

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 30th March 1999
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), Hon C M Christian, Messrs E A Crowe, J R Kniveton, E G Lowey, Hon E J Mann, Messrs J N Radcliffe and 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 this morning from the hon. Mr Delaney and the learned Attorney-General.

Local Government – Reorganisation Programme – Question by Mr Lowey

The President: Now turning to the order paper, item 1, question (1), I call upon the hon. Mr Lowey.

Mr Lowey: Thank you, Mr President. I beg leave to ask a member of the Council of Ministers:

- (a) *What is the present position in respect of the programme of the Department of Local Government and the Environment to reorganise local government; and*
- (b) *are the department's target dates for the programme now available?*

The President: The hon. member of the Council to reply, the hon. Dr Mann.

Dr Mann: Thank you, Mr President. The Department of Local Government and the Environment published a consultative report under the title 'Securing a Future for Local Government' in October 1997. That report was in the nature of an overview setting out the position which had been reached at the time when the department came into office following the last general election. The document did not attempt to go into matters of detail but sought to establish a way forward after careful examination of the various 'Time for Change' proposals. The 'Securing a Future' consultation document allowed about six months for views to be submitted and the department also held two seminars to ensure that representatives of local authorities on the Island understood the key issues and were better able to formulate their views on them.

The department subsequently considered all the views it received and concluded that the substance of the consultation document was regarded by those local authorities representing the majority of Island residents as a positive and significant step forward. However, in the course of that consultation process a possible alternative approach emerged. The department felt this alternative approach should be properly examined to assess its viability before a final decision was taken on the matter in which the local government should be reformed.

The current situation is that a working party has been established by the department under the chairmanship of the Minister for Local Government and the Environment. The

working party comprises a number of clerks and former clerks of the local authorities, both urban and rural and its deliberations are now drawing to a close.

The department is pleased with the constructive fashion in which the members of the working party have collaborated in carrying out an objective assessment of all the many complex issues involved in order to identify practical working solutions. The working party is expected to report very soon. The department will then consider the conclusions it has reached and, subject to a viable alternative structure being identified, local authorities will be consulted further.

In answer to the second part of the hon. member's question, I understand the department proposes to report to the Council of Ministers on this matter before the end of May 1999 and will at that time set out realistic target dates for the programme.

Mr Lowey: I thank the hon. member for his comprehensive reply, sir. One supplementary: would the minister not agree that it is unfortunate that it is only officials and former officials that form the consultative committee with the minister? Would it not have been better to have had some of the elected officials taking part in those discussions?

The President: Reply, sir.

Dr Mann: As far as I am aware it was the wish of the local authorities that these officials would be the people taking part in those discussions. It was not imposed upon them.

New Air Routes – Question by Mr Lowey

The President: Question (2), hon. members, the hon. Mr Lowey.

Mr Lowey: Thank you, Mr President, I beg leave to ask a member of the Department of Transport:

Is your department, or has it recently been, in negotiation with any operator which would introduce a new airline or open new routes into

- (i) the United Kingdom;*
- (ii) the Republic of Ireland; or*
- (iii) other parts of Europe?*

The President: The hon. Mr Kniveton to reply.

Mr Kniveton: Yes, thank you, Mr President. I thank the hon. member, Mr Lowey, for his interesting question, more so in view of recent interest and media attention on the subject of possible new airlines operating to and from the Isle of Man. The firm but simple answer to the question is 'No, sir.' The Department of Transport is not in negotiation with any other operator, nor has it recently been in negotiation with any operator who would introduce a new airline or open new routes into the United Kingdom, the Republic of Ireland or parts of Europe, and that does include Easyjet; no negotiations have been taking place, nor has conversation been with them. That is the situation as far as passenger airlines are concerned. However, I can advise that a new service is proposed in respect of freight operations between Coventry and the Isle of Man and the reverse direction. The service was to have started during the week 11th March, but the company has now advised a delay in commencing the service until mid-April. An airport information notice has been issued. We now await, sir. Thank you.

The President: A supplementary, sir?

Mr Lowey: No supplementaries.

Mr Crowe: Mr President, could I ask the hon. member the situation regarding Ryanair because I seem to recall recently that the name of Ryanair was mentioned as a possible operator into the Island from Ireland and the UK, but you have declared that there is no negotiation currently. Have any negotiations taken place with Ryanair?

Mr Kniveton: Yes, Mr President, various discussions took place in 1997 and 1998 regarding airport fees and charges. Those discussions were with the Department of Transport. I understand that new services were being considered at those times from Stanstead and Dublin. Our normal charges were advised to Ryanair and the matter now rests with them. These charges include the department's Farecracker charging regime, which was offered, the Farecracker fare being the same off-peak charging regime that applies to Liverpool, Luton, Leeds/Bradford, mid-day Manchester, mid-day Belfast, Blackpool, Comed Aviation - that is from Blackpool - and Bristol.

The President: A further supplementary, sir?

Mr Crowe: Thank you. Could the hon. member just confirm, then, that the situation is that Ronaldsway is an open airport and that the question of Ryanair coming to the Island rests entirely with them as to whether they wish to pursue it?

Mr Kniveton: Mr President, that is the correct assumption. The DoT, confirmed by the Council of Ministers, operates an open skies policy, which means that any properly licensed airline within the EU and including the Republic of Ireland can operate services to and from the Isle of Man if they wish to. The airline needs to hold the appropriate operating licences from their national civil aviation authority. The only other precondition is that they should pay the appropriate airport charges here as published annually by the department in respect of Ronaldsway Airport. As I say, the policy of open skies is that approved by the Council of Ministers, which in turn means a level playing field as far as our charges are concerned in respect of all operators.

Mr Lowey: Could I ask the hon. member, would he not agree that the phrase 'Farecracker' as applied to the rates being charged by the department is a misnomer? He mentioned Liverpool and other various ones, Luton. All fares offered to passengers are at the set rate, the cheap rate, but the fares to Luton - there is only a percentage of the fares on offer that are at the cheap rate. Is the department paid the full rate for the majority of seats being charged or are the whole flight being given a special discounted rate, and would they apply to any new incoming firm?

Mr Kniveton: Yes, sir, to the best of my knowledge the Farecracker rate applies between 10 a.m. and 5 p.m. That is the charge by the airport to the airline that operates to and from Luton. I understand there are three different fares to Luton, the cheap fare, the middle fare and the normal fare, but my department operates, as far as I am aware, the Farecracker rate on that flight - no landing charge, just the other services charge.

Mr Lowey: And that would be on offer to the new airlines.

Mr Kniveton: Yes, that is so. A level playing field, sir, as I expressed.

PR Consultants – Engagement by Treasury – Annual Cost – Question by Mr Lowey

The President: Question (3), the hon. Mr Lowey.

Mr Lowey: Thank you, Mr President. I beg leave to ask a member of the Treasury:

- (a) *What will be the annual cost of employing the PR consultants recently engaged by the Treasury; and*
- (b) *before making the appointment what consideration was given to co-operating with other department which employ PR consultants?*

The President: The hon. Mr Radcliffe to reply.

Mr Radcliffe: Thank you, Mr President. Firstly in answer to the hon. member, may I clarify certain facts regarding the recent appointment by Treasury of PR consultants. Paul Hill Communications were appointed Treasury public relation consultants in April 1996. Since their appointment media awareness of the Island's financial services sector has significantly increased. They have also been proactive in supporting the regulatory bodies in the private sector as well as Treasury. They were duly reappointed in April 1997 and 1998, their present contract expiring on 31st March this year.

During the past two years or so Treasury has been aware of the increasing pressures and changes within the international financial markets. It was therefore decided to review the current public relation requirements upon the expiration of the contract with Paul Hill. The required tendering process was followed and Paul Hill, along with others, duly submitted their proposals. After a long discussion and deliberation it was agreed to appoint First Financial Advertising Limited at an annual cost of £100,000. First Financial are the financial specialists of Bell Pottinger Communications, which is the largest United Kingdom PR Consultants firm with over 48 financial specialists.

Regarding the consideration of co-operation between departments, Mr President, in terms of PR activity Treasury employ specialist financial PR consultants while, for example, the Department of Tourism and Leisure, quite correctly, employ specialist travel and tourism consultants, currently, I think, Saltmarsh.

Various procedures have been in place for several years to ensure a closer liaison between government departments. The Marketing Liaison Group meets on a quarterly basis and comprises representatives of the Department of Tourism, the Department of Trade and Industry and international services division of the Treasury. All members of this group were aware that Treasury would be inviting proposals for the renewal of the public relations contract. If I can say, Mr President, that the mission of this group is to provide an effective forum for the exchange and updating of departmental ideas, plans and initiatives with a view to a collaborative approach to enhancing the promotion, development and attraction of business for the tourism, industrial and financial sectors of the Island. In addition there is a Marketing and PR Liaison Committee. This also meets quarterly and comprises representatives from the finance industry, government PR consultants, marine administration, international services division of the Treasury, Insurance and Pensions Authority and the Financial Supervision Commission. This committee meets to discuss concerns facing the finance industry, exchanges information regarding activities and acts as a sounding board for ideas. The financial service's PR consultants are usually in attendance to advise of initiatives and report

on progress. Although Treasury and other departments work closely together, in my opinion the requirements for PR consultants to have certain skills, contacts and expertise to reflect the industries in which they specialise. I can, however, assure the hon. member that Treasury will continue to seek ways of furthering our existing relationships with other government departments to ensure that all mutually beneficial opportunities are acted upon.

The President: A supplementary, sir?

Mr Lowey: I thank the hon. member for his comprehensive and encouraging reply, especially the latter part.

Mr Crowe: Mr President, could I ask the hon. member please, would he agree that, at a time of increasing competition from other finance sectors, the Island needs to promote the Island's finance sector as much as possible because of the importance it holds for the Island's economy?

Mr Radcliffe: Mr President, yes, I do agree with the hon. member there and in fact Treasury in the new appointment are taking cognizance of the remarks which the hon. member has made, sir.

The President: No further questions?

Public Records Bill – First Reading Approved

The President: We move on to item 2 and I call upon the hon. Mr Radcliffe to move the first reading of the Public Records Bill.

Mr Radcliffe: Thank you, Mr President. I propose, sir, to be fairly brief in this first reading stage, but the Public Records Bill makes statutory provision for the preservation of those records of Manx public bodies which should be permanently retained and for the facilitation and control of access to them. In outline the Bill achieves this by defining public records, establishing a public record office under the General Registry, establishing a duty on public record holders to safeguard their records and ensure selection for permanent preservation, it requires the transfer of the records selected for permanent preservation to the public records office to go there 25 years after their creation, and that is at the latest, and the Bill achieves facilitation and control of access by opening the records in the public records office to the public 30 years after creation unless doing so would breach some form of confidentiality.

Special provision is made for the Manx Museum and public records may still be deposited there under this legislation. However, a centre of principle is the establishment of overall responsibility for public records under an arm of executive government with involvement at the highest ministerial level.

Unfortunately, Mr President, records have been destroyed in past decades without consideration of their wider value for the understanding of the development of this nation and these records, unfortunately, can never be retrieved. What can be done is to provide a statutory framework for the protection of public records in the future and for public access to them and that is the aim of this Public Records Bill, Mr President. I beg to move, sir, that the Public Records Bill 1999 be now read a first time.

Mr Kniveton: Mr President, I am pleased to second the first reading of this Bill. I see this as a reasonable and acceptable piece of legislation. I believe that public documents should be

available to the public, documents which have previously not been available. I believe we should all welcome this piece of legislation. We have all heard the weird stories of public documents being dumped down mine shafts, in fact, all sorts of material being thrown down from departments. They are now lost for ever, as Mr Radcliffe has just advised us.

This legislation is really saying that that is wrong. Documents and information should be preserved, stored and kept for ever if necessary. I have to say that not every piece of paper should be kept. That is not really what this legislation is all about. It is about public records being kept and saved for whatever time and made available - I think that is the operative expression. If we are to operate an open government, they should be made available. I am not saying that 25 or 30 years is correct to keep all this information secret. I am sure that when we come to the clauses stage we might well debate that number of years situation. Now, whether it is regarding the Council of Ministers or Mr Speaker, the House of Keys or documentation from yourself, Mr President, I do not mind where it is stored, whether it is stored in Douglas or whether it is stored in the Museum or whether it is stored in a steel frame building wherever on the Island so long as the public knows where it is and there is access to it. I have no fixed views on whether the documentation should become the responsibility of the Museum or the registry office. As I say, I support the Bill and I am happy to second it.

Mr Crowe: Mr President, there are just one or two questions I would raise at this first reading: first of all, where are the public records presently kept? How long are they kept for and who at present determines how long they should be kept? In the future I think we are certainly going to need to keep records for a number of years. It is a case, though, of having selective record-keeping. There must be a lot of records that do not need to be kept and I would hate to think that we build warehouses to store masses of paper which are irrelevant or unimportant, but on a particular issue perhaps if I could draw the hon. member's attention to clause 3(3). The hon. member did mention confidentiality when he spoke; 'the Chief Registrar, or any officer of the Record Office. . . may at any time inspect and examine any public records, notwithstanding any confidence, privilege or statutory restriction'. So here we have the Chief Registrar being able to in effect override any confidential documents and yet, referring to clause 4(3), it says the public office cannot release information which would 'constitute a breach of good faith on the part of the Government or of the persons who obtained the information'. So if I could ask the hon. member to just consider that point as to whether there may be an inconsistency and maybe to comment on that, please?

Mr Waft: A small item, Mr President. I fully endorse this Bill. I would just hope that the Treasury will take on board the concept of the latest information and technology available (**Mr Radcliffe:** Hear, hear.) for the containing and storing of public records for the future. It will certainly be worth it in the long term if they do invest in the latest technology now by providing those facilities for that office. Thank you, Mr President.

The President: Reply, sir?

Mr Radcliffe: Thank you, Mr President. I thank members for their general support for this Bill. I note the comments of the hon. member, Mr Kniveton, and certainly, as I said in my opening remarks, there have been unfortunately a lot of papers which would have been of interest in 20, 30, 40 years' time which have been dumped and they are irretrievable - there is no doubt about that when they are just dumped down a mine shaft or whatever.

The hon. member Mr Waft - certainly the public records office will be using IT - I mean, we do not want 10 miles of storage when a smaller figure on microfiche or whatever would do, but certainly some records, however, original records, require to be kept for all that, and they will certainly be kept in proper conditions and there for posterity, whatever length of time it is decreed they should be kept.

The hon. member, Mr Crowe - currently the premises where these records are kept is at Spring Valley Estate, number 3, I think, from memory. Could I say, Mr President, that any member of Council will be more than welcome to go and have a look at what is there, just to see for themselves what goes on in the public records office, which is situated out there, and that is an open invitation; if anyone cares to ring the archivist out there we will certainly arrange for someone to have a walk round.

The hon. Mr Crowe also asked how selective the process would be as to what is to be kept there. Well, I think we will have to say we will not be keeping a lot of rubbish, Mr President, but certainly papers again which could be of value in the future will be kept and kept in good condition.

I note the hon. member Mr Crowe's comments about clause 3(3) and clause 4(3). I will study the Bill and if I may, Mr President, I will give the hon. member the information at the next stage of this particular Bill. I think that is all that requires any reply on and I would beg to move, sir, that the Public Records Bill be read a first time.

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

Government Legislative Programme – Review – Motion Carried

The President: Turning to item 3, hon. members, I call upon the hon. Mr Lowey to move the resolution standing in his name.

Mr Lowey: Thank you, Mr President, I beg to move:

That this Council calls upon the Council of Ministers to review the Government's legislative programme with the objects of

- (a) rationalising the programme and making it more realistic; and*
- (b) expediting the introduction into the branches of as much of the proposed legislation as practicable.*

I have to apologise to hon. members for bringing this to their attention yet again, but I do think it is important and it is not critical of the government at all; it is what I would have thought most governments, in practising the art of governance, would be doing anyway, and I think that this Council, as the resolution says, calls upon the Council of Ministers to review the government's legislative programme with the objects of rationalising the programme and making it more realistic, and expediting the introduction into the branches of as much of the proposed legislation as practicable.

Mr President I do think it is important for government to be seen to be efficient and giving politics a good name. The thing that gives politics a bad name is politicians promising one thing and doing another, and I think we are in danger of that at the moment. If we take the Isle

of Man Government's Policy Review of 1998, which was debated and accepted by Tynwald last October, although the pages are not numbered it is in the opening few pages of the Chief Minister's overview of the policy, and in part 2 he actually says, 'The legislative programme continues to be ambitious. There is a certain backlog of legislation which we were not able to introduce in 1997-98 as we had planned. These Bills have been carried forward and feature in the programme for the coming year.' So part of this year's programme has already been researched and done because it was promised for last year.

Now, notwithstanding all of that we do seem to be falling further and further behind for whatever reason, and I can understand there being practical reasons, but what I cannot accept at the moment is the premise that somehow the Edwards review has blown us off course so much that we actually have fallen behind with our legislative programme. The programme of legislation is a balanced one and I accept that. It was economic, financial and social legislation, and when you take the package as a whole it makes sense, but when you introduce it in such a way that large elements are not being pursued, then I do think it becomes imbalanced and threatens the very policy which Tynwald Court endorsed as the government's way forward.

So, Mr President, it is a practical measure that needs to be addressed and I do not think it does any government any harm at all to say halfway through its legislative programme year, 'Sorry, we cannot achieve all that we have set out to for these reasons. . .' Perhaps if we did that more often we would be seen by the general public to be keeping to our promises. I personally believe the resolution is overdue and I wish it had been done by the government. I do note from other pieces of information that we receive on the workings of government, the Council of Minister's monthly report, that the Chief Minister has on a periodic view said to the ministers in Council, 'Please bring the legislation forward.' Notwithstanding those pleas it still has not speeded up the flow of legislation.

Now, as far as I am concerned I think that government have a duty to progress their legislation and it is up to the government to make sure that that legislation is in being. As I pointed out, a lot of the programme that we planned for this year was already programmed for last year so the work should have been done to actually ensure that it was ready for last year so there can be no mistake that the work has not been done for this year, and therefore I can see no reason at all why this resolution should not be supported, because I do believe, if the government are not going to complete their programme, they should say so now and give us the reasons why, and I am sure, if there are sound practical reasons why they should not be introduced, then it will be accepted, but I do think politicians should deliver what they promise and I believe this is a timely reminder to the Chief Minister and his Council of Ministers that they should be taking people along with them. I beg to move the resolution standing in my name, sir.

Mr Waft: I beg to second, Mr President. Mr President, I would just mention, for instance, the Sex Discrimination Bill which was agreed many years ago and has been out for consultation, it has been back to the department, out for consultation again and we still have not seen any sight of it yet. Not only the Bills have fallen behind, but certainly have been waiting many years for the disabled discrimination report from the DHSS which was promised when Mr May was Minister of Health, and we are awaiting that; as a consequence, the disabled discrimination Bill will also be put back, and the years go by and nothing seems to be

forthcoming. I think it would be a reminder that there are concerns within the community of particular Bills that have been put back and it might jog their memory a bit to move them along somewhat. Thank you, Mr President.

Mrs Christian: Mr President, if I could just make some comment on the resolution, first of all the hon. member says that 'it is not critical of government' and one can interpret that either in a positive or negative sense, but it seems to me that the veil is somewhat thin. I wonder, then, what is the hon. member's objective? He is aware the Council of Ministers do review the programme from time to time, as the hon. member has indicated, and indicates that he is concerned that, because we are slipping from a potential programme which is set out in the policy document, this is giving politics a bad name, and that we are in danger of introducing slippage into the programme, which will be viewed outside in a negative way. And that may well be a reflection of how the outside views it, though I am not too sure that many people actually are following the legislative programme to that extent.

The hon. member asks in his resolution that the Council of Ministers review the legislative programme, which, as I have already said, they do, but he says 'with the object of rationalising the programme and making it more realistic'. Now, the hon. member has not developed at all what he means by that particular part of his resolution, in my view. What does he mean by rationalising the programme? So far as I can see, the programme sets out those aspects of legislation which will assist in the development of the policy of the government. How then are we to rationalise it? Are we to take out some parts of those proposals and change the policy that we are pursuing, or is he simply talking about timetable? And I get the sense that he is more concerned about timetable than content. He asks that it is made more realistic and implies that government should have, perhaps, made a public statement that they cannot keep up with the timetable, and for what reasons. I think, Mr President, we did endeavour during Question Time last week to give some indication of why the timetable was slipping. But the hon. member has not made it clear whether he feels we should be saying we cannot keep up to the timetable at the moment. However, the policy does cover a number of years and it is not to say that there will not be work done as we go along, in order to pull back what he regards as slippage.

The other aspect of the resolution asks that we expedite the introduction into the branches of as much of the proposed legislation as practicable, and I think from that point of view anybody who sits in the Council of Ministers cannot disagree with the hon. member on that, and I think that is what the Council of Ministers are seeking to do. They have asked the departments to expedite introduction into the branches as soon as practicable. Now, that raises another aspect of the development of legislation. It is quite clear that the procedures had changed from what we formerly adopted, in the sense that departments are now responsible for promoting the legislation from within rather than through the Attorney-General's Chambers, and it seems to me that if we are simply to expedite the programme for the sake of bringing material before the branches, we could be in danger of introducing inadequately and improperly developed legislation, and I would suggest that the procedures which we follow now do involve a great deal more consultation before we get to the branches, as I think has been evidenced by the speed with which material goes through the branches and with the limited number of amendments which are developed in the branches. And in many ways that is surely better than the formal procedure. There used to be times when amendments were

placed on desks on the morning that clauses were to be discussed, inadequately thought through, without proper consideration of the consequences, and I think there is a danger in that. That is not to say, of course, that the branches should not amend; indeed, they should. But, I would suggest that by having a more developed consultation process before we introduce Bills into the branches, there is a lesser danger of amendments being introduced which may have a consequence which is not foreseen.

Now, there are other considerations, it seems to me, in terms of why legislation has not progressed. I have talked about the consultation process but I think we also have to recognise that there is in some departments a very limited number of people who are involved in this area with other responsibilities as well. There are few departments who have dedicated legal sections - one or two may have, but they are very few and far between - and in some departments the number of officers who have to deal with legislation and other matters is limited, and they do have other responsibilities. I have to say in my own department there is a situation now where many officers are diverted from their tasks to deal with what is a responsibility of the department to answer questions. That has to be done instantly, within a week. Matters that they are dealing with currently have to be left in order to progress the answering of questions, and I think it has to be recognised that if you have to drop something to do something else, then there will be a fall-back on whatever you were doing before, and that, I think, illustrates the difficulty that many departments have in terms of progressing their legislation. So whilst, Mr President, I do not disagree with what the hon. member says, I think we do have to clarify - perhaps he has to clarify - what it is he seeks in terms of rationalisation. Does he simply want us to come forward and say, 'Well, we do not believe this legislation will now be presented before such an such a date' in which case I am sure that could be done, a review could be instituted and a different timetable put forward - or is he saying that it is absolutely necessary that we have material before the branches at all times? I personally would disagree with that concept. I think that we need to be progressing legislation where it is necessary and not simply for the sake of it.

He also commented, or someone commented, on certain pieces of legislation having been prepared many years ago, but I think that is fairly illustrative of another problem, and that is that when you have a change of representation in department, if you have different members appointed, changes from time to time, as the hon. mover will acknowledge himself - I think of his involvement, for example, with the Sex Discrimination Bill which has been mentioned - he felt that he wanted to review that legislation when he became responsible in that department, and that often happens when new members go into departments; before they are happy to progress legislation they too want to review it in detail, and that adds to the length of time it takes to process legislation.

So, Mr President whilst not disagreeing with much of what the hon. member says in terms of what the Council of Ministers' function is in all of this, and we do want to get legislation before the branches as soon as practicable, I think what is more important is that that legislation is subject to a proper consultation process and is drafted as accurately as we can get it before it comes to the branches.

Mr Crowe: Mr President, a very interesting resolution and one that I considered this morning and last night as to the appendix 14 in the policy report, and it is a policy that we all as members of Tynwald supported, and I gave some thought to this as to this policy; in fact,

any business planning involves setting goals which are achievable. And if we set goals and we aim high and fall short of our target, is that failure? Or is it better if we set low targets, then achieve them? Is that success? Then I come down to the point that there is a three-year programme here, it has been set out for the current legislative year and the two following years, and it is an ambitious programme of 27 Bills, 22 and then 12, or whatever would be added in the future years. But, I came down to the conclusion that really it is of no use setting targets if they are unachievable, if the resources do not exist to do it, and the hon. minister has mentioned that members of departments, or staff in departments may have other responsibilities, and I think this comes again down to focus as to what is the priority. Is the priority the day-to-day work, or is the priority the future legislation? Again this can only be determined by the minister and the managers and members of the department.

I think the other factor that we have to consider is the complexity of today's legislation, and we are more than just an Island economy, more than an Island nation; we live in an international environment, so legislation today has to recognise and be relevant to our international obligations.

So all of these factors draw me to the conclusion that we have legislation that we need, that is important for the Island, that moves the Island along, that keeps the Island relevant in today's world marketplace, but I do come to the conclusion that the targets set are currently unachievable, and I have to say that I feel that the legislative programme is over-ambitious. Now, in a way that is critical of everybody in Tynwald, because we all accepted this and I do not think there was any debate as to the achievability of this legislation. So I think it comes down to a resources problem where the departments may have the technical resources and the Attorney-General's department have the legal resources, and I think it comes down to a review of the resources that are available, or need to be available, to move this programme forward. Without the resources the timetable is meaningless, and I think the only recommendation that I could make to the Council of Ministers is that they go back and look at this schedule, the 1998-1999 legislative programme, and determine where we are or where they are, or where Tynwald is, on all of these pieces of legislation and reissue the schedule showing what is the state of play, where is the delay, what is the problem? For instance, the Residency Bill, I believe, has been moved at least a year back, maybe two years back; now, this is only from comments made, I think, by the Chief Minister. But it would be worthwhile, I believe, if all the legislation was looked at again, a schedule reissued and it were said, 'Well, in reality we do not have the resources' or 'there is a problem here', or 'we need more information,' and then reissue the schedule and say, 'We have moved it forward.'

So I do think that the programme must be made more realistic, again to bring as much into the branches as is possible. I think it is down to every one of us in a department who can move this legislation on. I think we are all in the same boat together, so I think we all have to row the boat and try and get this legislation through by going back to our departments and saying where is the problem. Thank you, Mr President.

Dr Mann: Mr President, first of all I must congratulate the mover of this resolution, not for necessarily moving this particular resolution, but I think it is a very valuable function of this Council from time to time to debate an issue that involves the branches, and this very definitely involves the branches. It is, as you know, Mr President, not a new problem; it is an old problem that occurs in cycles, if you look back over the history both of the Keys and the

Council. But in looking at the particular resolution as a member of the Council of Ministers, as my colleague Mrs Christian has said, we have no particular reason to question the resolution, and certainly it would not be our intention to resist or vote against the resolution, because of course the Council of Ministers reviews the legislative programme every month. Every month each item is gone through with an explanation from the department as to what progress has been made or, if no progress has been made, the particular reasons.

It is also an opportune time to look at the overall picture of the way in which legislation is being introduced. As the previous speaker has mentioned, the extent of the consultation that goes on now compared with 10 or 20 years ago is dramatically different, and this has been brought in by demand from members and also demand from the public and public bodies. This, of necessity, increases the length of the process of getting to the point where you have the printed Bill introduced into the branches. It does have a disadvantage, the disadvantage being time, but also there is a disadvantage in as much as the character of debate in the branches is altering. The great debates of many years ago seem to be things of the past, because all the questions have been gone into, some of which can be quite complex, in another place before they actually get into the debating chamber. Now, that, one could say, was a disadvantage to the system.

So all of these factors, I think, we are perfectly right to look at. We have to accept also that the system of introducing Bills has altered within the departments. Whereas previously the Attorney-General was responsible for the programme and its implementation, the responsibility of producing these Bills is now a departmental one and, as the previous speaker has mentioned both today and on a previous occasion, that imposes enormous stress on the departmental staff, many of whom have no experience of introducing legislation at all, and in some departments, of course, the introduction of legislation is a rare event, it does not occur very often, and so this staff is constantly going back and forth to the legislative draftsman to achieve the end result.

If we then come back to the argument as to making the programme more realistic, that is easy to talk about. It would mean going through the list, determining which will possibly arrive in the next few months and cut the rest out, but if we cut it out it is only going to be added to the next year anyway, so I think we should keep a list as an aim and work to achieve that aim as efficiently and as rapidly as possible, and we have to accept that at this moment there is considerable slippage in the published programme. The Council of Ministers accept the situation within the departments, the pressure is on to ensure that this process is made more realistic, and so my comments on the actual resolution is, yes, there is an acceptance that slippage has occurred. There are very good reasons and very sound reasons why it has actually happened and all I know is that every effort is going to be made to ensure that it is brought up to date as quickly as possible.

Looking at it from a departmental point of view, it is remarkable, the speed of change that is going on both on the Isle of Man and in the surrounding jurisdictions, particularly in the United Kingdom, and as fast as one is producing a Bill which seems to bring you up to date, you are already behind when it comes to introducing it into the branches. At some point you have got to just draw the line and say, 'That is as far as we can get at this stage.' So yes, we welcome the resolution we go along with the resolution, and I am sure we will achieve a better result, possibly, as a result of this resolution.

Mr Radcliffe: Mr President, I will be fairly brief on this one, but certainly this is a timely resolution, particularly with the dearth of new legislation which has come before the branches. I must say that the mover and the seconder seem to me to be expressing extreme disappointment particularly over social legislation, and I think, fair enough, there is a need for some of that to be brought forward but there is other legislation which is probably just as desirable in the Isle of Man's interest as the social legislation which is in the pipeline. If this resolution will prompt the Council of Ministers to try and get things moving a little quicker, it will have achieved its purpose obviously anyway.

A certain amount of criticism about the way that Bills are handled these days, and the fact that a lot of consultation does take place which takes time, perhaps can be said to cut down the debating of a Bill, but I think one has to remember with some Bills, because the legislation is so complex, that consultation is required and is desirable, because there are issues in some of the Bills which are very specialist and one could quite easily get into quite a knot by heading in the wrong direction altogether, if there has been no consultation on a particular Bill.

The hon. member Mr Crowe has made the point that we should be all striving and pushing our various departments to get legislation coming through. I have to say sir, that the Treasury is the only department that has nothing, which is pushing any Bills through! *(Laughter)* I would not say that they have any more personnel handling legislation than any other department. But I do think that the resolution is a timely one, Mr President.

The Lord Bishop: Mr President, was I wrong when we were talking about this last week in getting a hint from the Attorney-General that he was a bit concerned that the emphasis had gone the way in which some of you are expressing this morning, that he found it quite surprising that, being the professional source of this, it had been removed from him? I just wonder, if I have got that right, is the mover hinting behind this question that perhaps it should be all put back in the right place and, if so, what result will that make financially and obviously increase in his department?

The President: Mr Waft, do you wish to speak?

Mr Waft: Yes, it does appear, Mr President, that the new need now for departments to bring Bills forward is causing problems within those departments, and when it was at the Attorney-General's Office it seems to have been just one sea change without any thought about back-up and legal knowledge within the departments. We have always had the change of memberships within departments, we have always had the need for answers to questions, and we have always had the need for consultation; there seems to be a problem built up somewhere in there that needs to be addressed.

The President: Council may be surprised that I have allowed the hon. member to speak twice on this resolution, but standing orders here are slightly different to those in Tynwald, and 'A member may speak once or oftener, with the approval of the President or chairman,' so with that in mind I do not know if anybody else wishes to. . . *(Laughter)*

Dr Mann: Yes, Mr President, I will take advantage of your offer. It was because I was not present, as far as I am aware, at the time the change occurred from the Attorney to the department. I think the good reasons were, of course, the Attorney's department was having to constantly go back to the departments, because the departments had the technical know-how,

and the technical back-up and the knowledge of these Bills. As a result, the responsibility was passed to the departments who then have to go in a reverse direction, and both systems have built-in difficulties. I think one other thing that has not been perhaps mentioned is the fact that there is no dramatic change in policy in any of the proposed legislation, and I mean dramatic. I know that a lot of these Bills are consolidation; that is, when the department has a Bill in train, they want to consolidate the main function of the department. Directly you do that you increase the amount of work and complexity of the Bill, so there are other reasons. I do not want to prolong this any longer because nobody is going to oppose the member's resolution.

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

Mr Lowey: I am almost in danger, sir, of what I would call the sanitisation of government, really!

The President: Does that mean you are going to withdraw? (*Laughter*)

Mr Lowey: No, I am not going to withdraw! On the contrary, I think a pearl was made with a bit of grit, and I think we need to have a bit of grit now and then. We are in danger of bypassing Parliament, I suggest. But anyway, there you are. At the end of the day, if we take the logic behind that we consult on everything, then the happy day will come when Parliament need not be in existence, because we will have consulted, and we do not need anybody to make decisions. That is an extreme, of course.

Mr President, can I welcome the Council's attitude and the input from all the members, again as I tried to say at the start. I thank Mr Waft for seconding the resolution. If I can come to Mrs Christian, who says my veil was a bit thin whether I praised. . . It is not, and I make no apologies. The role of parliament is to question the executive, and unfortunately Dr Mann and Mrs Christian are part of the executive and they are here to be questioned, as other members of the executive are, and that means occasionally rubbing and keeping people on their toes and making them account for their actions. And I do not think that is an unhealthy thing; in fact, I think it is positively healthy, believe it or not, for the people who are at the receiving end of it, and I must say straightaway, I cannot accept for a second the argument that somehow, if members of both branches ask questions they are responsible for delaying the legislative programme. Now, I do not accept that, and I will not accept that as a premise anyway. I say that, and I will say why: I think parliament is there, as I said, to question and keep the executive on their toes, and if their officials are so busy writing complete answers, actually the ministers, I could suggest, could perhaps reply in their own way by getting just the facts from the officials and writing their own reply. There is one way of easing their load. (*Interjection*)

Mr President, Mrs Christian did actually ask a pertinent question and I did try to keep my introductory remarks. . . and I have got the statistics in answer to Dr Mann where he says it is cyclical, this delay in the number of Bills that are dealt with in Parliament. Absolutely right. In fact, if you look in the policy document it gives over the last few years the number of Bills, and they do vary from 25, 28, down to, one year, 6. But then, that always seems to be the case in election year for a variety of reasons: people are slower and so therefore. . . But this is halfway through the parliamentary five-year cycle. Now, that is unusual. Usually at this stage of our cycle we are inundated with legislation. But here we are, we are not in this particular instance, we are the reverse. Now, there must be a reason for it.

I do take on board what my Lord Bishop was saying and I did note what the Attorney-General said. Whether we agree or whether we disagree on the policies is immaterial on this one. There is something wrong at the moment in the delivery, and that is of concern to all of us, because I think in governmental terms, in parliamentary terms it is important that the machine that we actually serve should be as efficient as it can possibly be. Now, I was there when the change went from the Attorney-General's Office to the . . . (*Interjection*) Well, partly, yes; if that is accepting responsibility, yes, you accept responsibility. But it eased the load of the legislative draftsman, but, as was said last week and has been said this week, legislation is an art, it is complicated. If you are telling me that civil servants can do it without the legal training and the legal background, then I do think it is time that we did examine the experiment of trying for the departments to deliver, and I do not think they are delivering.

I come back to the point that Mrs Christian said: was I really worried about the timetable or the content?, and it is really both. I know that is not the sort of definitive answer she would like, but it is both, and it is about balance, and I use the Chief Minister's words in his policy document where he says - and I quoted it to you - 'The legislative programme continues to be ambitious', 'there is a certain backlog', 'not eligible', and 'we will carry them forward for the coming year'. He also then says, 'The policy review sets the debate and the tone for the Tynwald year'. Now, I think that is fair; that was the Chief Minister, so it is one of balance that I think it is right, and she is right. Social issues, economic issues, family health and welfare issues, law reform issues - there is a whole series of things there, and if you take them as a package - and the hon. member Mr Crowe mentioned it - the package is there and we accept it as a package - a bit more emphasis on the Treasury because they are up and focused and running and the need to keep the economic machine going - fine, I have no complaints with that at all. But then I take a broader view and it is social issues that worry me, but I am sure there are other issues in this like family health, and I do have an interest in economic affairs as well. So there are a whole many facets to the running of government. But taken as a package, I think we are now in danger of getting the package wrong and the balance wrong, and that in my view would be a sad day. All I am saying to the Council of Ministers is, 'Look, we have got it wrong'. I had a part in setting it up as well, so I take my share of the responsibility for that, and I am saying 'Focus your attention on that which can be achieved,' and I think not only will it benefit the government but it will benefit politicians and parliament.

My biggest complaint today - and I heard it echoed last week - was that somehow we do not need parliament to scrutinise legislation because we are doing so much consulting. I know that is an extreme, but I think the danger in repeating that argument actually undermines parliament, and I do think there is no substitute at the end of the day. I am sorry, because I do tend to agree with Dr Mann when he says the days of the big debates on the issues of the day are things of the past. I regret that. I do not think they are gone for ever; I think they will come back. But I do genuinely believe we are in danger inadvertently of bypassing parliament, and that would be a sad day, not just a sad day for this Council but for the Keys and for Tynwald.

So, as I said, I raise the matter because we are halfway through not just the year, but halfway through the parliamentary session, and it seems to me an alarming state of affairs that we have got ourselves into where we are not focused enough on getting as much of the legislation through as possible. If the legislation was not required - and I take Mrs Christian's point where she says 'things do change' - then should they be in the policy document? Should

we be saying at the last October, 'This is the government's policy for the forthcoming year?' We are bringing forward the stuff we have not done. If it was no use then, why bring it forward? We could have said, 'Leave the baggage behind we do not need that particular bit of legislation, events have overtaken us.' But we did not, we carried it forward, and if we do carry it forward then I do believe we should try as best we can to get that done and delivered to the branches for debate, and then if it is rejected, fine, that is democracy in action.

Mr President, no apologies to my colleagues for bringing it forward. I welcome their input, even the criticisms, because I do genuinely believe this is what we are about, and I think at the end of the day we will have done the Council of Ministers a favour by debating it and asking them to focus in on the problems that we have highlighted today.

Mr President, I beg to move the resolution standing in my name.

The President: Hon. members, I will put the resolution set out at item 3 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, that concludes our business for this day. The Council will now adjourn until the sitting of Tynwald on 20th day of April. Thank you, hon. members.

The Council adjourned.