

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS**

**Douglas, Tuesday, 24th March 1998
at 10.00 a.m.**

Present:

The Speaker (the Hon N Q Cringle) (Rushen); Mr L I Singer and Hon A R Bell (Ramsey); Hon R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Hon H Hannan (Peel); Mr W A Gilbey (Glenfaba); Mr S C Rodan (Garff); Hon D North (Middle); Mr P Karran and Hon R K Corkill (Onchan); Messrs J R Houghton and E A Crowe (Douglas North); Hon D C Cretney and Mr A C Duggan (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East); Messrs J P Shimmin and A F Downie (Douglas West); Hon J A Brown (Castletown); Hon D J Gelling (Malew and Santon); Sir Miles Walker CBE LLD (hc), and Mrs P M Crowe (Rushen); with Prof T StJ N Bates, Secretary of the House.

The Chaplain took the prayers.

Road Safety During TT Period - Report - Question By Mr Shimmin

The Speaker: Hon. members, we move straight on to item 1 on the order paper, and I call upon the hon. member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. I beg leave to ask the Chief Minister:

- (1) *When do you expect the Council of Ministers' sub-committee reviewing road safety during the TT period to report; and*
- (2) *will the whole report be made available to the public?*

The Speaker: I call upon the hon. member for Malew and Santon, the Chief Minister, to reply.

Mr Gelling: Mr Speaker, I understand that the sub-committee is to meet to consider finalising its report this week, in fact, if time allows, after this sitting of the House of Keys today. The sub-committee then expects to be able to report to the Council of Ministers in early April.

As to the second part of the question, the Council of Ministers, on receipt of the report, will consider the sub-committee's findings and recommendations and in the light of these will decide on the form and timing of the publication of the report. However, I understand the committee is addressing the final draft of the report in the knowledge that there is a wish that the report be published.

Mr Shimmin: Mr Speaker, I thank the Chief Minister for his answer. Has he decided yet as to what mechanism will be used to evaluate the work of this committee over this TT and the months subsequent?

Mr Gelling: Yes, Mr Speaker, I understand the form of the committee is such that its ministers are from the relevant departments of government and basically I know that some of the recommendations that they have already begun to formulate are being implemented, in fact, if they are going to give us a safer TT period, and therefore what can be implemented certainly will be implemented for this year.

Mr Crowe: Mr Speaker, does the committee have any plans or proposals to introduce an all-Island speed limit?

Mr Gelling: I have not been party to the recommendations or any of the report, so I am not clear on that point, Mr Speaker, as to whether that is a recommendation or not.

Mr Downie: Mr Speaker, given the tightness of the time period between now and the TT, would the Chief Minister not agree that the implementation of any recommendations for this TT period could be perhaps doubtful, and is the Chief Minister happy that recommendations will be made without any knowledge of this report being public knowledge and therefore the works of the committee a mystery to both this House and the people outside?

The Speaker: You are asked to prejudge the report, Chief Minister. The Chief Minister to reply.

Mr Gelling: Yes, I think basically what I said in the original answer, Mr Speaker, was that where there has been something that has been seen as a good road safety measure and the police force or whatever have felt that it is something that they perhaps should have introduced, or would introduce, to give us better safety on our roads, that will in fact be progressed, but I am, again like the hon. questioner, perhaps prejudging the report. So therefore I would say that what can be implemented certainly will be for this TT.

Invalidity Benefit - Deductions From - Question By Mr Singer

The Speaker: Question 2, hon. members. I call upon the hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker. I beg leave to ask the member for Health and Social Security:

Where a person in receipt of invalidity benefit is entitled to a widow's pension, is the amount of that pension deducted from the invalidity benefit?

The Speaker: The member for Health and Social Security, the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I am afraid there is no such benefit as invalidity benefit. Sickness benefit and invalidity benefit were replaced by incapacity benefit from April 1995 and I assume that this is the benefit the hon. member refers to in his question. It is a long-established principle of social security provisions that two benefits cannot be paid at the same time for the same eventuality. In the case of incapacity benefit and widow's pension, they are both payable for the same eventuality, and that is an interruption to their earnings. So it is indeed the case that where a person who is in receipt of incapacity benefit becomes entitled to widow's benefit, she only receives the total benefit of the higher of the two, Vainstyr Loayreyder.

Mr Singer: I thank the hon. member for his answer and I thank him for the correction that it should be incapacity, not invalidity. In view of the damaging effect that this particular situation does have on widows who are at their lowest ebb and extremely vulnerable, does the hon. member agree with his minister, who said that all reciprocal agreements were reviewed in the light of their suitability to the Isle of Man situation but none had been rejected and, if so, can he tell me how such an agreement as this is considered suitable? If he does not, will he

take the matter back to his department and report back on his findings to this hon. House before the summer recess?

Mr Karran: Vainstyr Loayreyder, I will always be happy to go back to the minister and ask her to review anything that elected members of this hon. House want them to do. The principle is a principle that has been long established insofar as you cannot get two benefits for the same issue. It would be crazy, I think, if we were to change it. I understand and appreciate the motives of the hon. member and I understand the concern that he has, but I think that you would find that on this occasion I think the Department of Health and Social Security has got it right, but I am always happy to have it referred back to the minister and see whether, at department level, there is a case for it to be looked at.

Mrs Cannell: Mr Speaker, is the hon. member aware that if a widow is working then her pension is granted without deductions, and does he consider it fair and equitable that widows on incapacity benefit, due to serious injury at work, should be treated in a different way?

Mr Karran: Vainstyr Loayreyder, the position, as I said in the original answer, is that you cannot get two benefits at the same time for the same eventuality. The benefit is there for the loss of earnings of the husband. Now, the position is that that is the case at the present time. I think it is reasonable for it to stay this way at the present time.

Mr Singer: If I can say to the hon. member, there may well be an established principle but because it is an established principle it does not mean that it is correct, and in this particular case there are widows who are suffering -

The Speaker: Could we get the question, please?

Mr Singer: Yes. Would you not agree that, because of this established principle, there are widows who are suffering extremely badly and that it does need to be looked at again?

Mr Karran: Vainstyr Loayreyder, I think there are always problems with any benefit to make sure that it covers everybody a hundred per cent fairly. I believe that this benefit is done as best it can be as far as this sector is concerned. The position is quite simple: if we were to change from the present arrangements we would have a situation where you could keep your incapacity benefit when reaching pension age then and you would have two benefits coming for the same reason. I think that would be unreasonable as far as the taxpayer and the department are concerned, but I do feel that the issue will be looked at by my department but at the moment I do not think there will be a change as regards the present set-up.

Sex Change Operations - Departmental Policy - Cost - Question By Mr Singer

The Speaker: Question 3, hon. members, and again I call upon the hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker. I beg leave to ask the member for Health and Social Security:

- (1) *What is your department's policy regarding people applying for a sex change operation on the National Health Service; and*
- (2) *have any such operations been authorised and, if so, how much does each procedure cost?*

The Speaker: Again, the member for Health and Social Security, the hon. member for Onchan, Mr Karran, to reply.

Mr Karran: Vainstyr Loayreyder, the hon. member will appreciate that trans-sexualism, or gender identity disorder, is a highly specialised field of medicine which, for the individual patient, presents considerable psychological needs. In such circumstances patients applying for treatment would be referred to a specialist unit in the UK National Health Service in a unit in the UK. The hospital psychiatric service would be involved as far as the Isle of Man is concerned.

In response to the second part of the question, I am assuming that the hon. member is referring to the surgical reconstruction for which, again, this would be referred to the United Kingdom where it would be necessary. I am advised that, whilst there are a small number of patients locally who are receiving psycho-therapeutic treatment now, none of them have progressed to surgery at the present time. The cost of such treatment would depend upon the treatment provided and would be funded at the present time under the reciprocal health agreement with the United Kingdom.

Mr Singer: Can I say to the hon. member that I sympathise with the people who find themselves with this problem, but does he not also sympathise with people who are waiting for serious operations on our NHS such as hip and knee replacements or the 2,000 diabetics seeking a full service to prevent them developing life-threatening diseases, and can he tell me where the sex change operations stand in the department's priority list?

Mr Karran: Vainstyr Loayreyder, the position is, it depends what is serious to the individual. As a person who has been a member for a long time and dealt with constituents, I have seen some things that have sent constituents suicidal which I think are utter trivia, and then I have seen other people who I think deserve a medal for how they keep on going. So it is easy enough for us to say what is trivia and what is not. The problem that we have is a simple one: we should not allow our personal prejudices against these people to get the better of us, in my opinion, because the fact is there is a high suicide rate with this section of our community and I think it is important that we realise that it is more serious; maybe not to us but to the individuals concerned it is life threatening in many cases and the problem, I would find, if I was to allow morality to come into where the health service's priorities would be, would I say the same for people who are anorexic, people who are alcoholics, people who are drug addicts? You could argue that that is a self-inflicted thing. So where do you start? I think that we have got the right arrangements at the present time. It would not be done in the Isle of Man. I appreciate the pain and suffering that other people suffer with hips, but people who are wanting this operation go through an awful lot of mental cruelty as well.

Noble's Hospital - General And Orthopaedic Operations - Question By Mr Braidwood

The Speaker: Question 4, hon. members, and I call upon the hon. member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. I beg leave to ask the member for Health and Social Security:

- (1) *What number of (a) general operations and (b) orthopaedic operations on the theatre lists at Noble's Hospital were performed in the period 1st July 1997 to 30th September 1997;*
- (2) *what percentage of each category of these operations was on private patients; and*
- (3) *what was the average period of time from referral from a general practitioner to the performance of the operation in each category of these operations?*

The Speaker: The hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, in reply to part (1) of the hon. member's question, I can confirm that in the period 1st July 1997 to 30th September 1997 there were 1,340 general operations and 423 orthopaedic operations undertaken at Noble's Hospital. The term 'general operations' covers general surgery - that is ENT, eyes, oral surgery and gynaecology.

With regard to part (2) of the question, 8.7 per cent of general operations and 9.7 per cent of orthopaedic operations were done on private patients.

In answer to part (3), I regret that the current management information systems of Noble's Hospital do not enable me to identify the average period of waiting time between GP referral and the performance of an operation for those mentioned earlier. However I can advise that as from 31st December last year, nearly 60 per cent of patients waiting for an outpatient appointment had waited less than six months, and 66 per cent of patients waiting for an inpatient treatment have waited less than three months. This would indicate that on average patients wait approximately nine months between GP referral and having their operation. I would like to make it quite clear that it should be noted that some patients never go on this waiting list because they require emergency treatment. Orthopaedics cases, for example, in this case would account for 11.6 per cent of operations done in this period of time referred to.

In determining waiting list times, consultants do take account of the medical condition of the patient and will always endeavour to see the most severe cases as a priority. Therefore the most severely ill patient will wait less than the average time to be seen, both as an outpatient and as an inpatient, Vainstyr Loayreyder.

Mr Braidwood: Mr Speaker, I thank the hon. member for Onchan, Mr Karran, the member responsible for health in his department, for his answer but would he not agree with me, following those statistics, it would be beneficial in reducing the waiting list for operations on the NHS if the normal theatre time for elective operations was dedicated to NHS patients?

Mr Karran: Vainstyr Loayreyder, I think that one has to remember that one would like to see closed shops for the working man in order to improve their quality of life, and I am sure the hon. member will be aware that professions are a closed shop and I think you would find that you would have great difficulty in taking away the time for consultants to do their private work. They have, under their terms of condition, a right to do so. What we have done is try to move the theatre time round so that we can get more into that time in order to put the more minor surgery into other theatres so that we can actually try and hit this list because, I quite agree with the hon. member, it still is not acceptable, our waiting lists, and we have a new initiative hopefully starting any time now in this field in particular.

Mr Braidwood: Mr Speaker, I again thank the member for his reply and also that it is now going to be normal practice for theatres to be utilised for their optimum time, but would he not agree that private operations by whole-time or maximum part-time consultants should be performed outside of the normal time allocated to the elective NHS patients - Monday to Friday, which is 8.30 to 5 p.m.?

Mr Karran: Vainstyr Loayreyder, I think the problem we have is that if we do not allow the consultants to have a certain amount of time for them to do their private work, we will detract from the Isle of Man. The Isle of Man is seen as a bit of a cul-de-sac, coming here if you are a high flyer in the medical field. We have to have ways of trying to keep the quality of consultants up and this is one of the ways it happens. One of the things that does concern me - and I am aware that we do need to look at this issue - is the way that we have some consultants bringing people back on several occasions before actually doing anything with them, and I think that could be argued to try and lengthen out the waiting list to justify some of their patients going privately, but it is a difficult subject in order to try and get co-operation, as I said in response to the first supplementary from the hon. member. We are talking about a profession that is a closed shop, and I am afraid that what we have to do is try to bring them along with us. If we try and force anything on them we will more likely find out we will have a detraction from the National Health Service. I would suggest to the hon. member that we do look at these issues and we do our best to try and sort them out.

Mrs Cannell: Mr Speaker, with regard to the answer given to part (3) of the question, where the hon. member identified the 60 per cent of patients awaiting less than six months for general surgery, general operations, and 60 per cent for orthopaedic less than three months, can the member identify the other 30 per cent in this category? How long are the other 30 per cent waiting from referral from a general practitioner to the performance of surgery?

Mr Karran: Vainstyr Loayreyder, the least amount over 12 months would be less than 5 per cent, between 9 and 11 months is about 4 per cent and between 6 and 8 months is about 8 per cent, but I do think it is important to realise that the department has got an initiative as far as this speciality is concerned and I am hoping that we will see a real dent into the waiting lists on this field, because I appreciate that the longer these individuals are waiting, the damage is being done to their other hip and if it is not even, on financial grounds, cost-effective to have long waiting lists, never mind on moral grounds of detraction from the individuals concerned.

Manx Electric Railway Top Shed - Completion Of Works - Question By Mr Singer

The Speaker: Question 5, hon. members, and I call upon the hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker. I beg leave to ask the Minister for Tourism:

- (1) *Has the work on the Manx Electric Railway top shed, originally due to be completed in July 1997, been finished; and*
- 2) *if not,*
 - (a) *what remedial or additional work needs to be done;*
 - (b) *what is the estimated final cost;*

- (c) *when will the work be completed; and*
- (d) *will you detail the reasons for the delay?*

The Speaker: The Minister for Tourism and Leisure, the hon. member for Douglas South, Mr Cretney.

Mr Cretney: Thank you, Mr Speaker. I can advise hon. members that all work on the top shed at the Derby Castle depot, due to finish in July 1997, has been completed.

Visitors To Island - Talks Re Health Treatment Arrangements - Question By Mr Singer

The Speaker: Question 6, hon. members. Again, I call upon the hon. member for Ramsey, Mr Singer.

Mr Singer: Mr Speaker, I beg leave to ask the Minister for Tourism:

Could you inform this House when you met the Minister for Health and Social Security regarding the treatment of visitors to the Island who come from countries with which we do not have reciprocal health agreements, and what were the results of your discussions?

The Speaker: Again I call upon the Minister for Tourism and Leisure to reply.

Mr Cretney: Thank you, Mr Speaker. In reply to the first part of the hon. member's question, I assume he is referring to an indication given by the Minister for Health and Social Security at the December sitting of Tynwald, during a response to a question relating to medical treatment abroad. Following the question, the Minister for Health and Social Security has met informally with me to discuss this matter and the subsequent correspondence between us has clarified the position regarding health services for visitors. Anyone who requires emergency treatment on the Isle of Man will receive it. I think great care should be exercised in this area and the existing policy retained. I am aware of the difficulty sometimes encountered by Isle of Man residents when they travel abroad to countries with which reciprocal arrangements are not in place. My advice to anyone travelling anywhere is to ensure they have adequate medical insurance cover.

Mr Singer: Does the minister not agree with me that perhaps, as these discussions have taken place, it would have been courteous to have informed this House and the other place of the results of those discussions as that is where they were promised to the House that it would take place? And does the minister not also think that the costs are going to be quite excessive to the health service in providing these services and that there should be consideration of charging unless we can come to reciprocal agreements with those countries with which we do not have those reciprocal agreements at the moment?

Mr Cretney: Mr Speaker, I will obviously refer the first part of the question to my hon. colleague, the Minister for Health and Social Security as it was she who was answering the question from the hon. member at that time. I do not know whether she made any promise to report back at that time or not. Obviously that will be recorded in *Hansard*.

In relation to the second part of the question, I am aware that Isle of Man citizens, for example, have travelled to places where there are not reciprocal agreements in place and they have been asked for money up-front. I do not believe that the Isle of Man should be getting into that situation where people come here, on holiday for example, are unfortunately involved

in an accident and then somebody says, 'You will not get treated unless you have got a load of money.'

Planning Committee - Refusal Of Repeated Applications - Question By Mr Karran

The Speaker: Question 7, hon. members. I call upon the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I beg to ask the Minister for Local Government and the Environment:

- (1) *What powers does the Planning Committee have to refuse to consider repetitive planning applications which are substantially similar; and*
- (2) *have these powers been exercised?*

The Speaker: The Minister for Local Government and the Environment, the hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr Speaker. I can advise the hon. member for Onchan that the Planning Committee may decline to consider an application in any case where it considers that the application is substantially the same as an application which has been refused at any time in the previous five years. The power is indeed exercised by the committee from time to time but only after having regard to all the material considerations. These considerations may include not only changes in the content of the application but also changes in the circumstances within which the application would be assessed.

Mr Karran: Vainstyr Loayreyder, I thank the hon. member for his reply. Can he tell us, will his department be more vigilant as far as developers who persistently put in planning applications to grind down individual residents in different areas? Will there be more vigilance in order to use this provision in order to protect them from the fact that they are dealing with a large developer and they have got limited funds?

Mr Quine: I am sure - indeed, I know, sir - the Planning Committee are vigilant in respect of the exercise of this discretion and I think one of the problems, perhaps, which has placed a greater accent on this in recent times is, of course, that the department has been more discerning in terms of the acceptance of amendments to planning applications, because amendments to a planning application, which has been the subject of some contention, place interested parties at a distinct disadvantage. So if you are not into the area of accepting amended applications, inevitably there is a knock-on effect to additional new applications.

I really cannot comment on the question of whether it is a matter of strategy applied by certain developers to wear down opposition. I do not think that is the case, but certainly if we have a series of applications which come forward and they are almost identical in nature, then I am fairly certain that the Planning Committee would exercise their right under this provision and decline to accept those applications, but if we have a situation - and I think this is the type of situation which the hon. member is referring to - where you have an area which is zoned, let us say, for residential development and you have an application that comes in for a certain number of buildings and then a further application follows with a substantial change in the number of buildings, then quite clearly that situation would ordinarily have to be accommodated. The Planning Committee, I am sure, are as conscious as the hon. member is

of the need to be alert to the exercise of this provision, and I can assure the hon. member they will do so.

Mr Karran: Vainstyr Loayreyder, a supplementary to the hon. minister. Would the minister not agree that maybe the time has come for the Planning Committee to consult and get the advice of some of the local authorities when repeated applications come in on a similar level, especially when those local authorities are having to spend tens of thousands of pounds of their ratepayers' money in order to fight the proposed similar application which they defeated several times beforehand?

Mr Quine: I am not convinced that it would be appropriate to consult with any one party to an application. There are several parties in respect of applications ordinarily and I think the Planning Committee must be even-handed in the way that they deal and consult with all parties to applications. I am sure the local authority, of course, do have ways and means of making their views known, and I can think of seven recent cases where they have publicly expressed them, but for the Planning Committee to pick off one party to an application and to seek a view from that party, I think, would be most undesirable.

The Speaker: Hon. members, once again we are defeated by the clock. Can I call upon the hon. member for Douglas West?

Mr Shimmin: Thank you, Mr Speaker. I beg to move:

That standing order 43(2) be suspended to enable the remaining questions tabled for oral answer at this sitting to be put.

Mr Cretney: I beg to second, sir.

The Speaker: Agreed, hon. members?

Members: Agreed.

Murray's Road Junior School - Utilisation Of Playground - Question By Mr Shimmin

The Speaker: In that case, again I will call on the hon. member for Douglas West to ask the final question on our order paper this morning.

Mr Shimmin: Thank you, Mr Speaker. I beg leave to ask the member for Education:

What plans does your department have to utilise part of the playground at Murray's Road Junior School as a staff car park?

The Speaker: I call upon the member for the Department of Education, the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr Speaker, in response to the question, the need to look at the expansion of on-site car parking at Murray's Road School has arisen as a result of the introduction of disc parking restrictions in the area of the school. The Department of Transport was approached by the education department with a view to exempting the staff of the school from the restrictions imposed in the disc parking zone. The department was successful only to the extent of being granted one single special parking permit for the head teacher so that it would be possible for him to provide an emergency cover in an unauthorised parking space during the hours when the disc parking is operating. The rest of the staff have not been granted such authorisation,

hence the need to explore the expansion of car-parking facilities for the staff has become an issue.

In view of this refusal on the part of the Department of Transport to allocate any further spaces to the staff at the school it was necessary for the Education Department to investigate the possibility of using areas within the school grounds. The education department is currently investigating the possibility of extending car-parking at Murray's Road Junior School for the staff and other employees of the department who visit the school regularly. At present there are two parking spaces available which are accessed by way of the land behind York Road. Some temporary car parking has been established on the lower small playground area which is entered by the existing access at the front of the school running parallel to the back lane of the houses on Murray's Road. This can accommodate about five vehicles. Instructions have been given to the department's work section to look at the possible improvements to the lower temporary car park with a view to improving the access and increasing its capacity. It is possible that this might be achieved by removing part of the existing stone wall which forms the boundary between the school yard and the back lane of the houses in Murray's Road.

A second option is also being looked at involving the use of part of the upper playground which could be accessed off Palatine Road. If this area were found to be suitable it would provide ample car parking spaces for the school for the foreseeable future. Unfortunately the extension of the car parking into the existing playground area reduces the amount of play space available. If the upper area of the playground were to be used for car-parking the effect in terms of the reduction of play space would be greater than if the lower playground option were to be chosen.

Mr Shimmin: Mr Speaker, I thank the member for the comprehensive answer to a difficult problem, and whilst I accept that it is not of his department's making, they have the difficulty of resolving the situation. Is the member aware that it is the centenary of Murray's Road School in October 1999 and, as part of their centenary celebrations, they had a project which was to enhance the environment of the playground areas, and were they to pursue a car-parking option on the playground facility rather than enhancing a landlocked school's facilities for the use of the children, by necessity this phase would then be unable to be carried forward? The children would lose. And would the member also agree that there are ample car-parking spaces available in the close proximity of the school which have not been used since the introduction of the disc zone and therefore, were the Department of Transport to be able to be flexible, this problem could be resolved?

Mr Cannan: Mr Speaker, I strongly agree with the comments and remarks of the hon. member for West Douglas. It is known to the department, of course, that the centenary of Murray's Road is in 1999. It is totally unacceptable to the department to have to use up playground space for car parking because of the intransigence of the Department of Transport. It seems to the department to be totally unnecessary to prevent parking disc exemption notices being issued to the school for use by the school in school hours, not out of school hours or in holiday time but restricted solely to school hours, in a road that is not hindered by traffic during these times. As the hon. member has clearly stated - and it is a part of Douglas which he represents - there is no reason why the Department of Transport could not issue six parking permits and this problem would be resolved.

Cyclists' Safety Helmets - Question By Mr Houghton For Written Answer

The Speaker: Hon. members, item 9 is on our order paper for written answer. You will have had a copy of the reply and it does say that the question of whether it should be compulsory for cyclists to wear safety helmets is 'not a matter for my department', 'note the concerns of the hon. member' and referred the matter to the Minister of Transport. In relation to that written answer, hon. members, when that answer is received my office will undertake to make sure that, as it is on the agenda paper for written answer, the response will be widely circulated.

Question 9

The hon. member for Douglas North, Mr Houghton, to ask the Minister for Home Affairs:

Does your department intend to introduce legislation to make the wearing of safety helmets by cyclists compulsory?

Answer

The question of whether it should be compulsory for cyclists to wear safety helmets is not a matter for my department.

However, I note the concerns of the hon. member and have therefore referred the matter to my colleague the Minister for Transport for consideration.

Bills For First Reading

The Speaker: Items 10 and 11, hon. members, I call upon the learned Secretary.

The Secretary: The Street Traders (Amendment) Bill, Mrs Cannell; the Public Order Bill, Mr Houghton.

Criminal Justice (Money Laundering Offences) Bill - Third Reading Approved

The Speaker: Item 12, hon. members, the Criminal Justice (Money Laundering Offences) Bill for third reading. The hon. member for Ramsey, Mr Bell.

Mr Bell: Thank you, Mr Speaker. As hon. members know, the Island already has legislation covering money laundering where the funds laundered are the proceeds of drug trafficking or are derived from terrorist activities. This Bill extends existing legislation in two respects: firstly, it amends the Prevention of Terrorism Act 1990 to bring its provisions governing money laundering into line with those in the Drug Trafficking Act of 1996; and secondly it amends the Criminal Justice Act 1990 to create offences of laundering the proceeds of criminal conduct other than drug trafficking and terrorism. This will establish a consistent approach to the way in which money laundering is dealt with to be established regardless of the source of the funds being laundered. In particular, clause 2 and schedule 2 will make it an offence: (a) to assist another to retain the benefit of criminal conduct; (b) to acquire, possess or use the proceeds of criminal conduct knowing them to be such proceeds; (c) to conceal, disguise, transfer or convert the proceeds of criminal conduct; and (d) to pass on information to anybody knowing or suspecting that it is likely to prejudice an investigation into money laundering.

Extensive consultation has already taken place with the industry and there has been general support for the proposed measures. However, schedule 2 includes powers for the making or approval of codes of practice relating to this issue. The schedule demands that further consultation takes place before the codes are adopted, and I would like to remind hon.

members that an initial draft of the code is currently ready for consultation and the first meeting has been arranged for the beginning of April.

In 1990 the financial action task force, an agency of the OECD, issued 40 recommendations to combat money laundering. In 1994 they were invited to carry out an informal evaluation of our anti-money laundering legislation, policies and practice. At that time we received an excellent report. However, in 1996 their recommendations were revised and it is expected that once - this legislation has come into force we will seek a further evaluation by the financial action task force, probably later this year, which we hope will lead to full accreditation by that body. It will send out a clear signal that the Isle of Man is at the forefront of the international drive against illegal financial activities, will help to reinforce the message that the Isle of Man is truly a centre of excellence in the financial world and be a major boost to the marketability of our Island's financial sector.

Mr Speaker, there were no outstanding questions from the clauses stage and therefore I beg to move the third reading of the Criminal Justice (Money Laundering) Bill.

Mr Duggan: I beg to second, sir.

The Speaker: Does any hon. member wish to speak? The hon. member for Rushen, Sir Miles Walker.

Sir Miles Walker: Yes, thank you, Mr Speaker. I rise to support the third reading of this Bill and to congratulate the hon. member, the Minister for Home Affairs, for pursuing it through this Keys and prior to its introduction. Some of us who were involved with the consultative process are aware of how attitudes towards the Bill changed over the last 18 months or so, and I think now that it is a Bill largely acceptable to our finance sector. I say 'largely acceptable' because there will always be some who seek to get round the rules.

I think that this Bill will help the perception of the Isle of Man's finance industry from people outside of this Island. We all know, and I certainly believe, that the finance sector here have as good integrity as they do in any other finance centre throughout the world. I really believe they pay great attention to detail and they are aware of their rather grave responsibilities. Unfortunately that is not seen as being the case from outside, and that is why I say, if we put this sort of legislation in place, it should limit the opportunities for some of the international press to make the sort of snide comments they seem to enjoy making about the Isle of Man and other offshore or international centres.

So I think this Bill is a good Bill. I think it is meaningful; it sets the standards for this Island which I am sure have been followed by our finance sector but they underline those standards, and I believe they will enable us to respond significantly to ill-informed press comment that is made from time to time. In support of the legislation I congratulate the hon. member for taking what is a difficult piece of legislation through this branch and I just look forward to seeing it on the statute books. Thank you, sir.

Mr Bell: Mr Speaker, I would just like to concur with the comments made by the hon. member for Rushen, that it will hopefully help to dispel a lot of the adverse comment that we have had over the last few months, and I think it is probably particularly appropriate that the Bill is going through at this particular time when the international climate is focusing very much on efforts to eradicate tax evasion and illegal financial activities and, as I said, I think this Bill

will announce to the outside world that the Isle of Man is taking its responsibilities in this area very seriously and I believe that the industry on the Isle of Man will respond very positively to this legislation and ensure that the excellent standards which we have developed over the last few years will be maintained and enhanced.

There is nothing more I think, Mr Speaker, that I can add to this, other than thank members for their support on, as he says, what could be a very tricky piece of legislation and beg to move the third reading.

The Speaker: Hon. members, the motion is that the Criminal Justice (Money Laundering Offences) Bill be read for a third time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Agriculture And Fisheries (Miscellaneous Provisions) Bill - Third Reading Approved

The Speaker: Item 13 on our order paper, hon. members, is the Agricultural and Fisheries (Miscellaneous Provisions) Bill. I call upon the hon. member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. Members will remember from the clauses stage that this is a short Bill being moved by the Department of Agriculture, Fisheries and Forestry which contains some important changes and some minor amendments which are either necessary or useful to the department. The Bill deals with the making of false statements in order to obtain benefit from the department. It also deals with amendments to the Sea Fisheries Act 1971, which is an essential clause replacing delegated UK powers to issue sea fishing licences. This will allow us to take the responsibility and control up to our own 12-mile limit. There are some amendments to the maximum fines available, which is an updating exercise. We also deal with the problem of salmon poaching and give greater powers to the sea fishery officers. There is an amendment to the Wild Animals Act 1980 which concerns necessary changes which will allow for greater flexibility and facilitation of importing wild animals, and that will be particularly beneficial to the film industry in the future. The final area it covers is to do with the Animal Health Act 1996; it is a minor adjustment based on recent international obligations, and this is a welfare matter and does not affect any cruelty issues concerning animals.

Members will remember at the clauses stage there was much debate regarding new clauses or amendments moved by the member for Onchan, Mr Karran. I can advise members that the department has already had a meeting with Mr Karran and there will be a further miscellaneous provisions Bill in the future where, if there are any issues which do deserve being brought forward, that will be the vehicle.

As there were no other questions outstanding, Mr Speaker, I would beg to move the third reading of the Agriculture and Fisheries (Miscellaneous Provisions) Bill 1998.

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

Sir Miles Walker: Mr Speaker, I get to my feet again to support the third reading of this Bill and to compliment the department for pursuing the sea fisheries aspect. When we extended the territorial waters of this Island there seemed to be two parts of it which did not completely fall into place at that time, and I believe that this is the second of those two parts;

the first one, of course, was to do with the coal that may or may not be underneath that extended territory, and the other part was our inability without concurrence to make byelaws within that extended area. It seems to me now that we sorted out the coal some time ago and that this is the final piece, and I think that the department ought to be congratulated. It has been a long period of negotiation but I think we expected that at the time. I am just pleased now it is all in place, the extension of that 12-miles territory to this Island is complete and I guess history will show that that was quite a large constitutional step (**A Member:** Hear, hear.) for this little Island to take. I support it, sir.

Mrs Hannan: If I could just follow up the remarks of the member for Rushen, Vainstyr Loayreyder, I would not want members to think that part of that legislation where we have to have the concurrence of the secretary of the UK government has been changed any, because it has not. This is merely a matter of licensing which is very important. It is extremely important for our management of the 12-mile area of our territorial sea, but it does not allow us freedom to do what we wish within that area; we have to continue to have the concurrence of the Secretary of State. I just wanted to make that absolutely clear, and in speaking to the third reading I would just concur with the comments made by the member for Douglas West and member of the department that this is, from the department's point of view, a very important piece of legislation. It brings in minor changes but it is minor administrative changes which are so important to the working of the department. These are the other areas. It is also some saving in that we do not have to go back to Tynwald each time a film company wants to come here and bring strange and exotic animals to perform, although our strange and exotic animals did not get an Oscar last night, I notice, but yes, it is extremely important legislation and I would like to congratulate the member for Douglas West on progressing this legislation and thank him on behalf of the department. (**A Member:** Hear, hear.) Thank you, Vainstyr Loayreyder.

The Speaker: The hon. member for Douglas West to reply.

Mr Shimmin: Thank you, Mr Speaker. I beg to move the third reading.

The Speaker: Hon. members, the motion is that the Agriculture and Fisheries (Miscellaneous Provisions) Bill be now read a third time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Criminal Justice (Exclusion Of Non-Resident Offenders) Bill - Third Reading Approved

The Speaker: We turn, then, to item 14 on your order paper, the Criminal Justice (Exclusion of Non-Resident Offenders) Bill and I call upon the hon. member for Douglas South, Mr Duggan.

Mr Duggan: Thank you very much, Mr Speaker. During the clauses stage Mr Karran and Mr Downie raised a couple of points. Mr Karran raised the matter of different appointed day orders. I have discussed this with the legal draftsman, Mr Boyde, and he assures me that this is often put into Bills, sir, only as a safeguard. For this particular Bill it will hardly be necessary; it will not be applicable he feels.

Mr Downie raised illegal immigrants. This is covered also by the Immigration Act 1971 which will work in tandem with the legislation now before the Court. This will give the power to deport persons in such cases and it will be very, very rare.

The Bill is only a small Bill and will be able to deal with certain cases and allow the Court to serve exclusion orders on persons who are likely to constitute a danger to the Island's residents.

Sir, I beg to move that the Criminal Justice (Exclusion of Non-Resident Offenders) Bill be read a third time.

Mr Gelling: I beg to second, Mr Speaker.

Mr Karran: Vainstyr Loayreyder, my only concern about this Bill is that once again the Council of Ministers are dodging the real issue, and the real issue is there should be a proper effective and efficient residency Bill on this Island, and this is another token gesture away from the fact that what we should be seeing is a residency Bill. We hear about it, we have got it out to consultation. This has been going on for a decade now at least as far as a residency Bill is concerned. I do hope this will not be used like some sort of fig-leaf for the residency Bill to go away to some other committee when it comes back just because it is a little bit hot to handle.

As far as the Bill is concerned, I do not think it will be very effective, but at least it will be there. I am not particularly a fan of the Bill but I suppose it is better than nothing. I do hope that the Legislative Council take up some of the proposals that I have raised and tighten up the Bill whether they think that they are insignificant or not. I do think there are things that could be done to tighten the piece of legislation up.

Mr Corkill: I think it should be made clear, Mr Speaker, that this is not a Council of Ministers' Bill and that its origin is from a select committee of Tynwald who drafted the Bill, and therefore the comments that the previous speaker has made with regard to the residency Bill I do not believe are valid in any way whatsoever. Now, it was always made clear by the committee and by the mover of the Bill and the department taking the Bill that it was limited in its application. My standpoint has always been that it was an extra arm to the judiciary in dealing with particular situations, and I would say that it is a worthwhile Bill, although in a small way - small points can be worthwhile. At the end of the day it was a petition to Tynwald by an individual, a citizen, who has actually, by his actions and by the actions of this House today, is on the verge of changing the law, and I think it is a very useful thing and I do not think the comments relating to the residency Bill are relevant in any way.

Mr Karran: Do not use them then.

The Speaker: The hon. member for Douglas South, Mr Duggan, to reply to the debate.

Mr Duggan: Thank you very much, Mr Speaker. As Mr Corkill points out, the residency Bill is a separate issue, but even Mr Karran does agree that the Bill will deal with one or two cases a year and, as he concurs, it is better than nothing. I thank Mr Corkill for his remarks. I beg to move, sir.

The Speaker: Hon. members, the motion is that the Criminal Justice (Exclusion of Non-Resident Offenders) Bill be read for a third time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Legislative Council - Select Committee Interim Report Received

The Speaker: Item 15 on our order paper then, hon. members, and I call upon the hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr Speaker. I beg to move:

That the Interim Report of the Select Committee on the Legislative Council be received.

A committee of this House, sir, was established in April 1997 to consider the role, constitution and election of the Legislative Council and to report back by November 1997. The committee was also required to consider the implications for the remuneration of members of the Council as a consequence of any changes to the role of Legislative Council which may be recommended. Now, first of all I must apologise for not making the deadline for this committee report. Hon. members will appreciate that a great deal of research has had to be undertaken and it has simply not been possible to meet that time frame.

The committee were conscious of the manner in which previous exercises of a similar nature have floundered and we were determined to take an objective approach to our task and to undertake as a first step a functional analysis of the present role of the Legislative Council. We have deliberately set aside for the time being the product of previous similar exercises, because we felt to do otherwise would have prejudiced our objectivity. As the initial part of this exercise we have looked at the need for a second chamber and the extent to which the Legislative Council meets those needs, also at the feasibility of those tasks being undertaken by other parties to at least the level of performance presently provided by the Legislative Council. We have looked in some depth at the limitations of second chambers to assist us in coming to a valued judgement as to what contribution second chambers make, not least in our own small Island setting.

Turning to the specifics, in paragraph 3 of the report we have examined the contemporary functions of the Legislative Council. This we have done by looking at the functions under three basic headings: first, the functions of the Legislative Council sitting separately; second the functions of the Legislative Council sitting in Tynwald Court; and third, the role of members of the Legislative Council in government.

If I may now expand slightly under those heads, although I assure members not to any great detail, first of all the Legislative Council sitting separately to consider primary legislation. The essence of the task is, of course, to scrutinise primary legislation and put forward amendments prompted by identified weaknesses in the Bill. Suggested amendments by the Council which have been referred back to the Keys are few in number, and this is a matter, of course, that is well within the knowledge of the hon. members of this House. This report suggests that with some procedural changes the Keys could take exclusive responsibility for the task of legislative scrutiny adopting one of several procedures which currently exist in unicameral legislatures elsewhere.

Second, if I now turn to the Legislative Council sitting separately to scrutinise government policy and administration, while it is open to the Legislative Council to form committees to consider Bills and scrutinise government policies and administration, it very rarely does so. Questions for oral response are also available but not often exercised. In practice, scrutiny of policy and administration falls very largely to Tynwald, in which the Legislative Council has no distinctive institutional role of substance.

Moving on now to the Legislative Council sitting in Tynwald, in this setting the Legislative Council has an institutional role in that a motion must attract a majority of votes in both the

Keys and Council if it is to carry. However, the check provided by the Legislative Council is limited, in that the motion again may be moved at a subsequent sitting of Tynwald within a period of six months from the original motion, on which occasion, of course, Tynwald vote as one body.

The Legislative Council sitting in Tynwald Court to scrutinise delegated legislation - that is the next matter perhaps I could offer a few comments on. Now, in practice delegated legislation laid before Tynwald receives limited scrutiny by the legislature, and the Legislative Council have no separate or dedicated duty in that regard. Other delegated legislation requires to be approved by Tynwald and requires a majority vote in both branches. The absence of the Legislative Council would not substantially adversely impact on the effectiveness of the scrutiny which takes place. If there is a problem, it arises from the fact that Tynwald Court has no procedure for the comprehensive systematic scrutiny of delegated legislation by committee, albeit Tynwald determined that such a system of scrutiny should be put in place some three years ago.

Moving on now to the Legislative Council sitting in Tynwald to scrutinise government policy and administration, this role is largely undertaken by means of debates, parliamentary questions and occasionally through an ad hoc committee. The extent to which Members of the Legislative Council are involved in such activities is limited. Were Keys to fill the void, whatever that void may be, some extra commitment would fall to the Keys, as it would indeed in relation to a number of the commitments.

The Legislative Council sitting in Tynwald to authorise vote and appropriation of public moneys - that is the next matter perhaps on which I would comment. In this area of activity the Legislative Council's decision is similar to that in relation to the scrutiny of government policy and administration, with two important distinctions: first, the Committee of Public Accounts and Expenditure already exists to scrutinise the vote and appropriation of moneys. Second, it can be questioned whether or not it is appropriate for indirectly elected Members of the Legislative Council to participate in the vote and appropriation of public moneys. You will note that your committee hold a view that indirectly elected members of the legislature should not be involved in this matter.

Members of the Legislative Council serving in government - if I can now move on to this area. This is the third and final area of Legislative Council activity which I identified earlier. Hon. members will note that your committee are unanimous in the view that members of the Legislative Council should not be appointed as ministers of the Isle of Man Government. There is an arguable case that members of the Legislative Council should be permitted to be chairmen of statutory boards, given that there would be a minister to answer for each board in Tynwald and in the Keys, and as members of departments perhaps they could perform a function there. On the other hand, given a restructuring of government, the membership of government could be limited to members of the Keys. Fundamentally the issue is one of parliamentary structure dovetailing with the numerical strength of the legislature, whatever that legislature may be.

If I could now move on and touch upon the options for reform of the Legislative Council which have been identified by your committee - and I will do so as shortly and sharply as I possibly can because it is all set out in the report - in paragraph 4 of the report your committee have identified five options for reform of the Legislative Council, but I would stress that this list

is not exhaustive. It is five options that we feel could benefit from debate. The first option is the abolition of the Legislative Council; the second option is to limit the functions of the Legislative Council to revising primary legislation; the third option is to limit the functions of the Legislative Council to revising primary legislation and scrutinising delegated legislation; the fourth option is to limit the functions of the Legislative Council to revising primary legislation, scrutinising delegated legislation and scrutinising government policy and administration; the fifth option that we have set out in this document is to limit the functions of the Legislative Council to revising primary legislation, scrutinising delegated legislation, scrutinising government policy and administration and maintaining the capacity of members to serve in government other than as ministers of government. Those are the five options, as I say, which the committee have brought out in their report, but we are not suggesting that that represents an exhaustive list.

The impact which such options would have on the structure of the legislature is brought out in summary in paragraph 5.2. For example, were the Legislative Council to be abolished there would de facto be a unicameral legislature, albeit Tynwald Court could remain with a very limited role.

Importantly, I feel, your committee have reached provisional conclusions on three aspects of the Legislative Council which are summarised in 5.1. Now, the first provisional conclusion which your committee has arrived at is that the vote, an appropriation of public moneys, is a function which should more appropriately be within the exclusive competence of the Keys as the directly elected parliamentary body; the second provisional conclusion that we have arrived at is that it no longer remains appropriate for members of the Council to be appointed ministers of the Isle of Man Government; and the third provisional conclusion that we have arrived at is that there are cogent democratic arguments for the nomination of the Chief Minister to be exclusively a matter for the Keys, regardless of whether the Council is abolished or not. These three matters alone would represent, in whole or part, a significant reform of the Legislative Council.

Hon. members, this is an interim report. It has been brought forward as such to enable members to have a meaningful debate on what we believe is clearly a very important matter. The members of your committee believe that there is sufficient information contained in this report to assist members in forming a view on the issues. With the input of members to hand, my colleagues and I can proceed with our task and hopefully provide a final report which comes to terms with the need for reform and in a manner which attracts the majority of support of this hon. House. I beg to move.

Mr Rodan: Mr Speaker, I beg to second the motion and reserve my remarks.

The Speaker: Does any hon. member wish to speak? The hon. member for Castletown, Mr Brown.

Mr Brown: Thank you, Mr Speaker. I read the report with considerable interest. Clearly from the report there are views which differ quite considerably between members of the House and those in the committee who actually tried to find a way forward on this. As far as I am concerned, my view is that we should keep a system where there is a Legislative Council. I am opposed to a unicameral system because I believe that would not be in the best interests of

the people of the Isle of Man in terms that it would be a situation where the government could be extremely powerful within the parliament, and especially within a small parliament like ours.

The one point that I think I found missing from the report is that whilst it examined the basis of the Legislative Council and to some degree touched on Tynwald and the Keys, it did not seem to cover the basis and the need to protect the public interest. When we have a system of government and a system of parliament, members are here to undertake responsibilities for the people, and of course the whole basis of any parliamentary system is to scrutinise the government and make sure that the government is effective and acting responsibly for the people, and that is why, of course, certainly within our setting, we have the ministers as a minority within Tynwald Court. And whatever we do, if we make any change, that certainly, as far as I am concerned, has to be absolutely paramount in terms of protecting the public interest, because when we are elected to this House and when people are elected to another place, they are given considerable responsibility, and clearly control of that responsibility has to be a very important factor.

When I went through the report a number of issues that are made within the report, whilst not being put forward as initial recommendations or options from the committee, clearly are ones that we as a House need to keep an eye on. For example, there is a provision in the report where it talks about the potential of the President of Tynwald being elected by popular vote, and that to me is a nonsense. We are not a republic. With the greatest respect to the President of Tynwald, he chairs Tynwald and his other role is very limited. Therefore, to me, that is not recognising the role of the President of Tynwald properly. There is a clear danger that if we are not careful we can actually go off on a wrong tangent on this one, and of course if we decide to make a change in the near future it is going to be very important that we get what we are talking about as right as possible.

When we look at this report we are talking actually of changing the whole basis of Tynwald. That is what is being suggested, and really you are saying Tynwald is of no further use, if you read the report. That has to be a very important decision and a very carefully thought out one, not just for historical terms because Tynwald has been there a long time, but because Tynwald actually has a very important function which is different from the function of this House. I would certainly look forward to the committee maybe expanding more in their next report as to their real broad thinking on this issue.

I have to say that I did get a feel, reading the report - and one could be forgiven for thinking this - that it was concentrating more on the functions of government than on the functions of the Legislative Council. Whilst naturally these are intertwined in terms of how they do their job, I was disappointed that so much emphasis within the report is given to the government and the make-up of the Chief Minister and really did not give me enough answers on the role of the Legislative Council, because to me that is the first point: what is the future of the Legislative Council? The question that is being asked and the question that was put in the motion which I brought before the House and was approved on 22nd April 1997 was to consider the role, constitution and election of the Legislative Council and remuneration et cetera, and I have to say I felt the report was light in that area. So I do think that I, as a member of this House, will be looking for far more coverage and thought in that area, because I do not believe it comes out in this report. I felt there was too much emphasis on the role of government and not on the role of the Legislative Council. We cannot ignore it because they

are linked, but I do think it is important, if we are going to find a way forward on this, and I do think it is important to find a way forward - that we actually try and see what the future role should be.

Now, in my view we should endeavour to retain three chambers, and I believe that we can do that by altering the role of the Legislative Council. There are dangers in a unicameral system, and we only have to look in other parts of the world where this happens. I have been on CPA conferences where in unicameral systems the parliament is never called because the government, where they have party politics, has the vast majority of the members and the chief ministers do not call the parliament because they do not want to publicly be answerable, and there are considerable problems within those parliamentary systems in small islands - and we are talking about some in the Caribbean - where the government is not answerable to the parliament and for a five-year term is not actually very answerable to the people because of course they are not answerable to parliament.

So it is very important, this delicate balance of getting it right, of ensuring that we have a legislature, a parliament that can do its job and the government that does its job but is answerable to that parliament. And I do think we need to keep that uppermost in our mind, because at the end of the day it is not about us, it is about the people of the Island. This is about their system of government and their system of parliament and how it operates. So I do think that that is something we need to be careful of.

There are parts of the report that I do not disagree with. For example, I am certainly content that the Lord Bishop should have a vote in the Legislative Council but not necessarily have a vote in Tynwald. But then that depends on what you feel is the job of the Legislative Council. What is the role that we want them to do? There is certainly great merit in the Legislative Council only having a role of doing legislation, but again we then have the problem of what happens to Tynwald. If we transfer all the work of Tynwald into this hon. House, that is fine, but this House will sit far more regularly and that puts extra pressures on the House in a different way. That might be fine, that might well be the way forward, but I have to say the report does not identify for me clearly enough how that will work. It is not just a matter of identifying a system; it is actually trying to identify how the system will work, and I do not believe the report tells me that. It says what the options are but not how it will work, and I accept it is an interim report but I do think those issues are very important if we as a House are being asked, as we are, by this interim report to give views to the committee on how we see the way forward for the future.

I am also a supporter of the Attorney-General sitting in this House. It is historical that the Attorney-General sits in the Legislative Council, and yet it is far more important, I think, that if you are going to have the Attorney-General in any of the chambers he should be in the House of Keys, where the legislation is first being dealt with. The reason he was in the Legislative Council was purely that he was a Governor's man; he was there with the Governor and the deemsters to control the Isle of Man. That has changed and therefore my view is that if you are going to have the Attorney-General sitting in a chamber, then this is the chamber he should be in, and I do believe that the Attorney-General's role is important enough that he should be not only in this chamber but also in Tynwald Court, and not on the basis that if you need him you pick the phone up and say, 'Can you come up to the House?' or 'Come up to Tynwald Court because we need some advice,' because I do not believe an Attorney-General

can give proper advice if he has not heard the debate. Fine, he can be asked a question, but when you have got the debate going on, that gives him a better insight as to what has been said and why things have been said. I will come back to the points on the provisional conclusions in paragraph 5. I accept it is not an easy job because we are bound to have a number of different opinions in this hon. House, but I do think we need to start on the basis of the importance of the parliamentary system to safeguard the public, and that, to me, has not been identified within the basis of this report.

The other thing I do not think we should underestimate is the importance that when debates go on in this House, if we change the whole basis where we are actually going to deal with the budget and we are going to deal with all the secondary legislation and we are going to deal with all the capital schemes in this hon. House - and just think of the implications of that, because that is how we are talking of evolving - then clearly, the whole basis of how we operate changes. And if we are going to move that way I think we need to be clearer on the implications of making those moves. Whilst I accept the report gives a flavour it does not answer some of the fundamental questions that I think at this early stage we should be trying to answer, we should be trying to identify, for the benefit of the House, so that the public can understand what it is we are endeavouring to do. Whatever we do in the Keys or Tynwald is going to be a matter of public record, and rightly so, and may well be used, as I have experienced, in the courts because of matters that have been said within our parliamentary system. So again that needs to be clear.

With regard to the summary of provisional conclusions under section 5, I have to say that as far as I am concerned 5.1.1 needs a lot more examination and a lot more explanation to the House through a report as to how the Keys can deal with these issues. It is all very well in principle and I am sure I and the others see a lot of merit to this, but how will it work? How will we deal with it? We will then be dealing with this and the legislation. I accept that we go into another place and deal with it but you are going to change the whole basis, and I think it would be helpful to try and be clear on that.

With regard to 5.1.2 it says that it is no longer appropriate for a member of the Council to be a minister. But again I would just say, if that is the case - and I do not necessarily disagree with that principle - then one has to answer the question, is it then still appropriate for a Member of the Legislative Council to be a member of a department? With delegated responsibility that member acts as a minister, so if he cannot be a minister, then is it appropriate for him to continue to be a member? Members of departments have responsibilities and rightly so. They are still executive responsibilities. However limited they may or may not be, that is putting a Member of the Legislative Council into that position. Therefore the question has to be, if a Member of the Legislative Council is not appropriate to be a minister, is it appropriate he should be a member of a department? I think that question needs to be answered.

Then, as far as the election of the Chief Minister is concerned, I note in 5.1.3 it says that regardless of whether the Council is abolished that change should be made. Well, I think I come back to my point where I say that I believe that the report to some degree has concentrated more on the functions of government as against the functions of parliament. I want to know about the future of the Legislative Council. And yes, you cannot ignore it has a

knock-on effect, but I do believe we need to look at that far more to find out if we can identify a way forward.

One thing we should recognise is that as soon as you change the basis of the election and all the ministers are in this hon. House, then unless you reduce the number of ministers the Chief Minister will be an extremely powerful man within this hon. House because he will have -

Mr Cretney: Or she.

Mr Brown: Or she. 'He' in legislative terms I was talking about, hon. member. But he or she will have a position where, if we keep the number as they are now, there will be 10 ministers out of 24 within this chamber, and if members think the present system creates a problem, that certainly will create a problem within this House. Different if party politics comes into the scene because you change the balance anyway but, in the system we have, then clearly that is an important factor. I note the report mentions the point about reduction of numbers of ministers if that change is made. I do not have a problem with that, but I do think we need to know how, if we go that far, it will work, and is it practical and logical in Isle of Man terms to have only six departments? We already have criticism of the DHSS being too big. We hear that quite regularly, although I personally do not agree with that comment. So I think again these matters, whilst these are provisional conclusions by the committee, need to be explained a bit more.

If I go on to now the options for reform, I do not agree with the abolition of the Legislative Council. I believe the Isle of Man's having two legislative chambers is the right way forward, because you have one legislative chamber for the reasons laid out in the report - revising, making amendments that may need to be made at a later stage and so on. So I do not have a problem with that. I am opposed to a unicameral system. I do not believe that will be in the best interests of the people of the Isle of Man at all. I am opposed to the Legislative Council being elected directly by the people unless by statute their role is laid down, because if we do not have it clearly laid down in statute there will be major conflict between one elected chamber and another. You only have to look at what sometimes happens in the United States, where they have two elected chambers and they have situations where the budget is not approved by the other chamber and they actually have to stop work, so that again should not be ignored. It is clear that if you have got clearly laid-down guidelines and how they operate and how they link, then we can overcome that, but people who stand need to know what their limitation is, and I have to say we already see conflict between Members of the Legislative Council and the Keys and have seen that in recent times, where certain Members of the Legislative Council have been extremely political in their views, and we actually witnessed that at election time for the House of Keys, we know that many people were offended with regard to the views that were made public at that time.

As for limiting the functions of the Legislative Council exclusively to revising legislation, I do not disagree with that principle, but I do think that if you are going to do that you have to see how the rest of the system will work. I do not believe we can make changes in isolation; I do not believe we can make a bit of a change here and let us see what happens. We need to look at this whole issue very carefully.

As for limiting the functions of the Legislative Council to revising primary legislation and scrutinising delegated legislation, again whilst that sounds very good I am not really sure as to what it will actually achieve unless you are going to put the Legislative Council with regard to delegated legislation in a position of conflict, because the nature of primary and delegated legislation is quite different and that again in my view needs to be clearly recognised. So I think that that is an area that we need to look at. It has merit but it is how it is dealt with, how the Legislative Council, if it is reformed, is seen to do its job.

As for limiting the function of the Legislative Council to revising primary legislation, scrutinising delegated legislation and scrutinising government policy and administration, that depends on the system you create, but clearly, if you are going to move into a position, if that was the will of the House, where this House became the major dominant factor in terms of dealing with all the issues we have talked about, it would be a bit of a folly to have the Legislative Council separately sitting to scrutinise government performance, because that is a job for the House of Keys, the elected House, not a job for another chamber. Therefore I think that would be a potential problem in practical terms to make it work.

I have covered the point about ministers from the Legislative Council. Until and if we change the basis of the Legislative Council then my view is quite straightforward: members of Tynwald all have the right to be appointed to wherever, and that responsibility of balance is a matter for the Chief Minister to determine who is and who is not a minister. It would be very easy now to load the House with ministers. Any Chief Minister who wants to be dominant could say, 'I am going to have all my ministers from the House of Keys.' It would not cause him any problem in Tynwald, but I would suggest it would cause problems for members of the House who may well have a differing view from the government on issues they wish to pursue, because of course the Chief Minister will be stronger in the Keys because of the way the system works.

So whilst I think a lot of work has been done to provide us with a relatively comprehensive report, giving us some of the answers, there is quite a lot of work still to be done to answer some of the other questions that certainly I am looking for answers to, and I think it is overcoming the difficulties of our tricameral system where we have three chambers where we uniquely, certainly in the Commonwealth, have the two Houses coming together to deal with policy and budgets and so on and trying to make the whole system work by shifting things round. I think we need far better explanation for me to feel at ease that the change is in the public interest, because my only support for making a change will be if I believe it is in the public interest. I will not do it because I believe it is in my interest, and I think there is a danger of that happening. It is not about us, it is about the people, our system, our Island. I do believe that is important for us to get an answer on that.

Just before I sit down I would just like to make one comment, which was that I noticed recently, listening to a programme on Manx Radio, it was said they could not get any member of the Keys to discuss the report because it was a matter for the House of Keys. Well, I would just like to make it clear I was certainly not approached and I would have had no inhibitions about sitting in the studio and discussing this report. It certainly would not have been disrespectful to the House and clearly was a matter of public record and a matter for public debate, and I just think that is worth saying because I think there is a view gone out that members of the House will not discuss matters that are before the House or Tynwald in public

because it is a matter for the House or Tynwald. There are occasions where it is inappropriate, but they are very limited, and any document like this that is public I certainly have no qualms in discussing in a public forum if that is required.

So I would just say finally I acknowledge the difficult job the committee has. I think it is a job that is taking some time, and I congratulate the chairman and his committee for providing quite a detailed report, but there are still a lot of areas that need examining, a lot of questions that need answering and I would just urge the chairman and his committee that I want far more detail about the Legislative Council and how it could interact with the Keys and Tynwald than about how it works with government, because once you get that bit right, the next change, if there is any, will flow from that. If you change the Legislative Council, you change its role and you have to then look at how you then have the knock-on effect. It is that aspect that has not come out strongly enough for me to feel comfortable with identifying a way forward. The only answer I can honestly give to the chairman at the moment is that I, as the member for Castletown, believe we should keep a bicameral system, and we have to still identify a role for Tynwald and clearly what that role is. The other question is whether or not the members of the Legislative Council should be subject to popular election and, if they are, what their job description is going to be and how will it be controlled. If you do not get that right you create conflict.

Members will, I hope, approve the motion on the agenda, but I hope what I have said helps in giving some thought. I am sure there will be some criticism of what I have said, but I do not mind that because what is important is trying to find a way forward on this very important issue. The one thing I am satisfied is that the present system we have is deficient because of the changes that have happened over a period of time which have actually brought a swing-about of how the Legislative Council operates and how the relationship between this House and its members works, and I think it is quite clear it is not at the moment working as well as it could do. Therefore some form of change is required. I look forward to the committee reporting back, hopefully with more detail and, if necessary, with a further interim report to try and overcome some of the problems identified during the debate in this House this morning. Thank you, Mr Speaker.

Mr Cannan: Mr Speaker, the previous speaker seems to have based his argument on the public interest; well, that is a subjective view - what is the public interest? It is my contention that it is the House of Keys has always preserved the public interest; it was established to preserve the public interest. We had the Governor's Legislative Council, and the present day Legislative Council goes back, traces its origins, to the Governor's Legislative Council of the old colonial days. The Governors appointed in their islands and in their colonies of the British Empire a legislative council - the chief justice, or the Deemster, in our case, the Attorney-General, the Bishop and two or three persons representing the good and the great. They were all-powerful, and below them you had the house of representatives, or in our case the House of Keys, representing the public interest, elected by the public to look after the public.

And so it has continued. The membership of the Legislative Council in the last 30 years has changed but it is still non-elected by the public. It is a non-elected body. We, in the House of Keys, are elected and some of us may lose our seats at the next general election and some of us will win.' T'was ever thus. I have stood in four elections and have seen people come and

seen people go and seen people stay. I have yet to see a House of Keys that has remained intact after a general election. So we, hon. members, all of us, are accountable to the public and represent the public interest and, if we fail in our duty, then the public will determine our future. That is a fact. Not the Legislative Council - they are in protected employment, virtually, and that is why I moved earlier on that members had the right to vote who they thought were fit and proper persons to be in the Legislative Council rather than hon. members being compelled to vote en bloc the numbers of people regardless of our opinions.

So accountability and the public interest is here, and it is here that the public will turn to either offer congratulations or to vent their wrath. I believe it is the, as it said in the report, accountability of the expenditure of public moneys, moneys raised from the public, which should be determined by the elected representatives. No taxation without representation. The previous speaker said, 'Oh, there would be a tremendous workload.' I cannot see the difference in debating last week's budget here amongst ourselves without the eight members of the Legislative Council present or with them present. We are quite capable in this chamber, Mr Speaker, under your guidance, of debating the budget proposals and coming to a proper conclusion. We are quite capable of debating capital expenditure and all other matters on the Tynwald agenda, and indeed standing orders say that if the Legislative Council try to frustrate the will of the Keys by voting against the majority wish of the Keys, then the matter can be delayed only for one month, because by then members have the right to bring it back and call for a unified vote.

So I go back to the principle of this report: public accountability and public representation are the whole basis upon which this report has been done, and I congratulate the committee, drawn from a cross-section of this House. The hon. Mr Speaker, Mr Quine, Mrs Cannell, Mr Cretney and Mr Rodan - A true cross-section of the views of the people of this House. The Labour Party, the centre, the APG and the hon. Mr Speaker (*Interjections and laughter*).

The matters that I think the House should look at closely are first of all on 5.1 - and these are the conclusions - 'the vote and appropriation of public moneys is a function which should be more appropriately within the exclusive competence of the Keys as the directly elected parliamentary body.' I believe that that must stand. There can be no other argument if there is to be taxation with representation. It no longer remains appropriate for members of the Council to be appointed ministers of the Isle of Man Government and that too I subscribe to, because under the Council of Ministers Act ministers have all-embracing powers, and I urge members, if they are not sure of those powers, to just look at the powers that ministers have. It is said that they delegate. Some ministers delegate, others do not, but, even if they delegate, the ultimate responsibility is the minister's. The ultimate vote, the ultimate sanction, the ultimate veto on the expenditure of public money in that department is with the minister, and therefore I believe the minister *must be* from the elected representatives of the people, and that view is echoed, Mr Speaker, by a favourite phrase of yours at another time, out there in the blue yonder. The people are certainly setting out that chorus quite loud and clear: ministers must be from here within this chamber and accountable.

In 5.3 'there are cogent democratic arguments for the nomination of the Chief Minister to be exclusively a matter for the Keys, regardless of whether the Council is abolished' and again, on the same principle that must be so, because if the people after a general election

have elected us, then it is we who must choose from amongst our own the Chief Minister. These I believe are important arguments.

There is also the argument - and in this I agree with the previous speaker - that the Attorney-General should be sitting with the Keys where the primary legislation is made so that he can see the arguments made and the amendments brought forth. His presence on the Legislative Council is historical for the very reasons I said at the beginning of my speech: he was part of the Governor's advisory body. To whose advisory body is he now? He is not the Governor's advisory body, he is the government's advisory body, and we also have a legal opinion amongst ourselves in the Secretary to the House.

The options for reform of the role of the Legislative Council are the abolition of the Council; de facto, this would bring about a unicameral legislature, albeit that Tynwald Court would remain in a very limited role. In a sophisticated democracy - and I suggest the Isle of Man is a sophisticated democracy - I have no problem with a unicameral legislature. In sophisticated democracies, such as New Zealand, they have had for the last 50 years a unicameral legislature, and I suggest that they are as democratic down there, perhaps more democratic, perhaps too democratic, as any country in the world, but there is democracy and no misuse of the democratic power. To suggest and put us on a parallel with some of the Caribbean islands or the banana republics of South America is an insult to the people of the Isle of Man. I believe that were we a unicameral parliament the Chief Minister could not become a dictator; we have a sophisticated democracy, a constituency out there and the checks and balances, basically the economic checks, would prevent anybody from taking over dictatorial powers in the sophisticated world in which we live with a modern economic structure, the power resides basically financially in global markets.

So I have no problem with a unicameral chamber where what we have on the Tynwald agenda on the third Tuesday is discussed here in this chamber or upstairs, but discussed by the elected representatives of the people. If there is an insistence for a Legislative Council, so be it, but they cannot have the voting powers to determine monetary policy or ministerial policy. Theirs can be limited to an advisory, non-voting function. We have that in 2, 3 and 4, in dealing with five of the options for the reform of the role of the Legislative Council. So I say, hon. members, the primacy of the public interest is determined here because we have accountability and the public are our judges. We are all on a five-year contract, renewable only by the people. No taxation without representation - the people's representatives must determine the expenditure of public money. Now, with that it goes that ministers must be accountable in this House to the people of this House, and that, I believe, is the will of the great majority outside.

Finally, I would say to the select committee to progress this report to its conclusions as quickly as possible, which would be in the public interest so that the role of the Legislative Council could be properly established within the lifetime of this hon. House.

Sir Miles Walker: Mr Speaker, although it is interesting looking at other places and obviously it has to be part and parcel of an exercise such as the one that has been carried out, I do not see anything wrong with having in the Isle of Man a parliamentary assembly which is peculiar to us, which works and which we can use as an example to other people. I was interested to read in the report that it is suggested by one commentator that the number of bicameral parliaments is decreasing and that there are now about as many legislatures which

are unicameral as there are bicameral. I have to say I had not appreciated that and I have not looked into the background of that comment but I just wonder are the ones that are moving from bicameral to unicameral good examples? Are they examples of parliaments and of countries which we would desire to emulate or are they ones which we should not follow? I was just left with that question after reading that comment.

I start off, I think, from the same position as the hon. member for Castletown: I believe in the sort of system we have in the Isle of Man has served us well, and I would not like to see us depart too far from it - that is a bicameral situation, or even a tricameral one if we count Tynwald and the Keys and the Council. An interesting question, I think: which is the parliament of the Island? I have always considered it to be by Tynwald and the House of Keys and the Council are branches of that parliament. I do not know if that is right or wrong. There seems to be a greater assumption all the time that the House of Keys is the parliament because we are the directly elected members - an interesting sort of question, but I start from the position where my understanding is that Tynwald is the parliament.

So I think that I would like to start from the stance that there should be a Tynwald and its two branches. I think there is a danger, following along this sort of thinking of this committee, of emasculating the second chamber to such an extent that it is hardly worthwhile, that it holds little interest for people to stand for its membership, and if that is the case then in due course I think it is simple to imagine that the next step is quite easy, to do away with it, and I think we should just bear that in mind when we are talking about reforms and changes, because I think it would be a step in the wrong direction.

I find myself asking the question, why is the need for the fundamental reforms that have been suggested? Is it because the Members of the Legislative Council are not directly elected? Now if the answer to that is yes, I have to say I would prefer to go for a directly elected Legislative Council and leave them with some worthwhile responsibilities than, as I said before, emasculate them to such an extent that their work becomes uninteresting and there will be a lack of candidates to take part in it. I say that being one who has argued the case at election time, before I was a member and since being a member, that I do not believe there is anything wrong in the House of Keys acting as an electoral college to vote in Members of the Legislative Council. I have nothing against that principle at all. They are clearly elected members, but elected by the House of Keys. I think that the way the Legislative Council has evolved over a period is the right way, that they should be a revising chamber and have limited powers of delay. That seems to me sensible. I do not believe they, as members, should be permitted to introduce private members' Bills; I do not think as a chamber they should be permitted to initiate legislation and I could well support legislation to stop that happening, although I know in practice it is in fact a very rare occasion. Their role of revising and of limited powers of delay I would certainly support. As far as ministers are concerned and whether or not there should be ministers appointed from the Legislative Council, I have an open mind on that. I do not mind the thought that they should be from the House of Keys, but I do think that regarding the final sentence in paragraph 3.4.2 of the report which suggests that if ministers do not come from the Legislative Council, there needs to be a restructuring 'which might include reducing the number of Ministers, the number of Members in each Department and the size of committees. . .', that is an exercise that needs to be done before the decision is taken not to allow ministers from the Legislative Council, because I think to stack the House of

Keys with all the ministers and the Chief Minister would in fact be a very difficult and probably dangerous situation and one which I would seek to avoid.

I think, rather than go through all the recommendations, I would prefer to stick to those principles, really. I believe in a Tynwald; I believe in its two branches. I think that the powers of the Legislative Council should be constrained in line with my suggestions. If in fact that restraining goes as far as suggested within this report, then I think that it would make them a body with very little powers and responsibilities and I think the next step would be their disappearance and, in order to avoid that, I would prefer to see those members of the Council directly elected by the people, if that is in fact the motivation for these quite fundamental changes.

Mrs Hannan: Members seem to be reluctant to address this report; I cannot understand why. It is an interesting follow-on from the resolution that was made on 22nd April of last year when the select committee was to look at the role, constitution and election of the Legislative Council and the implications for the remuneration of members of the Council and any recommendations which it may make under paragraph A. From reading the report, the report is suggesting reform but at the moment it is this academic exercise and it would seem that time was taken in this report to look at where the select committee started from and not addressing the resolution that was on the order paper at that time. From reading the report I know where the committee is and what they are planning. I mean, I can read into that, but they do not address how we are going to get there. My reading of this report is that the Legislative Council is to disappear and that they are looking at the Keys taking over much more responsibility and the work being done within this particular body. That is not what the report says, but that is what I am reading into the report and what it is leading up to. That, to my mind, defeats the object of having an interim report.

The interim report, I would have thought, should have addressed some of the issues which the committee were asked to address: the role, the constitution and the election of the Legislative Council, and I would have preferred that the report would have gone into the role of the Legislative Council. I think it does a job at the moment, it is a revising chamber and, yes, the House of Keys would take over that responsibility, there would be committees that would look at this legislation, approve it or not as the case may be, and then we come to the constitution of the Legislative Council; I would have liked to have seen that addressed, and the election of the Legislative Council. But I go back to the role, where I understand from this report that the role is that the Legislative Council will disappear, so they have not seen it essential to look at the constitution or the election of the Legislative Council simply because of where they are at the moment and where they started from, but they are not actually spelling out how they get there and why they have got to that position.

The appendix to the report was interesting because it does describe the evolution of the Legislative Council during this century, when it was deemed to be in need of reform at that time, and really, I suppose, that is where we are at the moment. The reforms that were looked for in 1907 we have got to that position now, to a certain extent, but we have not got all the way. In 1907 they were suggesting - this is the Constitutional Reform League, that the Legislative Council should be elected by the people. So we have not got to that yet, but the changes that they were suggesting at that time have now, I think, generally been incorporated, so you could say they were very forward-looking in those days. They managed to wrest the

responsibility from the establishment and place a Legislative Council there that are looking after the interests of the people as the reforming chamber, and I think it is important that that evolution continues.

My position is that the Legislative Council should continue, that they should be elected by the people, with a job description, with their responsibility primarily being parliamentary. I think one of the disappointments in this report was that this committee concentrated on government boards and other areas where they felt that a minister could not be from the Legislative Council but a chair of a statutory board could be, and I have to tell members - maybe they have not realised - that the chairs of boards are in a much stronger position than ministers. Ministers are responsible to the Council of Ministers, to the Chief Minister, to the parliament; chairs of boards are not. Chairs of boards do come before the House to move various issues, but the only way that they can be removed is, I think, a vote of no confidence by the House, and they are there for five years. There is no other limitation on a chair of board. But the committee is suggesting that it is all very well for Legislative Council members, within this, to be chairs of boards but they must not be government ministers. But my position from this is that if a person is invited within Tynwald to be a minister, that is the choice at the moment of the Chief Minister; before, when it had to be confirmed by Tynwald, Legislative Council members have been appointed and have been approved by Tynwald.

Now, when I am looking at this report, I see, as the member who spoke prior to me, that the Legislative Council and the Keys form Tynwald Court and it is all very well, we can wipe history out at the stroke of a pen, but I think it is important that Tynwald continues. I think it is important that we do have the tricameral set-up, and I do not think it should be cosmetic with the Keys sitting as Tynwald; I think there should be this larger body. I do not happen to have the same opinion as some do, that people of the Isle of Man are over-regulated by the number of people they have governing them. There are different responsibilities within governments, local governments and other bodies, and I think we have to take note of differing responsibilities, and therefore I think Tynwald has an important part to play within that. I also think that the Legislative Council have an important but different role than the House of Keys to play within that, and I think it is important that that is recognised. As I said before, it is a role which has evolved, which Tynwald itself and probably the House of Keys have evolved over this century and I think it is important that it has worked well in the past, in the interests of the government of Man which, with due respect to the member for Michael, is in the interests of the people, and I think that is why I come down on the premise that the Legislative Council should continue but should be elected by and responsible to the people.

I was, I think, disappointed - that is probably the word I would use - when this democracy was put at a price. The cost of having this body is £318,000 per annum, and I think if you are going to actually cost democracy you can also look at the House of Keys and you could also say, 'This is too high a price to pay for democracy. We will do away with the House of Keys as well; we will just have one person sitting, deciding what happens next.' That would be the ultimate. The other area is that you would not have any at all and you would just say, 'We will have somebody else decide, the UK or the European Union' or whatever. If you are actually down to costing anything, it is probably not cost-effective for us to live on an island in the middle of the Irish Sea. But we are here, we are governing, and I think to put something down as a cost - it is all very, well but it would seem this is the money that we could do better with,

and I think it is to be regretted that it is simply dismissed with 'We could form all these other committees and have all these other advisers if we had not got Legislative Council.'

So in a way I am a bit sad about this report. It is an interim report. I accept the resolution on the order paper which says that it should be received but I would hope that this committee will go away and look at the constitution and the role of and the election of the Legislative Council, seeing we are in the middle of elections at the moment, and the implications for the remuneration of members of Council. But I come back to my position, before I sit down, that I believe Tynwald is important, the Legislative Council should continue, it should be elected by the people and there should be a job description so that people that stand for that know exactly what they are standing for and they do not get carried away with other things. But I do feel that there needs to be an option there for the Chief Minister, if he wishes, to invite someone from the Legislative Council to be a minister if the Chief Minister wishes. Thank you, Vainstyr Loayreyder.

Mr Downie: Mr Speaker, I will be fairly brief. I think the report is unbiased; I think they have done good work. They have made lots of recommendations in here and, bearing in mind it is an interim report, I think there is still quite a lot of way to go with it. It has provided lots of food for thought. I am somewhat surprised to see that a former Chief Minister, a minister of some ten years' standing and a minister with about seven or eight years' standing, with all this wealth of experience, are keen to see the Council continue and yet reluctant to put their names forward for any sort of elevation into it. (*Interjections and laughter*) I think as far as I am concerned we are seeing double standards right through this debate.

Mrs Hannan: I do not believe it. I believe they should be elected by the people.

Mr Downie: As far as I am concerned - and I understand I have the floor at the moment - there has been too much talking down in the past. It is a good report. I am prepared to support the committee and see what they come up with in the end and decide when I have the rest of the information before me. Thank you.

Mr Shimmin: Mr Speaker, referring to something the hon. member for Peel mentioned when she came to her feet, there does appear to be a reluctance from some people to talk on this issue and I am one of those; I do feel a bit unsure as to where I stand on this issue. It strikes me being a little bit like the Ramsey Pier debate, where we have something which is at present unsatisfactory, it is part of the history, it will take an awful lot of time and effort and is a difficult one to solve and restore to its desired position, but you can dismantle it. Now, just like with the Ramsey Pier, I am loathe to be one of those people who dismantles something which has stood well and served a purpose for many years, but we then have to question whether that purpose for its original origin is still there and whether it still stands up to scrutiny.

There are a number of issues within this report which I find interesting debating points, but there, to me, is a necessary next step, which is the public involvement and then to come back with another interim report where members such as myself who have limited background of how the Council has served in practice - I can read the theory, I have read the book, but I did not live through it - have a lot of difficulty in understanding those members' support for the existing structure. From what I have seen in the last 15 months, I find it inconceivable that we continue the status quo. Having said that, I believe that, as has already been mentioned, there are a number of options which have not been fully examined at this stage, but it is an ongoing

process. I would hope that this committee will take on the comments from those more experienced in the matter than me and look at those as being genuine comments, so there is another interim stage, there is public involvement and that then, when the next interim report comes back, I will feel a bit more knowledgeable as to what the range of options are. I know we have options here but I do not believe that that is fully comprehensive. I look forward to the next stage.

The debate is a little bit stilted today. It appears that we are almost taking sides again and I do not think that is the individual speakers but that is the interpretation of people listening. Therefore our own prejudice on this is going to be one which will make it very difficult in the future to bring about a meaningful change. But I hope that we would all accept there is scope for improvement. There is a desire, I believe, dare I say, on both sides of the House to actually work to improve a situation, and let us not go to the trenches on this one but actually work together to say, 'Yes, we can come up with an alternative to the present structure which will benefit the people and will be an acceptable improvement for all of us.' I will be supporting, obviously, the receipt of this interim report. I do not know what to do on Ramsey Pier (*Laughter*) and I also do not know what to do on this one. Thank you, Mr Speaker.

Mr North: Mr Speaker, I think one of the reasons we are here today is probably because of the ministerial system. I think it is the ministerial system that has created the need for change and I certainly welcome this report. I do not believe that there is a need to do away with the Legislative Council. I do believe that we need to look at some of the things that have been suggested. For instance, I totally agree that the Chief Minister should be elected by the House of Keys. I also believe, in basic principle, that all ministers should come from the House of Keys. (**Several Members:** Hear, hear.) Now, all right, yes, there are arguments for and against and the fact that there might be 10 ministers within the House of Keys, and it has been said that would be far too strong, powerful - so what? What is wrong with a powerful government? As long as it has come from the House of Keys. Now, I suspect that if there is to be some legislation, we should build into that legislation some flexibility: perhaps where, if we run into a situation where there is not the experience or, because of personalities perhaps, whatever, there is not a team of ministers that can operate together but the House of Keys in a majority voting - 16 or 13, whatever - could elect a minister from the Legislative Council, just to have that option. But in basic principle, I think all ministers should come from the House of Keys.

It is interesting to note the Norwegian system where they have a general election and there they have the bicameral situation, with the Storting the equivalent to the Tynwald. But there, when the ministers are appointed and the Chief Minister, they no longer are members of parliament and the second in their constituency takes over. Now, that might well work in Norway but it would not work, in my opinion anyway, in the Isle of Man because we are too small. So, as the hon. member for Rushen, Sir Miles Walker, said, we have to look at it, I think, in the Isle of Man context; we have to look at it as we see it in our parliament, and we have been around for long enough to know what works. And I think we come back to the point that it is the ministerial system that has really made it a necessity for this committee to sit and to have a look at the whole situation. Now, as long as we can actually have a look at it, discuss it and come out with a majority view, that is really what I would like to see.

The election to the Legislative Council - I think something else that we may well look at is perhaps just one term elected to the Legislative Council from wherever - the House of Keys or whatever - and just having one term in the Legislative Council. Now, the length of that term could be decided by the House; it might be five years, it might be seven years, whatever. But it would be the final step and we would have some senior statesmen, hopefully, sitting in the Legislative Council who would be able to help and look at and revise legislation. And again, it is difficult at the moment under the situation and I certainly applaud or not the timing of the presentation of this report. It is quite surprising that it happens to have come right in the middle of elections for the Legislative Council. I am sure the chairman did not manipulate that. *(Laughter)* He is not that sort of person, is he? There is an old saying: 'Do not be afraid to take a big step if one is indicated, because you cannot cross a chasm in two small leaps.' But I am not sure that in this particular case a big step is indicated. So I would certainly look to have some refinements, and I hope that the committee, and certainly in the next stage of the report, will have a look at the pay of Members of the Legislative Council because, for instance, why should a member of the Legislative Council receive expenses that are the same as a member of the House does for his constituency? I think that is totally unnecessary.

I would also like the committee to look at another small constitutional move forward which I have looked at for some time now and looked at bringing a private member's Bill, and I think it is possible, now I have seen the report, that they may look at this and consider making the President of Tynwald as the President of Tynwald only. In other words, the President of the Legislative Council should come from the Legislative Council, not the President of Tynwald, and I have discussed that with Mr President and I think he also feels that that would be a constitutional move forward, so that the President of Tynwald would sit only as the presiding officer of Tynwald.

I think in this whole report there are things that need doing and, as I say, if you really want to do something, you will find a way and if you do not, you will find an excuse. So I hope that the committee will progress, take a note of what is said in this House today to produce a final report which will receive the majority approval of this House. Thank you.

Mr Rodan: Mr Speaker, speaking as a member of the committee, possibly the centre - though not, I hope, the soft centre - the hon. member for Michael was quite right to point out that the members elected from this House to the committee brought to the committee a divergence of views which, to a large extent, reflects the views inherent in the House and a number of which we have heard this morning. And it was for that very reason that from the very outset of its deliberations the committee made the quite conscious decision to cast aside all preconceived notions and beliefs and ideas of individual preference and to start. . . and the hon. member for Peel was quite right, though she made it as a criticism, that this was an academic exercise. To a large extent it has so far been an academic exercise, starting from the position that members should cast aside preconceived ideas and start from basics, and the only satisfactory way really to get underway was from a neutral and impartial position as far as possible about the role, constitution and method of election of the Legislative Council. And it was for that reason that a methodical analysis of the present functions of the Legislative Council was necessary, rather than start from a position, from which it would be very easy to start, that for example, the Council should be directly elected. That is a widely held view and it is a popular view and it is a view that has some merit, but immediately you adopt that position

you are down the route of one option because you have accepted the continued existence of the Council, and that is not an impartial position to start from and it throws up all sorts of new questions to be addressed, one of which was brought out this morning of the role of the Council as an elected body vis-à-vis the Keys as an elected body. So we started from the position of looking at the role of the Council: first of all, what do they do at the moment, how do they do it, how else could it be done - the things that they do - and who else could do it? And it seems to me that this was the right way to start off, and there is a long way yet to go.

So far, as the chairman, Mr Quine, the hon. member for Ayre, has pointed out and as the report makes clear, only three provisional conclusions have been reached by the committee, and those three provisional conclusions on which there was unanimity related to the vote and appropriation of public moneys, the appropriateness of members of the Council being appointed as ministers and the question of the nomination of the Chief Minister being exclusively a matter for the Keys.

These are the only three matters in which definite conclusions have been reached by the committee. The committee now, as it makes clear right at the start of the report, seeks direction from the members of this hon. House. On the very start of the report, page 2, it says in paragraph 1.3.2, 'we have unanimously reached some provisional conclusions and provisionally identified a number of options for the reform' of the Council. 'We would find it helpful to hear the response of Members in the House to these provisional conclusions and options for reform before proceeding further with our enquiry.'

This is exactly, of course, why this is an interim report and it is satisfactory that views and opinions, some quite diverse, have been expressed this morning, some quite forcefully, and I do hope all members will take the opportunity to write to the committee, perhaps expanding on some of the views that they have put forward this morning, because we are at the stage now of taking the whole process forward from the three provisional conclusions, to take on board the opinions of members of this House and to progress the options in more detail, as the hon. member Mr Brown has requested that we do, to put more flesh on the options, because the options themselves do have considerable implications for the parliamentary procedures across the board for the continuing role and workload of members of this House and the very existence of Tynwald itself, as has been pointed out, and for the operation of government.

So it is no mystery that, if there has been criticism that there has been too much said about the way government operates as opposed to parliament, it is precisely because the structure of parliament determines the way government itself operates. So all these things overlap each other and people are quite right to say that there are great implications for going down the road of any particular option and this why the options have been highlighted in a broad brush sense, perhaps, than with the necessary detail that will be required for members really to make a definite decision.

So this is as far as this debate has gone so far. It has been, I think, extremely helpful to the committee to be able to take on board and to carry forward the looking at the various options that have been identified.

Mr Gilbey: Mr Speaker, I would like to comment on some of the points that have been made. I thought the hon. member for Castletown made some very useful suggestions and I do agree with him that there should be no question of the electorate electing a President of

Tynwald. As he says, we are not a republic and I am sure we do not want someone like President Clinton.

Mr Cretney: Or Reagan!

Mr Gilbey: He believes that we should have three chambers.

Mrs Hannan: Yeltsin!

Mr Singer: Yeltsin will get rid of him!

Mr Gilbey: Well, they are all good examples of perhaps rather undesirable people. He believes that we should have three chambers and warns us of the dangers of a unicameral system, and I certainly agree with that. I fear, however, I cannot agree with him that the Bishop should not have a vote in Tynwald. I believe that he should continue with the same position as he has at the moment. However, I certainly agree with the argument that the Attorney-General should be in this hon. House, not as a voting member but as someone who could explain and advise on legislation, most of which starts off in his chambers so he is uniquely placed to do this, and indeed I think I have suggested this in the past.

He says that we need to fully examine changes to the Keys that would result from changes to the Legislative Council. Other hon. members have referred to this, and I am sure it is absolutely essential that, whatever changes the committee ultimately recommends, they should have thought through right to the end what effects those changes would have. I certainly agree with him that change is only justified if it is really in the public interest, and although everyone in this hon. House is very concerned about this, I do not believe there is nearly the same degree of concern with the electorate. I believe they are far more interested in things that affect their day-to-day lives, like the prosperity of the economy and other matters. Personally I do not believe that the changes proposed by the committee so far are in the public interest or necessary, and I will come to them in a minute.

The hon. member for Rushen, Sir Miles Walker, said there is nothing wrong in having a parliamentary assembly that is unique to us and I quite agree with him. We have often said that it is our differences that are important, and I do not see any reason why we have got to go searching round to see what other people are doing in other parts of the world, where their way of life is totally different and often not one that we would want to copy. I also agree with him that the system has served us well. We have had parliamentary stability which is indeed one of the great strengths of this Island, and we must not forget the importance of stability to our economic wealth, particularly to the manufacturing and financial sectors. I also support his view that no-one is going to want to be in the Legislative Council unless it does have worthwhile duties going with membership. Just to be there and have no powers at all would be a complete sham. I also totally support his view that there is nothing wrong with the Keys acting as the electoral college. I personally see the very gravest dangers in having two elected bodies. I believe that, as some hon. members have referred to in respect of America, the two of them could fight like a cat and a dog. They would be arguing continually as to which is the most important, particularly if you had them elected on different bases. For instance, if the Legislative Council was elected on an all-Island basis, clearly those elected to it would say they had a greater mandate than we who are elected on a constituency basis. The same could well be argued if they were elected on a regional basis. They might well say they were more important than we are.

I was very interested in the point the hon. member for Peel made about the remuneration of members of the Legislative Council. I do believe this is a point that should be considered, but to me it obviously depends on what duties are finally assigned to them. A very important one is: do they, should they, have constituency duties? Some of them say that they do, but this needs be clarified. Indeed, should they have expenses, should they have the same remuneration as members of this hon. House? I believe it depends, if they are meant to have constituency duties, what their legislative duties are to be or not to be and what part they are expected to take in government.

I also think that the point raised by the hon. member for Middle, Mr North, about the length of term in the Legislative Council is a very important one. We should remember that this has changed at various times in history, and I think that there could well be merit in having it a period of seven years, as it was in the past. I believe that this would encourage more people to stand because they would feel that it was worth their while to have this longer term compared to the five-year term in this hon. House.

Now, turning to the particular recommendations in this report, I frankly cannot agree with 5.1(i) that all votes regarding financial matters should be exclusively the confidence of the Keys. If we believe in the continuation of Tynwald, as I certainly do, I believe that Tynwald should continue to be the body in which we debate and vote on financial and policy matters. Again, I just cannot accept 5.1(ii) that it is inappropriate for Members of the Legislative Council to be ministers of the Isle of Man Government. I honestly do not think that hon. members have considered the effects of that on this hon. House, except for the fact perhaps that more people here would be ministers than there are at the moment. As some hon. members have mentioned, it would lead to the Chief Minister having a virtually permanently built-in majority.

Now, can this be right? I just do not believe that it is right or would be right. Now, all right, people say 'no'. If you do not want him to have one you must reduce the number of ministries, but which ministries are you going to do away with? Are you going to do away with agriculture? Are you going to do away with tourism when at this very time the whole discussion is actually about having possibly more ministries rather than less? Again, I believe that what counts with ministers is the ability of the person to do the job in the interests of the electorate and just because they are in the Keys and not in the Council it does not mean that they are the most able persons and I believe the Chief Minister should be able to look for the most able people to put in his team.

Again, for the same reasons that I cannot agree with financial matters being just the prerogative of this hon. House, I cannot agree, if we are to continue with Tynwald, that the nomination of the Chief Minister should solely be a matter for this hon. House.

Going on to the options for reform of the role of the Legislative Council, I personally believe that we should go for number 5, limiting the functions of the Legislative Council to revising and delaying. That is what I believe it should be, a revising and delaying chamber, and I hope that it will continue in much its present form in that guise.

Mr Gelling: Mr Speaker, I think, if I was one of the committee members - and I do not envy their task - I would be looking this morning, hopefully, for some consensus of opinion of what actually we are trying to achieve, and I think this is where possibly, when I listen to our hon. committee man, Mr Rodan, they started in a neutral position. Now, I have been sitting

here listening carefully to the contributions, but it keeps coming back to me a little like the hon. member for Douglas West, Mr Shimmin, and his pier at Ramsey, and I have a similar thought: we are all standing on the banks of a river and we all devise ways of getting over there and this tells us exactly all those particular ways - we could build bridges, swings, but why do we actually want to get to the other side of the river? Now, is the Legislative Council too costly? Is it a financial reason? Is it only because ministers come from that Legislative Council at the moment because it is possible to do so and they should not? But then, if they were popularly elected they would have every good reason to say, 'Well, why shouldn't they?' So there is an awful lot of areas here of explicit reasons or, should I say, ways we could do it, but I stop to question, why do we actually want to change it? Out there I would say that the majority of people in the Island still believe that we elevate people to the Legislative Council. If you talk to the general people out there that are not familiar with what goes on in here, it is an elevation to the Legislative Council and I think this is how they look upon it and people do say to me at times, 'Well, what is the problem? What have you got with the Legislative Council? Is it a problem? Do they cause you a problem, an embarrassment? Have they caused a crisis? What is it and why is it perhaps that you want them changed?' So therefore I sit here and I read the report and I see all the ingredients there, but each one can eliminate the other, and basically I would have thought the committee today would be looking for a consensus that ministers should not come from the Legislative Council and then that could be addressed, or the Legislative Council should be popularly elected and they could address that, and this is the problem, I think, that I have in looking at this particular document. It is an interim document which gives us all the ingredients, but I still do not know how the committee are going to address what they are trying to achieve, because I cannot yet find what that aim is, and I think it is important that we have some idea from our debate today as to what we are trying to achieve so the committee can now go away and put all this together in a way to actually achieve that aim, and I think this is the situation that I see.

Now, for argument's sake, Mr Speaker, just in comment on what might happen if the Keys took upon itself all ministers from the Keys and you immediately look perhaps at the Gibraltar situation. Now, the Gibraltar situation is they have an election for the Chief Minister and then he gets one more than the opposition and they stay in office for five years and they change it all around and the others have a turn. Now, basically that is the system, it works, but in this House it would be exactly the same: you would have 10 ministers, three board chairmen, totalling 13; they would operate for a five-year period. There are so many other alternatives, and I really wonder what it is we are trying to get at. Without repeating myself, Mr Speaker, that is what I see as possibly the problem. Also if this body, the Keys, had just the Keys and the Legislative Council went, I am quite sure and I have to agree that Tynwald would go; now, if that is what we are trying to do, have one chamber, fine, we can then address that and we know how to get there, but it would put an awful lot of weight on members of the Keys. You would have to have absolute full-time members in the Keys, because I have to say that but for the fact that at the present time we have other members to draw into doing good work in the departments, we would have great difficulty.

So there are a lot of problems to address, but I still find it a little difficult as to whether there is a consensus of opinion within this House that we are trying to achieve one specific aim and if it is, what that aim is, sir.

Mr Cretney: Democracy.

Mr Cannan: Democracy, quite right.

Mrs Cannell: Mr Speaker, I really did not intend getting on my feet at all today until I heard the Chief Minister get to his feet. He asked us to consider why it is that we find ourselves in the position where we are looking at an interim report here today on the subject of the Legislative Council, and I think what we have to do in answering that is to cast our minds back to the debate of 1996 when this select committee was voted and put together, and there were all manner of concerns raised at that time as to the present function of the Legislative Council, the distinct dissatisfaction with some of us with the Legislative Council, and also looking at and wanting to have more effective representation for the people of this Isle of Man. Those are some of the reasons, but there were many more and this was why the select committee was appointed and have been deliberating for quite some time.

One thing which has not been mentioned today - and I have enjoyed today's debate and I have listened hard and some of the arguments are the old arguments that we have heard year in, year on, but there have been some new viewpoints put forward and I welcome those, because that will help the committee in determining where to put the meat on the bone - is the election of the members or members to the Council; that has not been mentioned by any member here, only in by way of passing criticism in that we have not as yet addressed that, but it has not come from the floor of this House as to how members. . . other than what the Chief Minister, if I have understood him correctly, has said that it has always been regarded by the members of the public to be a place of elevation - that is, a place where an elected member is elevated from this House to another House upstairs, that being the Legislative Council, and I think it is important that we all consider that, particularly as it has been mentioned by the hon. member for Middle, the timing of this particular report in relation to what is going on. That, I am aware as a member of the committee, has just been a mere coincidence, but perhaps a timely one.

Some of the suggestions that have been made in this report, some of the suggestions that have been put - it was originally, when the mover got to his feet, it was suggested to members this is by no means the end of all of the suggestions that we could consider. There are many other options that perhaps we could consider, and it would be very useful, I believe, if members of this House, who feel sufficiently strong enough, one way or the other, to perhaps moot those other suggestions that perhaps we have not covered or considered, and I think now the time is coming to be able to do that. Obviously the minister will reply as he sees fit, but as a member of this committee I actually take a little bit of umbrage with some of the criticisms that were mentioned earlier on in the debate with regard to the need to protect the public interest, and that is paramount in my mind and I know it is paramount in all of the minds of this select committee and indeed the majority of members of this elected House, and that is why we are here - to protect the public, to protect the public purse and that is what we are trying to address with some of the suggestions that have been put forward into this interim report, and that must not be forgotten by any member or minister in this House. That is uppermost in our thoughts.

It was also mentioned that we must be careful; this was with regard to the role of ministers in terms of ministers not being appointed who are Legislative Council members, because members of departments who also might come from the Legislative Council may

have delegated responsibility, but when an ordinary member like myself who has delegated responsibility looks at the definition of such responsibility, it bears no resemblance to that of a minister, absolutely no resemblance whatsoever -

Mr North: Quite right!

Mrs Cannell: - because at the end of the day the member can do all the work he or she likes, can do all of the groundwork, can separate the wheat from the chaff, and that is provided for under delegated responsibility, but the buck stops with the minister -

Members: Quite right.

Mrs Cannell: - because the minister - and it is quite right - can step in at any time and he or she can say, 'I do not agree with that particular move that this member has made and therefore I am ruling this', and that should not be forgotten. So although members of the Legislative Council may not in future serve as ministers on the Isle of Man Government, if that is the wish of this House -

Mr Cannan: It is.

Mrs Cannell: - I see no harm in them, if they remain in office, if we want them to stay - and that is also a question that we should be thinking about - I would have no qualms about them being on departments at all, if that was felt appropriate.

A Member: Without delegated responsibility.

Mrs Cannell: With or without delegated responsibility, it makes a jot of difference. What does a member receive by way of delegated responsibility? He or she gets a piece of paper to say, 'I have delegated you to look at this responsibility, or in my absence you may look at this,' but the buck stops with the minister, and of course a certain amount of responsibility is delegated to the chief executive of that particular department also.

Now, it also has been mentioned about the all-powerful block vote of the Council of Ministers if they were to come from this House, and I have to say that we have to consider there are 24 elected members in this House. At present we have nine ministers and we have a Chief Minister, and that makes 10. One thing I would like this House to really seriously consider is to reduce that number at least by one, and the way I would envisage it being done is that the Department of Tourism, tourism-related, agriculture-related issues, those two industries ought to be regarded and respected as proper industries in my opinion and should come under the Department of Trade and Industry. (*Interjections*) You save two, but equally - and I have stated before and it is still my opinion, the DHSS is too heavy for any one individual to take charge of and therefore Social Services should be taken away, because it has no resemblance to the other responsibilities of that department. So thereby you create one new department and you save one ministerial position, but you also get better accountability for two particular areas within the responsibility of this government, and those are tourism and agriculture. That is only my opinion, but I am aware that it is shared by some members in this House. That is one way, one suggestion and there will be others.

That is more or less all I wanted to contribute to the debate (**Members:** Hear, hear!) other than to finish by saying, Mr Speaker, one or two members are concerned because within this report the select committee quite rightly identified that if we were to abolish the Legislative Council altogether there would be considerably more work for the Members of the House of

Keys. That is to say, following on from the words of the Chief Minister, we would need full-time members of this House.

Mrs Hannan: Yes, hear, hear.

Mrs Cannell: In my opinion we should have full-time members of this House.
(Interjections)

Mr Brown: No school holidays then!

Mrs Cannell: Members of this House who are elected to represent the people are being paid well.

Mrs Crowe: Yes, and some of us are.

Mrs Cannell: We have recently had a rise, we get paid well. We get paid for a full-time job -

Mrs Hannan: Yes, we do a full-time job.

Mrs Cannell: - and we should be delivering a full-time job, and I have no qualms whatsoever about having to come in here and sit in here every day and I can inform through you, Mr Speaker, with the greatest respect, the Minister for Agriculture, I am in this House every day -

Mrs Hannan: You are not in this House every day!

Mrs Cannell: In this building every day working. I do not browse in on a Thursday morning going to a Council of Ministers sitting.

Members: Oh!

Mrs Hannan: I do not just sit round doing nothing all the time!

Mrs Cannell: I come in every day.

The Speaker: Hon. members, please!

Mrs Cannell: Mr Speaker, there are many other backbenchers here come into these offices every single day from where we work. We either go on to department meetings, we come here, we go to another place or we are busy doing constituency work and research, and we do very much work full-time. It is unfortunate the same cannot be said of all hon. members here today.

Mrs Hannan: Utter nonsense!

The Speaker: Hon. member, I want to make it quite plain that as far as I am concerned I consider that every hon. member of this House does a full-time job. Irrespective of whether they sit within this brick building every day of the week or not, you have constituency work to do, you have other work outside to do. (**Several Members:** Hear, hear.) There should be no question whatsoever about that. Does any other hon. member wish to speak? Can I therefore, bearing in mind the clock, call upon the hon. member for Ayre, Mr Quine, to wind up the debate?

Mr Duggan: Ten minutes, Edgar!

Mr Quine: Thank you, Mr Speaker.

Mr Corkill: Don't be long - Adrian has got a funeral!

Mr Quine: It has been an interesting debate. It is not the type of subject, sir, where we would expect to get a high degree of consensus. I think that would be too much to expect, but let me just remind members where the select committee came from. I know it has been said once or twice already this morning, but it is the key that underlies the approach taken in this report.

We took the view at the outset, looking back on some of the past exercises, which, to put it mildly, floundered, and we decided that if we were to have any chance at all of delivering what we were given a remit to deliver, then we must do it in an objective fashion and try to put before hon. members certain basic information, then come back to hon. members and say 'Look, this is what we have identified for you, please let us have your views' and, as I said in my introduction, then we will pick that up and run with whatever needs to be carried forward. That is the approach we have taken and I believe, having heard today's debate, that we have taken the right one, because quite clearly there is such a divergence of views that if we had taken a highly subjective approach instead of an objective approach we would have got nowhere at all, but I think, having heard what has been said today, there are a number of areas where there seems to be a considerable area of agreement, even if it is only on the periphery of some of the activities of the Council.

If I can now turn to some of the contributions, the hon. member for Castletown said that we have got to be careful in carrying this exercise forward, and I think by implication he was being critical in that he was inferring that the exercise that we have carried out today has not taken into account the public interest. That I completely refute. What we have done is look at second chambers in other places to see what is the role that they fill in securing the public interest, and we have then looked in an impartial fashion at what the Legislative Council is doing now, and if what they are doing now, in the opinion of the hon. member for Castletown, does not represent a great deal and does not represent a securing of the public interest, well, that is a criticism of what we have now. I believe that we can do no more than put these facts before you. You have got the facts, you can draw your own conclusion whether or not the Legislative Council as presently structured and operated is delivering on that public interest. Being chairman of this committee I will not offer my personal view on that matter, but it is there for you, we have done it objectively and it is entirely a matter for your good selves to arrive at a conclusion.

Another point I would take just to comment on here is that the hon. member for Castletown refers to the dangers inherent in the unicameral system. I do not accept that at all. As pointed out, indeed I think one other member pointed out, there are as many unicameral as bicameral systems in place, and indeed the trend is for more unicameral systems. If we look towards systems such as New Zealand, which has been in place for 50 years, I think it is not sustainable to suggest that a unicameral system is in any way hazardous or dangerous. It can be as good as any other system provided the right balances are struck when you put the totality of the parliamentary system together, and that is what we will need to do: we will have to put the meat on the bone.

A third point which I think I will comment on is - and really I would have thought the hon. member for Castletown would have taken this for granted - he said that when we are moving this exercise forward we must take into account the implications of all these moves. Of course

we are going to do that. What we are trying to do at the moment is draw members to let us have their views. We will clearly identify for you the implications of any of the propositions which we bring back to this hon. House. That will be done, I can assure you.

I think there are only three points there. I thank the hon. member for Michael for his contribution. He has expressed a view leaning towards a unicameral arrangement, and other members have expressed other views. I can just give him an assurance that his views and indeed other members' views will all be taken on board by the committee when we go back and take stock of what is the product of this debate. So I thank him for that contribution.

The hon. member for Rushen, Sir Miles Walker, poses the question of whether Tynwald or Keys is the parliament. I think it is somewhat academic as to what we may feel is the parliament. What matters to me is that the power should rest with the elected members, and you can call that what you will. I think I could not subscribe to the views that indirectly elected members, under whatever title or nomenclature, stand in the same position as directly elected members of this House. We are here on a direct mandate and we have stood before the public and expressed our views to a greater or lesser extent and we have been returned, and I do not think we can be put in the same position as members of the Legislative Council. It would be foolish, I think, to try to couple us together in that way.

Sir Miles is concerned that at the end of the exercise we may come up with a proposition that could emasculate the second chamber. There is no danger of that being a product of this exercise unless - and I stress this - the facts take us to a situation where there is not a role to be performed. It has got to be based on fact, and that is what we have tried to do in this exercise. We have looked impartially at the role that should be filled, the role that is being filled, we have looked at the alternatives for filling those roles and if the conclusion is that there is not a material or substantial role to be fulfilled, then we would be failing in our duty if we did not come back before this House and say 'That is the situation, you take a decision on it,' but there is certainly no hidden agenda to emasculate the second chamber to a point where it disappears. I am afraid in a way the position of the Legislative Council is something akin to local government, and that is that if we do not have a meaningful role they will fade away and that applies to the Legislative Council, local government or any other organisation. If the need for that body is not there, then we should not be surprised if it fades away.

The hon. member for Peel seemed to be perhaps the one member who was most disappointed - at least I got that reading - with the product of this interim report. I think she seemed to feel that we should have come forward with much more finite proposals that we have done. Well, I have explained the reason for that. We could have done that and I suppose we could have had the same non-productive exercise as some of our predecessors have experienced. We have tried to take a different route, hoping that it will be more productive. So I do not feel that as chairman of this committee - and I am sure the other members of this committee do not feel - they have fallen short in the remit that was given to them by this House. We are taking this step by step and hopefully we will be able to carry with us the support of this House in producing a product which will find favour with this House at the end of the day. We have produced, in other words, not a set of solutions; what we have set out to produce and what I believe we have produced today is a menu for hon. members to look at and in order to lead them through in a debate, and whether some members prefer to be forced as opposed to having a menu, that is a matter for them, but the view of the select

committee is that we have produced the facts, we have laid that menu out. We hope that that will be sufficient to induce debate. If some members are unhappy with that and wish to be force-fed, that is a matter for them.

The hon. member again focused on the issue of board membership. This committee has not taken a definitive position on board membership; we have pointed out at least two points of view in relation to board membership. Hon. members will have their own views, and when we come back with further and better particulars, as the lawyers say, I have no doubt we will have a more defined view on it. We were simply focusing on the issue of the boards and saying that there are two ways at least that you can look at boards and the role that they perform.

Hon. member, I think probably the one comment that has irritated me most is the question of democracy at a price. This select committee has not taken that view at all, and I think it is most unfortunate that the hon. member for Peel should read that into it. What we have done is set out in this report that this body costs a certain sum of money. Within this report there are other approaches to fulfilling the tasks, such as they are, currently executed by that body and we would have thought that hon. members would have been interested to know that that is what that arrangement is currently costing and it gives them some idea of what there is by way of an offset to put alternative systems in place. It is not a question of us saying that is the price of democracy. I, amongst others, I am sure, in this hon. House are just as keen on democracy as the hon. member for Peel, perhaps more so.

Mr Cannan: Hear, hear.

Mrs Hannan: You are not. One person, one vote!

Mr Quine: I think we are into a different debate! *(Laughter)*

Mrs Hannan: We are, but it is worth mentioning.

Mr Quine: Mr Speaker, I thank Mr Downie for his support of the committee. I think he realises the way that the committee is working forward, and I thank Mr Shimmin for his contribution which, if we have not found an answer to the Legislative Council, so we have not found an answer to the Ramsey Pier. The one point which he ended up with that I think is worth bringing out in this summing up is, he said he does not wish to see members go down to the trenches; he does not want members to get embedded in positions and that we should keep an open mind and move forward and look at this objectively, and I commend the hon. member for that because, if we are going to get anywhere with an exercise such as this, that is clearly important. If we are going to take set positions then it is going to be very difficult indeed to move forward and get a meaningful return from this exercise, so I thank him for reminding us of the need not to take our positions in the trenches.

I thank the hon. member Mr North for two or three interesting thoughts that he injected into the debate, and we will certainly take them on board when we go back to our committee stage, so I thank him for that. Again, he finished on an important note, and the important note that he finished on was, we must not find excuses not to do things, **(Mr Cannan: Hear, hear.)** equally important, and I am afraid one of two contributions this morning sounded as if those one or two members are already finding excuses not to look at this with any objectivity.

The hon. member for Glenfaba, Mr Gilbey - again, of course, this is the sort of contribution I expected from the hon. member for Glenfaba. He is a conservative in every sense of the word and, quite clearly, when you look at his approach towards the Legislative Council, that is his position too: he is not, basically, in favour of any change. But there is one argument that he put forward which I think I must respond to. He took the position that, in terms of the selection of ministers, it should be the best man for the job, whether he is in the Keys and directly elected or whether he is in the Legislative Council, directed by a chamber. I would simply remind the hon. member that if we are to follow that line of thinking, we can take them in from outside and have them with no mandate whatsoever. It is just a question of how far you take that argument. As far as I am concerned, the issue of whether or not a minister of the Crown has a direct mandate from the public is an important issue, and I think we are right to consider that in the context of this exercise.

Again, he seemed to suggest that where there were systems where both chambers were elected, this was not a productive exercise and that if we had, by implication, two chambers, a Legislative Council and a Keys, both subject to popular election, that that would not work. Now, I am not saying whether it would or whether it would not, but what I would say is, there are an abundant number of examples where we have both chambers elected and where it works very successfully, and perhaps I could just remind the hon. member that the United States probably has the strongest and most vibrant economy in the world and they are both popularly elected.

The hon. member for Malew and Santon, Mr Gelling - I could not really gather where he was coming from at one point in time. He said he knows what we are putting before the Keys, or what we are suggesting should be examined in greater detail to come back to the Keys, but he was not sure why. I would have thought that that is very clear for the simple reasons, and I apologise for repeating it, we have looked at the role of second chambers, we have looked at what they are doing, and if you read those sections of this report you, I would suggest, must be led to the conclusion that there is a need for change. That is where we are coming from, and I think that is a logical and sensible position to move from. So I do not think we have fallen short there at all.

I thank Mrs Cannell for her support. Mr Speaker, it is an immensely important subject; it is an immensely complicated subject. That it is complicated and difficult to come to terms with is, I think, well underwritten by the fact that we have had, over the years, several attempts to do something about this subject. We as a committee have tried to come at it from a step-by-step approach on this occasion. We have tried to bring with us the information upon which members can take a viewpoint and, with the feel that we get from that, to move forward and say, 'Right, we can now put the meat on the bone.'

Now, with that in mind I must ask myself, what is the overriding message that has come from today's debate? Well, I think two things really: firstly, the message that I have got from today's debate is, apart from the options which we have identified in the report, no other options have been put up here today. I have listened very carefully waiting for yet a sixth option. We have heard mention of one or two variations of a theme, but there have been no additional options put forward here in today's debate. So I think that is a message that this select committee can consider. And the second message which comes through is that, even taking the member, perhaps, who spoke and advocated the least change, taking the hon.

member for Glenfaba wandering around with his concrete boots on, even he was prepared to support option 5; even he felt that that option would be acceptable to him, and that must be a step forward!

Hon. members, thank you for indulging in this debate. Thank you for your contributions and with that, sir, may I move that the report be received.

The Speaker: Hon. members, the motion is that the Interim Report of the Select Committee on the Legislative Council be received. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, that draws to a conclusion our order paper for today. The House will now stand adjourned till Tuesday next, 31st March, at 10 a.m., again here.

The House adjourned at 1.13 p.m.