Interestingly, our Police Force on the Isle of Man have an Inclusion Scrutiny Group through which it engages with a range of different representative groups on the Island, such as faith and nationality groups, disability groups and the Manx Rainbow Association. The central aim of this is to help the Police ensure that inclusion informs and underpins their activities, with the aim of delivering the best service for all the Island’s communities and people. This idea may be one that we could consider in thinking about how best to broaden the appeal of Tynwald and encourage a diverse membership – and possibly that is where a taskforce would help us enormously to make tangible progress.

We can also look further afield for ideas and inspiration. For example, Jersey, in July this year, set up a new forum – the States Assembly Diversity Forum. It has set itself immediate priorities, including encouraging more women to stand in the 2018 election, making connections with Jersey’s Portuguese, Polish and other minority communities, raising the profile of States Members’ work, producing policies on maternity, paternity, parental adoption and carer’s leave and initiating an Inter-Parliamentary Union Gender Sensitive Audit.

Turning briefly to the role of Members of the Legislative Council, recommendation 2, I think it is important to acknowledge that the job description at this stage seems to have been drafted in very general terms and will probably need to evolve to reflect the final position that this Hon. Court decides upon in terms of the part that MLCs will play going forward. This is not only in relation to the question of what is decided about departmental and other roles in Government; it may also be affected by future recommendations of the Committee and decisions regarding scrutiny and the legislative process.

Most significantly, there is a link between the nature and scope of a role and the associated pay. Recommendation 7 sets out four principles that should be observed in any pay review for Legislative Council Members and I would support them.

However, last month Tynwald voted to support an independent review of all Members’ pay and allowances, and the Committee is now tasked with reporting on recommendations on the terms of reference of such a review. This is significant as it allows for a full consideration of the different roles Tynwald Members play and an opportunity to ally pay and enhancements accordingly, bearing in mind the principle that any change must not result in an increase in overall costs.

In my submission to the Committee in July, I suggested a number of issues which should be examined in a review of pay and allowances. This would include: recognition of the core parliamentary role of MHKs and MLCs with a core level of pay aligned to this; recognition of

4780 constituency representation and associated workload – this may result in an enhancement for
MHKs; a review of the level of enhancement payable to Ministers and to the Speaker and
President of Tynwald; clarity on the number and scope of Department roles in each Department,
who is eligible, and the associated pay rate – should there be a single rate for all Department
roles, or are some roles more substantial than others? – there is an opportunity here also to
reflect the principle which the Committee agreed, that an appointment as a departmental
4785 Member be only made where it is clear that substantial responsibilities will be assumed in
recognition of the salary enhancement; clarity on other roles in Government – their scope and
extent of responsibilities and whether any enhancement is appropriate and at what rate; and
finally, recognition of scrutiny roles, considering both the scope and extent of responsibilities of
Chairs of Scrutiny Committees and members and, again, what level of enhancement, if any, is
appropriate.

4790 A review of roles and responsibilities, linking that with pay, would enable greater
transparency, not only for the public but for prospective candidates to the Legislative Council. It
would also provide an opportunity to take account of equal pay requirements.

Thank you, Mr President. I beg to move:

*In Recommendation 4, to add the words at the end: 'in readiness for the next election to the
Legislative Council in 2018. The President of Tynwald should set up a taskforce to encourage
more diversity of Tynwald membership. The taskforce should include: 1 member from the
Legislative Council; 2 members from the House of Keys; and 3 members from the Isle of Man
community outside Tynwald who have an interest in diversity. The taskforce should obtain
advice from a range of sources including other British Isles Parliaments and Assemblies. The
taskforce should present recommendations to Tynwald on how to improve diversity by the
end of November 2018.'*

The President: Hon. Member for Douglas North, Mr Peake.

4795 **Mr Peake:** Thank you, Mr President.

Is there a limit on the amount of amendments one can second?

Mr Malarkey: No, there does not appear to be.

4800 **Mr Peake:** Just checking.

The President: The relevant Standing Order – *(Interjection by Mr Corkish)*

4805 **Mr Malarkey:** It is 3.15(3).

The President: – has it that amendments may be moved as a group (**Mr Peake:** Thank you.)
and treated in debate that way. So, in other words, if you were minded to second all the
amendments as a group you can do that.

4810 **Mr Peake:** Thank you, Mr President.

I would like to second all the amendments.

The President: So, just for clarity, it is better that you explain what it is you are seconding.

4815 **Mr Peake:** Thank you very much.

I will second recommendation 2 by Mr Shimmins. I will second recommendation 3 by Mr
Ashford. I will second recommendation 4 by Mrs Jane Poole-Wilson.

4820 **The President:** Excuse me –

Mr Malarkey: Point of order, Mr President.

4825 **The President:** Hon. Member, you appear to be seconding the amendments of two different – (**A Member:** Three.) at least two, or three, different Members. You may second as a group all of the amendments of (**Mr Peake:** Okay.) Mr Ashford, (**Mr Peake:** Right.) which were moved as a group, or the ones of Mr Shimmins moved as a group, but not both.

4830 **Mr Peake:** Just one group?

A Member: Yes.

A Member: Choose the Beatles or the Stones! (*Laughter*)

4835 **The President:** So can you tell us who you are seconding?

Mr Peake: I will second Mr Ashford's as a group.

4840 **The President:** So that is Mr Ashford's recommendation, amendments to recommendation 3, 6, 8 and his new recommendation 14. Is that correct?

Mr Peake: Thank you very much for the clarification.

4845 **The President:** Thank you.

Mr Peake: Thank you.

It is a great shame we have ended up in this place. I think Lord Lisvane did actually understand the Isle of Man. I know a few people who do not think he did, but I think he did.

4850 He actually identified a very important role for scrutiny, which I think MLCs are very well placed to actually lead and to take that responsibility on. I think his idea of having a number of MHKs and MLCs in that scrutiny role is a good one. I have always supported that idea and I think it is good to be seen – Thank you. (**Mr Malarkey:** Sorry.) It is alright, it is no problem.

4855 **Mr Malarkey:** Just making sure you are going the right way.

Mr Peake: Thank you very much, Minister. (*Laughter*)

So it is a shame it is confusing. So with that, I will be interested to see how the debate continues.

4860 Thank you.

The President: Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.

4865 I rise to second the amendment from the Hon. Member of Council, Mrs Poole-Wilson and I also support the amendments from Mr Ashford.

I think it does get very confusing when we have piles of paper that we were not aware were coming in advance of this debate, and like Mr Ashford, I was left a little disappointed by what I felt was the lack of ambition in some of the recommendations.

4870 While on paper it seems a sound objective that the number of Department Members should be restricted so Government does not have an automatic block vote, knowing the proposed structure for the new Department for Enterprise, if that is supported by this Hon. Court, it

envisages four Members each taking responsibility for a key area. Any sector without a political champion would feel disadvantaged or even unsupported, so the original recommendation that every Department Member should have substantial responsibilities within a Department, I feel, is the key thing here. Why would we prevent a Department working efficiently and with adequate political oversight?

Some Departments could perhaps manage with only one or two Members, others not so easily. Also it should be recognised that Members are not signed up to collective responsibility and do have the freedom to vote on Government matters according to their conscience.

On recommendation 2, like Mr Shimmins, I do not feel the list is a job description for Members of the Legislative Council. It seems to be a reinforcing statement just defining the role of MLC. All points could equally stand for a Member of the House of Keys, representing constituents rather than individual members of the public. There is no mention of the role further evolving or modernising and indeed no consideration given by the Committee to giving MLCs a popular democratic mandate.

In terms of promoting diversity, I think, to give it the additional focus to come back with recommendations for February and then a longer-term look is absolutely the right way forward.

The recommendation 9, in terms of MLCs being appointed to a Department in exceptional circumstances, I would like to see the scrutiny role enhanced, but I do think we need to leave the leeway that there may be exceptional circumstances that we have not, and could not, envisage. Recently, 12 Members visited Westminster; if there was a major incident and a number of those Members were either injured or did not return, that would be exceptional circumstances that perhaps MLCs would be called on to step in to fill the gap.

I support what the Treasury Minister said about the recommendations 11, 12 and 13. I think more explanation is needed and clarity on how that would work. Given the significant matters facing us and the backlog of legislation, I feel a draft Bill on this matter to be an unnecessary distraction at this time. And just to say, I do support recommendation 14 brought by Mr Ashford.

Thank you, Mr President.

The President: Hon. Member for Glenfaba and Peel, Mr Boot.

Mr Boot: Thank you, Mr President.

As a member of this Committee, it has been an interesting exercise for me, made even more profound by my personal journey through Tynwald, firstly, as a newly elected backbencher in the last administration with departmental responsibility, and now a Minister, where the full range of Tynwald dynamics have been exposed to me over a relatively short period of time.

I will start by saying the deeper I delved into this and the more work I have done on the Committee, the more I believe the *status quo* is where we should be, with some minor tweaks, and maybe diversity is one such area that would be useful to address.

In terms of where we are, there has been a marked cultural change since the last general election. I will reiterate what I said in the first debate: it is ironic that an unelected career civil servant, now a Member of Westminster's Upper House has been to the Isle of Man for a few weeks, taken evidence from a number of people – many of whom are no longer part of this parliament and may have had an axe to grind – spent little or no time looking at how our departmental system worked and, frankly, from my interpretation of the Report, never really got his mind around the dynamics of a three-Chamber Tynwald.

My experiences through the Commonwealth Parliamentary Association are that we are perceived as a beacon parliament that has produced 30-plus years of continuous growth and good governance for our country. Lord Lisvane comes from a background of engrained party politics. The Westminster system is fundamentally different to ours, with party politics being a constant driver with majorities that enable the prosecution of policy. In fact, if we look at what is happening now in the UK, majorities are almost a preoccupation on a daily basis.

He also failed to understand that where most sitting Members are independent, there has to be a mechanism for forming an executive within the structure and that is what the Council of Ministers achieves. He did not do his arithmetic as despite protestations that the Council of Ministers always have an inbuilt majority, this is not actually the case.

Anything that tinkers with that balance and, in particular, removes certain functions from MLCs has the potential to destroy, inadvertently, our consensus Government. Much of the world strives for such consensus; why would we want to change a system that actually achieves that? Maybe there are those among us who want to change the system as they think some time in the future there will be a party system. Removing MLCs from the parliamentary process will make it possible for any party in the future with a majority to operate with impunity. So beware of unexpected consequences.

I also believe, quite profoundly, that had Lord Lisvane visited us now, he may have come to some completely different conclusions, as indeed new Members' views have changed over the first year.

Now to some specifics. The public perception of MLCs having little to do and being a reward for retired MHKs is more to do with the old process of electing them. It seemed like a shoe-in for MHKs who thought they might not be re-elected. Under the old system they were able to vote for themselves and their nomination process was opaque. Mr President, we changed that at the last MLC elections and the feedback I have had from the public is all positive.

Within the Report there are moves to improve the recruitment process, making it more transparent, and improved diversity. However, when it comes to who can stand, I cannot go along with excluding sitting MHKs, nor indeed should civil servants have to resign their posts if they wish to stand. **(A Member: Hear, hear.)**

MHKs, if they want to stand, should recuse themselves completely from the process. That means not only not being able to vote for themselves, but they should not be involved in the debate. If they are not able to stand then they will be the only category of citizen in the Isle of Man that cannot stand. Surely, that is not right. **(A Member: Hear, hear.)**

When it comes to MLCs' functions, I believe they are a fundamental and useful part of the Tynwald process. It should remain a full-time job and one that receives enough remuneration to allow access, not only from those that can afford it but those who have the qualities to offer us. Whilst I can understand the drive to give them more scrutiny function, we have to be careful that if we remove them from the Department structure and Government, they do not simply set themselves up as an opposition, as I have seen happen in scrutiny functions in local authorities in the UK.

We should not forget that the next batch of MLCs, most, or perhaps all of them, will not have had any parliamentary experience, so if they do not serve or have departmental experience, how will they know how Government works and how can they scrutinise Government in the future? I believe that when it comes to electing the Chief Minister, all of Tynwald has to work with the Chief Minister; consequently, I would feel MLCs should retain a vote.

Where Lisvane comes from in the UK, the Parliament there does not get a vote for the Prime Minister; the parties elect a leader who then automatically becomes Prime Minister if that party gets a majority. So, might I suggest to this Hon. Court that we are already well ahead of other jurisdictions in that respect.

Should the Bishop retain his seat and vote? In my opinion, that is a no-brainer. We are a Christian parliament, the Bishop is an intrinsic part of that parliament and Island life, and to be honest, we are lucky to have a Bishop – other jurisdictions do not. **(Several Members: Hear, hear.)**

Speaking to the recommendations, most I will be supporting, but I do agree with my hon. friend from the Treasury that recommendation 1 is slightly absurd and obtuse, and I do not really see, as a Committee member, how we got to that conclusion in the first place, *(Laughter)* so you will gather from that that I will not be voting for it.

4975 I will not go through all the other recommendations excepting the ones that I have taken issue with.

Recommendation 9 – the *status quo* actually works. If the system is not broken why change it? So (e) would get my support. Then we come to recommendations 11, 12 and 13. These address what is, in essence, the exam question, but from my perspective that question does not need answering. We are trying to manufacture a process to accommodate an aspiration that attempts to fix a system that is not broken.

4980 It is difficult to have a debate on policy without looking at the financial impact. Consequently, how can we have a policy debate in Tynwald which is then voted down and that would automatically, surely, lead to the Keys having to vote against the financial implications. So separating the two functions for some ideological reason does not work for me. So I will be voting against that and that will mean that 12 and 13 will fall.

4985 Some might question why, as a member of the Committee and signatory to the Report, I am speaking in opposition to a number of the recommendations. I would reaffirm that within the Committee, where we have pre-declared positions, it was agreed that we should have a free vote and be able to speak as we felt appropriate. I would like to thank the Chairman for agreeing to that measure of freedom and also my fellow Committee members who, whilst we might have divergent views, have got on very well and quickly preparing this Report. I understand some criticism of the Report, but I think we have done very well to get to the point we are at, at the moment.

4990 However – and I will close now by saying – with the amount of amendments we have at the moment, we seem to be making up constitutional change on the hoof, Mr President – (**Several Members:** Hear, hear!) and I think there are dire consequences that could come out of this and we should proceed with caution.

Thank you.

5000 **Several Members:** Hear, hear.

The President: Hon. Member for Douglas Central, Mr Thomas.

Mr Thomas: Thank you very much, Mr President.

5005 I will second the amendment from the Hon. Member for Douglas South, Mrs Beecroft, and I think that is all of the amendments seconded.

Several Members: No.

5010 **The President:** No, it has not been seconded.

5015 **Mr Thomas:** Speaking to that purpose, I wanted to immediately put on record my support for the very eloquently made arguments by Mr Ashford – and I will be supporting those amendments – and also by Mrs Poole-Wilson, who I think helpfully extended the amendment from Mr Shimmins.

The President: I am sorry, could you repeat that?

5020 **Mr Anderson:** That has not been seconded, Mr President.

Mr Thomas: I just supported the amendments that are on the table. I seconded one amendment and I supported all of the other amendments.

5025 **The President:** There are two that have not as yet been seconded, those of Mr Shimmins –

Mr Thomas: Exactly, so therefore I did not support them. I did not even talk about them.
(Laughter)

The President: – and you cannot support them until they have been.

Mr Thomas: We did according to the Standing Orders of this Hon. Court, Mr President.

The President: They have not been seconded.

The Speaker: Mr Thomas did not make reference to them either, sir.

The President: It must be my hearing! I thought you were talking about Mr Shimmins'.
(Laughter)

Mr Malarkey: He referred to Mrs Poole-Wilson.

The President: In that case, carry on. My apologies.

Mr Thomas: Well, let's think about this. I was brought to my feet by some remarks from Minister Boot, the Hon. Member for Glenfaba and Peel. Let's think about this. If we were to go out and talk at random to 10 members of the public in each of our constituencies, would they say, 'God, everything works really well up on Prospect Hill! Everything's very smooth in the way that Tynwald goes about its business. God, those politicians are doing a really good job! They address exactly the right issues in exactly the right way'?

That is not actually what I think they would say, that is not what they told our Social Attitudes Survey, so let's have some reality about this, okay? We have got issues. We had had 32 years of growth until 2015-16, but what has that got to do with the way that we go about doing our business?

So that is one fact. I just want to put down a few more facts in that spirit. The first fact is that we could have been probably where we will end up being today back in July, because there was a very positive motion to accept some things in Lord Lisvane's report there and then and send away the Committee to come up with practical responses to a few other issues that still needed to be addressed. Unfortunately, the Committee, we now learn from the Hon. Member for Glenfaba and Peel, has not even managed to agree a consensus amongst themselves, (Interjection) so we have not got practical responses to where those things are.

So I think we have got to now accept the fact that we do have consensus about some things and we ought to be doing them and we ought to begin to be seeing that in actual fact we need practical, substantive, individual motions properly debated with proper reports put together by people like the Standing Orders Committee, who have already transformed the other place with the Committee of the Whole House, with the new system to elect MLCs, with the new broadcasting guidelines and I think a couple of other things that we put together in our Standing Committees.

We have got a perfectly reasonable Private Member's Bill that had support unanimously, or at least without division, at Third Reading, including from the Hon. Member for Glenfaba and Peel, who just said he changed his mind and he did not think it was a good idea now to have only the House of Keys voting for the Chief Minister. But we have that Bill. It could come back in two weeks' time and we will learn a bit more about that in coming weeks, I think, to make very practical suggestions as to how the Chief Minister is elected.

Now let's think about a few more facts. The facts are that the longest – practically the longest ... I am going to get into an argument now with Mr Cretney, but Mr Bell served as long as Mr Cretney even, and Mr Bell said in 2011 that throughout his political career people had had committees and reports on constitutional reform and it never went anywhere, (Mr Cretney:

Hear, hear.) we just kept coming back and back, and he put it down in the Agenda for Change that we needed to have an independent review from outside. That is what my motion, amended by Mr Robertshaw, brought to us, and here we are discussing the review that we called for and commissioned.

And let's remember, Lord Lisvane came here in good faith in June 2016 and took 33 witnesses' evidence in this Hon. Court, exactly the same as Lord MacDonald had done back in 1911 to set up the system that some people here are trying to preserve without any attempt to modernise tradition so that we can conserve it into the future. He took evidence from 51 people in public, in the open. He called for evidence from the public. Lots of experts outside sent him advice and now we are trying to dismiss it: 'Oh, he was only an international expert with many years' impression.'

What he said counts. Books don't burn! Once it has been said by an international expert, it actually has been said and it cannot be denied it has been said, and that is a fact. So, if he says, 'I do not believe that the system of Departmental Members is remotely sustainable. The issue of patronage, and the perception or reality that Members are receiving significant salary enhancements for a role that at worst may be unnecessary, is a reputational liability', that has been said, it has been heard and we have to do something about it. If he said it is very unusual to have unelected Members talking about public revenue and what is done with that public revenue – which is what he did say, because that goes back two or three centuries, and 'no taxation without representation' (**Mr Cretney:** Hear, hear.) – it has been said and we cannot deny it has been said, and that is a fact that is now on the table.

He also said, very wisely, a fact, which is that it is a common technique to lure good ideas down a cul-de-sac and then slowly strangle them. There are people in here who are looking to move for a committee to report back in October 2021 and exactly what we should have done in 2016, 2017, 2018, 2019 and 2020, and that is what we have got to remember today.

So there are certain assumptions that are being made in all of this, especially encouraged by this later Watterson-chaired Committee Report, which I appreciate, because they have done a lot of good activity and a lot of good work to put an equally – well, almost equally – valuable Report on the table which will have to be taken into account because documents do not burn. But there are certain assumptions that are being made.

I remind everybody that an assumption comes from the ancient Latin words *ass*, *u* and *me*, and according to ancient scholars its meaning roughly translated is 'to make an ass out of you or me', a thing that is accepted as true or as certain to happen without proof, and now there are some certain assumptions that are being made and we have got to take the advice of those ancient Latin scholars.

The first assumption, and Lord Lisvane confirmed this to us when he came over, is one thing he did not have time to look at is exactly how the legislative process works. He was told that the legislative committee made lots of good amendments but he did not have time to test it, and that is the sort of thing that I would have hoped that the Committee was looking at, because the legislative process is at the heart of our functioning Committee, of our functioning parliament, Tynwald, and I said back in May 2015 when the motion was first passed that what the process was about was the efficacy of our system in passing legislation and making policy.

Another assumption that is being made – and, to be frank, I was very pleased that a Committee Member confirmed this in the presentation of the Committee when the Chair was away – is that we have decided to assume that MLCs will always be full time. But that is an assumption. It is no more than an assumption. What Lord Lisvane said is that the role had to be specified and then how it was remunerated.

When I had the privilege and honour to give evidence to Lord Lisvane I was preceded by John Shimmin, another politician who was here for two decades, and what John Shimmin said was that the biggest failure of his career was that Geoff Corkish earned as much as he did, or something along those lines. (*Laughter*) (*Interjection by Mr Corkish*) He said, 'It has always annoyed me that ... I do not believe the MLCs do the same role as I have done and it is an

5130 equivalent role.' I forget exactly the words he used, but it is an assumption we have made that it is a full-time role, and it need not be. It might be that it is necessary to have it a full-time role, but we certainly should not be assuming such at this stage.

We have made an assumption about these seating arrangements. If we had wanted to have a two-branch parliament, we would have probably built the two branches at either ends of a corridor, like they did in Westminster, but we have ended up with celebrating our tricameral system and our Legislative Council because that used to be the executive Chamber up there, the elected people down there, who were closer to the people, and once in a while those came down those stairs and these came up the stairs and paid homage to the top shelf up there. Democracy changes and it is an assumption that we should carry on on that basis.

5140 Douglas Council does not have aldermen anymore; that was a bold decision. Perhaps we should be thinking whether or not the role of MLC is an aldermanic role or if it is not an aldermanic role, and vice versa.

We have made assumptions that we need two presiding officers. I do not want to go into the whole unicameral debate, but it is very unusual in Commonwealth terms, in any parliamentary terms, to have a political presiding officer – and that is what we have got, so that is one of the fundamental questions that should be on the table.

I am going to close, having supported the amendments that have been seconded and making up my mind according to the debate on the other things, with expressing my regret that we have ended up where we are, which is a sheaf of amendments, a difficult process. We need a clean process, we need a clean document that comes rationally in each of the areas under consideration.

We also have to remember what has been said about Isle of Man constitutional development in the context of what has happened previously with the MacDonald and the McDermott reports. Back in 1911 it was suggested to the international expert that you have to be very careful as to local government in small places, and the international reviewer replied, 'But you will never swim if you do not get into the water.' So it has been like this for 105 years.

We need to understand how we are perceived in our own nation and outside our nation and then we need to react accordingly. The eminent local lawyer, advocate, deemster-type who has written about that process, from which I get that sort of information, concluded his article about this: 'It is absolutely clear that the Keys did not have sufficient confidence in themselves to push for change 40 or 50 years earlier than they could have got change back in 1911.' I want to make sure that we all remember that, as Keys Members, with supportive Legislative Council Members we can achieve legislative change in good time. We do not have to wait forever.

5165 **A Member:** Hear, hear.

The President: Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

5170 I just stand to second Mr Shimmins' amendments. I am not sure what numbers I am amending, but I think it is 2 and 4!

The President: Mr Cannan to speak to the amendment.

5175 **Mr Cannan:** Thank you, Mr President.

I just want to stand to address the amendment moved by Mrs Poole-Wilson, and it obviously reflected to a degree the amendment also moved by Mr Shimmins.

I think, from my perspective, it would send the wrong message not to vote for this particular amendment. But what a shame that we are just simply seen to be going round in circles here when we had a perfectly reasonable proposal from Lord Lisvane to encourage diversity. He clearly addressed it by proposing a nominations commission. In fact, whilst Mrs Poole-Wilson

seeks to get us to address this in readiness for the next election in the Legislative Council, how ironic that we could have already been well on the way to addressing it by getting a nominations commission in place – a nominations commission in which, of course, Lord Lisvane talks about diverse backgrounds and including at least two women.

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I note that we do not have any kind of stipulation in this amendment, although I am sure the Hon. Court will consider the makeup of this particular body, if indeed it votes for it. And, of course, how ironic that probably many Members in here who rejected the nominations commission will now want to vote for this.

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I think my final point is that, in voting for this, I do highlight the fact that whilst this body that is looking at diversity will do so probably effectively in terms of being able to ensure the message is reached out to the community that people from diverse backgrounds should stand particularly for the House of Keys – and will, I hope, be successful in doing so – it will of course be up to the electorate whether those people do or do not get elected. But unfortunately, without fundamental change to the process in the Keys, in terms of nominating and proposing and seconding Members of the Legislative Council, you cannot possibly be guaranteed that you are going to get candidates of diversity or equality, because I tell you from my experiences that Members of the House of Keys simply will not second or propose and second candidates that they do not know.

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So it is a shame, because I would be surprised if a result of these recommendations is not that some form of nominations commission exists to make sure that we do get a proper independent process in place of getting a range of diverse candidates forward for those positions.

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The President: Hon. Member, Mr Baker.

Mr Baker: Thank you, Mr President.

I just wanted to try and bring some context back to the discussion. We have gone in quite a rambling fashion around the subject. What actually we have got in front of us is a report from a Committee that was established with a very clear remit. In fact, it is not its complete report; it is the first deliverable of at least a two-part exercise.

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The questions, rightly or wrongly, that were set by this Hon. Court were very specific and the Committee has gone away and actually done, to the best of its ability, its work over the summer. It has taken its responsibilities seriously. I take huge exception to Mr Shimmins' insinuation about the conflict of interest amongst the Committee with absolutely no substantiation for that – and if he has got some substantiation he should be bringing that forward in a formal manner.

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We, as a Committee, have answered all the exam questions, whether we liked the questions or we did not, and because the mandate that was given to the Committee was a mixed bag, we have ended up with a mixed bag of recommendations in here, which are, as I have already said, part one of at least a two-part exercise.

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In part, the recommendations are a little odd in certain areas, and dealing with Minister Boot's points around recommendations 11 to 13, which echo the Treasury Minister's comments and a number of other people, they reflect the exam question, which was to find a way of implementing a principle that the financial motions were separate from the policy motions. Actually, you could look at it, as a number of us now do, and say the solution is not proportionate to the actual issue, and that is what is at play with 11 to 13. It does not mean the Committee could not make its mind up, it does not mean that the Committee was disunited; it means that actually the best answer we could come up with for that particular requirement is an answer that, because there is no collective whip on this, we are in an individual position to decide whether we support or we do not. I am with Minister Boot and, I think, the Speaker as well, in that actually what we have recommended in 11-13, whilst they are the best things that we could come up with to deliver what we were asked to deliver, are probably not ... the benefit

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of doing those is probably not worth the extra difficulty of implementing them. (**The Speaker:** Hear, hear.) So that is the first thing, okay?

The next thing, going back to the start of the recommendations, recommendation 1. Essentially, again it looks a little bit odd, but if you read the Report – and I am not quite sure whether people have digested the content of some aspects of the Report – the Report makes it really clear. Recommendation 1 is a restatement of what is understood to be the current position, that actually ... And the phrase that we used within the Committee was that CoMin should not automatically have a majority. I do not think any of us want to be in a parliament where CoMin automatically can decide what happens; they need to work for their support. Some situations will be easier than others, so if it is a departmental issue and it has got a number of departmental Members, it is likely to find it more straight forward. But we have seen some great situations over the last 12 or 13 months where the will of CoMin has not been delivered and backbenchers have been able to stand and bring motions which CoMin have not supported, and they have got them in. That gives a lie to the fact that CoMin has an automatic majority; it gives a lie to the fact that if you are in a Department you are taking the money, therefore you have sold out to CoMin.

And I stand here as the person who brought the Knottfield motion, which is probably the most difficult motion that has been in front of this Court in the last 13 months, which was not accepted by CoMin yet we got it through, and actually the votes of the Legislative Council were crucial in defeating a very poor amendment which was brought on behalf of CoMin. That ability to get something through which was right is really important, and if anybody suggests that being in a Department means you are compromised, that gives the lie to that situation. So recommendation 1 is simply a restatement and a principle, but the wording of it is one that actually is quite unusual.

Turning to recommendation 2, it is very clearly described as an initial job description. Is it the perfect job description? No. Will it change? In all likelihood, yes. The reality is there is not a job description of an MLC right now, so this is better than what we have currently got. At the moment, what is an MLC? It is like Brexit: Brexit means Brexit; MLC means MLC. So it is a starter for 10, it will evolve over time, but I would argue that it is worthy of support now because the alternative is you have not got a job description.

Do not confuse recommendation 2 with 4. Recommendation 2 is not about diversity; it is about what is the job. Recommendation 4 is about diversity. Again, as recommended by the Committee, is it the perfect solution? Mrs Poole-Wilson and Mr Shimmins would argue not; they have proposed amendments and you can form your own view on those. But again, from the Committee point of view, we do not have anything right now to promote diversity. This was a way that we felt was practical and would work, and indeed in my own case I have already used the principle of Mr President promoting diversity to encourage somebody who is potentially standing for Legislative Council next year and actually would add to the diversity – and Mr President has already met with them, so again that is a pragmatic solution that is already happening and I would encourage people to support that.

In terms of recommendation 7, pay, you clearly cannot set the pay for a job until you have defined the role – well, you can, but you should not. (*Laughter*) What recommendation 7 says is here are some principles. Once we know what the job is, let's come back to it and actually set the pay once we have got clarity. There have been points raised about is it a full-time job. What the Committee said was – and again Mr Speaker said this earlier – that finance should not be a barrier to people standing for this role. It should not be the preserve of the retired or the well to do; it should be open to everybody. If the job role is not a full-time role, then how does that fit with people's other work commitments? The principle the Committee felt was that the role had to be accessible to the people of the Isle of Man to get the diversity from all types of society.

Recommendation 8, appointment of Ministers: there is very little difference between what is recommended here and the current practice, and indeed the only difference between that and what the amendments are proposing is the exceptional circumstances that are allowed under

what the Committee have recommended. So if there was an exceptional circumstance where an MLC needed to be a Minister, then there are some provisions there for that to be done, but it is very much seen as exceptional circumstances only.

5290 In terms of departmental Members, recommendation 9 gives you free choice. You can pick which version of that from the more radical to the least radical that suits your particular view of the world. From my point of view, having been extensively embedded in two Departments over the last 13 months, I feel that the departmental role is absolutely crucial and I think there is value for MLCs in Departments – but that is a personal view.

5295 Recommendation 10, around the Chief Minister appointment, is absolutely clear; and in terms of 11 to 13, I have already spoken.

That just leaves the amendment proposed to the new recommendation 14 by Mr Ashford, and again the Committee did debate at what point it needed to engage with the issue of the Bishop's vote and it, quite rightly in my view, felt that actually there was no pressing urgency to deal with that and it is more appropriate to have the new Lord Bishop *in situ* to at least get the benefit of his perspective on the role.

5300 That covers the recommendations from the Committee. In terms of the amendments, I think I have pretty much covered them. I would highlight that Mrs Beecroft's amendment would mean that MHKs would be the only group excluded from standing for LegCo – and is that appropriate? The Committee felt that the provisions within recommendation 6 were adequate to ensure there was a level playing field and, from recollection, I do not think it was within the Committee ... I think we felt it would need legislation to actually go as far as the Minister for Health and Social Care was recommending there.

5305 Somebody else mentioned about direct election of MLCs. Again, that was not within the Committee's remit.

5310 We have had mention about the nominations commission, and again I do not know how replacing one unelected body with another unelected body is actually increasing diversity.

Thank you very much.

5315 **The President:** Hon. Member, Mr Cregeen.

Mr Cregeen: Thank you, Mr President.

I will be brief. One of the issues that we have gone through maybe in the past is the makeup of the Legislative Council. Many years ago it was the great and the good. It was those who could afford to take up the position, it was those who were influential and connected. We have moved away from that. When you look at the makeup of the Legislative Council and indeed the House of Keys, we have people from all walks of life. The Isle of Man election system is probably one of the easiest systems for any member of the public to stand as a Member of the House of Keys, and even to stand as Members of the Legislative Council. It is about who you know. Any member of the public can come up to any Hon. Members here and ask for their name to be put forward and they have to put the case to the rest of the Members why they should vote for those persons to go into the Legislative Council – very similar to an election. You have to convince the people why you are the right person.

5320 My concern is that members of the public think that this is a part-time job, that this is a top-up for pensions, that this is a top-up for an extra job. They do not understand that many Members in this Hon. Court will be putting in in excess of 70 hours a week. They think that we have long recesses – which we do not. Most Members here, I would say, would be lucky to get four weeks a year where they can take a holiday. It is that perception, and unfortunately Lord Lisvane, when he has come over here, has had one view from a number of Members who went to speak to him. The issue that you have got is it is very similar to lawyers. If you get 25 lawyers in a room you will probably get 25 different opinions, and I would say you would probably have the same if you had 25 people coming along and having a look at our parliament: you would get 25 different opinions.

To say that this is a report and because we have commissioned it we should instigate all his measures I think is incorrect. What we are saying is because we have paid for somebody to come here, his evidence must be correct. I do not think he has taken in the point of how close Members of this parliament are to the public of the Isle of Man, how accessible we are to the public of the Isle of Man, and we throw that out at our peril. The public of the Isle of Man will not wish to see the old boys' club coming back in through a committee that could be made up of, say, the Chamber of Commerce. You would have the business people from the Chamber of Commerce saying, 'Do you know what? I think this would be a nice executive role for me, that we should be able to come and spend a couple of days in Tynwald and then go back to our job.' That is not what the public of the Isle of Man want. They want us to have a connection with them and across all of those, rich and poor. It is not just about those who have got money. We are here to represent all the people of the Isle of Man and I think by adopting some of these recommendations we are putting ourselves in great jeopardy.

In the 11 years I have had the honour to be in this Hon. Court ... It comes round quickly doesn't it? Eleven years. When I first came to this Hon. Court, Mr President, I had my perception of what it was.

The Speaker: I had black hair!

Mr Cregeen: Little did I know the amount of work and dedication that Hon. Members put into this work. Little did I know the amount of access that people have to your time. How many times have Hon. Members of this Court been out having a meal with their families and they have dealt with constituency issues when they have been with their families and friends? That is a privilege that the Isle of Man has. If you go you many of these jurisdictions that Lord Lisvane reports ... He can go back to his home. I wonder how many people would go to Lord Lisvane with an issue when he is out with his family? I would be surprised if he had one. That is what I do not think he has understood about our situation over here.

Yes, we do get criticised. Yes, we do get the people on anti-social media having a go at us. And how many people in this Hon. Court have come at the wrong end of social media? It is the perception that is put out there, and because it is repeated out there, people believe it is true.

Mr President, we tinker at our peril. There are some recommendations here that I will support, but there are others where we are saying that you could put your name forward to go to the Legislative Council without any support of the Members of the House of Keys. If you cannot get four Members of the House of Keys to support a nomination, then what chance do you think you would have to get enough votes to get through to sit on the 'top shelf', as my friend Mr Quirk used to refer to it?

Mr President, we could go through this Report month after month and not everybody in this Hon. Court will be happy with the outcome. What I would say is tinker at your peril. Appreciate some of the good things that we have here. There are areas that we can improve, but I would say that this wholesale change that people seem to think that the public are baying for, if it all went wrong it would be on this Hon. Court who actually put incomes and the future of the Isle of Man in jeopardy.

So please vote carefully. Give it plenty of thought, but ultimately it is your choice and then Hon. Members of the Keys will have to go back to the public and explain to them why they thought they should have those changes. I do not think that we should make this Hon. Court a place for the great and the good, who actually may lose that connection to the general public out there. We are there to defend all the people of the Isle of Man, those who cannot afford to make their way in life.

Thank you, Mr President.

The President: Hon. Member for Peel and Glenfaba, Mr Harmer.

5390 **Mr Harmer:** Thank you, Mr President, I will be short.

I just want to discuss two particular issues. One was about the concept that if somebody comes from across and is an expert, we should automatically just take on everything they say because they are an expert. I find that difficult to stomach. I think it is the case that we take constitutional change carefully, methodically and go through that change and we discuss that change, as we are doing here.

5395 I rise on one point: I think what I have seen in my time here in this Court is that there are some very positive things and very practical things that happen. For example, having MLCs as departmental Members has been a very positive thing; I think they help in developing and advising on policy. At the end of the day, the Minister is the Minister, but they are a great help.

5400 They also take legislation through the Legislative Council. At the end of the day, we do need an advocate in Legislative Council to take those Department issues.

If we say 'Take that away' then how will legislation proceed through Legislative Council? I think it is an obvious point. We are in here today, Tynwald, discussing policy. Again, I think this whole concept that it should be just about a scrutiny role is misplaced and understand that in many respects – and I have made this point before – within a departmental meeting, within Departments and their various divisions, the first level of scrutiny comes there, and a lot of work is done in those Departments to actually hold officers to account. So, to say that it all has to be at the end when it is too late, I do not agree with and I do think this is a positive thing that MLCs do.

5410 I have put an amendment down because I do think there is something we should perhaps bank, in a sense that what has happened now is that we have just an MLC as a Department Member of only one Department and not of two; they used to be a Member of two Departments. I actually think that is a good thing, because it allows them to scrutinise legislation.

5415 So I have put an amendment there on recommendation 9(e) just to add the words that they should not be a member of more than one Department, because I think that is something we should actually establish now. What has happened in the last year? In the last year, MLCs have only been a member of one Department and I think that is a good thing because it does allow them to have more time for scrutiny roles, but I do basically say there is a practical issue of you do need an advocate for a Department when legislation goes through Legislative Council.

5420 Regarding the other amendments, I am certainly supportive of most of David Ashford's amendments, with the exception of the one about directly elected MLCs, because that is like opening a whole can of worms that we have not even gone down and also creates those 'Super MLCs' and the 'Super MHKs' that we talked about before. I definitely do support Jane Poole-Wilson's amendment regarding diversity and, in a similar vein, on Bill Shimmins' amendment, which I also think is well worth it.

I do think when we proceed with caution we get the right result. I do not think we have to, today, decide all things right now, but that we move at a modest pace; and, just to highlight again what the Minister for Policy and Reform said, there has been quite a substantial change through the Standing Orders Committee and we will have more change. For example, the TV; for example, the whole House in Committee. Those things we have done. They have been sensible, they have been appropriate and, most importantly, if we are doing any of this other than based on evidence, I suggest we reject it, rather than just have a desire or will to push forward for change for the sake of change.

5435 Thank you, Mr President. I beg to move:

*To add to the end of Recommendation 9 (e) the words:
' , but that they should not be a member of more than one Department '.*

A Member: Hear, hear.

The President: Hon. Member, Mr Skelly.

5440 **Mr Skelly:** Gura mie eu, Eaghtyrane.

So this debate reminds me of the other Manx saying, 'About as straight as the backbone of a herring'! (*Laughter*) But what would you expect, I guess, when you want to debate change – and constitutional change? None other than that, of course.

5445 But I think we need to bring context. Mr Baker was trying to do that earlier and I appreciate the work that the Committee has done, because this is about gradual change. We do not do change easily, but we can do it in a gradual manner.

5450 So if you go back and look at the Lord Lisvane terms of reference, 'Examine the functions of the Branches of Tynwald, assess the efficacy and consider the scrutiny structure, and recommend reform.' Reform has already happened. My hon. colleague, Mr Harmer, has just highlighted some of those points, but the Programme for Government was one of his recommendations. We just debated the mid-year report. So we have already effected change and I think that is a really positive move.

5455 Training was highlighted. The question is – I welcome this job description here, by the way, but – what is the qualification to be a politician? Just have enough friends in here or have enough friends out in your constituency and you are elected, you are a politician. You have no training, no qualification, you can be here and you represent the people or you represent the MHKs upstairs.

5460 We have moved on from the publicly elected debate and I think that is a positive point too. So we have already instituted constitutional change that is a benefit. I remember back to the July debate. I remember Loayreyder, I was looking to see exactly what he did actually say; he said, 'Caution landing this Committee with an impossible task,' and it was true because we were asking that Committee of five, who I am sure had a lot of different views, to come back with clear recommendations to say this is further change. I am sure there are a lot of different views just within that Committee there, as you are just hearing here from the Hon. Court.

5465 But I do welcome the work they have done and I would also pick up the point – as Mr Baker pointed out – this is the first report. So there is another report to come back, if I am not mistaken, in December, according to the remit as I have seen here on the website. So I will wait for Loayreyder to come back to it.

5470 A lot of the debate, again, is centred around Members of Legislative Council. It was a bit light, I might say, with regard to the Bishop and I welcome Mr Ashford's additional recommendation with regard to that, because that does need to be determined. There was also light on the scrutiny issue. There was also light once more on the nominations commission, because that would also address, I think, the diversity point which has been raised a number of times here, and I am sure we would all want to support further diversity.

5475 For me – and I have said this before and I will say it again – I regard Members of Legislative Council as real value and what they bring to us as a Government, us as a parliament, but I regard it from the business world as non-executives of national importance. If you think what a non-executive does in the company, they provide an independent view, which from our point of view as MHKs – we have always got the constituency issue; that is always at the back of our minds –
5480 so their independence, impartiality, wide experience ... Hopefully this adds to the diversification issue. They provide audit, they provide scrutiny. They also provide monitoring performance relations.

5485 So they do provide value, I would suggest, and I do welcome their continuation. But when you go through these recommendations – and I am not going to spend too much time on this, but for me recommendation 1, it was picked up as being stated as, 'Where did this really come from?' by one or two Members. That is fine, I do not mind that, but I will point out, as Mrs Caine has already highlighted, further on in this paper we have got recommendations for the change for the Department of Economic Development. You voted in favour of that and that will actually have some impact in that particular space right there.

5490 Recommendation 2, I welcome a job description, but I would also welcome that this would be a work in progress. There are amendments there from that point of view.

Recommendation 3, that does need to be determined very clearly. Once more, I welcome that. There are amendments there.

5495 Recommendation 4, the diversification, I will not go over those points there. I think it was very well articulated by a number of Members.

Recommendation 5 is a bit of a missed opportunity, in my book. Why? Because that comes back to the nominations committee.

5500 There are amendments there for 6, which I also welcome; and the pay review, and I do believe we have missed the opportunity there to have all Tynwald Members, and that is something we do need to consider.

5505 Recommendation 8 is fine as well with the amendments, in my book; and 9 is just a smorgasbord really – there should be something for everyone in respect of that; 10 is fine; and 11, 12 and 13, I do support the Treasury Minister with his view with regard to the position that puts Government in. This is sometimes the unintended consequences when you do have – as I think Minister Boot has highlighted here – policy on the hoof. It is not really policy on the hoof, but we absolutely must bear in mind that we have to do this on a gradual basis.

5510 So I welcome the Committee in their work; it has been a tough job and I do think this will be a continuation, and I look forward to the second report as we do address those points. So once more, I would just like to highlight that the Bishop issue does need to be resolved once and for all, and the scrutiny matter, I think, needs deeper analysis and a deeper consideration as to what those roles are, going forward; because if you want a good government, you want a good parliament, it is only as good as the scrutiny. We would always say we have a high level of scrutiny already, and I would suggest we do, and I welcome the comments that were made earlier about how we govern – we govern by consensus and that involves a number of different layers of scrutiny already. But Lisvane did highlight a really valid point there and it actually comes back to the job responsibilities, the roles and actually the pay, the patronage issue; and I think that is something that needs deeper analysis and I would like the Committee to have a closer look at that, particularly for all Tynwald Members, from that point of view.

5520 Gura mie eu.

The President: Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

5525 I would like to thank my fellow Members of the Committee for what has been a really quite enjoyable couple weeks, going through some of the concepts.

5530 I am not surprised that we have had a long debate, I am not surprised that there have been so many amendments, because I do not believe there is a right answer to this. What the Committee was faced with is the dichotomy of views here between revolutionary change and evolutionary change. As the Hon. Member just said, what we were consumed by was the way that very small changes could have quite significant unintended consequences later on in the legislative process.

5535 I think it is very important that those ideas are taken into account, and also that the whole role of this Committee was about function and what I would ask you to remember is that this House has to work for the people of the Isle of Man. We could throw out lots of things, but at the end of the day we need to take on board people's views and pass legislation. So the Committee was trying to figure out how we could do this and sometimes we look to the question and thought, 'There is no sensible answer to this, but we will come up with some options for you.'

5540 I would like to thank you for your time and thank you for reading through the Report, and I look forward to the voting options later on.

The President: Hon. Member of Council, Mr Cretney.

Mr Cretney: Yes, thank you, Mr President.

5545 For the benefit of Mr Thomas, the Hon. Member for Central Douglas, Mr Bell was elected a year before me but I have been here now longer than he was – *(Laughter)* and we had diverse views as well.

In terms of this matter, I have always believed that reform of Legislative Council and of Tynwald Court was necessary. I think the House of Keys, since the 2016 Election, has done some
5550 good work in their own Branch, and I think the last thing I would want to happen as a result of the debate today is that we lose the momentum which came in with the Members who were elected in the 2016 election, to make some progress. It is not revolution.

In the 32 years I have been here and all that time, my position was always that I would have preferred an option of a Senate where people could be directly elected on a larger mandate.
5555 However, that is not what Lord Lisvane ended up with. I put that to him; he has decided on another route. He has emphasised the importance of scrutiny, and I certainly endorse the view that Members of the Legislative Council have a very useful job to do in terms of scrutiny, even in the last few weeks when I have been taking a piece of legislation through. For example, the Members of the Legislative Council have picked up points which were obviously missed by
5560 Members of the House of Keys – and that does happen from time to time. So a scrutiny role of another Branch, I think, is very important.

All I am asking today from Hon. Members is please do not chuck the baby out with the bathwater; let's please continue to make some progress. The last thing I would want after allowing myself to come up to this Branch is to see the whole thing lost again for another
5565 generation, because that would not be the right thing, in my opinion. We need to make some progress in terms of reform and I hope that Hon. Members accept that.

There was one other point in relation to: Mrs Poole Wilson has talked about a taskforce and in terms of nominations. When I met Lord Lisvane, I did say to him that a nominations panel to provide diversity was something that I favoured, and we had discussed in the Manx Labour
5570 Party. However, there are options before Hon. Members, and as I say, the most important thing is please do not lose the momentum; let's make some progress towards more democracy in this place.

The President: Hon. Member for South Douglas, Mr Malarkey.

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Mr Malarkey: Thank you, Mr President.

Firstly, Mr President, I rise to second the amendment put by my colleague with regard to 9, if you could make sure of that.

I think that is very practical. My view is very much that we should have Members of the
5580 Legislative Council on our Departments, and I think one Department is enough because it is very important that they get to grips with lots of legislation that is coming through and if we were to have the one on several different Departments, that just would increase their workload.

Mr President, I remember coming in in the 2006 election and one of my main manifesto things was we should have Members of LegCo voted in by the public, and here we are today
5585 with all these recommendations, and none of them, and not even from Lord Lisvane, mentions that we should have had them done by the public.

People keep talking today about what the public want –

The Speaker: It was not in the remit.

5590

Mr Malarkey: What the public wanted, from surveys that I have done and from talking to them, they wanted the Member of LegCo to be voted in by the public. They wanted the Bishop to lose their vote and they wanted the pay scales altered for LegCo Members.

Whether what we have in front of us today achieves that, we are certainly not going to have them voted in by the public, because Lord Lisvane did not even want to go down that road. I do believe that we have progressed a lot – certainly lately – in the way we nominate Members of LegCo; I think the great improvement I have seen over the last 12 months is the fact that you have to have four MHKs behind you before you can even stand as a LegCo Member. I think that is a step in the right direction if we are not going to have them voted in by the public.

I certainly would back a review of salaries because I think, from MHKs' point of view – and I know I am going to insult, probably, one or two of the Members by saying – they do not have constituents like we have, so they should not really get the expenses, in my opinion, for the constituency pay. I think that is totally wrong. Although one or two Members up there – one, two, three – have been MHKs in the past and I am quite sure they still have constituents knocking on their door even as MLCs, those coming in off the street do not have, and never have had, constituents. So why they get those extra expenses I have never been able to get my head around.

Mr President, some of the motions today – and I am not going to go through them all – that have come from the Committee, I can support today. Certainly, one I cannot support is the amendment by my colleague for South Douglas with regard, 'Members of the House of Keys should not be allowed to stand for LegCo.' I think, sorry, that is discrimination against being a Member of the House of Keys – totally. Anybody else can stand. We are even saying civil servants can stand and anybody can stand, but not Members. Where is the experience? Where is the experience for legislation to go up into LegCo? A lot of it, if you look around there, comes from being in the Keys.

So I am going to quote again – because Mr Cretney said what I was going to – 'Do not start throwing babies out with the bathwater,' here; let's not go too radical down the road. I think we do need to make some changes, but we do not need to make drastic changes.

I think we need to draw the line once and for all whether the Bishop should have the vote or not. I think that has not been discussed by the Committee and it has not been brought back here. I have always said I do not personally think that the Bishop should have a vote, but I do always want to see the Bishop sit in the seat where he is sitting and having the input into debates, because from past years that I have sat with two different ... this is now the third Bishop and they have always had great input into our discussions, and a lot of the time actually brought us down to a level where some debates were getting a bit heated and going off in the wrong direction.

But as to whether they have a vote, I think the Committee – and I have spoken to Mr Speaker about this – we need clear guidance: if we lose the vote of the Bishop, do we lose the Bishop? I think before anybody decides on voting on that decision, we need the Committee to come back and tell the House once and for all whether that is fallacy or fact, basically, before anybody makes any rash decisions.

Mr President, I think we all have our own opinions on which parts of what we like of the recommendations. I doubt very much – except for maybe one or two Committee Members – that anybody is going to vote for everything that is being brought forward. There are so many amendments coming forward, I think it is probably going to take us most of the night tonight to get through half of this.

So I am going to sit down at this stage, Mr President, and let's hope we can get through this in a sensible manner.

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

The Chief Minister (Mr Quayle): Thank you, Mr President, and I thank the Committee for doing what has been a very hard job. There are a number of different views here; they were never going to have an easy ride, no matter what happened. I think we should take that on

5645 board. We all have different views here and I think if we can put them over as clearly as possible, have a vote and see where we go on this.

I sometimes think the only winner in this debate tonight is going to be the provider of photocopying paper! (*Laughter*) We seem to have had an inordinate amount of amendments, but I suppose it shows the difference of views that we have had tonight.

5650 So I will briefly go through my viewpoints on the recommendations.

Very quickly, recommendation 1, I have to agree with my colleague, the Treasury Minister; the spirit is right, I just felt the wording was a little bit wishy-washy. I could not agree with the wording, but yes, in principle, having a majority ... and it is something, if you follow what we have done on the Council of Ministers, we have not gone for an outright majority in any
5655 Department, so therefore we have entered into that spirit, but when you start to come up with wording it is very hard to tie something like that down.

If we look at recommendation 2, I am okay with recommendation 2, if that is what people want. I will not be able to support my colleague, the Hon. Member for Middle, on his amendment on that one.

5660 Recommendation 3, again, I am happy with that. I think I am happy to support Mr Ashford's amendment, inserting '1990' if that is the relevant Act.

If we move on to recommendation 4, that was a tough one for me because I think we need to do everything we can to improve accessibility and I am sort of hovering whether to support my colleague, Mr Shimmins', amendment or not. I just have this one concern that having unelected
5665 people decide who goes up ... I get the President, I get Members of Legislative Council being on the Committee, (**A Member:** Hear, hear.) I get Members of Keys being on the Committee; I am just uneasy about having unelected people deciding who should be on that Committee.

Recommendation 6, I think this is one that has really annoyed the public. Absolutely, yes, we cannot have MHKs voting for themselves if they want to be an MLC. It is like having a rotten
5670 borough really. So I think that is one that I would hope this entire Court can agree on – that an MHK should recuse themselves and therefore, following ever the techno person, Mr Ashford, I am more than happy to support his amendment, because it clearly clarifies what you are excusing yourself from. So I was happy to look at that.

Recommendation 7, I have no objections with.

5675 Recommendation 8, the status quo or nearly, I was okay with that. I did not support Mr Ashford's amendment, because I think it ties down the Chief Minister too much. If you elect an MLC and a year before the election they retire on ill health or whatever, and you have got an MHK who has got a mandate for the remainder of the period, if they are a Minister, to keep the continuity in that Department, they could go up and be a Minister. It has happened before with
5680 the Hon. Member of Council, Mr Crookall, close to a general election. He was already an elected MHK, representing the good people of Peel; he had a mandate and therefore that is the sort of scenario I see. I have not appointed any Ministers who were MLCs, but I think you could be tying the hands of future people just based on that. So that is why I would not be supporting that.

We move on to 9. I am happy to support 9(e) and Mr Harmer's amendment.

5685 Recommendation 10, I am happy for it to go to a Committee, but again I like being the Chief Minister of Tynwald, and I think it would be sad if we just have a Chief Minister of the House of Keys. I think we are working together as a team and having both Houses supporting the Chief Minister, I personally feel quite strongly about, but that is up to Hon. Members.

Then 11, 12, 13, I totally agree with the Treasury Minister. When you are coming up with
5690 taxation, people need to know where they stand and the possibility that you could significantly alter taxation policy in the Isle of Man a few months down the road ... despite, I am sure, it being well-intentioned, that is what could happen, and therefore I cannot support it. Everyone knows my views on the Bishop and therefore I cannot support Mr Ashford's recommendations. I am with Minister Boot on that.

5695 Thank you.

The President: Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.

5700 Just to talk to the proposed amendment from the Hon. Member for Glenfaba and Peel, Mr Harmer, I would just like to point out that the way the recommendations are formed it is very hard to know which one will get support and which one falls, but my preference would be for 9(d), that the Council of Ministers should only appoint a Member of the Legislative Council as a Member of a Department in exceptional circumstances (**A Member:** Hear, hear.) and that the
5705 appointment should be explained by way of a statement to Tynwald if that is felt necessary.

I think the public do care greatly what goes on in this Court. I think there is a clamour for modernisation. And it is not change – we should not fear change – it is a gradual evolution, not revolution, as has been said. What the public really want to see is good government with politicians providing the policy direction and satisfactory scrutiny. That is where the MLCs, in my
5710 view, should come in. It should be possible for them to be briefed and attached to a Department in order to get the information on legislation without being a full Member of that Department and being involved in policy, as long as they are not elected.

I have sympathy with the Hon. Member of Council, Mr Cretney. I too could see a time in the future when the Legislative Council could be an elected senate, and should not fear democracy in the hands of the people. I think the people generally get it right and they do appoint the best
5715 people, as they are perceived, for most of the jobs.

I would say the same thing goes with recommendation 10 with the method of electing the Chief Minister. I am happy to support the election of Chief Minister to go forward for further consideration but, like the MLCs, I would ask if perhaps the Committee would consider a popular
5720 mandate for the role of Chief Minister in the future, not just an internal election, so that the Chief Minister is not just elected by the Keys or the Legislative Council but actually so that the people of the Island can have a say in who is appointed leader of our Government.

Resistance to change is predictable but I hope that today, when these amendments go through, we will be brave enough to modernise.

5725 Thank you, Mr President.

The President: Hon. Member, Mr Cregeen.

Mr Cregeen: Thank you, Mr President.

5730 Mine is just a point of clarification on Mrs Poole-Wilson's amendment. It is regarding:

The President of Tynwald should set up a taskforce to encourage more diversity of Tynwald membership. The taskforce should include: 1 member from the Legislative Council; 2 members from the House of Keys; and 3 members from the Isle of Man community outside Tynwald ...

You have now got six Members. It does not say whether the President of Tynwald is actually chairing it, and I would say that would be an issue because you have actually got nobody chairing this and you have got an even number, and on the recommendations I was just wanting some sort of clarity as to who was going to be chairing this committee, since you are tasked with
5735 setting it up. I am just looking for some clarity, because –

The President: Well, I cannot give you any clarity. (*Laughter*)

5740 **Mr Malarkey:** Confused too!

Mr Cregeen: If somebody can.

The President: Mr Thomas.

5745 **Mr Thomas:** Thank you very much, Mr President.

I would just like to speak briefly to the amendment by the Hon. Minister, the Member for Glenfaba and Peel. Just two very brief points.

5750 The first one is that the departmental membership of MLCs and the need for them also interrelates with the ideal of what is the role of a politician vis-à-vis officers. So again we cannot jump to conclusions before we have all of the facts and all of the context. For instance, in the Single Legal Entity report that the Council of Ministers subcommittee prepared, there is a lot of discussion of the role of politicians vis-à-vis the role of officers, and if politicians limit themselves to making political decisions and leaving officers to make operational decisions, I think there is a bigger role for bigger politicians and a smaller role for managing director politicians.

5755 The second brief point is that the Cabinet Office does not have an MLC but there are some excellent Members up there on the top shelf. Looking around, we have four people to take legislation through in exactly the way that has been described with people. We took, I think, as a Department, more legislation through last year than anybody else and we have got a lot planned, and there are some excellent Members up there who can work with officers and work with the Attorney General to actually put together a brilliant legislative committee as the future role for the Legislative Council.

The President: Mr Shimmins.

5765 **Mr Shimmins:** Thank you, Mr President. Perhaps if I could just make a couple of comments. Firstly, in response to Mr Cregeen's question –

The President: Are you speaking about the amendments?

5770 **Mr Shimmins:** I am.

The President: And I do not mean your amendments. I mean the amendments to –

5775 **Mr Shimmins:** I was talking about Jane Poole-Wilson's amendment, if I may.

The Speaker: No. Mr Harmer's only.

The President: To which amendment? *(Interjection by the Speaker)*

5780 **Mr Shimmins:** Mrs Poole-Wilson's amendment.

The President: Mrs Poole-Wilson's, absolutely fine, yes.

5785 **Mr Shimmins:** That is okay. That was a question that was raised, and first of all to say that I have heard a number of people say about a nominations committee and the key point is who nominates the nominations committee. I will be withdrawing my amendment in favour of Mrs Poole-Wilson's, so I would urge Members to support that. *(Interjection)* Amendment number 4 – recommendation 4.

5790 **Mr Malarkey:** You cannot do at the moment because the Member who seconded it is out of the Chamber.

The President: I call on the mover to reply – Mr Speaker.

5795 **The Speaker:** Well, Mr President, to pick up Mr Skelly's theme of the day about Manx sayings, there are only two things that Manx people do not like: change and the way they are now. I think that kind of sums up the debate we have had for the last couple of hours.

I will try and construct my remarks in a way so that people will know what we are voting for, because I am conscious that the amendments might have added in a little bit of confusion to the mix, but I think whatever happens we all need to know what we are voting on.

5800 For those who had grand notions about changing the world – things such as a publicly elected Legislative Council, for example – I think that is to completely misunderstand the remit that your Committee was given in June. We did not have the power. That decision had already been made. We had moved on from that point already by June. We need to go back to the remit of the Committee and check that and understand that. For all the sound and fury from the bench down here, Mr Cannan and Mr Thomas and the long list of things that they did not like, I did not hear any alternatives in this debate about where you would like it to go within the remit that we were given.

5810 With regard to the role of the Bishop and the amendment Mr Ashford has made about new recommendation 14, we have said in the Report and I said in my opening remarks that we will be coming back to talk about the Bishop and the Bishop's vote, the Bishop's quorum – whether he is involved in the quorum – and other issues. We will still be coming back with that and so I have no great problem with recommendation 14. We are going to come back and we are going to talk about those issues. At the time, we did not feel that we were ready to talk about it in this Report because at the time when we published this Report we had not yet received a response from the Archbishop of York. We have had that now and we will be able to fold that into our next report.

5820 I would like to thank Mr Thomas for reiterating my reforming credentials since becoming Speaker of the Keys and the modernisation that we have made down there, and I hope the hon. gentleman next to him is listening. I appreciate that the Hon. Member has put his views, but I do not think that they necessarily represent the consensus within this Court, principled though they are. As I say, we need to go back to the remit that we were given and the impossible task almost that was set for us.

5825 Likewise, the nominations commission was set outside of our remit, so we could not start revisiting that – so do not be surprised that we did not revisit it; it was not within our remit. I would reiterate the comments eloquently put by Mr Baker that we have answered the questions that we were asked to the best of our ability.

5830 Turning to recommendation 1 about the Government majority – and perhaps to remind my friend and colleague, Mr Boot, who had forgotten why we voted for this in the first place – we were concerned about an automatic majority of Government in Tynwald. If, as my friend and colleague Mr Skelly said, Government is only as good as its scrutiny, then that scrutiny is fundamentally undermined if there is not the possibility, because of the collective responsibility, of effectively challenging the Government.

5835 In our considerations and informal discussions – I will say that, rather than formal discussions – we did not see that Treasury Members were bound by the collective responsibility of Government. They are, of course, bound by decisions made within Treasury but they are not bound by the collective decisions of the Council of Ministers, so to automatically include those in the numbers I think was perhaps a misjudgement of where we were headed with this. We did see that a Department with ... Once you have got the nine Ministers and you add another three Members to that, that gives you 12-12. That is not a majority. There is nothing then to say you could not add an MLC to that, depending on your political views about the role of MLCs, to give you four Members, if you really wanted to, without violating that principle that you do not have a majority in Tynwald.

5845 So I think there is a way of working this and we tried to be sufficiently flexible in giving the Chief Minister and the Government of the day as much flexibility as possible in working the numbers a number of ways, rather than providing an arbitrary cap on Department numbers,

which, the consensus was, was not helpful, was arbitrary and did not reflect the different workloads of different Departments. The recommendation set out in recommendation 1 we thought was sufficiently flexible to give the Chief Minister and the Government latitude without necessarily tying their hands, but establishing that very important principle that Government should not have an automatic majority and should not just be able to railroad things through the House of Keys, railroad things through Tynwald – because then what is the point of scrutiny if you have that?

Turning to recommendation 2 and the job description, and first of all to Mr Shimmins' amendment, this is very much premised on the fact that the Legislative Council are there for scrutiny and scrutiny alone, and if that is your view then that is fine but that was not the view of the Committee. That is why I would urge Hon. Members to reject this. What we do not want is a return to the bad old days between the House of Keys and the Legislative Council and 'us and them' mentality. In those days, of course, the Government was in the Legislative Council and the opposition was in the Keys. There is no reason to say that a role reversal of that, where the Government is in the Keys and the opposition is in the Council would work any better. So I really think that we need to think quite carefully about building in an opposition, and I think that was a point well made by Mr Boot.

The other thing that this amendment does would be to dial out Keys Members who actually have a passion for scrutiny and may feel that that is their métier. Certainly with regard to Mr Karran in the previous House and Mr Robertshaw in this, they have carved out very successful niches for themselves in the world of scrutiny, and to have the scrutiny function and the chairs of the scrutiny function being purely held by Members of the Legislative Council I think denies Members the chance of being allowed to plough that particular furrow.

So again, think about the consequences of what we are doing. It comes back to, I suppose, a little bit of this – the amendments being the constitution on the hoof. We just need to think through some of the implications, about what we actually really want to get under this.

I think we would also find that to take on Mr Shimmins' amendment would mean that the public would feel that they cannot ... or Members of the Legislative Council would feel that they are not allowed to take on concerns by members of the public and thereby assist their colleagues in the House of Keys – and I am not sure what great advantage there is to that.

Again, with regard to Mr Shimmins' criticism that this is not a full job description ... although, of course, having said that, what his amendment does is it takes things away from it but it does not actually add anything to it. The Committee are absolutely happy for this job description to be built on, to be added to over time or indeed during amendments today, but that is not what has happened.

We do recognise the role of the Legislative Council in promoting policy as well as scrutinising policy. I think that was a point made by Mr Harmer when talking about the contribution of MLCs in Government Departments.

Recommendation 3 has not had an awful lot of debate, apart from the amendment in the name of Mr Ashford to add the Constitution Act 1990 to the consolidation process, and the Committee would be happy to take that on board, happy to support that amendment; it makes eminent sense.

Recommendation 4 and the President to promote diversity – this has encouraged something of a flurry of amendments and I would like to deal with the amendments, which are of a similar nature in principle.

One of the things that I would be most concerned about in this is that it is being overly prescriptive as to how the President promotes diversity. My principal concern is that we are a small electorate for the Legislative Council – there are only 24 of us – and to put two people in a privileged position, who are going to guide what diversity looks like by sitting on this group, I think is a dangerous move, to have two people in that special role. That is not to say I do not think that some form of diversity forum to assist the President is a bad idea. What I am cautioning is the amendments we have got are very prescriptive as to how that should be done.

5900 With great respect, Mr President, I think you have been around the block enough times to have heard the views of Members, and if the President chooses to set up a group it may have a different number of people, it may get people from additional quarters – it does not necessarily have to be a binding group. The responsibility would still lie with the President in a way that it might not do if you set up another body to do that work.

5905 I think there has been a slight complication here about people's views on this. Those who wanted a nominations commission might see this as some sort of alternative to that, but how we saw the role of the President – and if he wishes to choose a group to assist him with this it is not a problem – was as an enabler, not a gatekeeper, and I think the nominations commission was very much designed as a gatekeeper to the nominations process, where if they put the names forward those are the names on the ballot. This is not the same job and the two must not
5910 be confused.

I commend the vision for those who have come forward and said a group to bring people from outside, to test different views, to bring in more young people, more women, more people from different backgrounds. I think there is a lot of merit in that. I think the danger is in being too prescriptive about what that looks like. So I would say that perhaps the amendments on this
5915 point are not as constructive as I think they were intended to be.

Recommendation 5, about the review of the election process, again it did not really get any mention at all and so I am presuming therefore everyone is happy with it. But then again, despite the protestations that 'assume' comes from the Greek, I am pretty sure it comes from the French and Middle English, but we will have a debate about that one in the Prospect afterwards, Mr Thomas.
5920

Recommendation 6 I think has got a lot of consensus about whether candidates, in the House of Keys, for being an MLC should have the right to vote. Obviously there are those who wish that principle to go further; however, again we acted within our remit. But I also take on board the point of Mr Malarkey that says we are trying to open this out, we are encouraging the world and
5925 his wife to be able to stand, to remove barriers, and yet we are actually going to put a barrier in for 24 people who actually have something to offer. I appreciate there are different views on that but that is what is at the heart of it.

What there is not a mechanism there for, if the amendment were to go through, is to say, 'Well, I'll resign and I'll stand as an MLC.' So there is still going to be a by-election but no
5930 guarantee of success, and that is an equally bizarre outcome, in my opinion.

I think what was also in the back of the Committee's mind on this was that we considered the changes that are likely in the Legislative Council in the next five to eight years, and certainly in the next five years – and this is a view – the Committee did not actually see Members of the House of Keys looking to go to the Legislative Council. We might find that five, eight years from
5935 now the Legislative Council will be a very different beast, will have no experience of former House of Keys Members being up there, and that might be something that we look for in candidates, but that is to presuppose the future. And again, being very careful when determining the rules of the Constitution, not to tie your hands too tightly because you never know what you are going to need in the future. We also considered that it might be slightly
5940 dangerous to colour our perception of Members of the House of Keys going to the Legislative Council based on some of the personalities of the past – and I will say no more than that.

Moving to recommendation 7 and the pay review, there were some interesting points about wanting the Legislative Council to be part time, and that certainly was not the clear view from either the last debate in June or from Lisvane, so that is something of a ... one out of left field for
5945 me.

Mr Ashford was saying this is just reiterating the status quo. Well, I suppose the point back for that would be that actually these have not been stated, these have not been moved in Tynwald, there is no settled agreement and this will actually provide some building blocks on which to conduct that pay review. So, whilst it might be assumed that these are all very sensible

5950 ideas, they have not yet been voted on and so by putting these to you at least it gives a foundation for that review.

I support, in that context, Mrs Poole-Wilson's comments, and I think that would be useful to fold into the Committee's discussions around setting a remit for that, which we have been provided with as a result of last month's combined vote. So yes, you set the job and then you set the pay, and that is why we need a decision about recommendation 2 about setting the job, we need a decision about the role of MLCs in Departments, and that is why I would really recommend that you do not support Mr Ashford's move to delay the vote on that to a future date, because we need a steer on that. How can you do a pay review without determining what the job is? So we do need that and that is why I do not think it would be helpful to defer that particular part of the debate.

5960 Moving on to Members of the Legislative Council as Ministers only in exceptional circumstances, and again Mr Ashford's amendment, I do see the point of that. It would require primary legislation. Perhaps more importantly, it would reduce the gene pool, and I think the Chief Minister made a good argument as to why it was perhaps dangerous to tie his hands, and I think Mrs Caine also made the point about ... Oh, sorry, I have forgotten who it was – my memory is getting bad. If the plane comes down when 12 of us are on the way back from Westminster, then really the Chief Minister might need to consider some more radical options.

5965 The important thing that the Committee wants to make clear and I want to reiterate now, is that the Chief Minister is accountable for that decision. If the Chief Minister makes one of the Members of the Legislative Council a Minister, he is accountable to this Court and this House for that decision, and it must not be forgotten that in making those sorts of decisions, given the known will of Tynwald, he eats into his political credibility when he does that. And so it is very much a judgement of the Court in the circumstances provided rather than setting hard and fast rules which may be regretted later.

5975 Turning to recommendation 9, again Mr Ashford's amendment, *please* reject the procedural motion. We need a steer: make a decision.

In terms of Members of the Legislative Council chairing Policy Review Committees, I have already made the remark about what if Members of the House of Keys actually seek that and want to be elected for that – you are dialling them out.

5980 In terms of Mr Harmer's amendment to recommendation 9, again I appreciate its good intentions. Just in terms of thinking of some of the ramifications of that, if you are saying that MLCs can be Members of no more than one Department, there is a danger that everyone just gets allocated one Department each and you do not actually have a complete freedom of inclination within the Legislative Council and you might actually see benefits in bunching jobs, as we do in the House of Keys, where one Member is given two overlapping responsibilities so they can take through legislation that is cross departmental. You might decide that actually we are only going to have one representative of Government in the Upper House and they could be a Member of all Departments, but that would be the single representative. Again, it is about the flexibility, it is about the choice and what is really gained by tying the Chief Minister's hands on this and making potentially a rod for our own back in the future.

5990 So I do appreciate the sentiment but again, this Constitution on the hoof, we have just got to be careful about thinking through some of the ramifications.

Recommendation 10 on the election of Chief Minister, again I did not see particularly any dissent from the fact that we should perhaps consider this further.

5995 And then with regard to recommendations 11, 12 and 13 about tax and appropriation votes, Mr Baker summed that one up really nicely for me. That is: we were set the question, this is what you asked us to go away and do and we came out with a solution, but frankly, by the time we had finished looking at a solution the cure was worse than the disease. And so, given that we had committed to coming back and giving you an answer, we are not entirely happy that this was the best thing that we should be doing and so I am pretty sure there is a consensus within the Committee that recommendations 11, 12 and 13 will be voted against by the Committee.

6000

For all the criticism of that, this was the question that we were asked, this was the best answer we had and I have not heard a better solution to that particular problem in the debate this evening.

6005 I would like to reiterate my remarks that our next report will not be until the New Year. We are not going to be coming back next month. I am really sorry. That is partly because this debate was delayed, and that is partially my fault.

I would like to thank, finally, my colleagues on the Committee, Mr Boot, Mr Cretney, Mr Baker and Dr Allinson – especially to Dr Allinson, who presented this Report to Members in my absence.

6010 I ask Tynwald Members to embrace the reforms set out in our Report today. They do set out a firm foundation for the Legislative Council elections early next year. There is still much more to do. Your Committee look forward to your direction in taking its work forward.

I beg to move.

6015

The President: I call on Mr Ashford to move the procedural motion.

Mr Ashford: Thank you, Mr President.

As already stated earlier in the sitting, I have a procedural motion, which I wish to move:

That the provisions of Standing Order 3.17 be suspended and that voting on recommendation 9 be held over until such time as the Select Committee has reported on the scrutiny role and that it be voted upon alongside those recommendations in February 2018.

6020 We have already just heard a comment that ‘there needs to be a steer, we need to know what the job is’. My contention is that we will not know what the job is until such time as we have the scrutiny role, so I hope that Members will support the procedural motion. I am normally one of the first people to say get on with things, but as far as I am concerned, the problem with this is at the moment we are voting blind on recommendation 9. We do not
6025 actually know what role is going to be in place with the Legislative Council. My personal views have always been that Members of the Legislative Council should not be Members of Departments, (**A Member:** Hear, hear.) but I would not want to vote Legislative Council Members off Departments and then find out that when the scrutiny debate comes up we do not give them any enhanced scrutiny powers. That would actually be doing the Members of the
6030 Legislative Council and this Hon. Court a great disservice.

So, as far as I am concerned, Mr President, the two go hand in hand and that is why I would recommend that Members support the delaying of recommendation 9 until the Committee next reports.

6035 **The Speaker:** Is there a seconder?

The President: Do we have a seconder?

A Member: A seconder, no.

6040

The President: There being no seconder –

Mr Robertshaw: Mr President, I will second it.

6045 **The President:** You are seconding, Mr Robertshaw. Thank you.
Mr Malarkey.

Mr Malarkey: Thank you, Mr President.

I would urge Members not to go down this road. I think it has been long enough and drawn out for long enough. We need to get this to an end tonight. Once we have a decision, then the Committee can ... If it goes in one direction or the other they will know exactly what scrutiny decisions to make in the future. Holding one back waiting for another one, I am sorry, just does not work for me. I believe that we should just get on and vote tonight, move this on and get on with some other more important business in parliament, to be perfectly honest, Mr President.

The Speaker: Hear, hear.

The President: Mr Ashford, you have the right of reply.

Mr Ashford: Just to reiterate, Mr President, that we run the risk, I think, of ending up with something detached. The whole point is that the role of the Legislative Council should come as a package. If we are not willing to enhance the scrutiny role in February – or whenever the Committee comes back, we will not know for certain – how on earth can we turn round and say we want to agree potentially today to remove Members from a Department without knowing what we are going to replace that with? To me, it is not logical, the package is one, and so I would urge Members to support that and do it in a joined-up, logical approach.

A Member: Hear, hear.

The President: Right, we will go straight to a vote, Hon. Members. Sixteen Members of the Keys and six of Council are required to vote in favour in order to suspend Standing Orders.

Electronic voting resulted as follows:

In the Keys – Ayes 13, Noes 10

FOR

Mr Ashford
Mrs Beecroft
Miss Bettison
Mrs Caine
Mr Cannan
Mr Harmer
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Thomas

AGAINST

Dr Allinson
Mr Baker
Mr Boot
Mr Callister
Mrs Corlett
Mr Cregeen
The Speaker
Ms Edge
Mr Malarkey
Mr Quayle

The Speaker: Mr President, 13 for, 10 against in the Keys.

In the Council – Ayes 0, Noes 8

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

The President: The motion fails to carry.
So Hon. Members –

6075

Mr Cregeen: Sorry, Mr President.
It did have ‘Deputy Speaker’ up on the screen – just for the procedural position.

A Member: It has not been amended since last month.

6080

The Speaker: Have I been demoted already? (*Laughter and interjections*)

The President: There were certainly not 16 in the Keys, nor were there six in the Council.
Sorry, what is the question?

6085

Mr Cregeen: Mr President, it was just for *Hansard* that the screen had showed ‘Deputy Speaker’, not ‘Mr Speaker’.

Mr Malarkey: Instead of Mr Speaker.

6090

The President: We will put the screen back up.

Meantime, we turn then to the voting on Item 7. There are a number of recommendations to which there have been successfully moved and seconded a number of amendments. We will deal with each recommendation in turn and its amendment, and I will explain the procedure as we come to each recommendation.

6095

We start in Item 7 (**Mr Thomas:** Please, Mr President –) with Recommendation 1, Government minority, to which there are no amendments. Those in favour –

Mr Crookall: Mr President.

6100

Mr Thomas: Slightly procedural, I don’t think the notion of voting separately on each of the recommendations was actually called for during the debate, so we might have to vote on all the ones that were not together.

6105

The President: Hon. Members, the procedure is that it is quite clear we will be voting on each recommendation separately (**Mr Ashford:** Hear, hear.) and what is left becomes the substantive motion which will then be voted on in its totality at the end. Quite normal – nothing unusual in the procedure.

So we start with Recommendation 1. Those in favour, please say aye; against, no. The ayes have it.

6110

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

In the Keys – Ayes 15, Noes 8

FOR

Mr Ashford
Mr Baker
Mrs Beecroft
Miss Bettison
Mrs Caine
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Malarkey
Mr Moorhouse

AGAINST

Dr Allinson
Mr Boot
Mr Callister
Mr Cannan
Mr Harmer
Mr Quayle
Mr Shimmins
Mr Skelly

Mr Peake
Mr Perkins
Mr Robertshaw
The Speaker
Mr Thomas

The Speaker: Mr President, 15 for, 8 against in the Keys.

In the Council – Ayes 7, Noes 1

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop

AGAINST

Mrs Poole-Wilson

The President: In the Council, 7 for, 1 against. That recommendation therefore carries.

We turn to Recommendation 2 and to that there is an amendment in the name of Mr Shimmins. Dealing with Mr Shimmins' amendment, those in favour, say aye; against, no. The noes have it.

6115

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

In the Keys – Ayes 6, Noes 17

FOR

Mr Ashford
Mrs Caine
Mr Callister
Mr Peake
Mr Shimmins
Mr Thomas

AGAINST

Dr Allinson
Mr Baker
Mrs Beecroft
Miss Bettison
Mr Boot
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly
The Speaker

The Speaker: Mr President, 6 for, 17 against in the Keys.

In the Council – Ayes 0, Noes 8

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

The President: In the Council, none for and 8 against. The amendment therefore fails to carry.

I put Recommendation 2 as printed. Those in favour, say aye; against, no. The ayes have it.

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

In the Keys – Ayes 15, Noes 8

FOR

Dr Allinson
Mr Baker
Miss Bettison
Mr Boot
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly
The Speaker

AGAINST

Mr Ashford
Mrs Beecroft
Mrs Caine
Mr Callister
Mr Cannan
Mr Peake
Mr Shimmins
Mr Thomas

6120 **The Speaker:** Mr President, 15 for, 8 against in the Keys.

In the Council – Ayes 8, Noes 0

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

AGAINST

None

The President: In the Council, 8 for, none against. Recommendation 2 therefore carries.

Recommendation 3: to that there is an amendment in the name of Mr Ashford: after the word '1971' insert '1990'. Those in favour of the amendment, please say aye; against, no. The ayes have it. The ayes have it.

6125 Recommendation 3 as amended: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation 4: to that, we have one amendment in the name of Mrs Poole-Wilson, Mr Shimmins' amendment having been withdrawn. Those in favour of Mrs Poole-Wilson's amendment, please say aye; against, no.

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

In the Keys – Ayes 11, Noes 12

FOR

Dr Allinson
Mr Ashford
Mrs Beecroft

AGAINST

Mr Baker
Miss Bettison
Mr Boot

Mrs Caine	Mr Callister
Mr Cannan	Mrs Corlett
Mr Harmer	Mr Cregeen
Mr Peake	Ms Edge
Mr Quayle	Mr Malarkey
Mr Shimmins	Mr Moorhouse
Mr Skelly	Mr Perkins
Mr Thomas	Mr Robertshaw
	The Speaker

6130 **The Speaker:** Eleven for, 12 against in the Keys.

In the Council – Ayes 2, Noes 6

FOR	AGAINST
Mr Henderson	Mr Anderson
Mrs Poole-Wilson	Mr Coleman
	Mr Corkish
	Mr Cretney
	Mr Crookall
	The Lord Bishop

The President: In the Council, 2 for and 6 against. The amendment therefore fails to carry. We deal with Recommendation 4 then, as printed: those in favour, say aye; against, no.

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

In the Keys – Ayes 18, Noes 5

FOR	AGAINST
Dr Allinson	Mr Ashford
Mr Baker	Mr Cannan
Mrs Beecroft	Mr Peake
Miss Bettison	Mr Shimmins
Mr Boot	Mr Thomas
Mrs Caine	
Mr Callister	
Mrs Corlett	
Mr Cregeen	
Ms Edge	
Mr Harmer	
Mr Malarkey	
Mr Moorhouse	
Mr Perkins	
Mr Quayle	
Mr Robertshaw	
Mr Skelly	
The Speaker	

The Speaker: Eighteen for, 5 against in the Keys.

In the Council – Ayes 8, Noes 0

FOR	AGAINST
Mr Anderson	None
Mr Coleman	
Mr Corkish	
Mr Cretney	
Mr Crookall	

Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

6135 **The President:** In the Council, 8 for and none against, Recommendation 4 as printed therefore carries.

Recommendation 5: those in favour, say aye; against, no. The ayes have it.

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

In the Keys – Ayes 19, Noes 4

FOR

Dr Allinson
Mr Baker
Mrs Beecroft
Miss Bettison
Mr Boot
Mrs Caine
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly
The Speaker
Mr Thomas

AGAINST

Mr Ashford
Mr Callister
Mr Peake
Mr Shimmins

The Speaker: Mr President, in the Keys, 19 votes for, 4 against.

In the Council – Ayes 8, Noes 0

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

AGAINST

None

The President: In the Council, 8 votes for and none against. Recommendation 5 therefore carries.

6140 Recommendation 6: to that we have two amendments, one in the name of Mrs Beecroft, one in the name of Mr Ashford. I intend to deal with the more radical amendment first, and that is Mrs Beecroft's. Those in favour of Mrs Beecroft's amendment, please say aye; against, no. The noes have it.

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

In the Keys – Ayes 9, Noes 14

FOR

Mr Ashford
Mrs Beecroft
Miss Bettison
Mrs Caine
Ms Edge
Mr Harmer
Mr Peake
Mr Shimmins
Mr Thomas

AGAINST

Dr Allinson
Mr Baker
Mr Boot
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly
The Speaker

The Speaker: Mr President, 9 for, 14 against in the Keys.

In the Council – Ayes 0, Noes 8

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

6145 **The President:** In the Council, none for, 8 against. Mrs Beecroft's amendment therefore fails to carry.

I take Mr Ashford's amendment: those in favour of that, please say aye; against, no.

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

In the Keys – Ayes 18, Noes 5

FOR

Dr Allinson
Mr Ashford
Mr Baker
Mrs Beecroft
Mr Boot
Mrs Caine
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Thomas

AGAINST

Miss Bettison
Mr Callister
Mr Moorhouse
Mr Skelly
The Speaker

The Speaker: Mr President, 18 for, 5 against in the Keys.

In the Council – Ayes 1, Noes 7

FOR

Mrs Poole-Wilson

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop

6150 **The President:** In the Council, 1 vote for and 7 against. The Branches are in disagreement.
The amendment therefore fails to carry.

Mr Ashford: Can I call for a combined vote, Mr President, next month?

6155 **The President:** You wish to bring that back next month. We hold over, then, for one month
Recommendation 6.

Recommendation 7: those in favour, please say aye; against, no. The ayes have it.

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

In the Keys – Ayes 18, Noes 5

FOR

Dr Allinson
Mr Ashford
Mr Baker
Mrs Beecroft
Miss Bettison
Mr Boot
Mrs Caine
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly
The Speaker

AGAINST

Mr Callister
Mr Cannan
Mr Peake
Mr Shimmins
Mr Thomas

The Speaker: Mr President, in the Keys, 18 for, 5 against.

In the Council – Ayes 8, Noes 0

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

AGAINST

None

The President: In the Council, 8 for, none against. Recommendation 7 therefore carries.

6160 Recommendation 8: we deal with the amendment in the name of Mr Ashford. Those in favour of Mr Ashford's amendment, to leave out all the words after 'Member of the Legislative Council as a Minister', say aye; against, no. The noes have it.

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

In the Keys – Ayes 8, Noes 15

FOR

Mr Ashford
Mrs Beecroft
Mr Cannan
Mr Harmer
Mr Peake
Mr Shimmins
Mr Skelly
Mr Thomas

AGAINST

Dr Allinson
Mr Baker
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
The Speaker

The Speaker: Mr President, 8 for, 15 against in the Keys.

In the Council – Ayes 0, Noes 8

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

The President: In the Council, none for, 8 against. The amendment therefore is lost.

I put Recommendation 8 as printed. Those in favour, say aye; against, no. The ayes have it.

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

In the Keys – Ayes 16, Noes 7

FOR

Dr Allinson
Mr Baker
Miss Bettison
Mr Boot
Mrs Caine
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey

AGAINST

Mr Ashford
Mrs Beecroft
Mr Callister
Mr Cannan
Mr Peake
Mr Shimmins
Mr Thomas

Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly
The Speaker

6165 **The Speaker:** In the Keys, Mr President, 16 for, 7 against.

In the Council – Ayes 8, Noes 0

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

AGAINST

None

The President: In the Council, 8 for and none against. Recommendation 8 therefore carries.

Recommendation 9: Members should note that we take as alternative motions the items at Recommendation 9 listed (a) to (e). Once the Court agrees to one of the motions, all the remaining options, which are alternative proposals, will fall away and that question on them will not be put. In other words, we start at (a) and carry on until one is agreed, then we stop.

6170

So I put first of all Recommendation 9(a): those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 6, Noes 17

FOR

Mr Ashford
Mrs Beecroft
Mr Peake
Mr Robertshaw
Mr Shimmins
Mr Thomas

AGAINST

Dr Allinson
Mr Baker
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Skelly
The Speaker

The Speaker: Mr President, 6 for, 17 against in the Keys.

In the Council – Ayes 0, Noes 8

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

6175 **The President:** In the Council, none for and 8 against.

We therefore turn to the first alternative, which is Recommendation 9(b). Those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 7, Noes 16

FOR

Mrs Beecroft
Mr Cannan
Mr Peake
Mr Perkins
Mr Robertshaw
Mr Shimmins
Mr Thomas

AGAINST

Dr Allinson
Mr Ashford
Mr Baker
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Quayle
Mr Skelly
The Speaker

The Speaker: Mr President, in the Keys, 7 for, 16 against.

In the Council – Ayes 0, Noes 8

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

6180 **The President:** In the Council, none for, 8 against. Recommendation 9(b) therefore fails to carry.

Recommendation 9(c): those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 4, Noes 19

FOR

Mr Baker
Miss Bettison
Mr Peake
Mr Robertshaw

AGAINST

Dr Allinson
Mr Ashford
Mrs Beecroft
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Shimmins
Mr Skelly
The Speaker
Mr Thomas

The Speaker: In the Keys, 4 votes for, 19 against.

In the Council – Ayes 0, Noes 8

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

The President: In the Council, none for, 8 against. Recommendation 9(c) therefore is lost.
Recommendation 9(d): those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 7, Noes 16

FOR

Dr Allinson
Mr Baker
Mrs Caine
Mr Callister
Mr Moorhouse
Mr Peake
Mr Robertshaw

AGAINST

Mr Ashford
Mrs Beecroft
Miss Bettison
Mr Boot
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Perkins
Mr Quayle
Mr Shimmins
Mr Skelly
The Speaker
Mr Thomas

6185 **The Speaker:** Mr President, 7 for, 16 against.

In the Council – Ayes 1, Noes 7

FOR

Mrs Poole-Wilson

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop

The President: In the Council, 1 for, 7 against. Recommendation 9(d) therefore fails to carry.
We turn to Recommendation 9(e). To 9(e) there is an amendment in the name of Mr Harmer.
Those in favour of Mr Harmer's amendment, please say aye; against, no. The ayes have it.

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

In the Keys – Ayes 12, Noes 11

FOR

Mr Baker
Miss Bettison
Mrs Caine
Mrs Corlett
Mr Cregeen
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly

AGAINST

Dr Allinson
Mr Ashford
Mrs Beecroft
Mr Boot
Mr Callister
Mr Cannan
Ms Edge
Mr Peake
Mr Shimmins
The Speaker
Mr Thomas

The Speaker: Mr President, in the Keys, 12 votes for, 11 against.

In the Council – Ayes 6, Noes 2

FOR

Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

AGAINST

Mr Anderson
Mr Coleman

6190 **The President:** In the Council, 6 for, 2 against. The amendment therefore carries.
I put Recommendation 9(e) as amended: those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 13, Noes 10

FOR

Mr Baker
Miss Bettison
Mr Boot
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly

AGAINST

Dr Allinson
Mr Ashford
Mrs Beecroft
Mrs Caine
Mr Callister
Mr Cannan
Mr Peake
Mr Shimmins
The Speaker
Mr Thomas

The Speaker: Mr President, in the Keys, 13 votes for, 10 against.

In the Council – Ayes 7, Noes 1

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop

AGAINST

Mrs Poole-Wilson

6195 **The President:** In the Council, 7 for, 1 against. Recommendation 9(e) as amended is therefore the recommendation which carries.

We turn to Recommendation 10: those in favour, say aye; against, no. The ayes have it.

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

In the Keys – Ayes 20, Noes 3

FOR

Dr Allinson
Mr Ashford
Mr Baker
Mrs Beecroft
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Skelly
The Speaker

AGAINST

Mr Cannan
Mr Shimmins
Mr Thomas

The Speaker: Mr President, 20 votes for, 3 against in the Keys.

In the Council – Ayes 8, Noes 0

FOR

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson

AGAINST

None

The President: In the Council, 8 for and none against. Recommendation 10 carries.

6200 Recommendation 11: those in favour, say aye; against, no. The noes have it. The noes have it.
Recommendation therefore being lost, Recommendations 12 and 13 fall away – they are consequential.

6205 We have an amendment in the name of Mr Ashford to add at the end a Recommendation 14, as circulated. That of course, if passed, would become re-numbered. Recommendation 14: those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 13, Noes 10

FOR

Dr Allinson
Mr Ashford
Mrs Beecroft
Miss Bettison
Mrs Caine
Mr Callister
Mrs Corlett
Mr Harmer
Mr Malarkey
Mr Peake
Mr Perkins
Mr Shimmins
Mr Skelly

AGAINST

Mr Baker
Mr Boot
Mr Cannan
Mr Cregeen
Ms Edge
Mr Moorhouse
Mr Quayle
Mr Robertshaw
The Speaker
Mr Thomas

The Speaker: Mr President, in the Keys, 13 for, 10 against.

In the Council – Ayes 2, Noes 6

FOR

Mr Cretney
Mrs Poole-Wilson

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Crookall
Mr Henderson
The Lord Bishop

The President: In the Council, 2 votes for, 6 against. The Branches are in disagreement, therefore that fails to carry.

I put therefore Item 7 as amended with –

6210

[The President consulted the Deputy Clerk.]

The Speaker: Oh yes, we cannot do that – there will be a combined vote.

6215 **The President:** Oh yes, that is quite correct. Given that Recommendation 6 is subject to a combined vote next month, the Recommendations that have been passed obviously stand and will be voted on as a package when we have dealt with Recommendation 6 next month.
Thank you.

**Suspension of Standing Orders to sit for one further hour –
Motion lost**

6220 **The President:** Mr Speaker.

The Speaker: Mr President, can I propose that the Court sit for one further hour.

6225 **The President:** The Court to sit for a further hour.

Mr Cregeen: Seconded.

Mr Anderson: Straight to a vote.

6230 **The President:** Is that agreed?

Several Members: Agreed.

Several Members: No!

6235 **The Speaker:** Divide.

The President: We will take a vote. Twenty-two votes required in Tynwald for that to carry.

Electronic voting resulted as follows:

In Tynwald – Ayes 18, Noes 13

FOR

Dr Allinson
Mr Ashford
Mr Baker
Mr Boot
Mrs Caine
Mr Callister
Mr Coleman
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Skelly
The Speaker

AGAINST

Mr Anderson
Mrs Beecroft
Miss Bettison
Mr Cannan
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
The Lord Bishop
Mrs Poole-Wilson
Mr Robertshaw
Mr Shimmins
Mr Thomas

6240 **The President:** With 18 for and 13 against, that motion therefore fails to carry. We shall return tomorrow morning at 10.30 and resume at Item 8.

The Court will now stand adjourned.

The Court adjourned at 8.24 p.m.