

REPORT OF PROCEEDINGS OF HOUSE OF KEYS

Douglas, Tuesday, 28th October 1997
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); Mr P Karran, Hon R K Corkill and Mr J R Kniveton (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.

TRIBUTE TO THE LATE PAM O'CONNOR

The Speaker: Hon. members, it is with extreme sadness that we learned this morning of the death of Pamela O'Connor, a parliamentary officer who served the members of this House extremely well in recent years. Her death in Manchester Royal Infirmary last night comes as a shock to us all; during this last summer we knew that Pam was under considerable stress, but her entry to Noble's Hospital for major surgery and consequent transfer to Manchester was unexpected. Along with her colleagues in our office, I am sure, members, we will all miss her cheerful banter from her corner desk, from where we will no longer be greeted with her smile. Our thoughts and our prayers today must be with her husband Frank, sons Dan and Gary, and her immediate family, and I ask the House to stand for a moment's silence in her memory and in support for that family.

The House stood in silence.

The Speaker: Thank you, hon. members.

APOLOGIES FOR ABSENCE

The Speaker: Now, turning to our order paper and the business of the day, hon. members, I have granted leave of absence from later this morning for Mr Kniveton, who will be going away on government business, also to Mr Houghton who will be missing for this afternoon, and to Mr North, similarly, who will be missing later.

CRIMINAL RECORDS AGENCY — QUESTION BY MR SINGER

The Speaker: Can we then turn to the order paper and for oral answer, question number 1. I call upon the hon. member for Ramsey, Mr Singer.

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

- (1) *Does the government intend to establish an Island criminal records agency; and, if so*
- (2) *when do you envisage it being established?*

The Speaker: The Chief Minister to reply.

Mr Gelling: Yes, Mr Speaker, we will be putting forward proposals for a criminal records agency. The legislative programme for this year, set out in appendix 14 and at item number 10 of our Policy Review includes a Bill for just that purpose. The timing of the establishment of the agency will, therefore, be dictated by the time it takes to bring forward the legislation and by the length of the legislative process, Mr Speaker.

Mr Singer: Mr Speaker, I thank the Chief Minister for his reply. Is the establishment of the Island's criminal records agency in direct response to the refusal to supply information from the UK police national computer, and secondly, if a criminal records agency is established in the UK would you anticipate establishing reciprocal arrangements between the Manx and the UK agencies?

Mr Gelling: Mr Speaker, I am not aware that in fact the police have been refused information off the computer in the UK. That is something I will have to investigate. I am not aware that that is the case, but certainly the passage of the criminal records register will depend on, I would suggest, the Rehabilitation of Offenders Act, which was brought to Tynwald Court, I believe in 1992 and rejected, and that is something I know that the Department of Home Affairs wish to have a look at prior to us going down the road of putting together the drafting of the legislation for the criminal records agency.

Mr Singer: Can I make it clear, Mr Speaker, that it is employers that have been refused information from the UK police national computer. Will the establishment of the Island's agency entitle employers to properly require prospective employees to provide information which is now being withheld because of this refusal to supply information from the UK?

Mr Gelling: Mr Speaker, I am sorry, the hon. member is asking me something which I have not researched. It was basically on the criminal records agency to which I responded and I will have to look further into the suggestion that has been put forward that employers are being refused.

**CRIMINAL RECORDS —
VETTING OF JOB APPLICANTS —
QUESTION BY MR SINGER**

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

Mr Singer: Thank you, Mr Speaker. I beg to ask the Minister for the Treasury:
Does your department find it acceptable, under the terms of the Data Protection Act, to vet the criminal records of applicants for the following occupations:

- (a) school crossing patrols;*
- (b) approved driving instructors; and*
- (c) taxi drivers?*

The Speaker: The Minister for the Treasury.

Mr Corkill: Thank you, Mr Speaker. I can well understand the hon. member's concern that it may be unacceptable in some circumstances for persons with certain criminal records to be employed as school crossing patrol officers, driving instructors and taxi drivers. It may also be unacceptable in some circumstances for others with certain criminal records to be employed in other occupations, such as schoolteachers and child care officers. However, the hon. member is perhaps under the mistaken belief that data protection legislation is a Treasury responsibility. I can assure him that it is not. My department has to register separately with the data protection registrar, who is an independent person and only the Council of Ministers can modify the data protection principles.

However, the Department of Home Affairs has within its legislative programme for the current session a Criminal Records Bill which will establish a system and procedure for the issue of certificates relevant to criminal records. It may be that that Bill will provide the hon. member with the safeguards he seeks. I suggest that he take this up with the hon. Minister for Home Affairs as I am unable to assist in this matter further.

TRANSPORT — NEW BUS NETWORK — QUESTION BY MR SINGER

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

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

(1) *Has your department (a) applied for and (b) been granted road service licences for the proposed revised bus services network; and,*

(2) *can you now confirm that the routes of the Ramsey 'Skipper' service will remain unchanged within the new bus network?*

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

Mr Cretney: Thank you, Mr Speaker. I am delighted to confirm that, yes, we have applied for three express bus services: one from Port Erin, Port St Mary and Castletown; one from Peel; and one from Ramsey to Douglas. These form the first part of the new bus network proposals which were the subject of initial public consultation in December 1996. The Road Traffic Commissioners met to consider our application yesterday and the result of their deliberations will be communicated to the department in due course.

Proposals to revise the Ramsey Skipper service have not been finalised. However, I can assure the hon. member that we hope to make improvements to the existing Ramsey Skipper Service as part of our overall new bus network proposals. In addition, as I undertook during the March sitting of the House of Keys, the proposed new network timetable will be the subject of further public consultation before implementation.

Mr Singer: Mr Speaker, I understand that you have applied for the express services licences, but when do you anticipate applying for the road service licences for the whole of the new network, and can you tell me what length of time normally will elapse between obtaining licences, obtaining union agreement and introducing the services?

Mr Cretney: We hope, Mr Speaker, to make significant progress before the end of the year. I make no secret of the fact that I am disappointed that it has taken as long as it has so far and I am anxious that we make progress.

Mr Downie: Mr Speaker, I would like to ask the minister: given that elements of the Skipper bus operation have been highly successful in Ramsey, when are we likely to see a similar operation introduced into the greater conurbation of Douglas and Onchan?

Mr Cretney: Mr Speaker, I am anxious that the service which is provided to the residents of Braddan, Onchan, Douglas, et cetera, is one which will be suited to their needs. I am convinced that when our plans are finally published, the hon. member and others representing these areas will be content with our proposals. It is our intention to provide frequent bus services in these areas in order to try and encourage commuters who have a short distance to travel to perhaps consider leaving their cars at home.

Mr Singer: Mr Speaker, can the minister confirm that the new bus service can run within the existing budget and that you have enough drivers, not including supervisors, to implement a full service, and can members of the public be assured that, apart from minor modifications, the new network proposals will work satisfactorily?

Mr Cretney: Yes, it is the intention of the department, Mr Speaker, for the new service to be run within our existing budget; in fact we have made commitments to that effect. Part of the problem, in order to do the mathematics which follow from the setting out of the routes, is to make sure we can do just that. We think that is important. We do, though, believe we will attract additional passengers which will have an impact on revenue. I am sorry - what was the second question?

Mr Singer: The number of drivers.

Mr Cretney: As members will be aware, there are manpower restrictions and we are not exempt from these manpower restrictions. We are keen, therefore, that the services will be provided within the existing supply of drivers. If that does not prove to be possible, then obviously we will have to make representations elsewhere.

SPORT — RAMSEY GRAMMAR SCHOOL ATHLETICS FACILITIES — QUESTION BY MR SINGER

The Speaker: Question 4, hon. members, and I call upon the hon. member for Ramsey, Mr Singer.

Mr Singer: It is getting very tiring, this getting up and down! May I ask the Minister for Tourism and Leisure:

(1) *Will the proposed artificial sports surface to be laid at Ramsey Grammar School cover the present running track so that there will be no track facilities for athletics on this site; and, if so*

(2) *on what site does the department intend to provide track facilities for athletics in the north of the Island both for Ramsey Grammar School and the local athletics club?*

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

Mr Cretney: Thank you, Mr Speaker. In recognition of the importance of an all-Island synthetics pitch development my department was allocated resources of £1.3 million as part of the Policy Review process to implement the strategy. This is to provide three synthetic areas: one at Ramsey Grammar School, one at Queen Elizabeth II High School, and one at Castle Rushen High School. As a first step in this process, a client team was formed from officers both from my department and the Department of Education. One of the initial tasks of that client team will be to evaluate the various potential locations within the three school grounds. In relation to the Ramsey Grammar School development, there are a number of siting options, one of which could be the area currently occupied by the grass track. In the event that it was decided to utilise the site currently occupied by the grass track, the department would discuss with the Department of Education the relocation of the grass track elsewhere in the school grounds.

Mr Singer: Mr Speaker, would the department consider, when the ground preparation is being done for the hockey pitch, enlarging the area of ground preparation so that an all-weather track could be placed around the pitch?

Mr Cretney: I am sorry to say no.

PRESCRIPTION CHARGES — QUESTION BY MR KNIVETON

The Speaker: Moving on to question number 5, hon. members, and I call upon the hon. member for Onchan, Mr Kniveton.

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

Is it your department's intention to recommend an increase in prescription charges in the near future and, if so, to what extent?

The Speaker: The member for Health and Social Security to reply, Mr Karran.

Mr Karran: Vainstyr Loayreyder, as the hon. member is aware, the Treasury requires each department to review its services charges on an annual basis. This applies equally to the National Health Service's prescription charges as it does to other charges applied across government. The extent of this year's review is currently under consideration. Any decision to increase prescription charges will, of course, require Tynwald approval.

In undertaking the review it is recognised that approximately 85 per cent of the 840,000 prescriptions written annually are issued free of charge due to the wide exemption criteria that are in place in the Isle of Man. The hon. member might also be interested to learn that the cost of the pharmaceutical services has increased considerably over the years and from the current financial year it is expected to be approximately £9¹/₂ million, an increase in the last two years alone of £1.7 million.

Mr Kniveton: Mr Speaker, I thank the hon. member, my colleague from Onchan, Mr Karran, the member responsible for health services, and I would like to ask him possibly a couple of supplementary questions. Is the hon. member aware that a notice from his department was transmitted to medical practitioners, certainly to one I know, indicating that prescription items were being increased from £2.15 to £2.50 per item from 1st November, and can Mr Karran advise us as to why this order was not submitted for approval or withdrawn?

Mr Karran: Vainstyr Loayreyder, I believe that there was discussion within the Council of Ministers and they decided that it was not the right way to go as far as charges are concerned.

Mr Cannan: Can the member for the health department tell us, what is the current income received by the imposition of prescription charges? He has told us what the cost of prescriptions is. What is the income received at the current rate of charges?

Mr Karran: Vainstyr Loayreyder, the income, I think, this year is estimated at £239,167. I believe last year's income was £233,968.

Mr Rodan: Mr Speaker, would the hon. member agree that the prescription charge, at whatever level and on whomever it is imposed, is tantamount to a tax on sickness, and that it is encouraging rational, short duration prescribing that is the best method of reducing the overall drugs bill.

Mr Karran: Vainstyr Loayreyder, I would agree with the hon. member. That is why there has been a review as far as prescriptions are concerned. It is another problem that needs to be addressed. It is one that has had a working party working on it and I have every sympathy with the viewpoint that the hon. member has. It is a matter of making sure that we can get the support of the GPs in order to address the issue and that is where one of the problems is.

Mr Kniveton: Mr Speaker, rather similar to the last question but still relevant, would the hon. member agree that perhaps it might be wiser for his department to look at other ways in which to iron out what appear to be many anomalies in his prescription charge system?

Mr Karran: Well, as I say, I would agree with the member that we are looking at that but, at the end of the day, Vainstyr Loayreyder, the problem I have is that, whilst it is only a small amount that the increase would have been, that increase could have maybe gone off to help to resolve one of the other anomalies which are many within the health services. At yesterday's policy meeting we only pay for people to come back from Clatterbridge once a fortnight. Now, all right, members of this hon. House can afford to pay the air fare for the

alternate weekend, but there are many in this community that cannot. Now, the money from this might have been able to be used to offset the money to help the ones in genuine need that at the moment are forced to stay there alternate weekends for their treatment, and it must be injurious to their mental state to be left there for that weekend. If this hon. House gives me more money I will be happy to spend it and help you to withdraw any prescription charges.

The Speaker: We are in danger of widening the question. Nevertheless, hon. members, two members have still caught my eye and I call upon the hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. Can the hon. member for health not agree that it might be more appropriate for the department to address the problem of wastage in terms of medicines as opposed to hiking prescription charges?

Mr Karran: The point that the hon. member has raised is a point that we have already tried to address. We have had a working party going with the Treasury in order to try and address these points. I am very keen on addressing the fact that you have a situation where you get issued hundreds of tablets and you find out after three days your stomach does not agree with those tablets so they are all wasted. This issue has been addressed and it is a matter of trying to get co-operation with other agencies that are autonomous from the department to try and get it sorted out.

The Speaker: A final supplementary on this question. The hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker. Would Mr Karran accept my calculations that loss of income from prescription charges because the prescriptions are not being marked for payment could be up to £150,000 per annum, which far outstrips any increase proposed, and that the prescription form should be revised urgently so all the income due to the department comes into the department?

Mr Karran: Vainstyr Loayreyder, I would be interested in the hon. member's data as far as this is concerned. The issue of whether we should opt in or opt out from prescription charges has been part of the working party and is a point that the health service is very keen on, but without the co-operation of other agencies that are autonomous from the department it is very difficult to implement such proposals. The department is well aware that there are areas of savings that could well be achieved, but this means co-operation and it means the health services working as a team and not unilaterally as seven or eight or vested interested organisations as often happens, not just in the health services but in many government departments as a whole.

PERSONS WITH LEARNING DIFFICULTIES — VISITS BY DHSS REPRESENTATIVES TO THE UK — QUESTION BY MR KNIVETON

The Speaker: Question number 6, hon. members, and I call upon the hon. member for Onchan, Mr Kniveton.

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

(1) *Have you or representatives from your department visited homes/hospitals/villages in the United Kingdom for persons with learning difficulties; and, if so*

(2) *when, what were your conclusions and have you any other information to convey?*

The Speaker: Then Mr Karran, the member for Health and Social Security - no, it is Mr Houghton.

Mr Houghton: I am sorry, Mr Speaker, that homes fall in the realms of my department, sir. I confirm that both past and present representatives of the department have from time to time visited the type of facilities in the United Kingdom to which the hon. member refers. I have personally visited two such village-type communities recently and, although neither was administered by a social service agency, I was very encouraged by the apparent happiness and satisfaction shown by those handicapped people who, I might add, were aged from the very young to the very old. Notwithstanding the way in which UK-based village concepts are run, if one such village did emerge on the Island in the future it could be administered in conjunction with interested charitable agencies together with the DHSS. If this village concept is progressed it would be a first for a social services agency in Great Britain. However, to form such a village concept would require land and a substantial degree of planning, together with a number of like-minded parents to support such a concept far into the future.

My department's present policies flow from the strategy endorsed by Tynwald in its adoption in July 1991 of the document 'Strategy for Health and Community Services in the Isle of Man'. On various occasions since, Tynwald has consistently acted to endorse that strategy. The department does, however, intend to maintain an approach in the development and implementation of its residential care policies which will reflect the paramountcy of the needs and best interests of this particular client group, sir.

Mr Kniveton: Mr Speaker, I thank the hon. member with responsibility for social services for his reply. In view of the hon. member's comments today to the effect that he was encouraged by the apparent happiness and satisfaction shown by those handicapped persons of all ages whom he had seen, can I ask him, has he passed on his views to his department and what is the reaction to his report?

Mr Houghton: Mr Speaker, I am pleased to say that I was not the only person in the visiting party who noted the pleasant and caring situation within such village communities. May I further state that my minister also attended one of the villages to see for herself as she, too, wished to witness such a concept with an open mind, an attitude which I must soundly applaud, sir.

Mr Kniveton: Mr Speaker, listening to the hon. member and his replies can I ask him, is it a question then of a group of people acquiring sufficient land in order to place thereon a so-called village complex and then, once found, asking the department to consider their policy and that large amount of money they have to find?

Mr Houghton: Mr Speaker, it is far too early to discuss the nuts and bolts of such a large and complex subject before initial agreements, plans, and other principles have been drawn up in conjunction with interested organisations. I note, however, the hon. member suggestions with regard to the existing lands and properties in the ownership of the DHSS.

Mrs Cannell: Mr Speaker, would the hon. member with the responsibility for social services indicate to hon. members whether or not his minister was encouraged by what she saw during her visit and whether or not she, or the department, would be prepared to recommend a flexibility within the present care in the community programme in order that we could have such a village community on the Isle of Man?

Mr Houghton: Mr Speaker, I am quite sure that my minister was encouraged by this. It is far too early to say in policy what our future plans are, but I certainly would advocate flexibility in future policy, sir.

Mr Karran: Would my fellow department member not agree that when we hear proposals from these organisations with such ideas of wanting to build a village at Castleward Farm, this is going backwards as far as mental health individuals' rights, and would he not also agree, by hiding this section of the community away, throwing them into a small compound is only pandering to bigotry to hide this section of the community away and this is not the way forward that the department would want to see any proposal, even if it does win votes with a lot of people by wanting them not to be in their streets?

The Speaker: Hon. member, you can agree or disagree, however you wish to answer the question.

Mr Houghton: I do wish to answer the question and I thank the questioner for that. I do note the hon. member's comments, my colleague in the DHSS, but I would be supportive of an integrated community into our society and not putting some sort of a backyard, far-away location as the hon. member is indeed alluding to.

**DENTISTS' TREATMENT OF SCHOOLCHILDREN —
COMPLAINTS PROCEDURES —
QUESTION BY MR DOWNIE**

The Speaker: Turning then to question 7, hon. members, I call upon the hon. member for Douglas West, Mr Downie.

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

What are your department's current provisions for dealing with complaints about treatment provided by -

(a) school dentists; and

(b) private dentists treating schoolchildren under

the NHS scheme?

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

Mr Karran: Vainstyr Loayreyder, with regard to the first part of the hon. member's question, this House will recall the statement made by the minister in Tynwald in March of this year. The statement explained the reasons for the delay in introducing the formal complaints procedure for the National Health Services' hospital and community health complaints. Complaints against the dental officers working within the school health services will be covered by the complaints procedure when it is adopted.

Currently the department operates an administrative procedure in respect of the clinical complaints whereby complaints received are investigated by the senior dental officer who manages the service. A complaint against a senior dental officer would be dealt with by the general manager of primary health care with professional clinical advice as appropriate. In any complaint, the dental officer complained against will be given the opportunity to comment on the complaint and, where necessary, an independent clinical opinion may be sought. Senior dental officers will then furnish the complainant with a reply to the complaint and will indicate as to the actions that may be taken, including an apology where appropriate. The vast majority of complaints are satisfactorily resolved at this stage.

Regarding the second part of the hon. question, complaints against family practitioners and the general practitioners, dentists and pharmacists are handled either informally by reference to the department's informal complaints conciliator or formally under the provision of the National Health Services (Isle of Man) Service Committee Regulations 1954, the adoption of an informal procedure involving a lay conciliator meeting with the patient and separately

with the practitioner involved with a view of achieving some form of conciliation. The patient retains the right to have the complaint dealt with on a formal basis if a satisfactory conclusion is not arrived through the informal process. Under the formal procedure complaints are heard by the service committee consisting of two representatives of the profession concerned, with two lay members and a chairman drawn up from the membership of the department's Medical and Dental Services Committee.

Mr Downie: Mr Speaker, I would like to ask the hon. member, could he please confirm that, following complaints from parents with regard to the school dental service in terms of management and clinical confidence, an independent inquiry is about to be carried out and if so, by whom?

Mr Karran: Vainstyr Loayreyder, I would have preferred that the hon. member could have come and seen us as far as this issue is concerned and I feel sometimes it is not the appropriate way of dealing with something unless he has had no satisfaction or has no confidence within the department. The position of the hon. member's case is being investigated at the present time. There is an independent review being undertaken by the chief dental officer for Northern Ireland, but I do not think that there was a need for this issue to have been raised in this hon. House unless he was getting no satisfaction at all. There has always been a commitment by our department wherever possible to make sure that there is no whitewash, but we do not like to have these things done publicly until there is something to be argued about.

The Speaker: Now, hon. members, I appreciate that our House clock tells me that time is standing still but I think our half-hour allotted time has elapsed. I call upon the hon. member for Douglas West.

Mr Downie: Mr Speaker, I have another supplementary actually, but prior to that I would like to move:

That standing order 43(2) be suspended to enable the remaining questions on the Agenda Paper to be put at this sitting.

Mr Cretney: I beg to second, Mr Speaker.

The Speaker: Are we in agreement, House?

Members: Agreed.

AMBULANCE CALL-OUTS — STATUTORY PROCEDURE — QUESTION BY MR BRAIDWOOD

The Speaker: I then move on to question number 8, please, and I call upon the hon. member for Douglas East, Mr Braidwood.

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

What is the statutory procedure for an ambulance call-out when the service is contacted for assistance by a householder from their own residence?

The Speaker: I ask the member for Health and Social Security, Mr Karran, to reply.

Mr Karran: Vainstyr Loayreyder, in reply to the hon. member's question I can advise him that there is no statutory procedure in place for ambulance call-outs. However, the principles governing the call-out are well established and are based on operational standards that are in place in the United Kingdom.

All 999 calls are responded to with an immediate dispatch of an ambulance. If, as mentioned in the question, the call is made by the householder from their own residence, the

ambulance control will also endeavour to contact the patient's general practitioner and request his or her attendance. If the GP attends, he or she will deem whether their transfer to hospital is necessary. If not, the decision will be taken by the ambulance crew which in all emergency cases should include a qualified paramedic.

Mr Braidwood: I thank the member for Health and Social Security for his answer, but can he explain the significance of contacting the general practitioner? Is the general practitioner obliged to attend? And if the householder had, say, collapsed outside his residence and a neighbour had contacted the ambulance service, would the GP then have been contacted?

Mr Karran: Vainstyr Loayreyder, as the hon. member will be aware, GPs are employed generally on a self-employed basis and are autonomous as far as any direction from the hospital is concerned. I believe that actually there has been a change of policy in recent years as far as the dispatching of an ambulance where there has been a telephone call from a householder. It is not so long ago that it would not have been deemed to be the right criterion to send out an ambulance. So as far as the hon. member is asking, we would always err on the side of being safe as far as I am aware, as far as the ambulance service is concerned.

Mr Cannan: Will the health department review its policy in this matter and, as the hon. member has so often said, why do we have to follow UK policy in this matter, which he says we do? He has spent a lifetime complaining about this House and this government following UK policy. Will it not be better that we have a policy for the Isle of Man that where a call for an ambulance came, a call was answered, and will that policy be reviewed and introduced by his department?

Mr Karran: Vainstyr Loayreyder, the fact of the matter is that if you ring up the 999 telephone number, you will have an automatic response to an ambulance. The problem has been - which I think has been the problem as far as I know - that people have rung the switchboard at Noble's instead of ringing the 999 number. Now, there might be a problem there. We have been trying to ascertain whether there is a problem there but, at the end of the day, the problem that the staff has within the department is that they are not mind-readers and they have to make an assessment on what an individual says to them over the phone and, if members of the general public do not express the urgency of their condition, then obviously then they may not be giving the right information in the first place. But I would hate to give the impression that you somehow are in a hit-and-miss situation if you ring up a 999 number as to whether you get an ambulance. You should get an ambulance.

There are problems. I will admit that I would like to see the ambulance service extended because I believe that it would be far more sensible in the south of the Island, rather than a community hospital, to have some sort of paramedic service fully trained that can address the issue and the same in the west of the Island. But at the end of the day, the problem I have got is about resources, both financial and staffing. I would suggest that the position regarding our criteria on the Isle of Man is superior to what is in the UK, and I appreciate that the hon. member for Michael is a convert in that we do not need to look at the UK as a centre of excellence when they are the poor man of Europe.

Mr Braidwood: Mr Speaker, the member for the Department of Health and Social Security has mentioned the hospital switchboard. If a person contacts the hospital switchboard, is it put through for assistance? Is a call put through to the ambulance control centre or is the person told to contact his general practitioner as has been the case?

Mr Karran: I think, Vainstyr Loayreyder, the position is simple. I feel that there needs to be more investigation, but I am happy that the problem has been, as far as the switchboard at the hospital is concerned, that if somebody gives the impression that they need a taxi or something like that, you cannot then blame them if they do not pass it on to the emergency number. I think the problem you have got is making sure that the individuals who do ring up the hospital give the right information. But more important is the fact that they should not ring the hospital switchboard in the first place, they should ring the emergency number if there is an emergency there, and then it will be dealt with as an emergency. But I do agree with the hon. member, I do need to have discussions with my health administrator just to clarify that point.

ISLE OF MAN STEAM PACKET COMPANY LIMITED — ADEQUACY OF PASSENGER-CARRYING CAPACITY — QUESTION BY MR DOWNIE

The Speaker: Question 9, hon. members, and I call upon the hon. member for Douglas West, Mr Downie.

Mr Downie: Thank you, Mr Speaker. I beg leave to ask the Minister for Transport:

Given that the Steam Packet Company's new ro-pax vessel scheduled to be introduced in July 1998 will have a much lower passenger-carrying capacity than existing vessels, what talks have taken place with the company to provide additional capacity at peak winter sailing times or for special tourist events?

The Speaker: The Minister for Transport to reply.

Mr Brown: Mr Speaker, based on the latest draft of the 1998 sailing schedules, my department is satisfied that the company will have more than adequate capacity available to meet scheduled passenger demand throughout the year. During the winter period of 1998 the new Ro-Pax vessel will be the only Steam Packet vessel in service. The new vessel has a passenger-carrying capacity of 500 as against the normal *King Orry* service of between 485 and 900 passengers. We are satisfied that the increased frequency that the Ro-Pax vessel will operate, that of 13 return passenger sailings a week as against the 7 return passenger sailings provided by the *King Orry*, will meet the required demand. The new Ro-Pax vessel will also provide a 35 per cent increase in car-carrying capacity.

I am not aware of any problems in catering for special tourist events. I am advised that the Department of Tourism and Leisure are aware of the new schedules and that there is regular contact between both parties, and a meeting is to be held shortly.

Mr Downie: I thank the minister for his very positive and clear response. I would just like to ask the minister if the increased departure and arrival times will be during the normal working day or will these take place at unsocial hours - for example, departure from Heysham at 1 a.m. or 2 a.m. in the morning?

Mr Brown: Mr Speaker, the schedule, for example for a week that I have here of August 1998 shows sailings at 2.15 in the morning from Heysham to the Isle of Man and Isle of Man to Heysham at 9 a.m. in the morning and then Heysham back to Isle of Man at 14.15 hours and Isle of Man to Heysham at 20.00 hours. So in fact it is spread both early morning and through the daytime.

Mr Downie: A supplementary. Could the hon. minister perhaps explain to the Court, what will be the situation when the Ro-Pax is the sole vessel connecting the Isle of Man with the UK mainland and has any indication been given by the Steam Packet Company that they will retain the *King Orry* or in fact any other cargo or passenger-carrying vessel as a back-up to the service?

Mr Brown: Mr Speaker, it is proposed by the company that during the year of 1998 there will be 154 extra sailings to the Isle of Man and that, in addition during the summer period, SeaCat Isle of Man will be available. My understanding is that the *King Orry* will cease to service soon after the Ro-Pax vessel comes into operation, as I understand will the *Bellard*. But those details I have not got firmly; it is only what I understand.

I would also make the point that the company certainly is willing to be flexible where it can help in terms of using SeaCat Scotland, for example, at TT week if in fact they can reschedule to meet some of the demand for the Isle of Man. So whilst we might only have the Ro-Pax for the winter months, the company is very conscious of the need to meet our demand, and I also understand that they are to modify SeaCat Isle of Man to get more seating on board.

JUVENILE CRIME — JUSTICE SERVICES — QUESTION BY MR DOWNIE

The Speaker: Hon. members, our final question then, question number 10, and I call upon the hon. member for Douglas West, Mr Downie.

Mr Downie: Mr Speaker, I beg leave to ask the Minister for Home Affairs:

(1) *What is your department's current strategy for tackling youth crime; and*

(2) *are you satisfied that an appropriate local infrastructure of youth justice services currently exists to cope with the situation in the Isle of Man?*

The Speaker: I call upon the Minister for Home Affairs to reply.

Mr Bell: Thank you, Mr Speaker. Youth or juvenile crime is of great concern to my department and the Isle of Man Constabulary. Because of that, special efforts are made both to prevent young people being involved in and committing crime and also to assist them and to rehabilitate when they have been discovered following commission. Each division within the Isle of Man Constabulary has its own schools liaison scheme, and much is done through local officers, not only visiting schools but spending time with teachers and the children. The philosophy behind this is to assist young children especially to see that the police service is there to help and to be a listening ear.

Various sections of the police force, for example the drugs squad, traffic department and the family protection unit, give regular talks to schools - that is, to children as well as teachers - to youth organisations, parents and other adult groups with a view to education concerning young people, as does the crime prevention panel. In addition, Crimestoppers, which are also in the business of preventing crime as well as detecting it, make special efforts among young people to prevent crime and liaise with the police service in their ideas.

Again, on the preventative side there are regular meetings with licensees in order to prevent under-age drinking, drug dealing and taking on licensed premises and any disorder caused through drink. The police service has instigated special patrols, particularly at weekends, to speak with young people who might be frequenting clubs, licensed premises et cetera with a view to prevention of excessive drinking and thus crime commission.

That is the proactive side of police strategy to tackle youth crime, but on the reactive side, where crime has been committed and it is suspected by young people, there is a strategy in many areas to call upon. If any accusations are made or indeed if a young person is arrested, the family protection unit and juvenile liaison office immediately spring into action and work is commenced with the family or guardian of the juvenile or young person with the overall intent as to what is the best course of action, whether it be caution, prosecution and

therefore appearance in a juvenile court, or indeed no further action. There is much liaison between the juvenile liaison office and social services as well as, where appropriate, the Department of Education. There are local teacher liaison officers in the secondary schools to assist.

A new initiative has recently been taken so that members of the department of social services, the Department of Education, the police service and other interested parties will meet together on a regular basis to review the treatment of juveniles and young people. It is important to recognise that tackling youth crime is very much an inter-departmental responsibility and not just that of the police.

It is interesting to note that officers from the juvenile liaison office attended more than 60 case conferences in 1996 but so far in 1997 have already attended over 70 cases. These case conferences are specific to a particular young person and a corporate decision is made regarding their future. The family protection unit is also most valuable with its information as regards children and young people and their behaviour, and contributes much to debate as to the preventive and reformative work that can be done for those young people involved in crime.

An essential link is also made with the probation service and with the staff of Cummal Shee with a view to crime prevention.

The newly formed crime management unit, located at police headquarters, is able to identify areas where it is suspected that young people are involved in crime and therefore this information is passed to patrols and other officers so that the districts can be targeted.

The new police shop at the Villa Marina Arcade is to start projects with young people, again with a view to liaison and crime prevention. Links already exist with the Department of Education at secondary and primary head teachers' level. The chief constable has met each group on several occasions and there are direct links anyway locally, and to a lesser extent the prison and probation service have an interest in this subject. The prison operates a secure juvenile unit in which juveniles sentenced or remanded in custody are detained. This unit operates with the support of the probation services, social services and the Department of Education. The probation service, in addition to what has already been mentioned, provides work for juveniles sentenced to community service orders by the courts.

The department is holding a special meeting in the near future to consider the various initiatives and legislative proposals announced in the United Kingdom in recent months, and we will be looking in particular at the United Kingdom Government's proposals for dealing with juvenile crime and the reform of the youth justice system. In addition, my departmental colleague Mr Shimmin and myself are hoping to attend a seminar in London next month to be addressed by the Home Secretary to learn more about these proposals. We will then be able to give further consideration to any changes in legislation and procedures which may be needed on the Island.

Turning to part (2) of the question, in relation to youth justice services my department's responsibilities are limited to those that I outlined in my answer to part (1) of this question. Other agencies of government, in particular social services, who are responsible for all juvenile offenders other than those placed in custody or on community service, have an important role to play, but I stress again that responsibility does not rest solely with government. The greatest responsibility for preventing juvenile crimes still rests with parents, by the example they set in the home.

I have already mentioned social services, and they are responsible for Cummal Shee which is operated on their behalf by the National Children's Homes. I know that social services are currently looking at splitting Cummal Shee into separate units to enable the different categories of problem children to be segregated. Social services have recently been working on the document entitled 'Children and Family Services Plan' which seeks to address children's needs in total rather than isolating the youth justice service.

I can also say that I have called a meeting to be held shortly between my department, the Department of Education, social services, magistrates and the Isle of Man Children's Centre, to try to identify an integrated strategy for dealing with problem juveniles. This will include consideration of the future for Cummal Shee and the juvenile detention centre at the prison

The issues raised by this question are complex and wide-ranging but are of fundamental importance. It is incumbent on us all, both within government and within the wider community, to work together to reduce juvenile crime. However, I cannot say at this moment that I am satisfied that an appropriate infrastructure for youth justice services exists. Nevertheless, my department will do all that it can to assist in the process of identifying a new way forward.

Mr Downie: I would like to thank the minister for his very comprehensive reply, Mr Speaker, and I would just like to pose two questions to him. I would like to ask first of all, under what circumstances can the Manx courts currently place a juvenile on remand or in some form of preventative custody or detention? And the second question is: in other jurisdictions much work has been done to introduce measures such as young offenders parenting orders, child safety orders, supervision orders, local child curfew, together with a total reform of the youth justice system. What policy does the minister's department intend to pursue and would the minister agree that the Manx juvenile system is in need of a radical overhaul?

The Speaker: Hon. members, I think it would be better if we asked one supplementary at a time but nevertheless, the hon. minister to reply.

Mr Bell: Mr Speaker, as regards the first part of the question, what powers, in effect, exist to detain juvenile offenders, the hon. member, I am sure, will be aware of statements made by the deemster not too long ago that he is not in favour of detaining juveniles in a secure unit except on two or three quite specific and very serious circumstances which include things like rape and arson, and therefore our ability to detain juveniles in a secure unit is obviously very severely restricted by the attitude of the courts on this matter.

As far as the hon. member's comments on the youth justice system in the United Kingdom, I think I did touch on it in my answer. I have to say I am reserving judgment at this stage as to whether the measures suggested in the United Kingdom are going to have any meaningful and effective influence on juvenile crime or whether in fact they are simply being floated at the moment for window-dressing purposes. I remain to be convinced on some of those matters. However, as I have already stated, my colleague and myself will be attending a seminar in London very shortly at which all these measures are due to be announced and explained in far greater detail to the audience, and I hope very much to get a much clearer picture of where the United Kingdom are going with these measures and it will give me the opportunity at that time to assess really whether or not they will be appropriate for the Isle of Man. If they are, then most certainly we will be looking at it very closely on my return and we will be taking the appropriate action in due course.

Mr Downie: I would like to ask the minister if he agrees that the parents of very young offenders must also recognise their responsibility for the actions of their children, and does he agree that legislation should be introduced to enable courts to deal effectively with parents who wilfully neglect their responsibilities or who need help and support in fulfilling them?

Mr Bell: Whether or not it is essential to introduce legislation specifically for this area would be an item for debate, I think, Mr Speaker, but I agree entirely with the hon. member that it is essential that we reinforce to parents that they have the fundamental responsibility for the behaviour of their children, and we would expect a more wholehearted level of support from them in tackling this problem. But I would like simply to qualify some of the comments by saying that the vast majority, the overwhelming majority of young people on the Isle of Man are a credit to themselves, their families and the Isle of Man. (**Several Members:** Hear, hear.) It is wrong to blanket criticise our young people and lump them all in together. We are talking about a very tiny minority of problem children, some of whom rapidly grow out of their problems but some who have some more fundamental difficulties which have to be overcome in other ways.

BILL FOR FIRST READING

The Speaker: Turning then to Item 11 on our agenda paper, hon. members, I call upon the learned Secretary of the House.

The Secretary: The Banking Bill, Mr Gilbey.

RECREATION AND LEISURE BILL — SECOND READING APPROVED

The Speaker: Then on to item 12, hon. members, the Recreation and Leisure Bill for second reading, and I call upon the hon. member for Douglas South, Mr Cretney.

Mr Cretney: Thank you, Mr Speaker. The leisure role of the Department of Tourism and Leisure has evolved over a considerable number of years and has, since 1991, been recognised by the inclusion of leisure within the formal title of the department, although I recognise that that message has not got completely far afield, because even yesterday someone referred to it as the Tourist Board. Initially this leisure role had its roots in the use for leisure purposes by the local population of facilities and amenities provided primarily for tourists. The first leisure facility for which the former Tourist Board assumed responsibility was the Gaiety Theatre, which was as long ago as 1971. Over the years that balance has changed. Today most of the facilities provided by the leisure division are aimed primarily at the local population, and tourist use is an ancillary benefit. The leisure division now operates the National Sports Centre, the Summerland complex, the Curraghs Wildlife Park and the Gaiety Theatre and, as such, makes a major contribution to the leisure and recreation of the community.

The principal legislation under which the department functions in relation to tourism and leisure is the Tourist Act 1975. This does not provide the department with powers to operate leisure facilities and, strictly speaking, the department has no legal power to do so. Normally this will not matter a great deal as long as Tynwald, through the budget, continues to provide funds for these purposes, but there are possible legal consequences with regard to, for example, the enforcement of contracts. Given the evolution of the emphasis of the leisure division and the expansion of its role, Her Majesty's Attorney-General has advised that new specific legislation in relation to leisure is now required and hence the introduction of the Bill.

The Bill provides to the department wide powers to provide recreational entertainment and leisure facilities, based not only on existing Manx legislation but also on equivalent

modern legislation in other jurisdictions. The Bill also has two secondary objects: firstly, it enables local authorities, if they wish, to be granted similar powers to those granted to the department to replace their existing more limited and disjointed powers in this area. Secondly, it provides a framework under which my department can form a partnership with one or more local authorities for the purpose of providing leisure facilities. This would come into effect only with the specific consent of the local authority. I am aware that there is a view abroad that the Bill relates specifically to the Villa Marina project.

At this stage I would make it clear that this is not a specific Villa Marina Bill. As I indicated, the Bill does enable the department to form a partnership with one or more local authorities for the purpose of providing leisure facilities. This Bill could, therefore, potentially be used as a basis for operating a partnership between my department and Douglas Corporation in relation to Villa Marina. This would require the full agreement of the partners and also Tynwald approval. I beg to move the second reading of the Recreation and Leisure Bill 1997.

Mr Brown: I beg to second and reserve my remarks.

Mr Crowe: Mr Speaker, I thank Mr Cretney for his comments. Just for clarification, I wonder could he just comment on one or two things in the Bill? As far as my reading goes, the joint management board will provide a joint management mechanism. It will be, in effect, a partnership of equals, as far as I can see, and the ownership of any facility, could you just clarify whether it would rest in the joint board or would it remain in the ownership of the local authority? So any local authority who has an asset which they wish to have managed by this joint management mechanism - would it transfer to the joint board or remain in the ownership of the local authority? And if it is that the ownership vests in the joint management board, can I just turn to clause 10, sub-paragraph (5) on page 7 and if you could just clarify the first two lines on this, because it just confuses me slightly that if the joint board is ever dissolved it is the significance of the words - and I quote on clause 10, sub-clause (5) - 'Unless a previous order under subsection (1) provides that this subsection shall not apply to the property in question,' and then it goes on to say 'an order mentioned in subsection (4) may not vest any property of the board, being property which was transferred from a local authority to the board by an order under subsection (1), in any person other than that authority without the consent of that authority.' So it is really the significance of the words in the first two lines and perhaps the minister might like to comment on that? Thank you.

Mr Brown: Mr Speaker, whilst I welcome the Bill I am concerned about this clause 7 and the terminology used in there of consent of the authority, and I think it would be helpful for members if the minister could explain why in this legislation, which basically echoes the Local Government Act of 1985, section 7, whereas in that Act, which is a long-established principle, it actually says that before making an order under this section the department shall consult every local authority concerned and I would ask the minister, does he not feel that the use of the term 'consent' (1) to make the order, which effectively means that if he wishes to pursue something in the best interests of the Island, if a local authority does not consent he cannot make an order, whereas before it was 'consult' - is he satisfied that that is not going to tie the hands of future departments in dealing with local authorities throughout the Island? I would be interested to know, and I think it would be worth the minister explaining why in this Bill we are using the term 'consent' and not 'consult' because there is a vast difference. I do believe that that is not necessarily in the best interests of the Island and I think, if we look at the provision in the Local Government Act for joint boards, certainly what sticks in my mind from

the late 1970's is that we would not have a Southern Swimming Pool Authority if it had to be 'consent', and yet that now is one of the most successful authorities in the Isle of Man where joint boards have come together to make it work. Surely we should use that as a lesson, and I think it would be helpful for the House if the minister maybe could cover this matter as I do believe it is a very, very important principle.

The Speaker: The hon. member for Ayre, Mr Quine, did you wish to speak?

Mr Quine: No - well, basically sir, just to say that I am very much in support of this Bill and perhaps I could first just comment on the point that has been made by the member for Castletown.

I recognise, of course, the provisions which already exist in section 7 of the 1985 Act. In the consultation process leading up to this Bill I think there was a recognition that the requirement that we were trying to provide for here was for willing partnerships, and it was in that context that this Bill was drafted, to allow for local authorities to opt into this provision. There was no question of coercion involved, and I think that is a strength that is built into this Bill, because the option is here whereby, if a local authority wishes to come into a partnership, if a local authority wishes to acquire these powers, they are here and they are available to them. If we have an extraordinary situation, then quite clearly we would have to look to another solution. It is certainly not envisaged that those types of arbitrary powers would be embodied and are not embodied within this Bill. It is a decision for the local authority having regard to the particular circumstance with the particular authority.

Coming back to the earlier point made by Mr Crowe, I would just draw Mr Crowe's attention, really, to clause 7(2)(d): 'subject to subsection (4), may provide for the vesting in the joint board of any property, rights, liabilities and obligations of the department or of the local authority or any of the local authorities in question;' so an order can be devised to meet these particular circumstances and an order could provide for properties to be embodied within the joint board agreement or it may not as the case may be, and that would be a matter to be negotiated at the time that the order was being drafted and agreed upon. So there is nothing draconian about this at all, it is a matter for agreement. Local authorities can opt in or they may not opt in; it is as simple as that.

The Speaker: The hon. member for Douglas South, Mr Cretney, to respond.

Mr Cretney: Thank you, Mr Speaker. First of all can I say I am grateful to the hon. member, Mr Quine, for his support and to other members. I hope Mr Quine has saved me explaining further one or two elements. I would like to say, though, to the House that one of the matters which local authorities were concerned about during the consultation process on this particular piece of legislation was that they could be forced to enter into an arrangement or that an acceptable arrangement could subsequently be changed, and I can assure this House that it was never our intention to act in such a way. In finalising the Bill, therefore, we have had regard to the concerns raised and have provided through sub-clause (3) of clause 7 that the consent of a local authority is required in respect of an order creating or modifying a joint board.

A further area of concern from the consultative process was a fear from local authorities that, having formed a joint board and passed assets to it, such assets could upon dissolution of the board be handed to government. Again, it was never our intention to behave dishonourably, but we have incorporated in sub-clause (5) protection for the local authority in this regard and in the specific interest of the Douglas Corporation and any discussion vis-à-vis the Villa Marina. A letter of comfort has been specifically issued to Douglas Corporation that

when any orders are placed before Tynwald this matter would be covered. I think we are trying to act in a mature manner. We are trying to recognise the local authorities, hopefully in the future, will have an enhanced role and that it is only through partnership arrangements of this type that we can co-operate for the good of the people of the Isle of Man, and I hope that this Bill will provide a basis for such partnership arrangements in the future. I beg to move the second reading of the Bill.

The Speaker: Hon. members, the motion is that the Recreation and Leisure Bill 1997 be read for a second time. Will those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

For: Messrs Gilbey, Cannan, Quine, Rodan, Sir Miles

Walker, Mrs Crowe, Messrs Brown, Crowe, Cretney, Duggan, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Mrs Hannan, Messrs Singer, Bell, Corkill, Kniveton, Gelling and the Speaker - 21

Against: Nil

The Speaker: Hon. members, the Bill is read for a second time with 21 votes being cast for and no votes against.

INSIDER DEALING BILL — SECOND READING APPROVED

The Speaker: We move on then to item 13, the Insider Dealing Bill, again for second reading, and I call upon the hon. member for Onchan, Mr Corkill.

Mr Corkill: Thank you, Mr Speaker. The Insider Dealing Bill 1997 will repeal the existing law, which is principally contained in the Company Securities (Insider Dealing) Act 1987 and replace it with the provisions from that Act, which deal with investigations of insider dealing and with further provisions based on Part V of the Criminal Justice Act 1993, an Act of Parliament.

This Bill quite deliberately follows the legislation introduced in the United Kingdom, the reason for this being that the Isle of Man does not have any financial markets of its own, therefore any legislation introduced in the Island will be principally used in support of United Kingdom financial markets. Although the Isle of Man does not have any financial markets of its own, the Treasury considers it to be essential to have in place legislation which prohibits insider dealing.

Members may care to note that the United Kingdom Act was based upon the provisions of an EC directive which laid down minimum requirements which member states must meet in prohibiting activities in accordance with the directive. Equivalent legislation to this Bill should, therefore, be in place throughout the European community.

In broad terms the Bill makes it a criminal offence for an individual who has information as an insider to deal on a regulated market or through or as a professional intermediary in securities whose price would be significantly affected if the inside information were made public. It is also a offence to encourage insider dealing and to disclose inside information with a view to others making a profit or avoiding a loss. No offence will be committed unless there is some connection with the Isle of Man.

Schedule 3 of the Bill, dealing with investigations and inspections, contains provisions which are currently contained in the Company Securities (Insider Dealing) Act 1987. In the Insider Dealing Bill 1997 these provisions remain the same except for one small but significant amendment, which has been included to take account of comments made by the European Court of Human Rights following the Saunders case.

The Bill begins by setting out the offence of insider dealing. This has two main forms: the first consists of taking advantage of inside information for the purpose of dealing in certain securities, either on a regulated investment market or where a professional intermediary is involved; the second consists of taking advantage of inside information by disclosing it or encouraging another to deal in such securities.

The Bill then goes on to create defences based on establishing the absence of intent. In schedule 1 there are special defences in three exceptional cases: market makers, persons in possession of market information, and persons acting in compliance with prices stabilisation rules. The securities to which the Bill applies are defined and these are basically shares, debt securities and some associated derivatives. There will be further conditions which the securities must satisfy, and these will be specified by order to be made by the Treasury. The meaning of the word 'dealing' is defined and includes such terms as acquiring and disposing of securities. The term 'inside information' is defined as being information which applies to particular securities or issuers of securities, which is specific or precise, which has not been made public, but which, if it were made public, would be likely to affect the price of any securities. The individuals who may be in a position to take advantage of inside information are identified as individuals who are either 'insiders' or 'persons having information from an insider.' The circumstances in which information will be treated as made public are set out and the people who will be treated as professional intermediaries are also defined. Miscellaneous definitions and interpretive positions are included together with how the Bill will deal with prosecutions and penalties and the 'territorial scope of the offence' is defined.

The third schedule of the Bill re-enacts the existing powers for the appointment of inspectors to investigate suspected cases of insider dealing.

The Bill is not expected to cause any increase in government expenditure, nor any decrease in government income. The Bill was issued for consultation to the Treasury's consultative committees and did receive mixed reactions. All of those responses from the consultative process were given very careful consideration. However, the Bill has not changed in any significant way; as in the words of one consultee, the Bill 'mirrors the UK and best practice as already practised in the Isle of Man.' I would just like to add that this Bill has the fullest support of the Treasury and is promoted as a further measure towards maintaining the Isle of Man's reputation as a well-regulated financial centre.

Mr Speaker, I beg to move that the Insider Dealing Bill 1997 be now read a second time.

Sir Miles Walker: Mr Speaker, I am pleased to second and would like to reserve my remarks.

Mr Crowe: Mr Speaker, I thank the Treasury Minister for moving this second reading and I support the need to have proper legislation in place to protect the Island and prohibit insider dealing. I will always support that the Island be a well-regulated centre.

I would like to ask the minister just a query on clause 13, and maybe members might like to look at the significance of this on page 8, that what we seem to be doing here is devolving our legislative powers to the Treasury and, once giving the Treasury those powers, they have them absolutely, it seems, until the Act is changed, but I would like to think. . . and maybe Mr Corkill might like to comment on whether this clause should have safeguards built in so that any orders that need to be made could receive Tynwald approval. I think that we need checks and balances and I think Tynwald needs to be able to have the ultimate sanction on new orders coming in, so it does concern me that we are giving this absolute power to the

Treasury 'to amend or repeal, add to, in such manner as the Treasury thinks expedient.' So I think that is something I would like him to comment on.

The Speaker: Does any other hon. member wish to speak? I call upon the hon. member for Onchan, Mr Corkill, to reply to the debate.

Mr Corkill: I thank the hon. member for his comments and I know he, like myself and I am sure most if not all members of this hon. House, are keen to see the Island well regulated in its financial affairs.

He specifically relates to clause 13, and the issue is Tynwald approval. Now, the way I read the clause as drafted is that under 13(2) 'An order under this Act shall not come into operation unless Tynwald has approved it.' So I do believe that the drafting actually does cover the point the hon. member raises, but having said that, certainly I will endeavour to confirm that in the time that is available if this second reading is successful before we get to the clauses stage. But I understand the checks and balances argument I think the member alludes to, I think it is quite a valid point, but I do think it is covered, so I will confirm that in due course, Mr Speaker. I beg to move the second reading.

The Speaker: The motion, hon. members, is that the Insider Dealing Bill 1997 be read for a second time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

MENTAL HEALTH BILL — SECOND READING APPROVED

The Speaker: Turning then to the order paper at item 14, hon. members, the Mental Health Bill 1997, I call upon the hon. member for Garff, Mr Rodan.

Mr Rodan: Thank you, Mr Speaker. Mr Speaker, hon. members, the main purpose of this Bill is to re-enact with amendments the Mental Health Acts and to set out the law relating to mental disorder in a single Act. Manx law on mental disorder, which was originally referred to as 'lunacy', has for the past 70 years been based on the law of England and Wales. The Mental Diseases Acts 1924 to 1960 were replaced in 1974 by the present Mental Health Act, which was based itself on the Mental Health Act 1959 of England and Wales. The 1959 Act and the subsequent Mental Health (Amendment) Act 1982 were eventually consolidated in England and Wales in 1983 as the Mental Health Act. A few of the amendments introduced vis-à-vis the 1983 Act of the UK were adopted in Manx law by way of Amendment Acts introduced in 1984 and 1986. In 1984 there was reciprocal provision made for transfer of patients between the UK and the Isle of Man and, as far as the 1986 amendment is concerned, it adopted the changes in the rights of patients subject to restriction orders to apply to a tribunal for their discharge.

This Bill adopts the remaining UK reforms which have not previously been adopted and, in addition, adopts four further sets of changes in UK mental health law. These are, firstly, the Criminal Procedure Insanity and Unfitness to Plead Act 1991, which reformed the law relating to supervision and treatment for mentally disordered defendants; secondly, the Mental Health Patients in the Community Act 1995 which, with effect from 1st April 1996, provided an improved system of supervision of care in the community of certain mental patients in the UK who have been detained in hospital under the Mental Health Act 1983; thirdly, the Crimes Sentences Act 1997, which makes provision for a Court, when sentencing a mentally disordered patient to custody, to direct that the patient should be detained in hospital for treatment, thus avoiding the difficult choice between custody and hospital order in the case of

a dangerous offender. This same Act makes provision for the transfer within the British Isles of mental patients who have been conditionally discharged.

Many of the features of this Bill, Mr Speaker, are simply re-enacting existing legislation. There are, however, some important changes to the legislation, which I will outline to hon. members.

One of the main purposes of the Bill is to ensure that those who need admission and treatment to hospital because they are suffering from a mental disorder as defined in the Act are able to do so preferably on a voluntary basis, and it is worth noting that the vast majority, perhaps 95 per cent of mental patients in the Isle of Man are either at home or are voluntary patients. If, however, the person is felt to be a danger to themselves and to other people, it is this Bill which provides the powers to allow for compulsory admission for assessment or for treatment. That is to say, it is a small minority of patients for whom it is deemed necessary for their own safety and others' safety to be in hospital that we have this Bill as an enabling power. But the Bill seeks to balance this requirement, which is in effect a restriction on individual liberty, with protecting the patient who is detained under this section of the Act, giving him a new right against compulsory admission for assessment, to a Mental Health Tribunal.

Another new safeguard for patients is the reduction by one half of the time for which the authority for a patient's detention lasts, unless it is renewed. The period for which a patient can be detained under a treatment order is reduced from 12 months to six months. This will result in cases having to be reviewed twice as often as present and the likelihood of a corresponding increase in the number of applications to the Mental Health Tribunal from detained patients for their detentions to be reviewed.

The Bill also introduces the requirement that, with certain treatments such as psychosurgery and other forms of treatment to be specified by regulation, the consent of the patient must be obtained and the agreement from a second medical opinion.

This Bill seeks to introduce an order to provide what is called 'after-care under supervision' and it is clauses 28 to 36 which address these issues. Under supervised discharge a patient, who must be suffering from a mental disorder and where there is also a danger to the patient or the public if he were not to receive after-care, must abide by the terms of an after-care plan drawn up according to a needs-based approach. This includes conditions on where the patient lives as well as attendance for treatment, education or training. A supervisor or key worker will be appointed, who will be responsible for ensuring that the plan is followed. A medical officer will also be appointed to take responsibility for the patient's medical treatment on discharge from hospital. If the patient fails to comply with the terms of the order, the care given can be reviewed by the care team, who will consider whether he needs to be readmitted to hospital.

This Bill also closes a loophole in the previous provision for returning patients to hospital who have been absent without leave. Previously, patients who remained at large for 28 days ceased to be liable to be returned to detention. This will be extended to six months or the duration of the period of detention.

The Bill also gives authority to certain qualified nurses with respect to someone who is receiving treatment for a mental disorder, who is felt to be a danger to himself and to others and where it is not possible to secure the immediate attendance of a medical practitioner to detain that patient, and this authority is for up to six hours to enable the patient to be examined by the medical practitioner.

It is Part 3 of the Bill, Mr Speaker, which deals with accused persons and prisoners who are suffering from mental disorders. Schedule 2 of the Bill gives new powers to criminal courts by way of amendment to the Summary Jurisdiction Act 1989 and the Criminal Jurisdiction Act 1993 to make a new supervision and treatment order as was introduced in England in 1991 as a halfway house for offenders, whose mental disorder is not serious enough to warrant detention.

It also gives authority to the Court of General Gaol Delivery and court of summary jurisdiction to remand to hospital for medical reports, or treatment in the case of General Gaol, at any time before sentence. This was introduced in England in 1982. At the present time it is only possible to remand on bail or in custody though bail conditions can require attendance for medical examination only.

The Bill also enables the Courts of General Delivery to make a hospital direction with limitation direction order so that an offender goes direct to hospital for treatment and, if he recovers, is transferred back to prison. This avoids the problem that courts must make a hospital order if the offender is mentally disordered, but may have to risk early release by the Mental Health Review Tribunal. Courts of summary jurisdiction will be given the same power as the Court of General Gaol Delivery to make an interim hospital order which equates to an admission for assessment. In addition, the Bill provides for the establishment of a Mental Health Commission to externally monitor the standard of service being provided under the legislation, and the principal duties in this respect will be firstly to issue or approve and review a code of practice for doctors, social workers and others relating to the admission and treatment of patients with a mental disorder, and secondly to keep the care and treatment of voluntary patients under review - in other words, a continuing supervisory function from an independent external source of expertise.

These are the main changes that the Bill seeks to introduce to the existing mental health legislation. I feel it may well have occurred to hon. members how this Bill, which has been seen as a very necessary updating of our mental health legislation and has been awaited for several years, accords with more recent developments in the Isle of Man. Hon. members will be aware that in March 1997 a report was passed to the Council of Ministers by Miss Alison Leslie into the lessons to be learnt from the case of Susan Joughin. I understand that this report is currently being looked at by a sub-committee of the Council of Ministers. I am also informed that the Department of Health and Social Security have, in response to the recommendations of the Leslie report, developed a draft strategy for developing appropriate services for people with a mental health problem. This, following approval from the DHSS at departmental level, is likely to be presented in the near future to this sub-committee.

Of course, the Leslie report itself also contains recommendations for mental health legislation. She recommends compatibility with the provisions of current English mental health legislation, and this Bill seeks to achieve this. The Bill does, as she recommends, update Isle of Man legislation to reflect new approaches and practices in the care and treatment of people with mental illness. It also clarifies the duties and powers of health and social work professionals. Miss Leslie's recommendation to introduce a care programme approach into primary legislation is not felt to be necessary as this is felt to be an issue to be dealt with via a code of practice, and of course it is a code of practice which is an important element of this Bill under clause 116 and will be required to be drawn up. She also recommends the introduction of a supervision order, which this Bill seeks to do. She further recommends that reasons be introduced to promote and uphold the rights of patients. This Bill does, by enhancing the rights

of appeal to the Mental Health Tribunal in cases of admission for assessment and treatment, enhance the requirement to consent to certain types of treatment and the need in some circumstances for a second opinion. In addition, the Mental Health Commission, as I said, provides an independent monitoring process. Miss Leslie's recommendation of developing an integrated mental health and community care Act is, I understand, not felt to be appropriate or indeed necessary to achieve the objectives she has recommended.

This Bill is designed to ensure that involuntary and indeed voluntary patients have their rights protected and enhanced and that high standards of treatment are provided. The care that we provide for severely mentally ill people is based on two key duties: firstly to ensure that they receive the services they need, and secondly to reassure the public that neither their safety nor that of mentally ill people themselves is at risk. I believe this Bill does address these two issues. Mr Speaker, I am pleased to move the second reading of the Mental Health Bill 1997.

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

Mrs Cannell: Mr Speaker, could I ask the hon. mover of the Bill, can he give me some reassurance with regards to the powers of the general practitioners to make a referral? I understand that in recent times over the last two, three years it has become increasingly difficult for a general practitioner to actually make a referral - that is to say, if a patient, for instance, had returned home from receiving treatment in hospital, whether it be here or away, and is unable to cope with being home you have a situation where four to five days can lapse before an actual referral is agreed to and that person goes back into hospital, which is quite unsatisfactory, whereas years ago the GPs had more of a hand in ensuring the safety of the patient and also the patient's family in making a quick and speedy referral.

In addition to that, could the hon. mover of the Bill also give us an indication of who will make up the Mental Health Review Tribunal? How many persons will be on that tribunal and from what sections or what divisions of government will they come from? Thank you.

The Speaker: The hon. member for Garff to reply.

Mr Rodan: Yes, thank you, Mr Speaker. Mrs Cannell has raised two points, and the first is the perceived inadequacy of a medical practitioner being able to make an admission for assessment or treatment. Now, the normal procedure as outlined in the Bill is that there must be two medical recommendations made for reports by two doctors, one of whom must be an approved specialist. However, in clause 4 there is provision for emergency admission for assessment, and what this means is that the applicant must have seen the patient within the last 24 hours instead of within the last three days, and in this case only a single medical recommendation is required for an emergency admission. Once the emergency admission has taken place, there is then of course the requirement for a second medical report to put into place the machinery for ongoing attention or admission to hospital and for treatment.

The second point she raised was to do with the Mental Health Tribunal. If Mrs Cannell would refer to schedule 3 of the Bill, here we have on page 128 the constitution of the Mental Health Tribunal. The High Bailiff would presumably be the chairman and there would be two other persons being barristers, solicitors or advocates of not less than 10 years' standing; in addition to that, three persons who are medical practitioners appointed by the Chief Minister after consultation with the Isle of Man Medical Society, and additionally three persons appointed by the Chief Minister after consultation with the department who have experienced administration and knowledge of social services and other qualifications that will prove useful

to the important work that the Mental Health Tribunal will carry out and, as I have said, a good deal more frequently than they do at present.

I hope that addresses the points that Mrs Cannell quite properly raised and I therefore beg to move the second reading.

The Speaker: Hon. members, the motion is that the Mental Health Bill be read for a second time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

PROCEDURAL

The Speaker: Turning then, hon. members, to our final item on the agenda paper for today, I call upon the hon. Treasury Minister.

Mr Gilbey: Before you do, Mr Speaker, could I raise a point of order? This report clearly deals with two quite and utterly separate matters: one concerns ourselves and one concerns someone who is in the employ of the legislature. Can these two matters be debated and voted on completely separately? I believe it is totally improper to mix them up together and really it would never be done by any good employer.

Sir Miles Walker: Mr Speaker, I just rise to say that I have some sympathy with the point that has been made by the hon. member for Glenfaba. I think that our own emoluments are one which are quite properly dealt with in the public arena. I do think, when we are dealing with the emoluments of staff, then they are rightly matters that, at least in the first consideration, ought to be dealt with in private and I would certainly support the suggestion of the hon. member for Glenfaba.

The Speaker: Hon. members, my understanding is that the motion on our agenda paper cannot be amended or debated otherwise than the way in which it is on the agenda paper. The suggestion under standing order 35(2) provides, I think - a point which the hon. member for Glenfaba is making - that 'strangers are present' effectively would mean that a member rises and draws the attention of the House to the presence of strangers. Every other person other than members or the Secretary of the House are strangers and would be excluded. And once that attention is drawn to the presence of strangers the same standing order obliges Mr Speaker to put that motion that strangers be ordered to be withdrawn. The hon. member, I think, is actually asking that we divide the motion. Now, division of the motion leads me to an element of difficulty in that it says, 'The first report of the Joint Committee on the Emoluments of Certain Public Officers 1997/98 be received and its recommendations adopted.' The hon. member for Michael.

Mr Cannan: Mr Speaker, sir, can I make a suggestion to you? Is it possible for an amendment to the resolution that recommendations 1 to 4 be voted on as one and recommendation 5 be voted on separately? That I believe would conform with standing orders.

Mr Gilbey: Could we just add to the words 'voted on' 'debated and voted on'?

The Speaker: I would be happy to put the division in part if we sit in total for the debate. My difficulty is if we try to divide the debate into public and private. The hon. member for Michael.

Mr Cannan: Mr Speaker, sir, I fully accept your difficulty that the debate be divided. What I am asking for is that if necessary the vote is divided and members, if they wish to speak on the report as a whole, do so, and I would therefore move the amendment that, as I have said, the recommendations be voted on up to 4 5 and 3 and 3.2 be voted on as one and recommendation 5 be voted on again, sir.

Mr Corkill: Do I understand it, Mr Speaker, that we are debating an amendment to the motion before I have put the motion to the House?

The Speaker: I think the point which I was taking, hon. member, was that my understanding was that the hon. member for Glenfaba was effectively moving that there were strangers within the House and therefore that we should sit in private for part of the report. That is the bit which gives difficulty. I think that we could divide the motion into two parts: part in public and part in private. I would be happy if the whole debate is complete to divide if you wish the recommendations of the report but my difficulty is under standing order 35(2) that the whole should be dealt with at that time. The hon. member for Rushen.

Sir Miles Walker: Mr Speaker, as I understand it, the procedure is that this matter is debated in the branches separately and then in Tynwald in due course. So there will be a public debate on the issues that are in front of us and that are contained in this report in due course anyway. So perhaps, if it is impossible to follow the suggestions that have been made - and I understand the procedural difficulty - could I propose that strangers be excluded, which would allow us to debate the contents of this report? Would that assist the situation?

Mr Cannan: Mr Speaker, I oppose that proposal, sir. I believe this report should be debated as it is on the order paper.

The Speaker: Hon. member, in fairness I think - and the Secretary is right to point out to me that under standing order 35(2), when a member puts the motion that there are strangers in the House, effectively that has to be put to the House without further debate. So in this instance therefore, hon. members, I will simply put the motion to this hon. House that strangers be ordered to withdraw. Will those in favour please say aye; against, no. The noes have it. The noes have it.

EMOLUMENTS OF CERTAIN PUBLIC SERVANTS — FIRST REPORT OF THE JOINT COMMITTEE — DEBATE COMMENCED

The Speaker: Hon. members, I then call upon the hon. member for Onchan to propose the motion on the agenda paper in his name.

Mr Corkill: Mr Speaker, I beg to move:

That the First Report of the Joint Committee on the Emoluments of Certain Public Servants 1997/98 be received and its recommendations adopted.

It is a privilege and an honour, as well as being a new experience for me, to present to this hon. House the report before us today. For the record the committee comprises three members from the Legislative Council: Dr Mann, Mr Barton and Mr Radcliffe, who is chairman and who has presented the same report to hon. members of the Legislative Council today. Other members of the committee from this hon. House are Mr Speaker, the member for Douglas East, Mr Braidwood, and the member for Garff, Mr Rodan and myself.

The task of the committee is not an easy one and I have to say that in previous years I personally probably did not appreciate the efforts of the former committee in their attempts to deal with members' interests. I mention this in the hope that hon. members who are not on the committee and who have only recently seen the report do not, as I have done perhaps in the past, take up fixed positions before carefully considering the issues directly affecting members without looking at the overall picture.

As I have said, the task has not been easy, but the committee believes that it has been able to produce a clear and fair report for today's consideration. In paying tribute to the previous committee, I think perhaps in the last House the big issue addressed was that to do with the Tynwald membership pension scheme revision, a scheme which is now in operation

from the start of this parliamentary session. This was a subject where, part way through the last five-year session, it became clear that the pension scheme in being at that time was wholly inadequate for certain members of Tynwald, and thankfully the matter was properly addressed as a result of the representation from certain members of Tynwald. Time has now moved on, and now there are other inadequacies to be addressed; I believe this report does just that.

The catalyst for the present joint emoluments committee was undoubtedly the letter from the President of Tynwald, Sir Charles Kerruish, and with his permission the letter is included on page 2 of the report. The letter is self-explanatory and is most direct. We cannot ignore such comment from the most senior of Manx politicians, who has seen the way in which Manx politics has progressed over many years. The matters in the report are, however, very much matters of today and I believe, hon. members, that we have to grasp the nettle firmly and get on with the job.

Now, as is the way of things, even since this report was printed a couple of matters have changed and so, in order to make sure that hon. members have the most up-to-date details, I wish to draw attention to the expenses figure on page 3, which was updated on August 1st and now stands at £4,071 and not the figure in the report: a slight increase. And also I draw attention to the additional designation of the chairman of the Planning Committee, which post is now added to the Payment of Members' Expenses Act, which is appendix 1 of the report.

The majority of the recommendations relate to members and form the main body of the report. I will return to these after first explaining the situation regarding our learned counsel, the Clerk of Tynwald. I do not believe anyone was more surprised that I when it was revealed to the committee that the learned Clerk's remuneration has not increased even by inflation since August of 1992. There has been considerable effort and delving by the committee as to why the Treasury did not seem to respond to a letter from the Clerk in 1993, and this is most regrettable. In 1993 the United Kingdom analogue became inoperative, but it was in 1997 that the matter was raised again. The committee has examined letters concerning the Clerk's appointment and considers that there is no option but to honour commitments made to reflect the status of the position and the professional qualifications needed and to make recommendations 5.6 and 5.7 that the salary of the post of the Clerk of Tynwald be analogued to band 2 of the UK senior Civil Service Open Pay and Grading Structure, thereby restoring the former situation which appertained, and which is similar to that of the High Bailiff, by also recommending that the present incumbent should be analogued to the maximum point on the salary scale of band 2 with effect from April 1st, 1997.

Because of no salary increase, as I mentioned a moment ago, the committee considers an ex-gratia payment to be in order to make up for the lost earnings and the report details accurately the way that that has been calculated. However, the issue of interest, which might have been considered part of the ex-gratia payment, has been negotiated away, thus leaving the final figure stated in 5.11.

I hope hon. members will recognise that the committee decided this course of action in the absence of the learned Clerk, the present incumbent, and the decision was taken, as I say, in his absence after considerable deliberation and negotiation. I ask hon. members to support these recommendations in particular.

I now return to the other recommendations and, in the same way that the last House addressed the pension issue, I believe it is time to make provision for resettlement grants, and

this is laid out at appendix 2. I would point out to hon. members that agreeing the report today would still allow further opportunity to discuss this scheme, which needs Tynwald approval. The scheme is simple. It applies to those below state pension age whatever age, that may be, in the future and all members of Tynwald who lose their seats at election are eligible. It would be 50 per cent of the annual basic sum and the calculation is clear in the report.

This issue is not new. I know it has been raised by my hon. colleague from Onchan, Mr Karran, in the past and, after observing the situations of members who were unfortunate at the last election, it does appear to take at least six months to get back on one's feet after an election defeat. It is not unreasonable in the committee's view to allow six months for the purpose stated.

This leaves me with the aspect of members' salaries and I think it is true to say that some members of the committee were keen to set levels much higher than that which has been arrived at in the report. The report arrives at a consensus view. That consensus view is that an interim measure of analoguing members of Tynwald pay to point 27 on the Isle of Man Civil Service pay spine be undertaken from November 1st, but that during next year the Secretary-General of the Commonwealth Parliamentary Association be invited to nominate three persons from small Commonwealth jurisdictions who could examine and offer advice on salary structures. Proposals would be available by December 1998 for the Joint Emoluments Committee to consider.

Mr Speaker, I believe the report to be accurate, concise, very much relevant to today's circumstances and representative of the views of the committee. I commend it to members and, Mr Speaker, I beg to move that the First Report of the Joint Committee on the Emoluments of Certain Public Servants 1997/98 be received and its recommendations adopted.

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

Mr Duggan: Mr Speaker, we have been over the skirmish in the past as you are well aware. I do not think it is right and proper for us to discuss our salaries. Mr Kneale and I disagreed one time before and we said there should be an independent committee to look at the members' salaries. Anyway, at that time they did go along with that, but when that independent committee reported back some members would have been worse off so it was more or less thrown in the dustbin. Again, this present committee came up with recommendations for back pay et cetera, which is not on the agenda this time, thank goodness, but I really feel that the people outside. . . When we look at the pensioners, recently we gave them a couple of quid then they see us up here as fat cats giving ourselves three grand. It is not on and I think it should all be by an independent committee. I do not like it.

Mr Gilbey: Mr Speaker, first of all I would like to say how extraordinarily unfortunate I think it is that we should have to discuss in public the remuneration of a post which is that of someone who works for us. It is an unheard-of thing to do. No business or other organisation do it but as, Mr Speaker, unfortunately you could not find a way of meeting the point raised by the hon. member for Rushen, Sir Miles Walker, and the hon. member for Michael, Mr Cannan, and myself to enable us to do this in private we have no alternative, and I think it is so important that one cannot remain silent on such a fundamental matter. I should stress, as I did in a debate a few days ago, that we are talking of the post and the post alone and not the post-holder in the same way that when we come to discuss ourselves we are talking the posts and not the post-holders being ourselves as individuals.

Now, the statements in 5.2 that Mr Parker recommended the post of Clerk of Tynwald should be graded as grade 5 of the then parliamentary clerk structure at Westminster, which was equivalent to the UK Civil Service Open Structure grade 5 scale, is of course absolutely correct, as is the fact that this analogue, which was chosen for the post of Clerk of Tynwald, became inoperative in the UK in 1993. However, a vital piece of information is not mentioned, and this is that in 1989 grade 5 of the Civil Service Open Structure in the UK was just the same as grade 5 in the Isle of Man Civil Service, which latter was the same grade which the Chief Secretary was then on. Furthermore, whereas the UK analogue of UK Civil Service Open Structure scale 5, became, as I have said, inoperative, the equivalent Isle of Man scale 5 has continued and is indeed the analogue of the Chief Secretary's post, currently at a level of £57,133 per annum. Therefore, there is no doubt at all that the Clerk of Tynwald's post could remain and have remained analogued to this equivalent Civil Service analogue and indeed this was proposed by the Treasury, not surprisingly, because indeed one may well ask, looking at the respective posts, why the post of the Clerk of Tynwald should be paid some £10,000 more than the Chief Secretary, who is the senior officer of the whole of the Civil Service of over 1,000 people, is adviser to the Chief Minister, adviser to the Council of Ministers, and also adviser to His Excellency the Lieutenant-Governor. I ask, what is the justification without an independent expert review of altering substantially and substantially increasing the analogue of the Clerk of Tynwald? Of course if this was done as the result of an expert review, I would accept it unreservedly.

Accordingly, I personally feel that this is a case when independent experts should be asked to look again at the whole remuneration of the post of Clerk of Tynwald, as Mr John Parker did in 1989. This would, of course, obviously effect the level of remuneration and also the back pay due, but of course back pay could still be paid on whatever the recommendation was. I must point out that, if we accept the proposals before us, without an expert review, there could be very dangerous repercussions in respect of the pay of other senior members of the public service, not surprisingly.

Now, having spoken about the part which I believe we should have discussed in private, I would like to turn to the part which affects ourselves as hon. members of this House. Here I entirely agree with the parts of the report set out on page 7 of it, and I believe that these are so important that it is worth quoting them in full. They say, and I quote, 'These are well-rehearsed arguments which are in essence only capable of resolution on the basis of value judgements which are perhaps best not made by those who stand to be beneficiaries of their resolution. They are, in our opinion, best addressed by those who are familiar with the nature of parliamentary life in small jurisdictions elsewhere, supported in their deliberations with advice from those with a familiarity of present salary structures in both the public and private sectors in the Isle of Man. We further recommend, therefore, that the Branches invite the Secretary-General of the Commonwealth Parliamentary Association to nominate three persons, each from a different small Commonwealth jurisdiction, who are, or have recently, served as members of parliament within those jurisdictions to examine, with the assistance of such advice on salary structures in the public and private sector in the Isle of Man as they consider appropriate, the powers and responsibilities of Members of Tynwald and propose to the Joint Committee an appropriate payment structure for members. We would recommend that the persons nominated should present their proposals to the Joint Committee no later than December 1998.'

Now, the appointment of an independent body to review the salary levels and the terms of employment follows the high standards which the Manx government often uses in order to set the correct and fair salary levels for public sector employees. Thus I must warmly welcome this proposal and particularly that the three persons - perhaps I can call them the three wise men - should be, and I quote, 'Supported in their deliberations with advice from those with a familiarity of present salary structures in both the public and private sectors in the Isle of Man.' I would hope that the three wise men would include amongst those advising them persons experienced in assessing the responsibilities of jobs and the appropriate pay scales to match those responsibilities. There are many in the private sector who specialise in providing this advice. As well as considering the salary levels I believe they should consider all other benefits such as the expense allowance, the pension benefits, payment of travelling expenses et cetera. Indeed, the total package which makes up the remuneration of members of Tynwald just as the total package of public and private sector employees should be and is considered, not just their salaries. Obviously, considering the remuneration package attributable to members of Tynwald must include consideration of all those members duties, their duties as constituency members in the case of members of this hon. House, their duties as members of the legislature, and their duties as holding positions of varying responsibility within the government or, in the case of yourself, Mr Speaker, and another person, presiding officers.

Not having undertaken any of the detailed research, job evaluation and appropriate pay comparisons, no-one can sensibly suggest what the results of the proposed review would be. However, I think it should be accepted that if - not that I expect this - there was any proposal made to reduce the levels of remuneration or benefits, this should not take place until after the next election. This would be on the same basis that members of the public sector are granted personal protection when the salaries of posts which they hold are reduced as a result of job evaluations.

I personally would be totally prepared to accept any and all the recommendations of the three wise men obtained by them with the advice which it is recommended they should obtain. Furthermore, I believe it would be totally reasonable and usual for their recommendations to be backdated to 1st November 1997, i.e. 1st November coming. Such backdating is perfectly usual when detailed investigations are being carried out into remuneration packages.

In these circumstances, however, I believe it is completely wrong and unnecessary, both in fact and in appearance, for the interim increase that is proposed to be put into effect before the detailed investigation proposed has taken place. Firstly, if, as I propose, the recommendations of the three wise men are backdated to 1st November this year, there is absolutely no reason for an interim increase. Indeed, it could be prejudicial to members' interests as the interim increase could well actually be less than the ultimate figures proposed by the three wise men, and that would be backdated.

Even more important, however, I believe that it not only is but looks to our constituents and workers in the public sector totally wrong for us, who should be showing a lead and example in such matters, to give ourselves an increase prior to the results of the proposed review. I believe that such an increase would be bound at least subconsciously to improperly influence the three wise men and their advisers, who would be starting from a higher base level and would naturally be reluctant to make recommendations which could possibly lead to a reduction in the interim award. Accordingly, while strongly supporting the appointment of the three wise men, I can in no circumstances support any interim award either in this hon. House or elsewhere. Similarly, as I believe that the resettlement grant should be part of the overall

package of members, I believe that this should be one of the matters considered by the three wise men.

I therefore beg to move the amendment which will be circulated in my name and which effectively leaves in the recommendation 3.4, which is setting out the investigation by the three wise men and their advisers. I am certain that having such an investigation need not be prejudicial to anyone, either members of this hon. House or the post of Clerk of Tynwald, but it is the correct way to proceed in such a matter, and not only is correct but perhaps, more important, I believe looks correct to those we represent and looks correct to those who we employ, and it is the system which we have consistently used in respect of those we employ, which is to bring in very often outside advisers to tell us what the real responsibilities of a job are and what the correct remuneration package is to match up to those responsibilities. I beg to move:

After 'recommendations' insert ' , other than those at paragraphs 3.2, 4.5, 5.6, 5.7 and 5.11, '

The Speaker: Do we have a seconder for the amendment? Does any other hon. member wish to speak to the debate? The hon. member for Rushen, Sir Miles Walker.

Sir Miles Walker: Mr Speaker, I will second the amendment, although at this stage I am busy going through the recommendations and I am not certain that I will support it. But in order to get it on the floor of the House and to debate some of the principles that have been suggested by the hon. member, Mr Gilbey, then I am pleased to second it. For my own case, I have no problem at all with the situation that is recommended for those members who lose their seats if restanding for the House of Keys or Legislative Council - no problem at all; I find that a sensible provision. I think the level that it has been pitched at is acceptable, and this is my difficulty in accepting the amendment, but there is a part of the amendment which I am supportive of.

As far as the position in getting together some members of small Commonwealth jurisdictions to sit as a committee and make recommendations for the future with some local support, which I think is the recommendation, then I have to say I think that is worth a try. Who those members will be and whether or not the CPA will take on that role or responsibility in making recommendations I would be interested to know from the mover whether or not they have been sounded out. But I think to go along those lines is in fact quite a useful exercise and I would look at the results of it with a great deal of interest. I do believe that that is the way forward and that it is clearly irresponsible of this House and its members to make decisions regarding our salary, but I do think we need the best possible advice on which to make those decisions for the sake of transparency.

As far as the suggestion of an interim payment is concerned, quite honestly I find that difficult. I really do. Last November we all stood as candidates at the general election. We were the fortunate ones; there were many people who were attracted by the situation as a member of parliament; perhaps some were attracted by the amount of remuneration that was on offer, I do not know. A lot of people stood for that general election and a lot were unsuccessful; we were successful and we came in last November knowing exactly what our employment situation was and what the terms and conditions of it were. So I find to accept an interim pay rise of something like £60 a week or so quite difficult, and I would prefer to await the views of a committee who would be appointed in the way that it has been suggested, and I would be content if it was made quite clear that any recommendations they made were

backdated to, say, 1st November. I would not find that difficult and I think it is a situation that I anyway can support publicly.

Now we come to the difficult one, which is the remuneration of the Clerk of Tynwald, and I have to say I have not made up my mind on this one yet. I think the arguments need to be made in a clearer form by the proposer of the resolution. As I understand it, there was an acceptable situation in 1992; we know the reasons why that situation died away and it certainly should have been updated at that time and I make no excuses. If any of that at all was my responsibility, either in Treasury or the Council of Ministers or Chief Minister or whatever, it is a matter that should have been addressed then. To look at it now, some years later, makes it even more difficult. But if we had an acceptable situation in 1992, if we add on to that just 4 per cent increase per year from then until now, year on year, it would give us a salary equivalent now of about £58,000 which, as I understand it from what was said by the hon. member for Glenfaba, is more or less equivalent to others of our senior officers, I could understand that argument being propounded and perhaps supported. It is worth saying that if that were the case, then those 4 per cents for that number of years add up to something more than £10,000 - about £10,380 if my calculator is right. If we take the £47,912 in 1992 and add a 5 per cent increase year by year until 1997, we end up with a final figure of something like £61,000. Again, a total of those 5 per cents for those years comes to something like a little over £13,000, which seems to me to be a long way from the £38,000 that has been negotiated.

I try and understand the reason for the enhancement of the analogue. I do not find that argument in the body of the report and I look to the mover of this resolution to convince me that what is being recommended can be substantiated in a way that we can support outside and that we can support to other senior officers, and in fact, if it can be substantiated and if we are so far behind with our public service salaries, then I believe the Civil Service Commission has a job to look at its other senior officers to see how they fit into sync. with all this. As I say, I understand that the Clerk of Tynwald's post is not a Civil Service post. I understand that very clearly, but there are other people employed in senior positions with great responsibilities; how great is a matter of perception, I suppose, but we are talking about quite a large differential, and I think that needs to be substantiated. I think today the only person who can do it is the mover of the resolution, unless some other members of the committee can help me, but I hope that I have identified my concerns within this report.

Mr Shimmin: Mr Speaker, I am very interested in the debate so far and I am forming opinions which surprise me a little bit. Firstly, on the resettlement, I have no problem and I believe that is overdue. Although I have not been in this House before, I believe that is appropriate, no problems. When I look at the CPA review it strikes me that if this is such an unpleasant area for members to deal with, that is a way forward which I would support.

With regard to the Clerk, I find that the whole issue is one which, the more I think about it, the more I am convinced is an appropriate way forward and to support the recommendations in this case. In the President's letter to the committee, he pointed out the changes in the legislation and the responsibilities of members. Now, we are dealing in the real world and 200 yards from here we have a financial sector backed up by a private sector of legal advice which we are aware, in every form of committee work we deal with, the legal people will scrutinise. We have to have a status for the position of the Clerk of Tynwald as a legal adviser. I can accept that the Attorney-General is the legal adviser to the government, but to have an adviser who has the knowledge and background sufficient to adequately advise

ourselves as members of Tynwald. The salary that we are talking about may appear high in a Civil Service situation; I believe it is extremely low in comparison to what one could obtain in the private sector. If we are going to attract the best people into posts we have got to pay a realistic salary.

It brings us on to the level of members' remuneration. I would be interested in seeing whether we can separate the recommendations to take them out of order so that the remuneration of members is deferred until such time as the CPA committee may be able to report. However, I must take some exception to the moral high ground of some of the previous speakers regarding the remuneration of members. I find that it is not so much the salary of the members which people are disgusted by outside and which brings down the name of this Court, it is the standard of commitment and the work of the people involved. (**Members:** Hear, hear.) I think that those who point fingers to the public and say, 'I did not vote for this because it is wrong to give ourselves a pay rise' must look at themselves and consider their involvement and determination in all aspects of the work.

I think the members of the committee have done a difficult job and, after much soul-searching, have come up with something that they believe is going to be beneficial. It is not done without a concern looking over their shoulder at what their constituents might think; it is an attempt to rationalise an awkward and difficult decision. If we are going to attract people to come into this job, we have to look seriously at ourselves, and I am the first to admit that academic ability and qualifications mean nothing when it comes to this hon. Court. There are far greater skills necessary that I have not learned, and any paper qualifications that I might have certainly are no guarantee of ability to do this job. But if we want a balance within this House of people from a range of backgrounds, we are going to have to be serious. The number of times people have said to me how we can not have chief ministers or delegates from the Isle of Man staying in bed and breakfasts as second-rate citizens across the water. If we are going to be mixing on an international circuit, we have to consider the appropriateness of the way we handle ourselves, and that involves the grown-up problem of our own salaries.

Now, on a personal level, I stood for office and at a requisition meeting there was a nice question: 'Could you tell me how you are going to increase the finances of the Isle of Man and are you going to give yourselves a pay rise?' To the two questions I answered no; I had not got a clue about the first one and I decided it was not appropriate standing for election to vote myself a pay rise before I got there. We are all uncomfortable about this. I would be more comfortable were we to defer it to other people and allow them to make the decision, but that is not the grown-up way of dealing with it. We have referred it to a committee, the committee has taken the best advice it can and reluctantly, because it is distasteful, I believe that I will support the original motion.

I would finally just comment that it is a position where we hold great responsibility, and I believe it is our conduct and our effort and the trust that we build up with our constituents which is going to be far more influential on their judgements of us than whether we give ourselves a larger pay rise. Not a popular vote, but that is where I stand.

Mr Rodan: Mr Speaker, I would like to begin by paying tribute to the last contribution (**Members:** Hear, hear.) from the hon. member for Douglas West - full of common sense, and for a new member I think he has given us all something serious to think about. I think the quality of his argument was outstanding. This was never going to be an easy debate, but it was undoubtedly right that we have it in public, there is nothing to hide and we are accountable to the public.

Having said that, the principal thrust of this report is that we are placing ourselves completely in the hands of an independent external review. That is the way forward that has been identified in this report. We have no idea what that independent review is going to conclude. I would say it is not only useful, in the words of Sir Miles Walker, to have this review but absolutely essential. It is essential that we take in the future this sort of debate on our own salary and conditions to an external body to be looked at independently so that we are not involved for ever more in what members have already referred to as distasteful discussions.

Prior to that review, however, there has been a proposal for an interim measure, which seems to be giving some difficulty to hon. members. Well, I think that the issue is perfectly simple. The interim measure restores the status quo. The spinal point 23 that is referred to on which the salary is currently based was previously mid-way in the spinal column for the Isle of Man civil servants, but meantime that structure has itself changed and we now have a 55-point spinal structure. What this interim measure proposes is mid-way point 27, so I do not think there is anything mysterious about the logic of what has been done. It is merely restoring and reflecting the fact that the spinal pay structure of the Civil Service has altered. As I say, I do not know what the independent review will come up with, but I would point out to hon. members that even with this interim increase, the pay of the elected members of the House of Keys is still less than half of what it is for the elected members of the House of Commons.

I think the days have passed, and I think we all recognise that the days have passed, that it was only those with private means who in practice were able to enter this hon. chamber, and the hon. member for West Douglas has quite rightly pointed out that academic qualifications and successful careers outside this House in other fields are certainly not the criterion for doing successful work in this House. But we have to ask ourselves, hon. members, do we really want to exclude from this House those people who have had successful careers in commerce and in professions with family responsibilities? I suggest we do not.

Can I conclude by referring to what has been said about the Clerk of Tynwald's salary? The Clerk of Tynwald is not a civil servant, he is a parliamentary officer who was previously on the grade structure appropriate to parliamentary officers in the United Kingdom, and that pay structure at a point in time was linked to the UK Civil Service. That has now altered as far as Isle of Man linkage to that pay structure of the UK Civil Service is concerned, so what we should be looking at is the appropriate grade for a parliamentary officer in the Isle of Man compared to parliamentary officers at Westminster. That should be the criterion and that is what this report, I believe, reflects. Thank you, Mr Speaker.

Mr Karran: Vainstyr Loayreyder, this has been very low on my priority list to read, but reading it here in this sitting today I am rather disturbed at some of the comments that have been made. I remember when I first wanted to be an MHK it was £600 a year. That is how much it was when I decided I wanted to be an MHK. When I got elected it was about £20 better than being a Douglas Corporation joiner and about £50 worse for the fact of the expenses of the job. I find it rather offensive hearing people in this hon. House; I hear the same bleats from the hon. member for South Douglas about 'It is terrible'. It is all right for the hon. member for South Douglas, it is pin money for him. This is the truth of the matter. Let us be honest about it in this hon. House. The hon. member for West Douglas is quite right, it is about commitment to the job, and I find it rather rich coming from some of these members about the poor pensioners, but some of us have done more for the poor pensioners than other members, if they stay here for the next 40 years, will ever do. But I think it is wrong when we

hear people say the usual stuff that plays to the prejudice. The problem with this hon. House is that married people have a very difficult decision if they want to become a member of this hon. House if they are not on the way out in their careers, because they cannot afford to.

Now, the point from the hon. member for Glenfaba amuses me greatly. I have to be honest with you, he might have a point as far as the Clerk of Tynwald is concerned as to whether we should debate this in public or not. Well, I think it should be all or nothing. Either it should be public knowledge for all our officers throughout government or it should not, and I think he may have a point there. But I find it again rather offensive when I hear a member who more likely makes three times as much out of his directorships standing here telling us about how we should be paid in this hon. House.

Mr Cannan: Absolutely!

Mr Karran: I believe that once again we have not really hit the core issues of this report. If members are full-time members of this hon. House they should be paid a salary. If they are not full-time members of this hon. House, then maybe they should not be paid a full-time salary. That is the point that should be addressed, if you ask me. What I do not want is the old days of patronage, of nepotism, where we all had to get our directorships and we all had to see everybody all right in the past. We talk about the glorious days in the past when people did it for the honour. If they did it for the honour they made damned sure, as in many of the other jurisdictions, that they looked after their sponsors that had put them in this hon. House. That is the truth of the matter and I have no need to be lectured by one of the bastions of the Tories of the adjacent island about the nepotistic system that they have run over there where they have privatised everything and - surprise, surprise! - we find out who are going to be the chairmen of the different privatised industries. We do not want that; we want a bit of honesty in this House.

I am annoyed that once again we will be seen as shooting ourselves in the foot. I remember not so long ago being told of the old pension scheme. Now, let me tell you, I think the general public should know about the new pension scheme. Some of us were forced into it because we were told that we were seriously ill and we were in a very bad, precarious situation and, when we went to find out what we were entitled to if the prognosis was right, the prognosis was a matter of throwing the cap round. Well, that is not what I think is a very good idea. Now, the new pension scheme, which resolves certain anomalies within it, does not resolve other anomalies that have been created: For example, the new pension scheme is no longer a parliamentary service pension scheme; it is an executive government pension scheme, but in order to cover people that could have recurrences of other things they have to force people into it.

I think that hon. members need to be honest in this hon. House as far as this is concerned. Money is not a priority of mine, but if we want a mix in this hon. House then we have got to make sure that it is possible for people to do so.

Now, as far as the pay rise is concerned, I am not interested, to be honest with you, but what I am interested in is in the severance pay. I said many years ago I would bring a private member's Bill to allow that every married member be paid a year's salary. Now, I was told by the powers that be, 'Oh, no, you don't need to do that, we are sorting it out.' We saw the appalling situation at the last general election when members of this hon. House had problems finding the mortgage because of their commitments. Now, I am in a different situation. I can be the same as the hon. member for Glenfaba. I am a bachelor. I always make a position of allowing six months' pay for the eventuality of being given the boot by my beloved

constituents, but I am in a position where I am not looking after a wife or kids. But what annoys me is, I believe that if we are ever to attract the sort of membership to this hon. House that we want - and we want people who have got commitments who are 35, 40, 45 - then we have got to accept this Russian roulette. That is more important to me and that is where I believe this is wrong. I believe that the six months' pay thing is not good enough, because if you have done the job right in this hon. House you will have kicked a number of very powerful butts outside this hon. House and you will be owed no favours from the powers that be outside this hon. House.

Again, what we get from the hon. member for Glenfaba is again the old boys' network. It is like when we were having a debate not so long ago in another place about law and order and how we should have them all flogged and hanged and everything, and yet he would be using the old boys' network in order to protect his own butt if it came down to it.

I would say that I think this hon. House should accept the proposal. I think we have to accept the proposal, but I think that what the House needs to look at is the fact that democracy is about choice and at the present time the fact of the matter is you come in this hon. House at 45 from a bank or from an accountancy firm or from whatever, and you go out maybe at 50 and your sell-by date is up, and that is the issue we have to address as far as the remuneration is concerned. When I first stood for this hon. House and got elected I was the only member under pensionable age that was totally dependent on his income as an MHK in this hon. House and there was one member in the living dead as far as the Legislative Council was concerned. And I think that the danger today is that we have seen a slight increase in people who are dependent on the income, but when I look around this House there are more members in this House needing it for pin money than are needing it for necessity, and I think all those members who say that should bear that in mind before they start pontificating about the wage structure of this House.

I also would just like to say that I believe that if we are looking at this I think there is more importance for us to look at directorships and to look at other ways, because that is where the money is if the truth is known as far as being a member of this hon. House is concerned, and I believe that if we are looking at this we should look at the other aspects. I am personally disappointed with this proposal because I believe that what we need to do if we are going to attract men and women with family commitments is sort out some sort of proper resettlement grant. How this goes is immaterial to me. The only issue I am really concerned about is the six months' pay after a member loses a seat. I believe it should be a lot more, because at the end of the day if the hon. member that loses his seat is not wrong, his child and his wife or his dependent definitely is not wrong as far as ending up in a financial mess simply because of the member being dependent on the income. I do not want people to become MHKs for the money but I believe you have got to pay a reasonable amount and I think people have lost the real sight. The money, if you are a member of the House of Keys, is not in the salary, it is in the patronage of the directorships. That is where the press should be looking around for where the money is because that is where the real money is, and I think it is wrong for those who have those directorships to criticise us who have purely always been a full-time member who can do his duties without fear or favour because I have got no interests outside my income as an MHK.

Mr Quine: Mr Speaker, I do not find the recommendations contained in this report to be exceptional. If we take the proposed adjustment in the annual sum, then basically we are talking about reinstating it to a point where we would once again be midway between the two

points that were previously in existence. I do not find that exceptional. Again, I have no difficulty with the principle of the resettlement grant. I think there is a lot of common sense to that, and I can speak with a certain amount of impartiality as I have obviously gone past my sell-by date and I would not benefit from such a benefit. I think in principle there is a lot to be said for that. Again, I have no difficulty basically with what is suggested for the Clerk of Tynwald. If we are to employ highly experienced and skilled professionals in a very specialised area - constitutional, parliamentary matters - a person who has got many years of experience both as an academic and in other areas and make that available to us, I find nothing exceptional in what is proposed there. So in terms of what the recommendations are, that does not really cause me any great concern.

What does cause me concern - and I have spoken previously on this when we have discussed these matters - is that we are making these decisions on our own behalf. That does cause me concern and still causes me concern. I quite honestly believe that this matter of remuneration for members - and I will set aside the remuneration for the Clerk of Tynwald because that is an entirely different matter - should not be a matter in respect of which we take a decision or, if we have to take a decision - because somebody has to ultimately sanction it - it should be on the strength of an independent assessment that is put before us, and that is what causes me concern.

The proposal, of course, in this report here is that we would call upon people from the Commonwealth Parliamentary Association. That, quite honestly, does not fit the bill as far as the Isle of Man is concerned at all. I dread the sort of nominations we may get, although of course it would be up to us to accept them or not, but they would be working from the wrong background; they would be working from a different background. What we need here is a knowledge of an island situation, and perhaps a Westminster situation because, whether we like it or not, there is a connection in terms of our working practices. But certainly I could not support the idea that we have people from the Commonwealth Parliamentary Association possibly beyond the United Kingdom who would be sitting in judgement on these matters. Almost anything could come out of that. I certainly go along with some input from Westminster. I could go along with a committee reflecting local business people, management and so on here on the Island. I think that would be a better bet than trying to grasp at something beyond our realms in the area of the Commonwealth Parliamentary Association.

But where do we go from here? The need to address these matters has been around now for some considerable time and I have no doubt, just having listened to the debate here today, we do not seem to be coming in on a unified approach, so they may be around for a considerable period longer, a considerable additional period. I believe that what perhaps we should give consideration to - and embodied in the principle that I have just spoken to - is that we should perhaps seek to approve these recommendations on a provisional basis, not an interim basis. I think there is a difference between an interim arrangement and a provisional arrangement. An interim arrangement could be seen, probably would be seen outside, as being the starting point for any future review. A provisional decision could move either way. In other words, we would not be tying the hands of any committee that was subsequently to pick this up and run with it.

Primarily, I suppose, for purposes of facilitating this debate and hopefully to move us forward a little bit, what I would like to do is to move an amendment which would do two things: it would bring into play the recommendations as they stand, so that would come in, but at the same time it would set up a committee - not a committee drawn from the

Commonwealth Parliamentary Association but a locally based, United Kingdom-based committee - to examine the issue of members' remuneration and indeed the Clerk of Tynwald's remuneration and report, and that report could impact upon the recommendations before us today either way. In other words, when we get this report before us which addresses the same issues basically that are here before us today, there would be an undertaking and an understanding by us that those recommendations could move either way or could be adjusted in more fundamental ways. So we would not be sanctioning this report and saying, 'We are approving this and this is what it is going to be.' We would be saying, 'Look, these matters have dragged on for a considerable period of time, we are recognising the principle that we should not be the primary party to determine them. Approve them, put them to this committee, let them be provisional, and when we get that report back, then we can take a final decision on these matters against a backdrop where we have the information before us to support our standpoint.'

So rather than speak at any great length about this I would simply wish to move this amendment and leave it entirely up to members. But personally I could not support the resolution that is on the paper because it cuts right across my own principle that we should not be the primary factor in determining these matters, and I have spoken on that before. At least if you followed my amendment we would be getting ourselves on track for the future in putting in place a system that would stand scrutiny. I beg to move the amendment in my name:

For the words after "received" substitute -

' a commission of three persons be appointed by the Governor in Council to consider the remuneration of members and of the Clerk of Tynwald and report to this House and to the Legislative Council, and until the commission report has been fully considered the recommendations within the first report be adopted.'

Mrs Hannan: I am not rising to second, Vainstyr Loayreyder. I think we do have a problem before us today. We have parliamentary government and therefore decisions taken in parliament do have an effect on government and our responsibilities within government, and most members here have a place within government. We do get a pay rise each year. We were involved previously in discussions such as this when, because of the difficulties, we were analogued to a Civil Service rate of pay. But we also have an added responsibility. In parliament we look at legislation, we consider legislation in its primary form, but in our place within government we look at government expenditure and that government expenditure affects not just our own but people's lives and the services that we are able to give to the people that elect us.

I think this report says today that, taking all of that into account, members should be paid more, severance pay should be introduced, the Clerk of Tynwald should be brought up to date, and there is a difficulty there. We approve this report before us today - what message does it give? What message does it give that some members are wanting certain services and have not been able to get them because there has not been the money available to provide those services? I meet the agricultural industry on a regular basis and I say there is money not available to do A, B, C, D - certain things. There are other parts of legislation which my department is responsible for which I have to bring in over a very long period to fulfil the obligation set by this hon. House because there is money not available, and yet we are saying this morning in this report, which has been considered by both members of this House and another place, that we can just willy-nilly find this money and produce it out of a hat from somewhere and there you are, we are paid more. Any pay that we approve this morning, this

afternoon, today, when it goes to Tynwald has to be found. It does not come out of a magical hat somewhere; we cannot just conjure it up; it has got to be earned and it has got to be earned by the public out there working and also by us, our workforce, working for us, and I know how hard people work for us within government. What is it saying to them? It is saying to them that we are worth more than they are. And I am not talking about at any particular level, I am talking from the bottom to the top. I am not sure who stated during this that it had been referred to the committee. Well, yes, it had been referred to the committee by the President of Tynwald. Don't think it was referred to it by us. But he says that he has felt for some time that the Island's best interests have not been served, and he suggested that when he was re-elected as President of Tynwald and that he was going to ask the remuneration committee to give consideration; that was just before the general election and members of this House objected. They felt this was not the appropriate time to bring this forward, and so it was not brought forward then. So why is it being brought forward at this particular time? It is all right the hon. member for Onchan saying 'Oh, to some people it is only pin money' - yes, but to some people outside they do not have the sort of money that we are being paid, they do not have to make do, and I can tell you, hon. members, that when you have not got the money it is much harder to cope than when you have got the money and there are a lot of people outside that have not got the money.

Mr Karran: You are on £100,000 a year in your household.

Mrs Hannan: Yes, I expected that from the hon. member for Onchan. I expected it.

Mr Karran: It is the truth, that is why.

Mrs Hannan: But I am a person in my own right, and I should not be seen as anything separate from another member of this hon. House.

A concern to me, Vainstyr Loayreyder, for a long time has been that our expenses should be taxed. This has not come forward within this report. I do feel that on such a sum of money, which is £4,071, it should be taxed. As stated by other members, some members put in more than others. Some members will spend their expenses money and some will not, but I do feel that as it is expenses it should be taxed.

I have great difficulty with this report, the amendment by Mr Gilbey, because there is one area that I am happy to support and that is the resettlement, as I do feel that that is an area where it is a short-term provision for members that have been members of the House, and have put in a great deal of time and energy into the parliamentary government of our country and therefore I do think that that is one recommendation, and so could I suggest that the recommendations are taken separately because I do feel that for the importance of this particular area it should and if it cannot be, could I amend the amendment that Mr Gilbey moved to take out 4.5. could I move that amendment in my name?

With regard to comments made by the member for Ayre, I think it is totally inappropriate that executive government should be involved in the remuneration of parliament.

The Speaker: Hon. member, I think in fairness we do not amend amendments, but I think your proposal is that we take all individual recommendations separately. Would that be correct?

Mrs Hannan: Yes, or the amendment moved in my name with 4.5 taken out.

The Speaker: So what you would like to propose is that after the recommendations insert 'other than those of paragraphs 3.2, 5.6 and 5.11'?

Mr Gilbey: Or alternatively, Mr Speaker, I would happily withdraw 4.5 from my amendment.

The Speaker: I do not wish to get too bogged down at the present time. I think it is easier to take it direct and take it from the hon. member that she is proposing a separate amendment. The hon. member for Michael.

Mr Cannan: Mr Speaker, thank you very much. First of all, I would like to say that I think it is appropriate that the letter to the committee should have come from the President of Tynwald; that, after all, is part of his duty, which is not only to represent Tynwald but to represent the legislature and its members, and it would have been inappropriate had it come from members themselves rather than somebody whom we have appointed to the pinnacle of his political career.

I will not be supporting either of the amendments and I wholeheartedly endorse the report. And I will go first to the Clerk of Tynwald -

The Speaker: I say to the hon. member - I am sorry to interrupt, sir - I think at the present time we only have the one amendment which has been formally seconded.

Mr Cannan: Thank you, Mr Speaker, I stand corrected. I turn first to the remuneration of the Clerk of Tynwald and I think it is invidious to compare his remuneration with the head of the Civil Service. The head of the legislature is different, his duties are different; he represents us all. The head of the Civil Service is adviser to the government. The adviser to the legislature, the Secretary of the House, the Clerk of Tynwald, has to be a lawyer; we need a distinguished lawyer and we need a lawyer familiar with and knowledgeable in parliamentary affairs and legislation and constitutional matters. Now, we are fortunate in having such a person and there is and always has been a principle of the rate for the job. And if we look back - and I speak as one who was a member of this committee way back in 1987, when the whole of the salary structure was changed to its present basis - we looked at the salary of the then Clerk of Tynwald and we got advice and it should be on the basis of parliamentary clerks in the United Kingdom, in the House at Westminster. So I have no problem with that issue.

On the issue of our own remuneration, we are on the mid-point of the Civil Service scale. I suggest to hon. members that we have now dropped below the mid-point. Had any of those in the Civil Service found that their salary, which was based on a mid-point, was dropping, they would have immediately asked the Civil Service Commission to adjust their salary and of course it would be adjusted. If that was the basis of their salary, mid-point, then mid-point it should be. I have no problem with that.

I have no real problem with the resettlement. I can speak now without declaring any interest as I have passed that time that it would affect me. I think it is important that in this job and in this House and in a government that is becoming exceptionally sophisticated, recognition is made of the proper duties and responsibilities. If one looks at salaries paid in the public sector, when ministers are probably paid 60 per cent of their chief executives yet the chief executive goes on, the minister accepts the decision and makes the decision - and some are very tough decisions to make - then these salaries are not out of kilter. We have developed in the Island over the last 10, 15 years a very sophisticated economy and, as I have just said, the duties of members of this hon. House have changed accordingly, the requirements are different and the commitment is different. Without looking back too far, I came into this House when the salary was £5,000 a year. We changed it - and I was on the committee in 1987 - to its present basis, mid-point in the Civil Service, 50 per cent enhancement for ministers, 80 per cent enhancement for the Chief Minister, and if you bear those salaries in mind, what a primary headteacher gets, a very responsible job, an inspector of police, a very responsible job, so I maintain is a minister of a department, making decisions,

responsible for money, affecting the whole community and the welfare and general well-being. There is nothing wrong, in my opinion, in the salaries that are paid and the commitment of members.

If you did not have this commitment then we would revert to what the hon. member for Onchan is complaining about, and others: the only people who would then come here would be those who had such large outside interests with sufficient remuneration that they would not be dependent on membership of this House. Now, I believe that in a democracy nobody should be prevented from being a member purely by financial circumstances. It is right that everybody should have the opportunity to stand here, and therefore there should be a commensurate salary, not exorbitant, not belittling ourselves. There is no pride in poverty, but we should have a proper and fair remuneration.

I believe that the CPA should be invited, I believe that perhaps it should be indicated to them, but perhaps it would be more appropriate if they were members of the CPA from a jurisdiction within the sphere of the work that we do and we will abide by what they say. I have no problem there either, but I do say to hon. members: put aside the amendment, support what the committee has done - and if you read that report they have been exceptionally thorough - and let us put this matter to rest. We are not paying ourselves any more than what we were entitled to originally in 1987, mid-point in the Civil Service scale.

The Speaker: Hon. members, I think at this particular stage it is opportune that we retire for lunch. Just to reiterate, at the present time I have, in relation to this particular motion on the order paper, one amendment properly moved and seconded. There are two subsequent possible amendments, neither of which have been seconded. And the first to speak when we resume after lunch at 2.30 will be the hon. member for Ramsey, Mr Singer.

The House adjourned at 1.05 p.m.

EMOLUMENTS OF CERTAIN PUBLIC SERVANTS — DEBATE CONCLUDED — REPORT RECEIVED

The Speaker: We resume our debate then on item 15 on our order paper, and the first member to speak I call upon is the hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker. I rise to second the amendment moved by the hon. Mr Quine, member for Ayre. When I decided that I would like to stand for the Keys I personally had to ensure before I stood that I would have a second remuneration in order to cover everything that I needed to in my life and for my family. When I was elected, I am in a department which is very busy and I would very much like to be able to develop my full time to that department; unfortunately I cannot, and that is why I feel that this amendment by Mr Quine is very important, because his proposals are even-handed and they are a suitable holding position. The review as now recommended in this amendment is probably more suitable to our parliamentary system and our responsibilities. So I would support this amendment. I hope other members will support it, because it does not tie us down to anything in the future, but it is a holding position for now.

Mr Braidwood: Mr Speaker, as a member of the emoluments committee I would like to say that there were very hard deliberations as you know, sir; in the committee, there were arguments, differences of opinion, but the consensus was that the report which is now in front of the members was a fair report. Now, hon. members have made comments about the Chief Secretary, who, as we know, is an adviser to the Council of Ministers, to the Chief Minister and that the pay of the Clerk of Tynwald should be basically analogued to that civil servant's rate of pay. I disagree, sir. When the committee was looking at this we looked from 1987, when the

pay of the Clerk of Tynwald was analogued to £250 above the High Bailiff's salary at that time. I believe it was in 1989 when there was a shift from the Manx Civil Service rate of pay to that of the UK, but not in the circumstances of the Clerk of Tynwald. The High Bailiff is now paid a rate of pay or is on a grade of the judiciary in the UK, and basically the Clerk of Tynwald's salary, because of his legal background, his experience in constitutional matters, should be analogued to this type of grading, particularly when we look at grade 2 of the senior legal assistants of the House of Commons. So I have no problem in sections 5.6, 5.7, 5.11, which includes the ex-gratia payment which has already been discussed in this hon. House. The figure was arrived at by the incumbent going to Pannell Kerr Forster to work out the amount of money, and this amount was agreed by the Treasury officials, so I would like to put that all to one side, sir, I think that the pay of the Clerk of Tynwald and the ex-gratia payment that the committee have looked into is a fair remuneration.

Now, I would like to also comment on the contribution and constructive comments of Mr Shimmin. I am trying to encapsulate the report and not go outside, but he did mention, with the Chief Minister and ministers who travel - one with which I would agree - that they are representing the Isle of Man, the parliamentary jurisdiction of the Isle of Man and that they should go and be treated as ministers of other jurisdictions.

What I would like to come back to now, are the arguments on 3.2, which is the interim payment. Now, the interim payment when it was discussed - and it has already been mentioned by Mr Rodan, who is also a member of the committee - when it was first looked at there were 47 points on the scale and it was taken as 23; there are now 55 points and it was taken at 27, and the committee felt that this was a fair middle scale to go for and also the payment, which would allow for £3,100 increase. It was also felt that if we went on to the small Commonwealth countries' jurisdictions to have a look at the three-person committee, may I say - not the three wise men, as has already been commented, but three persons - this was also very fair in that at least, instead of in the UK where they would look at it as a minor irritation as far as the committee was concerned, it was better to look at the small jurisdictions who were very similar in their working to the Isle of Man.

Now, the resettlement - there has already been support from a number of members on the resettlement grant. This caused long deliberations in the committee, because we looked at the UK - there are also other jurisdictions who also pay resettlement. We looked at the situation on the length of service, as this has already been mentioned by the hon. member for Onchan, Mr Karran, and that length of service and age was taken into consideration, but it was felt by the committee that a 50 per cent resettlement grant would suffice for a person in the Isle of Man eventually to find another occupation if he was unfortunate enough to lose his seat at the election.

There are not many other things I can basically comment on. I will be voting against the amendments and going for the recommendation that has been put forward by the committee. Thank you, Mr Speaker.

Mr Crowe: Mr Speaker, I have listened to the debate with great interest, the views have been very wide ranging and I believe everybody who has spoken has been constructive as they see it. I do, however, feel most uncomfortable that we are having to determine our own salaries. However well intentioned the committee is and whatever research has been carried out - and I am sure that it has been full and thorough - there will be a feeling by the man and woman in the street that we have awarded ourselves a pay rise. I believe that we should

subject the level of remuneration to an outside body, and that is why I am proposing that we defer a decision on the pay award until after the review by an outside body.

As far as the salary of the Clerk of Tynwald is concerned, I have no problem whatsoever in agreeing to the recommendations, because the position of Clerk of Tynwald is an integral part of the parliamentary administration and its role and function and responsibilities are very important. I believe that the committee have made a good case for making the payments to the Clerk of Tynwald and we are looking at the post, not the individual. I would also add that the six-monthly settlement allowance is a good proposal too and I have no problem in supporting that. However, as I remarked earlier, I am moving an amendment which, if seconded and approved, would defer the pay rise until after the committee has considered it. Now the amendment I would like to move is:

After 'recommendations' insert ', other than that at paragraph 3.2,'.

So what I am proposing is that all other recommendations in the report, apart from the pay rise, should go ahead, and I think, if we have confidence in our role and our position - and many members have mentioned the importance of the role - I am sure that an outside body would very fully justify what has been suggested and may even make further recommendations. So I would put confidence in an outside body to fully justify what has been suggested, but I think we could defer it and, even if it was back dated to 1st November we are not losing anything by supporting this amendment, so I hope I will get a seconder for this amendment. Thank you, Mr Speaker.

Mrs Crowe: I wish to second and reserve my remarks. Thank you.

The Speaker: Does any other member wish to speak to either the motion? Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. I too have enjoyed sitting back before lunch and just now and listening to the comments that have been made by members. There was quite a lengthy debate but quite rightly so, because what is being recommended here is that we take money from the public purse to award ourselves a rise along with other recommendations.

But if I can start with the recommendations from the back and then work forward, I would like to make a start with the recommendations that have been made in terms of the rise in pay and the remuneration for the Clerk of Tynwald. I too do not have a problem with that and I would agree with all the sentiments expressed so far about the post, what is required of the post, the importance of the post and the difference of that post compared to the likes of the Chief Secretary and other such officers of that rank, and I will quite happily support those particular recommendations; they are no problem to me whatsoever. The pity of it is that it has taken so long for this House to actually consider those particular recommendations, and something should have come forward much sooner.

Now, working, as I say, from the back towards the front, I do have a grave problem with 4.5 - that is, with regard to the resettlement grant. Now, I have heard all the arguments this morning. I have heard arguments of the difficulty that a person. . . and I will refer to members as people as opposed to 'he' or 'she'; we heard a lot this morning about the three wise men, but I would like to say equally it could be three wise women or men and women. But to go on with the resettlement grant, if I can talk a little of my own experiences, it took three attempts before I secured this seat, which I am honoured to occupy for five years, but it was on the understanding that if I was successful then that term of contract was five years and that has always been fully understood by any candidate and any present member who is sitting to be re-elected. It is a five-year contract, and at the end of that five years you may or may not

continue to hold the post, and I think that is widely accepted by the people. The reasons for bringing in such a resettlement grant, it was argued this morning by the hon. member for Onchan, Mr Karran, were that we had a situation where, of certain members who lost their seat last year, one almost lost his mortgage as a consequence. Well, my response to that would be that in the knowledge that you are on a five-year fixed-term contract and a fixed salary for those five years, it is up to you as an individual and as part of a family, if you are lucky enough to be married and have a family, to live within your means, and that is to say that you live with what you have got. If, of course, you choose to overstretch yourself and you go in for large mortgages and fancy cars and a high lifestyle, then that is your prerogative, but you have to bear in mind, of course, that you may lose your job at the end of the five years and therefore other things also have to be sacrificed.

As a married woman and a mother of two young children I know only too well how hard it is for a family to exist on one salary, and my family have existed and survived on one salary for quite some time, at least for the last 12 years, and it is extremely hard. I am now in a position where I can contribute to my family. I also earn a salary and I can say that my salary is actually higher than my husband's, and we are in a fortunate position. But again we do not seek a large mortgage on a fancy house; we stay where we are. Our quality of life is not any greater than it was before I was earning, because I think, like any sensible person, if you are earning a good wage and you have got a family to support then you put part of that salary to one side and you save for the rainy days. Even the most impoverished family these days - if they can put a little bit aside for rainy days, then they will.

So I could not support the resettlement grant and I think also it would sent out a very negative message to the electorate, particularly the electors who threw out their member from the last government and put in place a new member. It is a very negative message indeed. On the one hand I have sympathy for those who do overstretch themselves when they are in employment in this particular job and do have financial difficulties when they come out, but that is the name of the game. This is politics, this is political life. It is much, much different from having a regular job. Now there might be an argument come forward, 'Well, certain jobs - if a person is out then he is given redundancy pay and he is given this and he is given that', or she is, (*Laughter*) but this is quite different. Well, I stress on the gender differences because this House is made up of the two genders and I wish hon. members would sometimes recognise that perhaps a little more than they have of late. So the resettlement grant I could not support.

Looking at the recommendation of setting up a committee to look into this whole issue and to review it, that is to be welcomed. I am a little concerned that it should be made up of Commonwealth Parliamentary Association members, but then I appreciate the argument for that. Equally I appreciate the argument as submitted in an amendment by the hon. member for Ayre, that perhaps it should comprise people with our own expertise, but there is a slight difference in that this is a parliamentary situation; the remuneration is geared to that and not to a regular job, so I am a little undecided on 3.4.

Coming back to the first recommendation, which is 3.2, I can see arguments on both sides. I can see the argument that wants to bring it up to date - this is the remuneration for members of this hon. House - but equally I feel that we are getting generously paid as it is. I am quite happy with my salary as it is and, as I specified before, I can save part of my salary. That is how sufficient it is for my needs, and we have two hungry mouths to feed in our family. We do not have any directorships or vested interests of any other kind; we have two straight salaries coming in.

In all honesty, with my hand on my heart, I cannot support 3.2. Having said that, if somebody offered me a rise, well, obviously you are going to think, 'Oh, well, that is nice.' It can be said that nobody in their right mind will reject a rise in their salary, but this is quite different, because we are here in office by the grace of the people, to serve the people, to do the best for them, and equally, some of us work very hard at that, not all of us but some of us, and some of us work full time at this particular job, both looking after our constituents, reviewing legislation and going through all of the Bills and all of the reports and all of the literature that is thrown through your letter box. It takes time, and if you are going to do the job justice then you need to take time to study that and to look into that in order to be able to put forward an argument when the opportunity arises. All of that does take time.

The hours of this particular job, I would suggest, are not the normal working hours of an ordinary individual. They go very often late in the evening and invariably into the weekend. I can honestly say that I have not had one weekend where I have not had constituency problems and business to deal with, but again that is the nature of the job. We all knew, before we even stood for election, that a job in public office demands an excessive amount of time and, unless you are prepared to give one hundred per cent commitment to that, then you really ought not to be considering this line of work in the first place. I am quite satisfied with the salary as it is and I could not support the recommendation in 3.2, but I realise that we are perhaps getting ourselves into a little bit of a mess, Mr Speaker, in that we have at the moment four amendments on the table, but I believe not one of them really, in all fairness to them, is going to provide members with the opportunity to deal with the concerns, and there have been many concerns as well as many voices of support today. So I am going to add to the confusion in moving one more amendment in my name, and this amendment is asking that we vote on each of the recommendations separately. I believe that is the only way we are going to move forward today, because not all of the recommendations are accepted by all of the members, and I believe if we have this option we can properly exercise our right to vote the way we want to vote, the way we feel we should be voting. I therefore beg to move the amendment standing in my name. Thank you, Mr Speaker.

The Speaker: Does any other hon. member wish to speak to either the motion or the amendment? We have three amendments which have been properly moved, not four. The hon. member for Onchan.

Mr Karran: Vainstyr Loayreyder, I would like to speak to the amendment, the one from the hon. member for Ayre. I think it is quite wrong, it is totally flawed in that this should not involve of the executive. I think it is quite wrong that the executive is getting involved with this. We have already seen what has happened with our pension scheme, where we have allowed the whole emphasis of the pension scheme to be changed from one of the parliamentary service to one of executive service. I just hope that we have the vote and we get on with the job of doing. I have changed none of my viewpoints from when we were talking about the core report. I just find it very sad that once again the ones that will be honest in this hon. House will do the dirty work as far as doing what needs to be done in order to make sure that there are decent people out there prepared to fight to become members of this hon. House because there is a decent structure so that they can have some sort of security.

As far as the amendments are concerned, I shall not be supporting any of the amendments. I believe we should make the decision and I think it is quite wrong, nothing has changed my mind apart from the fact that we have got the media on the top bench there looking down on us, looking how we are voting, and I just hope that the ones who play to the

audience will not take their pay rise if it is such a great matter of principle, but alas, we have seen this all before, where we have had these members who talk with forked tongue as far as this is concerned. My only thing about this report and the amendment is, if there had been an amendment to do away with our petrol allowance, which I believe should be done away with as it was brought in in the days when we were paid expenses and not a salary, I would have supported that, but apart from that I believe that the committee have done a good job and I do not think any of the amendments are worthy of any support and they will be seen outside as once again playing to the audience.

The Speaker: Right, hon. members, I think we have given it a good airing and give the movers of the amendment the opportunity to reply. The hon. member for North Douglas, working in reverse order, do you wish to reply?

Mr Crowe: Thank you, Mr Speaker. Yes, as I was saying, the purpose of my amendment is to separate that which I feel is the most contentious issue and it is to give a breathing space. I am not saying it can be justified by an outside body. If the committee have absolute faith in their own ability and they have taken soundings and researched the area properly, I am sure they could all totally justify what has been put forward and I am sure an outside body scrutinising the suggested interim award would validate that, but all I am saying is, my amendment would give people a breathing space, it would let this outside body scrutinise the proposal and validate it, so I would hope that members would support my amendment.

The Speaker: Hon. member for Ayre, do you wish to exercise your right?

Mr Quine: Thank you, Mr Speaker. I see my amendment as trying to bring in an important point of principle, and that is that we should not be approving our own pay awards. It is as simple as that. At the same time it recognises that there has been a long lapse of time. Clearly there is a case for adjustment and not least in relation to the Clerk of Tynwald, and I believe my amendment addresses this problem. It says to us, 'Look, accept pro tem the recommendations of this report. Bring into play then a committee drawn not from a Commonwealth Parliamentary Association necessarily at all, a committee which, I would suggest, reflects a sound knowledge of the Isle of Man situation and perhaps some Westminster experience, and have that committee look at the situation. Look at what would be the provisional acceptance, the arrangement that we have accepted provisionally. Look at the broader issues which have also been identified and then they can come up and they can either validate that or they can suggest amendments one way or the other to that, but the important point is that we would not today be standing in judgement in our own court; we would only be saying 'Look, this is a provisional acceptance and we are going to submit this to scrutiny by an independent party, and the end product would be that we would have in place for the future a system which I believe would stand scrutiny whereby we would have an independent committee making recommendations and we would then have a proper basis upon which to take a decision. But I cannot go along any longer with the premise that we as a legislature should approve our own remuneration. I have argued this before and I am afraid as far as I am concerned this is the end of the line. Thank you very much, sir.

Mr Duggan: It's the principle of it.

The Speaker: Hon. member for Glenfaba, do you wish to exercise your right, sir?

Mr Gilbey: There are one or two points, Mr Speaker. First of all I would like to thank my seconder, the hon. member for Rushen, Sir Miles, for seconding. I agree with him in many ways about the resettlement grant; in fact, it is not actually a very relevant matter, because

before there could be any report there are actually only two persons it could possibly affect and they are in another place.

The hon. member for West Douglas raised the question of the responsibilities of the post of Clerk of Tynwald, and I do not think any of us can say that the responsibility of that post is increased by any more or less than that of other senior posts in government such as the Government Secretary. All of them have had to deal with information technology, increased speed and pressures.

Now, the hon. member for Onchan, Mr Karran - I would like to stress that I have absolutely never said, and do not say, that members should not get more or, for that matter, that the Clerk of Tynwald's analogue should not be increased. To me it is a matter of how these matters are decided. Are they decided in a professional way with proper job evaluation and a comparison with other jobs, or are they decided by what the hon. member for Onchan himself would normally call nepotism - that is, us deciding it for ourselves with no proper job evaluations, with no proper job comparisons? It is not just a question of which way is the right way, it is which way appears right - appears right to our constituents, appears right to our own employees.

Regarding the hon. member's second bite at the cherry, in which he mentioned petrol allowances, I would merely say that I hope, in considering the whole of member's remuneration package, this is one of the things that the committee of three wise men or women would look at.

Now, turning to the hon. member for Ayre, Mr Quine, I am glad that he, like so many other members, feels that we should not set our own remuneration levels but get others to do it, and I am very glad he moved his amendment and that was seconded, because I believe he gives us the way out of this difficult situation to enable us to get a statesmanlike and dignified answer which we all might unite in supporting, and I shall certainly be happy to support it. I would say that, in referring to the Governor-in-Council appointment, he is not talking about an appointment by the Council of Ministers, the Governor in Council is a separate, legal and more rarefied level which really the Governor himself presides at.

Turning to my colleague, the hon. member from Peel, Mrs Hannan, I support entirely what she says. As she says, what message would it give out if we approve today's recommendations? What messages to those for whom we cannot provide all the services they want, to our electorate, to our employees? I totally agree with her and the hon. member for East Douglas, Mrs Cannell, that all the individual recommendations should be taken separately so we can vote on each one according to its merits, in our views.

The hon. member for East Douglas, Mr Braidwood, is of course a member of the committee, but he never answered my main point, which is that the analogues of members should be decided by an independent body with the help of those with special expertise. I cannot see why anyone should object to this.

The hon. member for North Douglas, Mr Crowe, is right to be uncomfortable at us deciding our own salaries. However, I cannot support his amendment because it supports the report's recommendations regarding the analogue for the Clerk of Tynwald. I believe that this too should be decided by outside experts. There has been a lot of talk about this analogue being changed. In fact, at the time it started it was on the equivalent of two analogues. Now the UK analogue was done away with, but the corresponding Manx analogue was not done away with and still continues, is still used for the Chief Secretary, and could be used for the post of Clerk of Tynwald.

Finally, Mr Speaker, I would say that I shall certainly support the hon. member for Ayre's amendment because I think it offers the best hope of getting some form of unity and consensus on this important matter. Failing that, I shall support the hon. member for Peel's amendment, which is similar to mine -

Members: It was not seconded.

Mr Gilbey: Oh, it wasn't seconded? In that case I will, with the permission of the House, withdraw mine because I believe that Mr Quine's offers much the best hope for unanimity and a seemly and statesmanlike outcome to this matter.

The Speaker: In that instance, the member for Glenfaba is suggesting that he withdraws his amendment. Does the seconder agree with the withdrawal?

Sir Miles Walker: Yes, Mr Speaker.

The Speaker: In that case, hon. members -

Mr Crowe: Excuse me, Mr Speaker, can I ask for a point of clarification, please, on Mr Quine's amendment? If you read it very carefully, and what he is suggesting, I think the word 'not' has been omitted between 'be' and 'adopted'. It should have had 'be not adopted'.

Members: No.

Mr Duggan: No, he wants it to be adopted.

Mr Crowe: So what you are saying is that you want it fully adopted?

Mr Quine: Yes, adopted and then examined.

Mr Crowe: And everything put into place?

Mr Quine: Yes.

Mr Crowe: The pay rise and everything -

Mr Quine: Pro tem.

Mr Crowe: So it will be fully adopted but then you have a special committee looking at it afterwards? Sorry, Mr Speaker.

The Speaker: Right. In fairness to the hon. member for North Douglas, Mr Crowe, and so that we are absolutely plain on the meaning of the amendment in the name of the hon. member for Ayre, my understanding is that if you were to follow the hon. member for Ayre's amendment, it would in effect mean that the first report was adopted in total until such time as the committee or commission which was set up, reported, not necessarily to continue thereafter.

Mr Quine: That is correct. That is certainly my intention, Mr Speaker.

The Speaker: In that case, hon. members, could I ask the hon. member for Onchan, Mr Corkill, to reply to the debate?

Mr Corkill: Thank you, Mr Speaker. It was ever thus going to be a contentious issue and I am sure the members of the committee realised, when they brought this report forward, that there would be perhaps as many views as there are members. It will always be that, and I think that is a healthy thing because we are representative of the Isle of Man, from different sectors of the community, from a number of different backgrounds, and therefore we are here to reflect those backgrounds, and I think that has become apparent. Obviously I would say that democracy is alive and well. I certainly feel as if I am at the end of the democratic process at the moment.

So I will endeavour to round up the debate but I think it is quite clear to me that the committee has done its work. It has an unpleasant duty to perform, in many ways, and that duty has now been passed down to this House, and I think it is unpleasant for members to deal with their own particular matters but I believe it is a duty we have to do, the duty of the

emoluments committee and the duty of this House. Recommendations are not always beneficial, but the committee considers what is in the report as fair and just, and the background of all the debate that we have had today I can honestly say we have had around the table of the Joint Emoluments Committee, bearing in mind that not only do we have the views from this hon. House on that committee but also from another place as well. So I would thank hon. members very much for their contributions.

I think the key issue that surfaced is that some members are saying we should not be looking at our own circumstances, our own remuneration, and that some independent committee should be put in place. I think the committee recognised this by saying in one of the recommendations that the Commonwealth Parliamentary Association, a parliamentary setting, should be used to help us in this area. At the end of the day we talk about examination of the circumstances and, certainly in the time I have been in government, very often when you are trying to reassess posts, reassess salaries, you use expertise from within that field in order to give you a field for that decision. At the end of the day it is a political decision and so does a political decision have to be made here today. So if it is a fire service post you may bring in an outside retired chief fire officer or the like to help you in your deliberations, so I do not see that there is anything wrong in having colleagues from around the world, from small jurisdictions who understand what life is like politically on an Island, to help us in that quest, and I understand that the small territories that we would perhaps be talking about, in terms of helping us in this issue, would be Malta or Gibraltar, Nova Scotia - these sorts of Island communities where they know what insular life is like and they understand the pressures. I think that that recommendation, when I talked in my opening remarks about consensus view of the committee, satisfied the majority of the committee that in fact the independent element would have to be brought in from somewhere.

Now, I honestly cannot agree with the hon. member for Ayre's amendment where he says that this should be a Governor-in-Council consideration, because at the end of the day the job of the emoluments committee is also to look at other salaries - of deemsters, of the Governor himself. Are we going to go down the same road when it comes to deliberations there? I think that this is a parliamentary issue that we are talking about today. I do not believe the Council of Ministers should be brought into this and it is a Governor-in-Council function, but I think the hon. member for Glenfaba, Mr Gilbey, explained that quite well, and at the end of the day that is a Governor's function and I do not agree with that. I think we have to be brave. We understand the media are very interested in this; they are bound to be because it is the one issue where you are going to get terrific varying opinions.

I think the fact that the committee brought this in the public to this hon. House today was the right way forward. It was something that was debated - 'shall we do it in private, because we know it is going to attract attention?' - but at the end of the day let us be up front, and I think it is an up-front report and I do believe that the committee is being quite honest in its approach. I thank hon. members for their contributions because they have all been quite honest views, and I thank them for that.

Now, with regard to the actual recommendations in the report, I feel that there is a majority support for the report in total, but this independence issue, as I have explained, is perhaps a weakness to some members, and all I can say is that I believe that having a CPA view on the situation would be very useful in the future, and that is a firm recommendation in the report.

The other thing that I picked up in the debate is that I do believe that there is a great majority of support for sorting out the Clerk of Tynwald's remuneration. I do believe it is something that has lagged behind. I think the arguments have all been constructive and that this needs to be remedied. The main argument, perhaps, put against it is that we are now, if successful with this recommendation, about to pay the Clerk of Tynwald more than senior officers, chief executives within the Civil Service, but I think the point came out during the debate that our Clerk of Tynwald is not a civil servant; he is a servant of this Court, of this House and of another place and the terms of his employment are such that he has a contract which is the UK analogue, and that is something that was agreed upon some time ago. Now, that analogue has changed but I do not believe that we have changed the contract with the Clerk of Tynwald, and therefore I believe, and the committee believes, that we have a duty to put that right and this recommendation relates to that, and the ex-gratia payment was calculated, checked by Treasury and seen to be appropriate for the intervening years since 1992.

During our deliberations we did have sight of a document produced by KPMG, the accountants, which is a database which is confidential actually to that organisation but other accountancy firms have them as well, and which shows the level of remunerations that are expected in the private sector, and I think with regard to our Clerk of Tynwald it is quite clear that we do not just have to look at the situation within government, where we are looking at salary levels, but we also have to cast our eyes outside these government buildings to see what is happening in the private sector and, if we want qualified, properly trained, properly shepherded advice that this House deserves to expect, then we have to pay, as the hon. member for Michael would say, the rate for the job.

The hon. member for Rushen, Sir Miles, wanted clarification on this issue of the analogue. It is a difficult one because it boils down to the fact that our Clerk does not have the same terms of employment as perhaps a civil servant or someone with a contract post would, but it is quite clear from the correspondence that the committee examined closely that we have responsibilities and I believe that we have to honour that obligation. I cannot really say much more than that now.

The resettlement grant is another key issue, and I think I detect, and I hope, obviously, that the majority of people support that, but there is an opposing view. It is a matter of opinion. I have to say, hon. members, that at one time I did not agree with the idea of a resettlement grant but I suspect that, having been in this hon. place for just a few years since I had that view, I have seen perhaps changes, but I have seen the impact on certain members who lost their seats, and I do not believe that society wishes to punish people when they do not elect them. I believe, when we have an electoral competition, which is what it is at our general election time, that the democratic process is giving the people, subject to the people who put themselves forwards, the opportunity to elect the best people in their opinion. It is not a matter of either/or, they vote for who they think is the best for the job for governing the Isle of Man. They do not then think 'and we will punish the unsuccessful candidates' and I think it is very unfair - I think the word is unfair - to expect people who have lost an election to wake up next morning and put their lives back in order. I mean, they have to do that but it takes time and all this resettlement grant does is buy a bit of time for those hon. members who are not of retirement age, and I think that that is not too much to expect and I hope hon. members will support that issue.

We have been pretty well inundated with amendments today. I was beginning to lose track of them at one time, but in fact certain of them did not receive a seconder and I have taken the fact that some of them have not been seconded as a view from the overall House on that particular issue, because I have in the back of my mind the wish to have the majority support for this report in order that we can resolve these issues.

I would like to thank the hon. member for West Douglas, Mr Shimmin, in particular. I thought it was a nice fresh view on the subject, and I think he used the expression 'we have got to rationalise an awkward decision'. He also used words such as 'commitment'. A lot of the same words have come out from a number of members. What commitment members put into this job is up to them. What they are able to put in is up to them. It is not for me to stand in judgement on any particular member, that is not my position, and it is not the position of the committee to do that either. I believe that what they have come up with is a remuneration package which acknowledges the present and certainly, if this issue is put off, hon. members, it will not be addressed to a satisfactory conclusion, I would suggest, in the life of this House. People who have been in this House far longer than I have tell me that there is only one opportunity to address this issue properly in a parliamentary setting, and I would suggest, hon. members, that that time is now. We can set the scene for the next review, as I said, the CPA. We can look at other issues. The committee has a number of other issues to determine in the not-too-distant future, but I believe that you only get this one opportunity, because the life of this House will now get busier, the politics of life will get busier, and so I make that point.

I do not propose to go through every contribution because I do believe the points are simple. I do believe that each person who has wished to has expressed their view and I do believe that all the members are now aware of the arguments and the different people's views and are in a position with the right information to make a judgement on this. But I would thank the other members of the committee who have deliberated over the previous months for the support that they have given me in this motion.

I think the contribution from my colleague Mr Karran from Onchan was a plea from the heart - a good socialist speech. I must remember to mention it to the Rushen Labour Party that money is not a priority, I think he said. Anyway, it was a plea from the heart because above all what is important to this hon. House is to allow easy access for people to stand and be elected, and that takes us back to the heart of the President's letter; the President of Tynwald has concerns that perhaps the democratic process may not be so well served in the future if we do not address some of these issues, and I think we have a duty to address them and to make sure that people do have the ability to stand for election and be elected to this House.

Hon. members, I hope that the amendments are not supported because I think it will fragment the arguments and fragment the way forward. The committee, as I said before, has already come up with a consensus view and obviously everybody has a different spin on each particular recommendation, but I detect, I think, that the majority of people perhaps feel discomfort with perhaps one of the recommendations. Understandably that is the case; they may not approve of one recommendation but they approve of the others, but in general I think most members - I hope most members - support the majority of the report from their point of view, whatever that may be. So, hon. members, vote against the amendments, think about the clear recommendations and I beg to move, Mr Speaker.

The Speaker: Hon. members, it appeared it was always going to be difficult but at the present, facing us at this stage we have the two amendments which have been moved. We

have the amendment moved by Mr Crowe which, in effect, would mean that there would be no change in the emolument spine point to point 27; there would be no change from the present position until such time as a committee appointed in 3.4 was to report, and all the other recommendations would be accepted. That is the purport of Mr Crowe's amendment. And we have Mr Quine's amendment, which in effect says that the recommendations of the first report be adopted but a commission would be set up which would report and revisit it, and the first report's recommendations would be accepted until such time as that committee, or commission, reported. I had the procedural point put to the chair, hon. members, that in fact we should deal with each of the items singly and individually. I can understand that if we were to follow that route we could comparatively simply follow Mr Crowe's amendment to its finality, but if we were to follow that route as a procedural point, if 3.4 was not accepted then I would feel honour bound to revisit Mr Quine's amendment, because that would mean that the CPA committee, as recommended by the emoluments committee, would not be in being and it would be, I think, necessary and, in justice, fair to revisit Mr Quine's amendment. So hon. members, bearing that in mind, I think that we can easily solve all honour, as it were, if we take the amendments in the order of voting, first on Mr Crowe's amendment, and its acceptance or otherwise will depend on how we handle Mr Quine's amendment or whether Mr Quine's amendment will be necessary to go to the floor of the House. So I propose, therefore, to put the motion as amended by Mr Crowe. Those in favour please say aye; against, no.

A division was called for and voting resulted as follows:

For: Mr Gilbey, Sir Miles Walker, Mrs Crowe, Messrs

Crowe, Shimmin and the Speaker - 6

Against: Messrs Cannan, Quine, Rodan, Brown, Duggan,

Braidwood, Mrs Cannell, Mr Downie, Mrs Hannan, Messrs Singer, Bell, Karran, Corkill and Gelling - 14

The Speaker: Hon. members, that amendment fails in the House, 14 votes being cast against and 6 for.

I will now put the amendment as moved by Mr Quine, the amendment to the principal motion as moved by Mr Quine that a commission of three persons be appointed by the Governor in Council to consider the remuneration, as you have on your printed paper in front of you. Mr Quine's amendment then - those in favour please say aye; against, no.

A division was called for and voting resulted as follows:

For: Messrs Gilbey, Quine, Mrs Crowe, Messrs Crowe,

Singer and Bell - 6

Against: Messrs Cannan, Rodan, Sir Miles Walker, Messrs

Brown, Duggan, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Mrs Hannan, Messrs Karran, Corkill, Gelling and the Speaker - 14

The Speaker: Hon. members, Mr Quine's amendment fails in the House, 14 votes being cast against and 6 for.

In that case, hon. members, I will put the motion as printed on your agenda paper. The motion is moved by the hon. member for Onchan, printed at item 15. Those in favour please say aye; against, no.

A division was called for and voting resulted as follows:

For: Messrs Cannan, Rodan, Sir Miles Walker, Messrs

Brown, Crowe, Braidwood, Shimmin, Downie, Singer, Bell, Karran, Corkill, Gelling and the Speaker - 14

*Against: Messrs Gilbey, Quine, Mrs Crowe, Mr Duggan,
Mrs Cannell and Mrs Hannan - 6*

The Speaker: Hon. members, the motion carries in the House with 14 votes being cast for and 6 against.

Hon. members, you will recall that it is the intention of this hon. House and another place that an educational video should be made of the workings of our chambers, and to this end the video cameras will be in the House of Keys at next week's sitting, so it is as well that you be forewarned and forearmed, as it were, that the video cameras should be here on November 4th. That being the case, hon. members, the House will now stand adjourned till Tuesday next, 4th November, at 10 a.m. in our own chamber.

The House adjourned at 3.30 p.m.