

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 27th October 1998
at 10.30 a.m.**

Present:

The President (the Hon Sir Charles Kerruish OBE LLD (hc) CP), the Lord Bishop (the Rt Rev Noël Debroy Jones), the Attorney-General (Mr W J H Corlett), Hon C M Christian, Messrs E A Crowe, D F K Delaney, E G Lowey, Hon E J Mann and Mr G H Waft, with Mr T A Bawden, Clerk of the Council.

The Lord Bishop took the prayers.

Apologies for Absence

The President: Hon. members, we have apologies for absence from Mr Kniveton, who is attending the British Ports Conference in King's Lynn, and from the hon. Mr Radcliffe, who is off the Island on a personal matter.

Welcome to Visitor

The President: This morning it gives me very great pleasure to give the warmest of welcomes to a visitor from Beijing in the People's Republic of China, Mrs Hongmei Chen. Hongmei is an overseas student studying for a diploma in child care and education at Ware College and, as such, is partly funded by the Isle of Man Overseas Aid Committee. On behalf of this Council, may I wish you a very pleasant stay on our Island and success with your studies and a safe return home to your family.

Members: Hear, hear.

**Isle of Man Army Cadet Force – Vacancy for Cadet Quartermaster –
Question by Mr Crowe**

The President: Now, hon. members, we turn to the order paper and I call on the hon. Mr Crowe to ask the question standing in his name.

Mr Crowe: Thank you, Mr President. I beg leave to ask the Tynwald member of the North-West of England and the Isle of Man Territorial, Auxiliary and Volunteer Reserve Association:

With respect to the recently advertised vacancy for a cadet quartermaster with the Isle of Man Army Cadet Force -

- (i) how many applications were received;*
- (ii) how many applicants were resident in the Isle of Man; and*
- (iii) were all applicants advised that non-Isle of Man workers would require a work permit?*

The President: The hon. Mr Delaney to reply.

Mr Delaney: Thank you, Mr President. I also thank the member for asking this question. Part (i) of the question, 'how many applications were received' for the position? As in the question, the number of applicants was nine. How many applicants were resident in the Isle of

Man? Four is the figure I am given to understand. Short-listed for interview, three were Isle of Man residents. I will have next week a meeting with TAVRA, as the Tynwald representative, and I intend to raise this question, to make sure that the rules of the Isle of Man Work Permit Committee are fully carried out.

The President: A supplementary, sir?

Mr Crowe: Yes, thank you, Mr President. Are you able to let us know if the vacancy is still open or has it been filled now?

Mr Delaney: Mr President, the member's supplementary is worthy in the fact that I understand the work permit for the successful applicant, who is a non-Island resident, has been turned down and I understand at this moment in time they are considering an appeal. That situation will be clarified and I will write to the member and let him know the outcome of this.

Mr Crowe: Thank you, Mr President.

Road Traffic Bill – First Reading Approved

The President: Now, hon. members, we have one Bill for first reading and I call upon the hon. Mr Delaney to move the first reading of the Road Traffic Bill.

Mr Delaney: Mr President, I wish to move the first reading only at this sitting. During the long recess of the summer I did take the opportunity to circulate to members from the other place the *Hansard* reports, so the members could familiarise themselves with the Bill I now have the privilege to take through this Council, and I hope members will have an opportunity to raise any questions with me at the second reading, Mr President. I wish to move.

Mr Lowey: I beg to second, sir, and reserve my remarks.

The President: Now, does any hon. member wish to speak to the first reading?

Mr Crowe: Mr President, can I just say the Bill is to be welcomed, because I think in the 21 years since the UK introduced their legislation in 1967, there has been quite a change in attitudes in social behaviour since then. I think now people accept that drink/driving is not socially acceptable behaviour. People's habits have changed. I think people are responsible, or try to be responsible, and I think in many cases, when young people or anybody is going out for an evening, one of the people will refrain from drinking to allow safe passage for the people going home at night. The only other comment I would like to make is, I think that if this Bill does go through, it does need an awareness campaign to be made by the Department of Home Affairs in order that people are made fully aware of the implications for the new legislation. And one point in particular that might be brought home is the fact that if people go out drinking in the evening, the following day they might still have enough alcohol in their bloodstream that might be an offence under this new legislation. So I think all of this awareness campaign and education needs to be brought home. Thank you.

The President: Are there any further observations? The hon. Mr Waft.

Mr Waft: I would like to thank the hon. member for circulating the *Hansard* to us. It was very informative. It has been fully gone into in the other place. Concerns have always been expressed to me at the possibility of failing the breath test the following morning, and it is a consideration, if people do go out drinking, that the effect can be long-lasting. This is the first

step in at least some way that the police can get at the problem drinkers. The problem drinkers have been with us for many years and they really do need some sort of treatment as well as imprisonment; that is what this Bill sets out to do eventually and I think this is long overdue that the House has tackled it and the Council, and I am sure that it is the best way forward. Thank you, Mr President.

The President: My Lord Bishop.

The Lord Bishop: Mr President, could I just ask: item 4 here, the expected cost - would that include the point raised by the hon. member about advertising and educational facilities for this Bill, or what?

The President: May I call upon the hon. member to reply.

Mr Delaney: Thank you, Mr President. First of all to my colleague, Mr Crowe, and the medical situation the following morning and the number of hours between a person having a drink and when he is tested, of course, I will try and clarify with the appropriate. . . I would take it the medical authorities would be the right people this time to actually see.

In relation to the point made by Mr Waft, which was similar, an awareness campaign, which you raised as well, Mr Crowe, I will speak to the minister to get it clarified so that this new Bill, which does drastically affect the way we operate in the Isle of Man, will be made a very big public issue, because I think that although ignorance of the law is no defence, in a small community like ours we should take every step to make sure that the public are aware of which Bills we are putting into law.

As far as the cost is concerned on that, that is a good question. I will raise that with the minister as well, to make sure that he is aware that the cost factor that the bishop has raised in actual fact is part of the figure that is laid down.

The President: I will put the resolution, hon. members, that the Road Traffic Bill be read a first time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Now, hon. members, that, believe it or not, is all our public business for this morning. As you know, we are dependent on the lead to us from another place and at the moment this is all the business we have to transact publicly. So that concludes our public sitting. The Council will now sit in private to deal with those other elements of the agenda.

The Council sat in private.