

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS**

**Douglas, Tuesday, 30th June 1998
at 10.00 a.m.**

Present:

The Speaker (the Hon N Q Cringle) (Rushen); Mr L I Singer and Hon A R Bell (Ramsey); Hon R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Hon H Hannan (Peel); Mr W A Gilbey (Glenfaba); Mr S C Rodan (Garff); Hon D North (Middle); Mr P Karran, Hon R K Corkill and Mr G T Cannell (Onchan); Mr J R Houghton (Douglas North); 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); Mrs P M Crowe (Rushen); with Prof T StJ N Bates, Secretary of the House.

The Speaker took the prayers.

Expression Of Sympathy To Sir Miles Walker

The Speaker: Hon. members, I am sure that it is your wish that the sympathy of the House this morning is passed on to our colleague, Sir Miles Walker, the hon. member for Rushen, whose mother passed away last week. The funeral takes place today, hon. members, and naturally he has leave of absence from this sitting today.

Apologies For Absence

The Speaker: Also, off the Island on departmental business is the hon. Minister for Tourism and Leisure, but if the airline is flying and operating to time I am told that he will in fact join us later this morning.

Welcome To Distinguished Norwegian Guests

The Speaker: Hon. members, it is also my very great pleasure indeed to welcome to our chamber this morning the Norwegian ambassador, His Excellency Kjell Colding. We are very pleased indeed, Your Excellency, that you are in attendance here this morning to see our elected House in operation and dealing with matters, Question Time to start with at least, this morning. Pleased to see you, sir, and along with you I understand you have your economic counsellor, Arthur Knutsen, and the head of the Norwegian Trade Council in the UK, Sverre Lindtvedt. We welcome you all to our chamber this morning.

Members: Hear, hear.

**Isle Of Man Prison - Evaluation Of Future Development -
Question By Mr Houghton**

The Speaker: Turning then to our order paper, hon. members, I call first upon the hon. member for Douglas North, Mr Houghton.

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

- (1) *Has the Council of Ministers instructed the working party on the Isle of Man Prison to evaluate the future development of the prison in the area adjacent to its present site as an alternative to building a prison on a greenfield site; and*

(2) *if so, why?*

The Speaker: I call upon the Chief Minister to reply.

Mr Gelling: Mr Speaker, the Council of Ministers has made it clear that its preference is for a rebuild of the prison on the existing site, extended into adjacent land, rather than a development on a greenfield site. That is quite clear. This preference has been made consistently to the Department of Home Affairs.

Now, the main reasons for the Council's approach in this matter are cost and planning consideration. We have been advised that the least costly option is a redevelopment on the present site and, as regards planning, no area other than the present site is allocated for prison use, so therefore we must anticipate difficulties in securing approval on an alternative site. The matter, however, rests with the Department of Home Affairs and it will be for that department to make its recommendations to the Council of Ministers when it has finished exploring the options.

Mr Houghton: Mr Speaker, however, the Chief Minister must surely agree that even taking all government-owned land into account at Victoria Road and behind Victoria Avenue, there still is not enough area to meet Home Office requirements. So just what care and consideration does he have for those poor home-owners in the vicinity whose properties may be overlooked by convicts?

Mr Gelling: Mr Speaker, as I have said in my original answer, the Council of Ministers have made it quite clear to the department their preference. However, we are awaiting the Department of Home Affairs to come to the Council with the options. Now, the hon. questioner is stating that there is not enough room to accommodate what the Home Office want. Now, that is something that he has obviously got information that we are awaiting from the Department of Home Affairs. This is something that, as far as the lay person is concerned, you have got a prison on a site, you have got land probably about twice the area adjacent, one would assume that you could get a prison on there but until we get the details I cannot comment, Mr Speaker.

Mr Downie: Mr Speaker, I would like to ask the Chief Minister, should a prison not be found to be suitable for building on this site, would he be prepared to give this House an undertaking today that the site could eventually go forward for possible development for housing as this site is perfect for brownfield development and would definitely deal with some of the housing problems that are currently being faced on the Island, and particularly the shortage of sites within town centres which are very easily developed and are already serviced?

Mr Gelling: Yes, Mr Speaker, the land is in government ownership, and for obvious reasons that land is adjacent too, so we must explore and allow the Home Affairs Department to actually look at that option first and, as I will repeat again, it was the preference. There was no instruction given that that was the only place that it would go. Should, however, they come up with an option that we will have to consider and the prison does not get rebuilt on that site, the obvious proposal put forward by the questioner from Douglas is yes, it is an ideal site, it could be used for something else for government use.

Sexual Offences Act 1992 - Repeal Of Section 38 - Question By Mr Singer

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

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

Can you give an absolute assurance that your government has no intention of introducing legislation to repeal the Sexual Offences Act 1992, s 38, given that Her Majesty's Government in the United Kingdom allegedly intend to seek the repeal of the parallel provision enacted by Westminster, the Local Government Act 1988, s 28?

The Speaker: Again I call upon the Chief Minister to reply.

Mr Gelling: Yes, Mr Speaker, I can confirm to the hon. questioner that we have nothing in our legislative programme or plan for inclusion in our legislative programme which would repeal section 38 of the Sexual Offences Act 1992.

Mr Singer: Mr Speaker, may I thank the Chief Minister for his reassuring reply.

Mr Bell: Mr Speaker, can the Chief Minister state whether this legislation in the Isle of Man, or its equivalent section in the United Kingdom, has ever been used successfully in a prosecution and, if not, would he agree that having unenforceable legislation, which is poorly drafted, on the statute book in fact brings the law into disrepute?

A Member: Rubbish!

Mr Gelling: Well, first of all, of course, this mirrors the Local Government Act 1988, section 28, in the United Kingdom. Now, I cannot answer the hon. member in prosecutions or anything of that like, Mr Speaker, because I have not got that information, but certainly, if the hon. member is saying that it is law that is not enforceable, that is something that we have had on the statute books now since 1992, but I am not aware of any prosecutions that have failed in that time.

Mr Bell: Just one further supplementary, Mr Speaker. Could I ask the Chief Minister if he still adheres to the principles of the policy to establish a prosperous and caring society and, if so, would he agree that to achieve a caring society government has to encourage compassion, tolerance and understanding towards all sections of our community (**Mrs Hannan:** Hear, hear.) if it wishes to actively promote an inclusive and cohesive society?

Mr Gelling: I can agree with the hon. member that we do hope and wish and, I would hope, continue to have a prosperous island and therefore be able to care for our people. This is a situation that has now been highlighted because of a private member's amendment in the adjacent isle but, of course, that was not appertaining to this particular section. This section is different to the age question which was raised in the adjacent isle. So therefore this is something which again, if any private member of the House feels strongly about, I suggest that they could bring it forward the same as was done in the United Kingdom.

Mr Gilbey: Mr Speaker, would not the hon. Chief Minister agree that the vast majority of people who we represent would not wish this clause to be altered and wish the age for consent of homosexual acts to remain as it is and not be reduced?

Members: Hear, hear.

Mr Gelling: Well, Mr Speaker, certainly we know there is a differing opinion between sections of our community as well as we have within this House, sir.

Mr Bell: One final supplementary, Mr Speaker. If the Chief Minister agrees that we should be pursuing the policy of establishing a caring society - and I accept the answer that he has given - is the Chief Minister content to endorse a policy which deliberately promotes discrimination against a specific minority within our community?

Mr Gelling: Again, I think, Mr Speaker, it is in the opinion of different people as to whether or not people are being discriminated against, so therefore again it is something that I would comment upon purely and simply that within the human rights issue we are adhering to that issue and that is the situation as it exists, Mr Speaker.

Financial Services - Edwards Review - Release Of Report To Members - Question By Mr Cannan

The Speaker: Item 3, hon. members, I call upon the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr Speaker, I ask the Chief Minister:

Will you provide members with a copy of the report of the review conducted by Mr Edwards as soon as it is made available to the Council of Ministers?

The Speaker: Again I call upon the Chief Minister to reply, the hon. member Mr Gelling.

Mr Gelling: Yes, Mr Speaker, the Edwards review will report to the Home Secretary and the publication of the report will be a matter for the Home Secretary. It will be my endeavour to secure, if possible, that the report will be available to members of Tynwald at the same time that it is published and available to Members of Parliament at Westminster, sir.

Mr Cannan: I thank the Chief Minister for his answer. Will he confirm that before the Edwards report is actually published, a draft will be sent to the Council of Ministers to answer any questions of which they feel gives the wrong image of the Isle of Man or is factually incorrect and, if so, will he advise members privately of the content of that draft report?

Mr Gelling: Yes, Mr Speaker, indeed the report itself will comprise chapters 2, 3 and 4 which will be the different islands. Now, they will be factually correct because in fact the chapter for the Isle of Man has been already in draft form, we have seen it, our officers and ourselves will make sure that that detail of our Island is correct. However, chapter 1 will be Mr Edwards' chapter on how he sees the whole situation. Now, I understand that the format for that will be that it will be sent to us purely so that we will not be surprised by anything perhaps which is in it, but I doubt very, very much indeed that we will be able to change anything within Mr Edwards' chapter.

Mr Cannan: I thank the Chief Minister for his further clarification. Will he indicate to the House that the chapter on the Isle of Man, which he has already seen, is correct and he concurs, with it and will he, when he receives the chapter 1, which is Mr Edwards' own appraisal of the whole situation of offshore financial services, take this House into his confidence and advise members of the content of that before it is disclosed publicly?

Mr Gelling: As I have explained, Mr Speaker, it would be extremely difficult, in fact I would suggest impossible, for us to distribute that particular report before the Home Secretary

himself makes it public and issues it to Parliament in the UK because it is his report and he will do what he wishes with that report, but I can certainly say to hon. members that we will be informing hon. members of this House as soon as we can do so.

Mr Karran: Vainstyr Loayreyder, would the Chief Minister not agree, and support this hon. House, that the UK's City of London is a far worse regulated finance centre than ever the Isle of Man, and when will his government start a report into the bad management of the finance sector in the City of London instead of rolling over and playing dead with the imperial government in the adjacent isle?

Mr Gelling: Mr Speaker, as I have already said and am on record as saying, as far as I am concerned the regulation and the codes of conduct and the way this Island is situated is of concern, I think, to myself and to all members of this government. Now, what is happening in the City of London is their affair. The situation could very well be worse than the Isle of Man. I do not know, because we have not had a review of the City of London, but this is something which I would suggest that, perhaps, on receiving the report of the Island and the Channel Islands, it might very well be the next step to see whether in fact the UK itself has the same regulation (**Members:** Hear, hear.) and whether they are up to the same standard as the offshore jurisdictions are.

Manx Radio - Staffing Etc - Question By Mr Cannell

The Speaker: We move on, hon. members. Item 4, the hon. member for Onchan, Mr Cannell.

Mr Cannell: Mr Speaker, I beg leave to ask the Chief Minister:

- (1) *What was the cost of the Simon Cornes Report into the staffing at Manx Radio; and*
- (2) *are you aware that a director of programmes is now being sought?*

The Speaker: I call upon the Chief Minister to reply.

Mr Gelling: Yes, Mr Speaker, in reply to the first part of the question, I do not know the cost of the report which is referred to in the question and I was not in fact aware, until I saw the question put down, that a director of programmes was now being sought. However, these are not issues which government has now a need to know and have particulars of, because of course, since the trust was set up, it was set up in such a way that would prevent or, hopefully, sidestep, some of the political interference, I should suggest, in Manx Radio and that is why the trustees are there. So therefore, other than their reporting to Treasury for their subvention and their communications with the communications division of the Department of Home Affairs, as far as I am concerned we do not have those particular details.

Mr Houghton: Mr Speaker, notwithstanding the Chief Minister's comments in this regard, as author of this report will Mr Cornes be eligible to apply for the position of programme director, and therefore will he require a work permit, sir?

Mr Gelling: I can only comment, Mr Speaker, that I would imagine it is an open opportunity position. I do not know Mr Cornes and, if it is being suggested that he has furnished Manx Radio with a report that perhaps leads them to believe that they should engage him, that is something again which will be for the directors of the company.

Capital Projects - Remuneration For Professional Services - Question By Mr Karran

The Speaker: Item 5, hon. members. I call upon the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I beg to ask the Minister for the Treasury:

Will your department consider remunerating those providing professional services for capital projects by agreed fees rather than by a percentage of the total cost of the project?

The Speaker: I call upon the Minister for the Treasury, the hon. member Mr Corkill, to reply.

Mr Corkill: Thank you, Mr Speaker. I am conscious that this is an issue that the hon. member has raised in the past and that he disagrees with the approach which has been in operation for a long number of years. In practice, in most instances, the definition of a fee starts with the scale rate for professional services. It is then subject to the negotiation of a discount from that figure based on the nature of the scheme. The amount agreed is then worked out into a lump sum which is then paid regardless of the total cost of the project.

Section 4 of procedure note 8 of the procedures notes for capital schemes which are incorporated into financial regulations sets out the basis of fee payments as follows, and I quote: 'Lump sum fees will be agreed unless considered inappropriate due to the scale, complexity or duration of the scheme or other valid reason.' The procedure notes incorporating these provisions were considered as part of the Public Accounts Committee's report on certain government contracts in 1995 with no proposals for their amendment. This report was subsequently approved by Tynwald but I do acknowledge that the hon. questioner did vote against that report. However, I am happy to give the hon. member an assurance that the matter will once again be given consideration during any future review my department undertakes in relation to the procedures notes. As he has been offered in the past, if he wishes to present specific proposals or concerns in writing to me I will look at them closely.

Mr Karran: Vainstyr Loayreyder, would the Treasury minister not agree that the fact of the matter is that the present arrangement encourages inflation because the more they spend, they more they get, and would he consider setting up a working party to look at this system of contracts with representation from outside this hon. House as well as inside this hon. House in order to try and get a system that will give best value to the taxpayers of the Isle of Man?

Mr Corkill: Mr Speaker, the hon. questioner makes an assumption there, and I thought I had made it clear in my answer that in fact a lump sum fee is agreed in advance and then paid regardless of the value of the turn-out cost. If the hon. member does not agree with that, then I do not know what it will take to convince him otherwise. What I will do is circulate to all hon. members an information paper, which was prepared for Treasury some years ago, looking at the down side and the plus side of the present system, which clearly comes to a conclusion that in fact the present system is the best one.

Mrs Cannell: Mr Speaker, with regard to specific suggestions asked for by the minister, does he not consider that it might be more appropriate, when considering government contracts on capital projects, for the scrutinising to be undertaken outside of government by an independent board of contract and tender?

Mr Corkill: Certainly, Mr Speaker, I see that scrutiny as government's duty. That is what we are here for and that is what we endeavour to do. To abrogate that responsibility to an outside body, I would say, would add cost and be of no benefit.

Drug And Alcohol Addiction - Treatment - Question By Mr Downie

The Speaker: Item 6, 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 the Health and Social Security:

- (1) *What provision does your department make for the treatment of drug and alcohol addiction; and*
- (2) *what is the annual percentage increase since 1992 in referrals for the treatment of*
 - (a) *addiction to controlled drugs; and*
 - (b) *chronic alcoholism?*

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

Mr Karran: Vainstyr Loayreyder, taking the first part of the hon. member's question, the department's mental health services have always provided a hospital-based in-patient and detoxification service for the treatment of patients with drug and alcohol-related problems. In addition to the hospital-based provision, the health services operate a community drug and alcohol team which accepts referrals from all agencies and individuals and provides advice, counselling and home detoxification. The community service provision has been in place since 1993 and has proved successful in reducing significantly the number of people requiring in-patient detoxification.

In terms of the increase in referrals to the mental health services, I can advise that, in respect of individuals having addiction to controlled drugs, the number of new referrals fluctuates from year to year. However, looking at the data, I can confirm that in 1997 there were a total of 91 new referrals compared to 54 new referrals in 1993, the first year that the figures are available, a percentage increase of 68 per cent. For alcoholism, a total of 51 new referrals were made in 1997, which compares to 12 in 1993, an increase of 325 per cent.

I am mindful that the information provided is concentrated on the treatment provisions through the mental health services. So far as my department is concerned, this is only part of the picture; as equally important is the work done by the drug and alcohol co-ordinator, the voluntary sector, in promoting awareness of the dangers of misuse of drugs and alcohol through the development of initiatives through the health promotion, education and training. We should, however, not be complacent and I am keen that we play our part in getting the message over, particularly to the young, in combating what is recognised as an increasing problem within the Isle of Man.

Mr Downie: I would just like to ask the member with responsibility for health, is he concerned, following the claim last week from the organisation DASH, that they have seen a threefold increase in the numbers of persons now dependent on hard drugs in the Isle of Man, is he satisfied that his department are doing enough to promote a cure for drug abuse, and

what provisions does he have for voluntary patients who want to attend a centre rather than being referred through GPs?

Mr Karran: Vainstyr Loayreyder, I think there is a great danger in this country, like in many other countries throughout the world, that we act from a reactive basis. I believe that the first important thing that we should accept is that we have the ability, if the will is there, to stop the supply in the first place and then hopefully we should be able to stop the resources having to be spent on reacting to the lack of any commitment to address the issue of the drug abuse and the drugs coming into the Island.

As far as the referral is concerned, referrals are generally through GPs. I believe that they can be through voluntary organisations. If the hon. member has a problem as far as this is concerned, I am very happy to arrange a meeting -

Mr Downie: I don't have a problem! (*Laughter*)

Mr Karran: Well, I think some in this hon. House have a problem, but the point is (**Members:** Oh!) that if there is a specific problem that he is concerned about, our door is always open and we will look at it, because it is a growing problem within our society at the present time.

Mr Singer: Mr Speaker, could I ask the hon. member, are these 91 new referrals that he refers to new patients or could some of them be patients who are considered to have been cured and then lapsed again, and is he happy about the ongoing monitoring of people who are considered to have been cured to make sure that they do not lapse back into taking drugs or excessive amounts of alcohol?

Mr Karran: Vainstyr Loayreyder, the hon. member raises a very important point; these are new referrals, and I think that is an important fact. I believe that there is an argument that there is a need for more resources, but I would rather try and not break the egg in the first place than try to repair the egg afterwards, and I do think that government must make sure that the resources are put in to stop the stuff coming in in the first place. I hope that answers the hon. member.

Mr Cannell: Mr Speaker, may I ask a supplementary question of the hon. departmental member, Mr Karran? Would his department consider recommending that where drivers are known to have alcohol addiction problems, they be ordered off the road in similar fashion to epilepsy sufferers?

Mr Karran: Vainstyr Loayreyder, this issue has been raised before, I believe. It is an issue that is worthy of reopening, and I will refer it to the health policy group. I must say there is always a danger when we have this that there is a problem of confidentiality between patient and GP, and I think one of the problems we have got with alcoholism is the social stigma. I think if people could get rid of the social stigma, then we could get people treated earlier and then we would more than likely have a better chance of them getting a complete recovery so as not to have relapses into alcoholism. Just the same, I believe, would be the case as far as drug addicts are concerned.

The Speaker: The final supplementary, I think, hon. members. I call upon the hon. member for Douglas West, Mr Downie.

Mr Downie: Thank you, Mr Speaker. I would like to ask the member for health, given that there has been a huge increase in hard drug addiction, can the member indicate whether or not we have had any incidences involving crack cocaine in the Isle of Man? How does his department work with the courts, and in fact are there provisions in place at the moment where the court can recommend a person go for detoxification treatment through the NHS?

Mr Karran: Vainstyr Loayreyder, as far as drugs are concerned, there is not a provision but I think courts can order anything that they want as far as that is concerned. As for alcohol, I am sure that there are provisions within the Isle of Man in that we moved a private member's Bill several years ago in order to address the issue of putting some sort of programme together to get people to face up their problems with alcoholism. I know that is the case. I believe that the court would be able to put up a package of measures in order to try and get people to address the issue, but I think it is important that this hon. House recognises that the important thing is this nation is an Island, we have a stretch of water there and what we should be putting is more emphasis on stopping the trade coming here in the first place. Can I just say, Vainstyr Loayreyder, to the first part of the hon. member's question, I cannot say anything as far as drugs are concerned regarding my department, but it is a well-known fact that heroin is on the increase in this Island, the price of cocaine has gone down on this Island and I do believe that it is very sad that we have allowed this situation to fester away for far too long, and I do hope that something can be done in order to address the issue.

The Speaker: Hon. members, once again the court clock stands at half past 10 and has defeated us according to standing orders. I call upon the hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker. I move:

That standing order 43.2 be suspended to enable the remaining questions tabled for oral answer at this sitting to be put.

Mr Braidwood: I beg to second, Mr Speaker.

The Speaker: Agreed, hon. members?

Members: Agreed.

Douglas Harbour - Fees To Boat Owners - Question By Mrs Cannell

The Speaker: Item 7 then, hon. members, and I call upon the hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Mr Speaker, I beg leave to ask the Minister for Transport:

Do you propose to increase the fees presently charged to boat-owners who use Douglas harbour facilities?

The Speaker: I call upon the Minister for Transport, the hon. member for Castletown, Mr Brown, to reply.

Mr Brown: Thank you, Mr Speaker. My department's policy is to review all harbour charges annually. In recent years when the charges have been increased they have been increased by approximately the rate of inflation. The charges, which require Tynwald approval, were last increased on 1st April 1998 and consideration to increasing the charges will next be undertaken prior to April 1st, 1999.

Mrs Cannell: Mr Speaker, is the minister aware that, during consultation held recently with the harbourmaster, confirmation was given as to the setting of future harbour fees, which will be set at two levels and to which all future new facilities based down at the Douglas harbour will be provided? This is to say, is he aware that the two fees which have been set are going to provide for future harbour facilities, and is he satisfied, therefore, given there are 125 to 130 local boat-owners who may not be able to afford the higher level fee, that that is a good choice for those boat-owners?

Mr Brown: Mr Speaker, certainly as far as the department is concerned, we will be looking to have a different charge where the department provides additional facilities within any of our harbours such as the inner harbour where we are proposing to have pontoons, and I think, to put it into context, what hon. members should be aware of is that we are talking about a charge presently for a person with a boat of about six metres long, which is a sort of average size, six to seven metres, where a person pays annually a fee of £47.52 plus VAT, which is £1.07 per week, to berth in the harbour and any other harbour in the Isle of Man, and certainly, whilst my department is content to keep the charges at a reasonable level, it would be, I think, wrong of us not to consider an extra charge where extra facilities are provided, and for those who do not want to use the additional facilities, then other arrangements will be made within the harbour so that those people have their boats.

Mrs Cannell: With regard to 'other arrangements', can the minister please indicate precisely what those other arrangements will be? What level of choice will be given to the boat-owners?

Mr Brown: Mr Speaker, certainly my department will consider what is available within the harbour area and, for example, we have moorings at the Fort William site which are not presently full, and also we will consider what other facilities, what other area, is available for those who wish to berth or contain their boats within the harbour of Douglas, as we do elsewhere when we make harbour improvements.

The Speaker: A final supplementary. The hon. member for Douglas East.

Mrs Cannell: Thank you, Mr Speaker. When the minister is considering the two levels which will be put to him by the harbour master, will he also consider proper consultation with the boat-owners before deciding on what that final fee will be?

The Speaker: The minister to reply.

Mr Brown: Yes, Mr Speaker, my department, through the director of harbours, always consults on the annual charges with the relevant organisations and I see no reason why that should not continue.

Drivers - Donation Of Body Parts In Event Of Death - Question By Mr Karran

The Speaker: Item 8, hon. members, and I call upon the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I beg to ask the Minister for Transport:

Following the enactment of the Road Traffic (Amendment) Act 1996, s7, what action has your department taken to facilitate or encourage drivers to include a statement in their

driving licences requesting that after death their bodies or body parts be used for therapeutic, or medical education or research purposes?

The Speaker: Again I call upon the hon. member for Castletown, Mr Brown, the Minister for Transport, to reply.

Mr Brown: Mr Speaker, I thank the hon. member for his question as it gives me the opportunity to advise the House that my department intends to implement a system of organ donor consent within the Isle of Man driving licence later this year. It is our intention to have the scheme effective from October 1998.

Mr Karran: I thank the minister for his reply.

Criminal Justice Bill - Introduction Into Keys - Register Of Paedophiles - Question By Mrs Cannell

The Speaker: Hon. members, item 9. The hon. member for Douglas East, Mrs Cannell.

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

When do you expect the Criminal Justice Bill to be tabled for first reading?

The Speaker: I call upon the Minister for Home Affairs, the hon. member for Ramsey, Mr Bell.

Mr Bell: Thank you, Mr Speaker. I cannot at this stage be precise as to when this Bill will be introduced into this House but, as I have said on a number of previous occasions, it is my hope that it will be before the end of this calendar year.

Mrs Cannell: Mr Speaker, can the minister confirm that a committee has been investigating the inclusion of a paedophile register to be included in this Bill and that the committee have made recommendations to the department?

Mr Bell: There is a committee, as I have stated previously, Mr Speaker, investigating this aspect of the Criminal Justice Bill. The committee is still deliberating on this matter and I have not received a report from them yet.

Mr Houghton: Mr Speaker, would the hon. minister kindly offer some documents for consultation at an early period to members of the House who require it, before he brings his Bill forward?

Mr Bell: As soon as the final draft is received by my department and approved by my department at its initial consideration, Mr Speaker, there will be a period for consultation which I hope will take place during the summer recess and which will then still enable me to bring the final document, subject to the Council of Ministers' approval, to the House of Keys for consideration before the end of this year.

Mr Karran: Vainstyr Loayreyder, could the hon. minister give us an assurance that there will not be any knee-jerk hysteria reaction as far as this is concerned, and would he not also agree that it is important that we do not force this underground but we get it sorted out and not hidden away? And would he also inform this hon. House, what improvements have been done to these paedophiles that are arrested and are in prison at the present time? What are we doing to try to break their deviancy as far as their actions are concerned?

Mr Bell: I assume from what the hon. member is saying, Mr Speaker, that he is referring to the section of the Bill relating to the paedophile register. I have written to a number of members recently explaining my latest thinking and the department's latest thinking on this and I agree entirely with the comments that he has made. It is not a straightforward issue; it needs a great deal of thought, particularly in the light of experience which has been received by the authorities in the United Kingdom, where they have found themselves the legislation which was passed some 12 months ago, I think, has not worked as effectively as they had expected and in fact is causing more problems in the United Kingdom in some areas than it has been able to resolve. It is most important that when we put our legislation together, it has to be something more than window-dressing and simply following the system strictly as it applies in the UK. It has to be something which will work and be effective in the Isle of Man and protect our young people from this particular menace. There has to be a degree of similarity, though, between the Manx legislation and the UK legislation if there is to be a free flow of information between the two jurisdictions to prevent UK paedophiles coming into the Isle of Man without us being aware of them. So there is a certain limitation on that. But outside of that, I would agree entirely with the hon. member, it is most important that we do not get carried along on a populist tide, which there is a danger of on this matter, and that we think it through carefully ourselves and we come ultimately to a conclusion and a set of legislation which will hopefully severely restrict, if not eradicate, this problem from the Island altogether.

As far as the paedophiles who have been sentenced are concerned, they currently are treated by the Isle of Man health authority, his own department, in the same way as they have been done over a great many years. Whether this is adequate or not at this present stage I cannot comment on at this particular point, but it is an issue which we are very concerned about and we will be doing our best to come up with a solution, both through the legislative process and, I hope, through the health provision, which will go some way to allay fears which genuinely exist in some parts of our community.

Mrs Cannell: Mr Speaker, can the minister assure us that the assurances that he gave in Tynwald Court on Tuesday, 18 November 1997 with regard to the introduction of the paedophile register, as he said on that day. . . that it will be included in the Criminal Justice Bill when it comes forward? In addition to that, can he also give us an assurance that, along with consideration of that, there will also be a victim support scheme introduced?

Mr Bell: Mr Speaker, these are two separate issues. I have given an assurance on a number of occasions, as the hon. member knows and has just quoted, that it is my intention, all things being equal, to include provision for a paedophile register in the Criminal Justice Bill. The only hesitation I have at this particular juncture is the speed and the ability of my department and the legal draftsmen to find an effective form of words which will ensure that we give the maximum amount of protection to our community, and there are other issues we are looking at as well in parallel to this which might be needed to be included with this provision. It is my intention at the moment to include it in the Criminal Justice Bill but, if that does not seem to be possible, then there will be a separate stand-alone Bill which will come to the floor of this House shortly after.

Isle Of Man Employees - Low Wages - Question By Mr Singer

The Speaker: We turn then to item 10 on our order paper, hon. members. I call upon the hon. member for Ramsey, Mr Singer.

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

How many Isle of Man employees, full and part-time, earn less than £3.60 per hour?

The Speaker: The Minister for Trade and Industry to reply, the hon. member for Middle, Mr North.

Mr North: Mr Speaker, the only figures I can quote in answer to the hon. member's question have been provided to me by the economic affairs division of the Treasury. I am advised that these have been estimated from data collected for their 1997 earnings survey, and indicate that there were approximately 230 full-time and 460 part-time employees earning less than £3.60 per hour when the survey was conducted in June 1997.

Mr Singer: Mr Speaker, I thank the hon. minister for his reply. Can he tell me, do these figures show the distribution of these low-paid employees by regions throughout the Island?

Mr North: Mr Speaker, I will find out from the Treasury if they have those figures, and advise the hon. member accordingly.

Mr Karran: Vainstyr Loayreyder, could the minister give some sort of assurance to this House that there is any reality as far as these figures are concerned? If we can get figures out that show that the average working wage in the Isle of Man is between £300 and £400 a week, what confidence can we have that there are so few earning such low rates of pay for doing the job, and would he really be correct in saying to this hon. House that the truth is, we do not know how big a problem low pay is in the Isle of Man?

Mr North: Mr Speaker, yes, the hon. member has a point that this is a survey and it is only a cross-section collected by the economic affairs division of the Treasury.

Property Ownership - Dolge Means To Assist - Question By Mr Karran

The Speaker: Item 11, hon. members, and I call upon the hon. member for Onchan, Mr Karran.

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

When does your department intend to provide more effective and efficient means of helping persons to become property owners?

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

Mr Quine: Thank you, Mr Speaker. I would advise that the Department of Local Government and the Environment intends to bring to Tynwald during the calendar year a revised government mortgage scheme. The department is in the process of undertaking a comprehensive review of housing policy. This exercise, amongst other matters, examines the means by which persons aspiring to home ownership who cannot avail themselves of private sector mortgages can be assisted. It is recognised that the existing government mortgage scheme does not fully meet present-day requirements and needs revision. Discussions have taken place between officers of this department and Treasury to progress this matter. I can

assure the hon. member that every effort will be made to expedite the review of the government mortgage scheme.

Mr Karran: Vainstyr Loayreyder, could the minister give us more of a specific time period of when he is going to come back with some sort of proposals, some sort of initiative towards a better mortgage scheme that is going to help people get onto the property rung? And would the minister not also agree that there is a crisis around the corner at the present time as far as first-time buyers' houses are concerned in the Island and will he speed up any proposals for a mortgage? Could I also ask the minister, would he not also agree that the present time of certain local authorities gerrymandering their lists, as far as being able to go on the list for a local authority house, has aggravated the problem and, if he does not do something as far as a government mortgage that can appreciate the problems of people getting on that first rung of the ladder, there will be a crisis within this Island?

The Speaker: Three questions and an opinion to answer there, I think, hon. minister. *(Laughter)*

Mr Quine: Thank you, Mr Speaker. Well, of course I did give the hon. member an indication of the time frame within which I hope to bring forward the new order and I said it would be done during the calendar year. I think that is the most specific time frame that I can give him because, as I indicated, it hinges upon another report being produced, that is the Housing Review Report and consideration of that report, so I think that responds to the first part of his question.

The second item perhaps I could address. He suggests that local authorities are gerrymandering their lists. I am afraid I cannot concur with that; I have no evidence that that is the case whatsoever. The criterion against which applicants for public housing are considered are established, that is the same criterion which has been in place for a number of years, so I have no reason to believe that there is any gerrymandering of the list. As far as I am aware, the local authorities are administering their housing, those that have responsibility for housing, as they always have done and, as the hon. member is aware, because I have given him this indication before, in terms of persons on the waiting list the numbers are fewer this year than they were last year, albeit not by any great number.

The third, I suppose, opinion that he has expressed which I would respond to - he says that there is a crisis around the corner. I do not believe that to be the case at all. Unquestionably, at the present time there is pressure on the housing market and there are a number of ways in which government need to respond to that and are responding to that, ranging from land supply to ensuring that there are available adequate mortgage schemes for the different sectors of the housing market. That we are addressing, but I could not concur with the statement that there is a crisis around the corner. He will be aware that over the years the housing market goes up, the housing market goes down and pressures increase and pressures ease. We are conscious of those movements and we are conscious of the need to do all that we can to address the current requirements.

Mr Karran: Vainstyr Loayreyder, if the minister does not agree with the statement, could the hon. minister then put up with my constituents being housed by him when he can find houses for £50,000 for government mortgages and the fact is that they are not allowed onto the district commissioners' list in Onchan if they can afford a government mortgage of

£50,000? Will he then forward my constituents to houses that are decent for families in Onchan, where they can afford a £50,000 house that is for sale?

Mr Quine: The hon. member is going back on an answer I have already given to him. I have indicated to him there is a need to revise the present government mortgage scheme, and quite clearly the issue of the present limit of £50,000 is a matter that needs to be revised. That is quite clear. There is common ground amongst us as far as that is concerned. In addition to that I pointed out to him the existing situation in respect of applicants for local authority housing, and there is no suggestion as far as I am aware that there is any manipulation of those lists by local authorities.

Mr Cannell: Mr Speaker, I would like to ask the hon. minister, would he agree that the actions of one of the Island's housing authorities, Braddan, last evening brought local government in this Island into disrepute?

The Speaker: Very wide off the mark, but the minister to reply.

Mr Quine: Thank you, Mr Speaker. I am, of course, aware of the developments which have taken place in recent times at Braddan. Indeed, we have looked at that in the context of what has taken place in relation to the law and, as intimated last night, what has taken place has not, we are advised, infringed the law as it stands. All I could say at this stage is that I think it is highly regrettable that we should have such adverse publicity attached to local government which rightly or wrongly infers that there is something seriously astray within that particular authority and the sooner that the local authority and more specifically the ratepayers of that authority bring this matter to a head, the better. I think it is most regrettable.

Mr Karran: Would the minister not agree that we have got away almost certainly until the end of the year before we see any effective and efficient new system of mortgages within the Island? Will he direct the Onchan Commissioners to do away with artificially lowering the numbers that need houses in Onchan, where they automatically are debarred because they are entitled to apply for a government mortgage of £45,000 to £50,000 when there are no houses in the district able to be purchased at that price, and would he make a direction to them to change this policy, because what is artificially lowering the waiting lists throughout the Island is this sort of nonsense, and there is a real problem out there with homelessness?

The Speaker: Minister, I think you have replied but if you wish to add to it, feel free.

Mr Quine: I simply wish to say, sir, it is not my place to give a direction to a local authority. Local authorities are subject to popular election. They are subject to primary and secondary legislation which governs the operation of those authorities. And in terms of the criteria which apply to public housing, that is a matter which is discussed at least annually in meetings with the Department. Criteria are reviewed, rentals and all other matters are discussed and there is common ground arrived at and they work to that common ground. That system is in place and that system will continue.

The Speaker: Hon. members, that draws to a conclusion the oral part of our order paper. Item 12 and item 13 are down for written answer and I understand that hon. members have had circulated to them the answers to those questions.

**Work Permits Committee - Membership -
Question By Mr Rodan For Written Answer**

Question 12

The hon. member for Garff, Mr Rodan, to ask the Minister for Trade and Industry:

- (1) *Who are the members of the Work Permits Committee;*
- (2) *when were they appointed;*
- (3) *what is the period of appointments;*
- (4) *by whom were they appointed;*
- (5) *to whom are they accountable;*
- (6) *what is the statutory basis of their appointments; and*
- (7) *what qualifications are required for membership?*

Answer

(1) The Chairman of the Work Permits Committee is Mr Robert B M Quayle, and the members are Mr James F Corrin (vice-chairman) and Mr J Keith McArd.

(2) Mr Quayle was appointed in December 1996, Mr Corrin in December 1988 and Mr McArd in November 1992.

(3) The appointments are not made for a specific period of time, the individuals holding office at the pleasure of the Minister for Trade and Industry, or resigning voluntarily.

(4) Appointments to the Work Permits Committee are made by the Minister for Trade and Industry. The committee is established by the minister under the provisions of the Government Departments Act 1987; it is not a statutory body arising from the control of employment legislation.

(5) Accountability is to the Minister for Trade and Industry.

In the event that any person is aggrieved by a decision of the Work Permits Committee, then an appeal can be lodged to an independent appeal tribunal, constituted under section 5(5A) of the Control of Employment Act 1975 (as amended).

(6) Section 3(2) of the Government Departments Act 1987 provides that:

‘The Minister may authorise any member or officer of the Department, or any other person, to exercise any functions of the Department in his place, either alone or jointly with him or with any other such person or persons.’.

It is in accordance with this provision that the minister establishes the Work Permits Committee and its members, and authorises the committee to exercise certain functions of the department relating to work permits.

(7) No formal qualifications are required, the minister in practice seeking to appoint an appropriately experienced person as chairman, with the side members having experience of the employer and employee sides of industry respectively.

Work Permits Appeals Tribunal - Membership - Question By Mr Rodan For Written Answer

Question 13

The hon. member for Garff, Mr Rodan, to ask the Minister for Trade and Industry:

- (1) *Who are the members of the Work Permits Appeals Tribunal;*
- (2) *when were they appointed;*
- (3) *what is the period of appointment;*
- (4) *by whom were they appointed;*
- (5) *to whom are they accountable;*
- (6) *what is the statutory basis for their appointment; and*
- (7) *what qualifications are required for membership?*

Answer

(1) The Chairman of the Control of Employment Appeals Tribunal is Mr Norman C Teare, advocate, and the Deputy Chairman is Mr John L M Quinn, advocate. The following persons are appointed as members of their respective panels, a member of the tribunal being drawn from each panel:

Panel of Persons Representing Employers and Self-Employed Persons:

Mr D H Brew;
Mr T E Osborne;
Mr E Ardern;
Mr J B Brown; and
Mr S Clague.

Panel of Persons Representing Employed Persons Other than Self-Employed Persons:

Mrs K P Barry;
Mr B McGuinness;
Ms B Standish;
Mr C Brooks; and
Mr A McClements.

(2) The current appointments of the chairmen and panel members commenced with effect from 1st July 1995.

(3) Appointments are made for a period of three years.

(4) The chairman and panel members are appointed by the Department of Trade and Industry. The deputy chairman is appointed by the tribunal chairman, such appointment being subject to the approval of the department.

(5) As the department is responsible for appointing the tribunal chairman and panel members, accountability is ultimately to the department. However, the tribunal in practice has to be independent of the department, given that its function is to determine appeals brought by persons who are aggrieved by a decision of the department.

Whilst, in accordance with section 5(5) of the Control of Employment Act 1975 (as amended), the decision of the tribunal on an appeal shall be final, this is subject to the provision of section 5(6) of the Act which allows for an appeal to lie to the staff of government

division, from a decision of the tribunal on an appeal, where that decision involves a question of law.

(6) The statutory basis for the appointment of the tribunal chairman and panel members is contained within section 5(5A) of the Control of Employment Act 1975 (as amended), and the Control of Employment (Amendment) Regulations 1995. Section 5(5A) provides that:

‘The Tribunal shall consist of -

- (a) one member drawn, in accordance with regulations under section 10, from a panel composed, in accordance with those regulations, of persons representing employers and self-employed persons;
- (b) one member drawn, in accordance with those regulations, from a panel composed, in accordance with those regulations, of persons representing employed persons other than self-employed persons; and
- (c) an advocate of not less than ten years standing appointed by the Department to act as chairman.’

and the Control of Employment (Amendment) Regulations 1995 provide, at section 2, that:

‘2. After regulation 10 of the Control of Employment Regulations 1993(b) there is inserted the following regulation -

“Panel of members of Tribunal

10A. The panels referred to in section 5(5A)(a) and (b) of the Act shall be appointed by the Department.”.’

The appointment by the tribunal chairman of the deputy chairman is made in accordance with the provision of section 21 of the Interpretation Act 1976, as substituted by paragraph 14 of schedule 3 to the Civil Service Act 1990, which states:

21 (1) Where, by or under any statutory provision or resolution of Tynwald, any functions are conferred on a public officer, that officer may from time to time appoint a fit and proper person to act as his deputy, who while so appointed, may exercise all the functions conferred on that officer by that provision or resolution.

(2) An appointment made under this section may not be made without the approval of the person or body by whom the public officer is appointed, and shall be made subject to such conditions, exceptions or qualifications as that person or body may think expedient.’

(7) No formal qualifications are required, other than the requirement that the chairman and his deputy be advocates of not less than ten years standing. In practice, members of the tribunal panels are identified through nomination by local representative organisations, such as the Isle of Man Trades Council, the Isle of Man Employers’ Federation and the Isle of Man Chamber of Commerce.

Sewerage Bill - Third Reading Approved

The Speaker: We turn then to item 14 on your order paper, the Sewerage Bill for third reading, and I call upon the hon. member for Castletown, Mr Brown.

Mr Brown: Thank you, Mr Speaker. The Bill which is before hon. members is promoted by my department, the Department of Transport, and is to replace the existing legislation relating to sewerage and sanitation and to introduce new controls over trade effluent.

Part 1 of the Bill contains general provisions and imposes duties on the Department of Transport with respect to sewerage and sewage disposal, and it enables the Department of Transport by agreement to delegate its functions under the Bill to a local authority.

Part 2 deals with the sewerage and sewage disposal and empowers the department to lay and maintain any sewer and gives owners and occupiers the right to connect to a public sewer. It also provides for the adoption of sewers and other works by the department and enables the department to enter into an agreement with developers for the adoption of a sewer or sewers. Part 2 also confers enabling powers for a sewerage rate, and the implementation of that sewerage rate, of course, requires Tynwald approval. It provides for all public sewers and sewage disposal works to vest in the Department of Transport.

Part 3 contains a new code for controlling discharges of trade effluent into sewers and requires the consent of the Department of Transport to any such discharge. It enables the department to enter into agreements for the disposal of the trade effluent.

Part 4 deals with sanitation, enables local authorities to require building owners to install proper drainage and enables local authorities to do such work themselves in an emergency. Part 4 also enables a local authority to require premises to be provided with closets and gives similar powers to the Department of Local Government and the Environment in relation to workplaces. It enables local authorities to provide, where necessary, public conveniences, and also requires a building authority to consult the department on plans of work affecting a public sewer.

Part 5 is supplemental and imposes civil liability for damage caused by discharges into sewers, and applies certain provisions of the Local Government Act 1985 to the exercise of the powers under the Bill.

The Bill also repeals a number of Acts and sections of Acts of Tynwald which have been effective since 1909 and have been in power and are Acts up to 1994.

The Bill substantially modernises our legislation for dealing with public sewers and will provide a good legislative basis for well into the next century. I would like to thank hon. members for their forbearance whilst we went through the clauses of this Bill and for their support during that stage, and also I would put on record my thanks and that of my department to the present local authorities who are drainage authorities for their support and for their help in progressing this matter. Finally I would thank the officers of my department and the Attorney-General's Chambers for the amount of work that has been involved in this Bill, which has taken a number of years to get to this stage, and I hope hon. members will now feel able to give it its third reading. I beg to move.

Mr Singer: Mr Speaker, I beg to second and reserve my comments.

The Speaker: Does any hon. member wish to speak to the third reading? The hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, the Bill will go through today, but I believe that the Bill has got a number of things that need to be changed within it and hopefully it will be done in another place. Quite honestly, I was going to try and get some amendments drawn up, but it is such a problem to get things done as far as this is concerned. But I do think that this Bill has got a number of things that should be addressed in it and I do hope that the other place will address those issues. As far as this Bill is concerned, I raised the issue, I rang up the Attorney-General's department, but I have decided that I will not vote for the Bill at the present time because I believe the Bill is defective. I believe that this House has not done a thorough enough job on this Bill, Vainstyr Loayreyder.

The Speaker: I call upon the hon. minister to reply.

Mr Brown: Yes, thank you, Mr Speaker. I have to say that I am somewhat amazed at the comments of the hon. member for Onchan who was absent for most of the clauses stage of this Bill, and I have to say that to criticise the House and those members who actually did stay to work through the clauses of the Bill is somewhat unfair. The hon. member has said a number of things need changing and there are matters that should be addressed. That is exactly the work of this House, and I would suggest to the hon. member that I believe the House actually went through this Bill very carefully, there were a number of issues considered in great detail and there were a number of amendments, basically to one principle in the Bill, which the House adopted. And I have to say that, as far as I am concerned, it is the job of this House to determine the legislation; it is not the job of this House or its members to allow another place to do it unless they do not believe that it should be changed, and I hope the hon. member will feel comfortable to be able to support this Bill because I would suggest that this Bill is a substantial improvement on the existing law which will benefit certainly the people he represents, as it will the people of every other part of the Island.

I hope there are not major changes made upstairs, because I believe that this legislation has in fact been considered in depth by my department, it has been out to consultation, it has been considered by the sewerage authorities who are local authorities in the Island prior to coming here, we had a seminar on it, there was a separate briefing given to members in terms of a separate written briefing and I believe members certainly could not have been unaware of the content of the Bill. I therefore believe that it is an unfair comment to say that the House has not dealt with this Bill as thoroughly as it should do. I believe the Bill has been considered very carefully, very thoroughly, and I have no hesitation whatsoever in promoting that this Bill receive its third reading.

The Speaker: Hon. members, the motion is at item 14 on your order paper that the Sewerage Bill be now read for a third time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

A division was called for and voting resulted as follows:

For: Messrs Gilbey, Quine, Rodan, North, Mrs Crowe, Messrs Brown, Houghton, Duggan, Braidwood, Shimmin, Mrs Hannan, Messrs Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 17

Against: Mr Karran - 1

The Speaker: Hon. members, the Bill now is read for a third time with 17 votes being cast for and 1 vote being cast against.

Hon. members, I would just point out that, prior to this Bill starting its passage through the House, it was published and it started its passage in our House on 26th May, which is over a month ago.

European Communities (Amendment) Bill - Second Reading Approved

The Speaker: Item 15 on our order paper, European Communities (Amendment) Bill for second reading and I call upon the member for Malew and Santon, the hon. Mr Gelling.

Mr Gelling: Mr Speaker, the European Union is a developing organisation and it changes itself by means of treaties agreed and signed by all the member states. Now, the latest treaty agreed by the member states is of course the Treaty of Amsterdam, and this was agreed in June of last year and was signed on 2nd October last. The origins of the treaty are to be found in the Treaty on European Union, more widely known of course as the Maastricht Treaty. Maastricht required member states to review the constitution of the union beginning in 1996, and the Treaty of Amsterdam was the product of that particular review.

Now, in April of this year the Council of Ministers presented a report to Tynwald giving details of the effects of the Treaty of Amsterdam, including the implications for the Isle of Man. Now, it was our conclusion that the treaty was not one which had significant implications for our Island. It does not amend any of the articles in the existing treaties of particular relevance to us and it does not change any of the fundamentals of our relationship with the European Union. It is, however, essential that we keep the European Union treaties which are incorporated into Manx law up to date, and that is the purpose, of course, of this Bill.

The April report from the Council of Ministers included as an appendix to that report a draft European Communities (Amendment) Bill of 1998 in the form which is actually before the House today. The effect of the Bill is to incorporate the Treaty of Amsterdam within our own legislation in the same way that other treaties have been incorporated. It was the recommendation of the Council of Ministers, unanimously approved by Tynwald Court, that this Bill be introduced into the branches, and bringing forward this Bill today is in accordance with that resolution of Tynwald.

For the convenience of members and as a reminder of the issues which were dealt with by the Treaty of Amsterdam, I have arranged for the copies of the Council of Ministers' report on the treaty to be placed on members' desks this morning. Mr Speaker, I therefore beg to move that the European Communities (Amendment) Bill of 1998 be read a second time, sir.

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

Mr Karran: Vainstyr Loayreyder, can the hon. mover just assure this hon. House that this issue deals with criminal issues and does not deal with civil issues? And what safeguard is there that any changes to this protocol will not automatically follow through without any input as far as the Island is concerned? I would just like it if the hon. minister could clarify that we know that we are actually signing up to this issue at the present time, but this issue cannot be then changed or amended without our approval as far as us being party to it. I think it is important. We have seen it in the past where back in the '50s we signed up to a Court of Human Rights; I totally agree with the Court of Human Rights, but the point is that then it was

changed from what it was perceived to be when it was originally signed up to, and I am just a little bit concerned that the mover makes sure that that is the case that it is about criminal activities, and sometimes criminal activities and civil activities are a matter of opinion.

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

Mr Gelling: Yes, Mr Speaker, in response to the hon. member, of course that is why we actually administer this in this way. In other words, our committee of Council study very, very carefully anything that comes out of such a treaty as this, which is the Treaty of Amsterdam. A report is then furnished to Tynwald where members have an opportunity to study that report and make comment. Then it becomes part of a Bill and that amendment Bill is before us today for the very reasons that I think the hon. member is pointing out, so that any changes are identified and, as I have said, there is nothing in this that does affect the Isle of Man; we have studied that and the report therefore comes to that conclusion. Now, obviously when we come to the clause in which I will go into more detail I think it will become quite apparent to hon. members that the areas that it does affect do not actually concern us here in the Isle of Man. However, it is essential that we keep our European Community's Bill up to date, and that is of course what we are doing here, keeping our Bill up to date even if there are no implications for us on this occasion, sir. I beg to move.

The Speaker: Hon. members, the motion is that the European Communities (Amendment) Bill be now read for a second time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

A Bill To Provide Power To Impose A Home Detention Curfew - Leave To Introduce Given

The Speaker: Item 16, hon. members. I call upon the hon. member for Douglas North, Mr Houghton, to move the motion in his name.

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

That leave be given to introduce a Bill to provide an additional discretionary judicial power to impose a home detention curfew on persons convicted of specified offences.

I rise today to seek leave to introduce a future Bill which will give the judiciary an additional option which will effectively penalise persons who are found guilty of certain specified offences.

Hon. members will recall that I withdrew my intention to introduce home detention curfew within my Public Order Bill. The purpose of this was because I wished the option to sentence individuals to be open to the courts to be able to use for any convicted offences they so desired.

Hon. members may be aware that curfew only exists at this time as a condition of bail - that is, when someone has been arrested and charged with an offence they are bailed to appear before a future court. Any person found in breach of bail curfew conditions can be arrested and put before a later court. Bail curfew, therefore, is a very effective measure for keeping offenders off the street, but of course only for a transitional period of time. Legislation is required to allow the sentencing of individuals to periods of home-based custody.

There are a number of reasons why I believe this proposed future legislation will be effective and acceptable. The main reason in situations of repeated bad behaviour by louts on the streets is that a convicted offender would be kept away from his acquaintances and out of circulation.

I do not propose to incorporate resource implications at this time such as official visits to houses to check on individuals or any kind of tagging arrangement which in my opinion would only be required for those more serious offenders possibly at a later date in time. My principal aim is putting a stop to unruly behaviour on the street which I have already addressed in my Public Order Bill but then keeping those individuals right off the streets, which is the purpose of my future Bill. This is another measure I wish to introduce in my fight against crime and disorder. The public are sick and tired of intimidation they receive from defiant hooligans. Once caught and convicted, they can jolly well sit at home between the hours of, say, 7 p.m. and 7 a.m. for a period of three, six months or whatever, knowing full well that their friends may be out enjoying themselves whilst they languish in sin. I beg to move.

Mrs Cannell: Mr Speaker, I have great pleasure in seconding the motion and reserving my remarks.

Mr Cannell: Mr Speaker, I have pleasure in supporting this move in its principle that leave be given to introduce the Bill, and I look forward to seeing the Bill in its published form.

Mr Bell: Mr Speaker, the principle, I think, of this proposed Bill is probably something which most people will generally support. As the hon. member has said, the courts already have a right, a power, to impose a limited curfew as part of a bail condition for those who have been charged with a particular offence. It is used in a limited way but it is targeted at those who the courts feel need to be kept away from society as far as possible, particularly in the evenings. It is limited in its effect so far and it mirrors, I think, some of the legislation which exists in the United Kingdom. Now, in the United Kingdom there are limited powers again over there which would in certain circumstances enable the courts to give three and six months, I think, curfew periods for certain individuals.

I have mixed feelings about this at the moment, because the hon. member has not come to my department and discussed the matter with us and I really do not know entirely what the intent behind this is. I would simply say at this stage, though, that if the hon. member is narrowly targeting this particular Bill at very specific individuals who in the opinion of the courts need to be subject to a curfew, then I think there may be some merit in looking at it a stage further. However, if the hon. member is going to come back to us with a wider Bill which in effect incorporates blanket curfews, particularly on young people, then I have to say at this stage it will not have my support. I do not believe it is necessary and I do not believe certainly it is practical from the manpower and resource point of view. One of the reasons at the moment, I think, why the courts are limiting the issue of curfew restrictions is their concern that the police and probation cannot actively and effectively supervise a large number of curfew orders. Now, if this was to be extended on a much wider basis, as certainly would be implied in some of the hon. member's comments where he states that we have to keep louts off the street, it is tackling unruly behaviour on the streets, defiant hooligans - all sounds very nice, it is all very popular stuff and rings a good bell out on the street, I am sure - before we jump in on this one we need to recognise that to do it effectively we need a large number of police on a regular basis checking the homes of these people to make sure that they are actually

applying with the terms of any curfew order. We need to know, I think, more as to - especially where young people are concerned, which is what I assume the hon. member is targeting this Bill at - what will be the responsibility of the parents. Are they going to be facing sanctions, perhaps, if they themselves are not prepared to support the idea of their children having this curfew order on them? I can see young people, in particular, getting great pleasure out of baiting the police if a large number of them are given these curfew orders and we will be finding precious resources which the police need for the fight on the broader crime front being diverted away to simply chasing up and rounding up the young people who are breaking curfew orders. There are many problems, I think, in this legislation and I think we need to be very clear, before we go too far down this road, about exactly what it is we are supporting.

The hon. member has not come to my department to discuss this matter with me, but I would say that later on this year - and we touched on it this morning with the Criminal Justice Bill - it is my attention as part of that Bill to bring in a provision which will enable the authorities to introduce tagging into the Isle of Man, and curfew will be attached to that. This may go some way along the road to what the hon. member is considering but we already, with his Public Order Bill, have run into a problem where my department was starting to draft legislation and he came in and introduced his Bill. I would like that not to happen again this time and make sure that whatever the hon. member is proposing dovetails with what is already in the pipeline as a part of my own department's proposals which will be before hon. members here later on in the autumn.

There are concerns, I know, about the unruly behaviour of a tiny minority of young people on this Island and there is no doubt that the authorities have to take certain steps to try and rectify that situation, but I would urge hon. members not to join the stampede into authoritarianism and lock up everyone who we do not particularly feel comfortable with. That is not the way of the Isle of Man, nor should it be for the future. I think we need to be very careful that this tide of populism which is driving a lot of our legislation at the moment is not allowed to overwhelm our formerly tolerant society.

So I would urge hon. members to support the hon. member today. I certainly will support the leave to introduce, but I would put a marker down in saying that I need to be convinced that it is a narrowly based Bill rather than a broad-brush approach to tackling this problem before it has my final endorsement.

Mr Karran: Vainstyr Loayreyder, I just think that this House needs to try and get some sort of middle road between those who would have a free-for-all and shrug their shoulders and say, 'Oh, well, it cannot happen' and those that would have us have permission to breathe when I am sure there is a middle road as far as this piece of legislation is concerned. I would not stop an hon. member from getting leave to introduce. I think there is a need to question whether it is going to be effective in what he is proposing and I believe that that will be done by a committee when the hon. member brings it back.

One of the issues that I do find very hard in my constituency was, funnily enough, last night coming home at half past eleven -

Mr Houghton: Where had you been?

Mr Karran: - and I went past the local school to see young kids that looked to me to be 11 or 12 years of age running around the Ashley Hill School where we have had a number of

problems in the past. The problem is that I do think that if this Bill gets to the second reading and it does go to committee there has to be a question asked about whether, where we have young children wandering the streets at night, there is a possibility that the police should be able to bring them home to their parents and actually give their parents a spot fine and not go to court, but I do think that the time has come that people realise that children are a gift, and I know it is very difficult as a person who has no children, but I do think it is rather concerning when you think about the fact that it seems absolutely incredible to see young children wandering around the streets in my own constituency at midnight and thereabouts, and I think that something is wrong as far as their parental guidance is concerned and I think there is the need, when this Bill comes back for second reading, for it to go to a committee and to review these sorts of aspects, because there is something desperately wrong when children are wandering the streets at night at such young ages at such unreasonable times. They should be under the parental guidance of their parents.

So, whilst I am not saying I would support the Bill as it gets on further in its stages, I do recognise that the hon. member has given us the opportunity to debate this issue and I do hope that there will be some sensible middle ground whilst I appreciate what the minister says, that we do not want to jump on a hanging and flogging bandwagon as far as this issue is concerned. We cannot do a Pontius Pilate either and there is a serious problem out there. I am amazed there are not more kids being attacked when you see the sort of youngsters that seem to be out at unreasonable hours at night.

Mr Corkill: Just briefly, Mr Speaker, I do not wish to pre-empt or predict what may or may not be in the Bill and I support the leave to introduce being offered to the member, but I would point out that the mover himself, and subsequently the Minister for Home Affairs, Mr Bell, have both mentioned the subject of resources, and I would hope that, before the Bill appears on our agenda paper, when it is actually drafted in first draft or at that stage I would ask the hon. member to consult with Treasury and with the Department of Home Affairs to work out what the real resource implication is, to have that professionally worked out and then put alongside government's priorities to see where and how it fits in, and that would be an appropriate time as we enter into the next policy round; the Chief Minister's policy document process will start soon and I think it is important that the resource implication be understood by members as we debate the Bill, and I just make that point.

Mr Singer: I would like to support the introduction of this Bill as far as its principle is concerned and I look forward to seeing the Bill and what it contains but, as has been said, maybe there have been certain problems within the UK with their similar type of legislation, and no doubt the hon. member who is introducing it will take this into account in tailoring it to the needs of the Isle of Man.

It has been stated also that there are only a tiny minority who are causing the problems, and therefore at this stage I think it is incorrect to imply, if it is only a tiny minority, major problems for police resources. I think we need to follow that up at a later stage.

One thing that I have noticed certainly since I have been a member here is, several times now, there are implications that only the government should be introducing Bills into this House. That has been said several times. It is every member's right to introduce their own private member's Bill and I hope we will strictly adhere to that and not think that only everything should come through the government. Thank you.

Mr Brown: Mr Speaker, I am quite content to lend my support to the motion for leave to introduce. I have to say that, whilst I am happy to do that, I think this is such an important issue and potentially can introduce some major changes in principle into Manx Manx law, if successful that I would seek from the mover of the motion that he will confirm he will undertake the fullest consultation not only with the Chief Constable but also with the Department of Home Affairs.

Whilst I support fully the right of any member to introduce a private member's Bill as somebody who has over the years introduced quite a number myself, I do think though, where we get into matters such as this which potentially can affect our whole society in a different way, then it is very important for the Bill, as far as possible, to be right when it gets into the House, and that can only be achieved by a clear understanding of the difficulties, the reality of the situation as against what might well be our view because we see the odd problem or we read about the odd problem in the paper.

I think the Minister for Home Affairs was right when he said - and we should never lose sight of this - that it is a very small minority and clearly it is a small minority, but again already within the House we had the swing-over to it being young ones, and the member's motion says 'to persons convicted' - it does not necessary have to be a young one. You will find that most of the real problems come from those who are not young children, who are not teenagers; they are actually people who are either in their late teens and early 20s, and therefore I just think it is worth correcting that slight that has already been put on in the House that we are talking about children. When we are talking about children, clearly parental responsibility is paramount and that is a matter that needs to always be kept uppermost in our mind, and I always find it strange that where a child is left in a house under a certain age, then the parent can be dealt with but if the same parent allows that child to wander the streets at all hours at night, then the powers are not there to deal with that problem. That is something that I find rather strange, and maybe the Minister for Home Affairs, when he is looking at this whole issue, might like to consider the differences between in the home and out on the street. I do know it causes annoyance and I know in my own area the police have been very good to respond to a problem that has been there now and then, where a group of younger children have been there with older boys and they have taken the children home. So the police will do that. The problem then comes in some cases where the parents do not accept their responsibility. But I do think that we should keep this one in mind that we are talking about persons convicted.

One is, I would be interested - and again I know this will be specified offences, whether that will be in primary legislation or secondary, because I do think whatever those specified offences are, they are going to be very important as well, and I do believe, if at all possible, if we are introducing a Bill into the House we should hopefully be in a position where that Bill does not necessarily need to go to committee. If it does, well, that is fine, but I think we can avoid that by having effective legislation by the member undertaking full consultation with the appropriate authorities.

The other thing, of course, which has not been mentioned is, why is the problem there? I think it is very easy to says 'Let us cure a problem by introducing legislation. Again I re-emphasise a point I keep making here and in other places: legislation does not necessarily cure the problem. You have to identify what the problem is and you may have to invest money

in another way to actually resolve the problem, and I do think that we should not get hung up that the only way to deal with all the problems that the Isle of Man may have is just to keep introducing legislation, because the more we introduce, especially where it affects people individually, the more we erode the freedoms of our own people and, whilst we want to protect those who are the innocent parties, and I am all for that, there is this very delicate balance that we as legislators have to keep uppermost in our minds between the freedoms, of our people and not allowing people to abuse those freedoms, and I think that is what is very important. So I would hope that the member can give that assurance.

I have to say I am very much going to keep my options open for when he comes forward with the Bill if he so does because, whilst he has the leave to introduce if the House gives it, if he is able to get an agreement with the Department of Home Affairs where his provisions are included in a Bill from that department, then it may not require his Bill to be moved and that is fine, but if he does come forward with a Bill I will certainly be considering very carefully the implications and potential implications of that legislation that would be put before the House. So with that I am content to give my support at this stage, subject to the member confirming that he will undertake the fullest consultation with the Chief Constable and the Department of Home Affairs and any other agencies that are felt appropriate by the department and the hon. member.

Mr Rodan: Mr Speaker, as the main legislative body for the Isle of Man of course, it is perfectly proper that we should be asked to consider legislation, a private member's Bill that the hon. member Mr Houghton is putting before us this morning - perfectly proper that we should be asked to consider giving him leave to introduce. I suggest our approach to this should be the same as with any legislation, private or government legislation, and that is to ask questions such as the hon. member for Castletown touched upon towards the end of his speech just now, and the first question we should ask is, what problem is it that we are trying to solve by introducing legislation from which will flow regulation? It should not be, in my opinion, a virility symbol of some sort whereby the more regulation and legislation we introduce the happier we all should be. What problem is it we are trying to solve? What is the deficiency that currently exists? Where is the gap that we are trying to plug at the moment?

Now, the hon. member for Douglas North has far more extensive experience in these matters than I have and, I suspect, most in this hon. House as far as public order issues and crime and disorder issues are concerned, and I am happy to be advised by him that there is a deficiency existing that should be addressed, and he is fairly specific on what it is he wishes to do and that is to give additional discretionary judicial power to introduce a specific measure. So to some extent he has persuaded me that there is a deficiency which I and the rest of us should consider addressing through legislation, but I will reserve judgement until the Bill actually comes along. But in his presentation he did not, as other speakers have said, indicate the extent of his consultation with the Department of Home Affairs, with the police which will, I presume, be charged with enforcing the legislation and any breach of curfew or consultation with bodies like the Isle of Man Law Society and I have to ask myself: if there is a deficiency in existence why has the department itself not identified this deficiency?

I think it is excellent if Mr Houghton, the hon. member, has identified it but I ask why is the department not coming forward with this? We have heard from the minister, of course, that there is a Criminal Justice Bill on its way and certain elements to do with tagging and curfews

will be addressed in this. We are also aware that there is a UK Crime and Disorder Bill which has various radical new measures being proposed over there. We are also aware that the business of curfew features in local authorities across and local police forces have got schemes underway and trials of curfews in a general sense. But my comment is I have a slight concern that wide social issues which do affect the Island in the broadest sense to do with crime and disorder and how we address these matters should be approached in what appears to be, anyway, a very piecemeal and fragmented manner. That is my concern. This is a specific proposal, fairly narrow, it would appear, on a specific measure, but how does this fit into the overall context of addressing issues of crime and disorder and why has the department itself not identified this hitherto? So that basically is my concern. It is not questioning the member's right to bring forward, if he can persuade us that it will be useful additional legislation, but ideally it would be in the context of the broader issues and taking on board perhaps remedies other than that which he has identified.

Mrs Cannell: Mr Speaker, I would like to lend my support for the hon. member to give him leave to introduce the Bill. Listening to what he actually said in his opening remarks, it became obvious to me that when he was seeking leave to introduce the Public Order Bill his intention was at that time to bring in regulation or the provision of legislation to regulate curfew, and there were a number of reasons, I believe, as to why this was not included at that time. But also I think we have to remember that there was full consultation with the Department of Home Affairs at that time who gave the hon. member an indication that his provisions, or part of his provisions, could be attached to a government Bill which was coming forward. Of course, that took some extra time and when it came before members here it was not accepted and therefore the member had to go back again to his original leave and bring forward the private member's Bill. Now, we have been through this system before.

I quite understand the Minister for Home Affairs being concerned and I do believe that his department is looking at this particular item, and in fact there was brief consideration during my time on the department but, like any other government department when they are considering legislation, of course, such as the Criminal Justice Bill, all sorts of other issues come in and so the Bill, which perhaps was originally intended to be moved earlier by the minister, has been frustrated, I would suggest, over the last almost two years in that each time it looked as though it was going to be complete another issue would come in which needed to be addressed, and that would be attached to the proposed Criminal Justice Bill that we hope to see very soon.

So, therefore, I believe the member has come forward today seeking leave to introduce by way of not only his right and the right of all members here to do the same but also in the belief and the hope, I believe, of putting into place this necessary legislation quicker and sooner than would be the case if we were waiting for the government to come forward with its Bill. I think we have to remember that sometimes, when a private member's Bill is successful, that does in fact take place; it does go through the system that little bit quicker, although the member does not have to hand all the expertise and the big machine of that government department behind him or her - they have to do all the research and all the work themselves. I have every faith in the hon. member doing that research, doing the necessary consultation and I would expect nothing other than a proper, thorough good job before members are asked to consider something in writing. I am pleased to support, sir.

Mr Downie: Mr Speaker, I rise to support that leave be given to introduce this Bill. Like quite a lot of other members in here, I believe that the present system that we apply with regard to young people is failing. You have only got to walk around the town at the weekends and you will see plenty of evidence of that, and I would suggest that had we not had such an inclement summer, some of the towns and villages in the Isle of Man would have been decimated by some young people at weekends who appear to be out of control. I know there is a particular problem in Onchan. On a Friday and Saturday night we also have problems in Douglas. Something needs to be done. There is a situation now where parents just seem to want to abrogate their responsibility altogether and I think that when the member is looking at this Bill, he has to also bear that in mind. We also know that on a number of occasions the magistrates are totally frustrated. There are young people who put two fingers up to the courts; they know that within the present system the so-called experts as it were, the social workers and the shrinks and everybody else, the spin doctors who are dealing with all these young people, have missed their way, and I think we have got to start to pull back and look at a solution for the Isle of Man.

Now, I support what the member is doing. I still receive numerous complaints every week about Cummal Shee, part of which is in my constituency. That place is still completely out of control; the young people down there are causing mayhem. I am waiting to see what the DHSS are doing about this proposed juvenile centre which we have been talking about for x number of years in this House. I feel sorry for the Minister for Home Affairs because he has still got the problem of having to lock young people up in the prison on a regular basis, and he knows what he is doing up there is contrary to the spirit of the European Court of Human Rights and all the rest of it. It is about time that we started to tackle this problem in a very positive way. I think all of us would agree that it is sad that we are having to go to these measures, but unfortunately there is a minority of people in the Island both a minority of young people and a minority of parents, who will not realise that they have some sort of social problem and there is an issue here that has to be resolved one way or the other or eventually law and order as we know it at the moment will just cease; the Isle of Man will cease to be the nice place it is to live and our quality of life will suffer even further. I think, if a system is not brought to bear that will teach these young people that what they are doing is wrong, in 10 or 15 years' time we will see in the Isle of Man what we are seeing now with the drugs situation. We are not much different now than Chicago: people are, as it were, being affected by drugs; it is starting to get into our way of life; there will be people stealing now to be able to afford the habit. We have seen evidence of violence coming into our society. It is about time the balance swung the other way. I fully support the member and I hope that when he brings his Bill together he can get all the government departments on board and to work with him. Thank you.

Mr Cretney: Mr Speaker, I will be very brief. (**A Member:** Hear, hear.) Thank you! Obviously I will be supporting the hon. member in his putting forward the opportunity to bring before the House this proposed legislation. I think we all are aware of the minority of both young people and parents who cause this particular problem. It seems to me that having children is one of the most awesome responsibilities which you can have, really, and it is something which must be taken very seriously, and some people just do not consider that it is such a responsibility and just allow their young people to stay out all hours of the night. Now, it may not be such a problem if they are not causing problems, but there are occasions when

they do cause problems and also, if they have got school the next day, then it is not really a sensible thing to have children out very late at night. But all I would like the hon. member to consider and to perhaps give me some thoughts on is this: it seems to me the young people who, if we are talking about young people specifically here, will be affected by this proposed legislation will be exactly those that I talk about, those whose parents consider it is all right just to kick them out and they will go to the pub or whatever, and what you are going to do is then have an order from the courts which says that those young people, I presume, will then be put back to the houses which they have been kicked out of, and I just wonder whether you are not going to further inflame the situation and whether there must be other things that must go alongside this such as parenting skills and all those kind of things, and it may be that we are losing another generation in terms of difficulties in that area. It is easy to have children but it is not always so easy when you come to the responsibility of bringing them up, and I just would like the hon. member's thoughts on the situation where, if an order is placed against certain young people and then they are put back into a home environment, how that is going to help.

The Speaker: I call upon the hon. member for Douglas North to reply to the debate.

Mr Houghton: I thank you, Mr Speaker. May I begin by thanking all hon. members who have spoken today in support of the measures? They have given me quite a lot to consider. Some that I can speak of now off the cuff, but others I do promise that I will go into.

May I thank first the seconder Mrs Cannell and also for what she had to say later on, which I will cover, and also the support from Mr Cannell.

Mr Bell had a number of points that he brought up. Again, as I say, I will go into detail and I will consult to the *n*th degree with the Department of Home Affairs for very, very obvious reasons; that goes without saying. I do appreciate he supports the principle of this and I am surprised where he says that it may be limited in its effect from what you understand the Bill to be at this date, because simply, if these people are caught on the street during their time of curfew, there simply is a power of arrest for the police to arrest them and to take back off the street. That is the whole idea. I will discuss in detail with him at a future date, but I do not wish at this time to built in all these enormous resource implications, so it would be a very narrow Bill dealing with a narrower area, and indeed if the Department of Home Affairs wanted to tag in their Criminal Justice Bill et cetera and wanted to widen it, of course, I would support that. But also I would also support, if my Bill drew parallels with the department's future intentions, just like the offer that was made in my private member's Bill on public order, I would link my concerns with the department's.

A number of members mentioned about parental responsibility and that the sanctions that were imposed would cause ill-feeling. The last speaker, Mr Cretney, pointed that out. If I could address that issue of parental responsibilities in the opposite way - and I really am not addressing children in this case, I am addressing older teenagers, the older youths, the thug and hooligan element - the point I am saying with parental responsibility is, once they have been convicted, why should they be allowed to continue to cause trouble and strife on ordinary law-abiding members of the public who are going about their business in a lawful manner? Why should they? So if the parents have had the children, if the parents require some parental skills, I am sure there are those other agencies that surround government that are able to deal with that. But just because the parents have not got proper skills or they do not know how to look after them or it is going to inhibit them going to the pub because their children can no

longer be out on the street because they have been convicted, well, I feel that is tough, because - that is possibly what was mentioned by another member about being tough - it is time to get tough. We are sick and tired of it, and the people who we represent are sick and tired, hon. members, of this nonsense that is going on, where you see that people are carted off by the police for whatever they are doing wrong and nothing happens, they are back out the next night doing whatever they will and just laughing at the law - as the hon. member for West Douglas says, putting two fingers up. It really has got to stop. Finding a way, I am more than willing to go to consultation and argue my case, more than willing to do that.

That is why, addressing Mr Karran's concerns that he believes it should go to a committee before we bring it any further than the second reading, what I would be pleased to do is consult with him and others to make sure the legislation is not obviously flawed before it comes to this hon. House.

I also thank the hon. member for Onchan, Mr Corkill, on behalf of the Treasury, watching the purse strings, and he has a right obviously to do that in this case, because if you are talking about tagging when that comes up for consultation, which, as I say, the hon. member for Ramsey, Mr Bell, is saying, there are huge resource implications if you are going to pay an inspector to go and inspect people who are observing their curfew; that would cost a fortune, plus tagging and monitoring of that; there are huge resource implications. I feel no need for that to deal with the area of criminal that I am actually addressing in this case. I am looking at dealing with the hooligan element who are offending on much more the lower levels of crime than indeed, say, somebody coming out of prison on a more serious offence and being tagged for the remainder of his sentencing period. So it is two separate issues and there is an analogy: somebody who is disqualified from driving for a period - nobody goes round and checks every night to see is he not driving a car or is he sitting at home or whatever he is doing. If he is caught driving whilst disqualified by the police he is then rearrested, and that is the analogy I would like to place with this. It is as simple as that. It is as simple as A, B, C. As I say, I do take issue with people who tend to bring in very confusing rhetoric into this situation which is totally unnecessary. We are dealing with the lower end of crime but, most importantly, the nuisance element, the people who are intimidating people and are being a downright nuisance on the streets that we all can refer to, those people at the lower end in the criminal fraternity, but they can be addressed, I think, quite effectively here and with no resource implication for the Treasury.

I thank Mr Singer for his supportive comments and also I will look at the UK problems and take those into account as to what has actually happened there. Yes, I do agree with his and other comments that it is only a minority of people that are causing this, but that is so in many walks of life; there are a lot of tiny minorities, but they are upsetting and damaging the peace and tranquillity of law-abiding citizens which is what I wish to address with this Bill.

I thank Mr Brown too for raising a number of issues. Again, his main issue was consultation. I do assure him, as I have assured everybody else, of that and the effect it will have on society, and that is where consultation will bring that through to a clearer stage ready for the bringing forward of the Bill. He is quite correct - and I hope I have cleared that up already - about the slight on children. I am not concerned about young children. I consider a child to be a person up to the age of 14. You then become a young person after the age of 14. It is the later, older teenagers and there onwards; those are the people who are causing a

downright nuisance. The hon. member for Onchan made reference to that. I do not know what age group he was talking about, but those are the sort of people that are out at all times of night and they are leading others into temptation.

The hon. member for Castletown, Mr Brown, also asked for details of specified offences. Specified offences, hon. member, will be put into the primary legislation and made quite clear at that time.

I thank the hon. member, Mr Rodan, for his comments and his confidence in the fact that, yes, indeed I have had a tremendous amount of experience and, of course, he makes the salient point - he makes a couple of salient points, actually: he says, what problem are we trying to solve? As simple as this - keeping troublemakers and thugs off the streets. Once they have been taken off the streets, hon. member, by being arrested for misbehaving then they can jolly well be kept off the streets for x number of months as required by the courts if they so wish. The problem is a real problem, hon. members. Anyone who does not know that, please go out on duty with operational police officers at the weekends and you will see that clearly. If you cannot, or you have not got enough complaints to contend with, in your own constituency; some of you will have more than others, of course.

The hon. member Mr Rodan also widened the brief, which I will do too because of it being a sentencing option to include the Law Society and I will indeed be very, very happy to do that.

The final salient point the hon. member Mr Rodan put in the form of a question; he says, why the deficiency? Why have the Department of Home Affairs not taken action? How is it that Mr Houghton is coming forward with this and it has not been raised by the appropriate government department? An extremely valuable point. I do not hold the Department of Home Affairs responsible for that, because it has been for a very long time and it still is an extremely valid point - why is appropriate legislation not being asked of the promoting department? Why? Do I really need to answer?

I think I have covered all the points of the other respective speakers, so with that, as I say, I will consult; I am open-minded, but I do intend to address this problem that we have here with the greatest deal of attention. With that, Mr Speaker, I beg to move.

The Speaker: Yes, hon. members, it may be end of term, we have had a very long, wide-ranging debate, but the motion is that leave be given to introduce a Bill to provide an additional discretionary judicial power to impose a home detention curfew on persons convicted of specified offences.

Hon. members, will those in favour of the motion please say aye; against, no. The ayes have it. The ayes have it. Hon. members that concludes our order paper for this morning. The House will now stand adjourned until Monday next, when we will sit at St John's for the annual Tynwald Day ceremony and I will be pleased to welcome you all to lunch presently.

The House adjourned at 11.58 a.m.