

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS**

**Douglas, Tuesday, 27th April 1999
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); Mrs H Hannan (Peel); Mr W A Gilbey (Glenfaba); Hon S C Rodan (Garff); Hon D North (Middle); Messrs P Karran and G T Cannell (Onchan); Messrs J R Houghton and R W Henderson (Douglas North); Hon D C Cretney and Mr A C Duggan (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East); Messrs J P Shimmin and Hon A F Downie (Douglas West); Hon J A Brown (Castletown); Hon D J Gelling (Malew and Santon); Sir Miles Walker CBE LLD (hc), and Mrs P M Crowe (Rushen); with Prof T StJ N Bates, Secretary of the House.

The Chaplain took the prayers.

Leave of Absence

The Speaker: Hon. members, the hon. Treasury minister, the hon. member for Onchan, Mr Richard Corkill, has leave of absence this morning.

Manx Air Space – Question by Mr Karran

The Speaker: We turn, then, to our order paper and I call upon the hon. member for Onchan, Mr Karran.

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

Who has (a) legal title and (b) effective control over Manx air space?

The Speaker: I call upon the Chief Minister.

Mr Gelling: Mr Speaker, the general principle is that a state has complete and exclusive sovereignty over the air space above its national boundaries, including its territorial sea. In this context sovereignty includes legal title and the right to control air space. In the Report of the Joint Working Party on the Constitutional Relationship between the Isle of Man and the UK, which was the Stonham report in 1969, it is stated, and I quote, 'The main principles of this relationship can be summarised as follows: (iv) the Government and legislature of the Isle of Man are autonomous in respect of matters which do not transcend the frontiers of the Isle of Man, which includes the land mass, territorial waters, ground beneath the territorial waters and air space above the land mass and territorial waters.'

The joint evidence of the Home Office and Tynwald, which was submitted to the Royal Commission on the Constitution in February 1970, adopts the principles which I have just stated, and there is no suggestion in the Kilbrandon report that this statement is other than correct. It is believed that the statement may still be treated as authoritative of an agreed position between the Island and the United Kingdom and that the Island may assert sovereignty over its air space. At common law, an intrusion into air space at a relatively low height constitutes trespass, but it must now be taken as settled that a landowner's rights in air space extend only to such height as is necessary for the ordinary use and enjoyment of the

land and structures on it so that the flight of an aircraft, which is several hundred feet above a house, is not a trespass at common law.

Now, quite apart from the position of common law, section 11 of the Airports and Civil Aviation Act 1987 provides that the Department of Transport may, after consultation with the Secretary of State, by order apply to the Island, as part of the law of the Island, UK Civil Aviation legislation. Now, this enabling power is sufficient to permit the Isle of Man Government to regulate the air space above the Island to the same extent as it is regulated in the United Kingdom.

Mr Karran: Vainstyr Loayreyder, would the Chief Minister not agree that there is still a question mark over whether his government actually recognises that it does have legal title over this, and would he just reassure this hon. House that this government in the Isle of Man recognises that it has control as far as it wants over the air space within the Isle of Man and not the adjacent isle?

Mr Gelling: Yes, Mr Speaker, as I have said in answer to the question, we still uphold what has been stated there and that is the case.

Meat Plant – Further Government Statement – Question by Mr Karran

The Speaker: Item 2, hon. members, and I call upon the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I ask the Chief Minister:

Does your government intend to make any further statement on the meat plant?

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

Mr Gelling: Yes, Mr Speaker. If the hon. member is alluding to the circumstances surrounding the design and commissioning of the meat plant, these are issues upon which there remains legal bearing and, as such, further comment is not presently appropriate.

Mr Karran: Vainstyr Loayreyder, could the Chief Minister inform this hon. House when it will be possible to find out what happens, and can the hon. Chief Minister assure this hon. House that there will not be any cover-up and that we will learn from the mistakes as far as the meat plant and it will not be added to the list of other issues that were not addressed over the last decade where the taxpayer has come a very poor second?

Mr Gelling: Yes, Mr Speaker.

Housing – New Government Loan Scheme – Commencement and Publication of Details – Question by Mr Karran

The Speaker: Item 3, hon. members. Again I call upon the hon. member for Onchan, Mr Karran.

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

- (1) *Can you give a firm date for the start of the new government housing loan scheme; and*
- (2) *when will details of the scheme be made public?*

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

Mr Quine: Thank you, Mr Speaker. The department hopes to be able to place the appropriate motion, introducing a new government housing assistance scheme, on the order paper for the May 1999 sitting of Tynwald Court. However, certain matters relating to the proposed scheme remain to be finalised and it is possible that these may cause the motion to be delayed until June 1999. The details of the scheme will be made public as soon as the final version has been agreed between this department and Treasury and, subject to Tynwald approval, I would anticipate that the scheme would be operable with effect from 1st July 1999.

Mr Karran: Vainstyr Loayreyder, can the minister inform this hon. House why it has taken so long to get this issue addressed when we have such a problem as far as young people - well, not just young people but people who are not in the better off jobs being able to afford the most fundamental principle of life, a roof over their heads? Why has it taken so long to get a government mortgage scheme into operation that is effective at the present time?

Mr Quine: Mr Speaker, I recognise the urgency of bringing into play a new financial assistance scheme to help first-time buyers. In common with all departments there are a considerable number of priorities that we have to staff up and this is but one of them, and I think the hon. member will also appreciate that it is not a matter which entirely lies within the jurisdiction of my department.

Transport – New Bus Network – Introduction – Question by Mr Singer

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

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

- (1) *Having received your department's assurance that the new bus network will commence on 1st May 1999, can you confirm that the entire all-Island network will be introduced on that date;*
- (2) *if not, which elements of the network will be introduced on 1st May 1999; and*
- (3) *when will the remaining elements be introduced?*

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

Mr Cretney: Thank you, Mr Speaker. Significant progress has been achieved in the implementation of the new bus network. Much of this has been possible by the setting of a target date for implementation of 1st May 1999. Without such a target, works which were essential to the new bus network such as highway alterations would not have taken place. I therefore have no doubt that the setting of a target date was essential to concentrate minds. Members will be aware that parts of the new bus network have already been implemented by the introduction of express services for commuters at peak times. The last major piece in the jigsaw is the implementation of new working conditions for bus drivers so that the network can run efficiently in exchange for a higher basic rate of pay. Both staff representatives and management have worked hard together to negotiate a new working agreement to replace the

outdated existing agreement, which has its origins in 1947. To date, agreement between the parties has not been possible. However, a final offer was put to staff representatives last Tuesday - that is, 20th April; this consisted of a higher basic rate of pay for all hours worked in exchange for a new working agreement, including a 37-hour week. Bearing in mind the stage such negotiations have reached, I do not consider it prudent to comment further except to say that the new bus network is essential to my department's plans for the future.

Mr Singer: Mr Speaker, if I could thank the minister for his answer but, whilst your answer clearly distances you from the definitive statement that was made in this House by a department member of yours who said May 1st was a definite date to start, where in fact does the blame lie? Do you have enough buses? Do you have enough drivers? Is it the timetabling that is the problem, or what is the actual problem with the unions regarding why they have not agreed with you so far?

Mr Cretney: Mr Speaker, I do not consider at this stage it is appropriate to apportion blame to any particular element. I have indicated that we have got to the stage in negotiations and unfortunately we have not been able to meet both sides to reach agreement. However, a final offer was put last week to the drivers' representatives and I understand that the drivers' representatives will be then considering that and whatever action follows will be for them. All I would say is that, as far as the department is concerned, it is essential that as soon as possible we get this new bus network up and running because, after all, at the end of the day we are here to serve the public. Similar to the fact that we have now got the bus shelters, we are trying to work on the bus station. It is an overall package which we consider very important, and we believe our customers do too.

Mr Houghton: Mr Speaker, bearing in mind the hon. minister's comments that he does not wish to apportion blame at this stage, would he not agree with me that the public have been let down once again by a government department with a false promise, and can he also advise how much it has cost to date to spend money on such a folly at this time?

Mr Cretney: No, I would not agree.

Mr Singer: If I can ask the minister on a local matter, can he assure me that the Ramsey skipper service will remain in a form that will not reduce the present service to the local people?

Mr Cretney: From the start, the hon. members from Ramsey, both of them, have had an interest in this particular subject, and I understand that both have discussed this in detail with the transport executive. I understand further that assurances have been given in this regard and I can tell you that we will stand by such assurances.

Mr Cannell: Mr Speaker, a supplementary, if I may? Would the hon. minister not agree with me that the rate of pay which has been offered to the bus road staff, at £8.50 per hour, is apparently the best basic rate offered to any bus driver within the British Isles?

Mr Cretney: It is my understanding that is the case; however, my view is that that is a matter which is under discussion between two parties presently and it would not be helpful to further discuss that at this time.

The Speaker: A final supplementary, then. The hon. member for Ramsey, Mr Singer.

Mr Singer: Having listened, Mr Speaker, to that last question and the fact that the minister did not wish to discuss it but his member obviously does, does not this failure to introduce the new bus network, after 4¹/₂ years, linked to the MER fiasco at the Derby Castle shed and the derailments, not highlight that there is need for detailed investigation into your public transport department's procedures, decisions and costs that they have incurred so far?

Mr Houghton: Hear, hear.

Mr Cretney: Mr Speaker, I was appointed Minister for the Department of Tourism and Leisure in December 1996, so anything which goes prior to that is not within my purview. I have indicated to the House and publicly that it is my intention, as soon as possible, for this new bus network to be introduced. We are there to serve the public and that is our intention.

With regard to the Manx Electric Railway fiasco - your words - there is a difference of opinion between my professional officers and the staff employed within the organisation and certain members of the Manx Electric Railway Society. I find that very unfortunate because, at the end of the day, again, the railways are a great asset to this Isle of Man and we should be working together to promote them rather than quarrelling and bickering all the time.

Bicycle Trail Loop for Douglas – Question by Mrs Cannell

The Speaker: We turn to item 5, hon. members, and I call upon the hon. member for Douglas East, Mrs Cannell.

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

Do you support the establishment of a bicycle trail loop for Douglas which would include Douglas promenade?

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

Mr Brown: Thank you, Mr Speaker. The simple answer to the question is yes. However, my department is concerned about creating a cycle track on the highway of Douglas promenade due to the amount of traffic which uses the promenade and also in relation to the amount of traffic which parks on the promenade. The matter of utilising the promenade walkway is a matter for consideration and further discussion within my department. However, to be able to utilise the walkway as a cycle track we will be required to amend the Highway Act 1986.

Mrs Cannell: Mr Speaker, can I ask the hon. minister, as he has indicated that they do have concerns and that further discussions are presently taking place, whether or not he can indicate that some kind of agreement will be reached within his department and the Department of Tourism for the establishment of such a trail in time for the Island Games?

Mr Brown: Mr Speaker, I am not able to give that undertaking because, as I have said, if we wish to use the promenade walkway we would have to amend the 1986 Act, and that is a matter for this House.

Mrs Cannell: Mr Speaker, has the minister considered utilising the pavement on the road side of the Douglas promenade, bearing in mind that the walkway is a pedestrian area and is fairly substantial in size and that perhaps the pavement on the road side would not be as missed as a portion of the promenade?

Mr Brown: Mr Speaker, my department is happy to consider anywhere where it is appropriate to have a cycle track. However, as the hon. member, I am sure, will know as it is her constituency, the pavement on that side of the promenade is in fact quite narrow in places and of course cars also park there, and I think it would be most unfortunate if we created a cycle track where a substantial number of vehicles park that may result in damage both to vehicles and to persons on cycles.

Mrs Cannell: Mr Speaker, would the hon. minister not agree with me that it is essential, as part of his department's integrated transport policy, that he really does seriously consider this and come up with a scheme that is going to be both safe and used by those who wish to use bicycles?

Mr Brown: Mr Speaker, the hon. member is presuming we are not seriously considering this. I think she is wrong in her perception.

Mr Braidwood: Mr Speaker, can the minister confirm that it was the intention of his department to lay a cycle track in the asphalt when contracts 1 and 3 of the IRIS scheme were finished?

Mr Brown: Yes, Mr Speaker, I understand that that was the intention of the department. However, that was, I understand, prior to them being aware that there would be a requirement to change the law due to the status of the promenade walkway.

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

Mrs Cannell: Thank you, Mr Speaker. My final supplementary to the hon. minister is this: given that there would be a requirement to amend the Road Traffic Act, is he prepared to do that in order to bring this scheme to fruition?

Mr Brown: Mr Speaker, if it is seen appropriate by my department that we wish to use the walkway, then certainly I have no problem in bringing to the House law to amend that Act. However, whether or not the Act is amended will be a matter for this House.

The Speaker: Now, hon. members, I understand that the answers to those questions posed for written answer have been circulated - that is, the questions item on the agenda paper 6, 7, 8 and 9.

Drug Trafficking Act – Seizures Etc. – Question by Mr Rodan for Written Answer

Question 6

The hon. member for Garff, Mr Rodan, to ask the Minister for the Treasury:

(1) *Since the enactment of the Drug Trafficking Act 1996 -*

- (a) *how many seizures of cash proceeds of drug trafficking have been made;*
- (b) *what were the total sums forfeited;*
- (c) *how many confiscation orders have been made by the courts; and*
- (d) *what was the total value recovered from drug traffickers; and*

(2) *do these moneys go to the Treasury and, if so, how were they used?*

Answer

I must point out at the outset that this is fundamentally a matter for the courts, not Treasury, and whilst Treasury receives all recoveries from fines, et cetera, the proceeds of international drugs cases are transferred to the seized assets fund and applied to the specific countering of drug abuse in the Island. Other proceeds received from domestic cases are part of the normal fines paid to Treasury and not therefore separately identifiable in Treasury's accounts.

Between the enactment of the Drug Trafficking Act 1996 and 1st March 1999, 24 drug traffickers have been prosecuted before the courts. These are actual suppliers as opposed to persons who merely possess controlled drugs for their own consumption. Following financial investigation by the drugs squad, officers have found that those 24 persons have benefited by a total amount of £661,869.13 and the courts have issued certificates of benefit in respect of all 24 in that amount.

The certificate of benefit always remains in being and should a previously convicted trafficker realise more assets then the certificate of benefit is taken back to the court and application made for a further confiscation order in respect of those new assets. Cash may be seized from a trafficker at the time of his arrest and should this prove to be from the proceeds of his crime then it forms part of the confiscated realisable assets ordered to be taken from him/her by the courts.

However, financial investigation also identifies the monetary value of the drug trafficker's realisable assets, and it is in this amount that the court will make a confiscation order. The total monetary value of realisable assets in regard to the 24 persons referred to above was found to be £24,151.64.

First Financial – Appointment as Consultants – Question by Mr Cannan for Written Answer

Question 7

The hon. member for Michael, Mr Cannan, to ask the Minister for the Treasury:

- (1) *Can you confirm that First Financial (Bell Pottinger Group) have been appointed advertising agents and public relation consultants to either the Treasury or the Isle of Man Government with effect from 1st April 1999; and*
- (2) *if so*
 - (a) *what is the period of their appointment;*
 - (b) *what is their annual fee and annual estimated expenses;*
 - (c) *what are their terms of reference; and*
 - (d) *what are the expected results of their appointment?*

Answer

- (1) First Financial, the specialist financial public relations consultancy division of the Bell Pottinger Group, has been appointed by the Treasury with effect from 1st April 1999. They are appointed in the capacity of public relations consultants and not advertising agents as Treasury largely manages its own decisions in relation to the placement of advertisements.

Several specialist firms from both on and off the Island were invited to tender for this contract. First Financial demonstrated throughout the tendering process their depth of understanding of our market place for financial services and the broader issues affecting this that we currently face. First Financial have an impressive base of financial clients, regulators and government and employ some 48 financial specialists.

- (2)(a) The contract with First Financial is for a 12-month period. During this period their performance will be carefully monitored and results assessed upon which a judgement as to the appropriateness of any future invitation to tender or renew the contract will be made.
- (b) First Financial will be paid a fee of £7,000 per month, exclusive of value added tax. Expenses are estimated at £16,000 a year excluding VAT.
- (c) The contract with First Financial provides that they must aim to -
- create a strong identity for the Isle of Man;
 - position the Isle of Man as a top international finance centre, not a second-tier offshore centre;
 - create widespread interest in the financial media;
 - harness the collective promotional skills of the Isle of Man;
 - help generate further business and inward investment for the Isle of Man.
- (d) The results we seek to achieve from the appointment will principally be enhancement of the awareness and approval ratings of the Island's financial services industry in the minds of key decision makers. In addition we seek improved reporting in terms of quantity and quality in the leading national and international financial and daily press which influences these decision-makers. A measure of success will also clearly be evidenced by the inclination of our target audience to do business with the Island.

Western Combination Authority – Establishment of – Question by Mr Cannan for Written Answer

Question 8

The hon. member for Michael, Mr Cannan, to ask the Minister for Local Government and the Environment:

What progress is being made to establish a western combination authority so that a swimming pool can be provided for the west of the Island?

Answer

There are two distinct actions which have to be undertaken by the department in order to progress the establishment of a western combination authority for the purpose of providing swimming pool facilities in the west of the Island.

Firstly, it is necessary to confer on the individual local authorities who presently form the Western Swimming Pool Committee the powers provided under the Recreation and Leisure

Act 1998. These will replace those powers presently in place under the Local Government Consolidation Act 1916.

The department has sent to each of the local authorities concerned a draft order for this purpose. The order can only be made with the consent of each of the individual authorities concerned, and once such consent has been received it is the department's intention to place the order on the next appropriate order paper for consideration by Tynwald Court.

The second requirement, following the introduction of the powers under the Recreation and Leisure Act 1998, is for the department to make an order under section 7 of the Local Government Act 1985 transferring the powers from the individual authorities to a combination authority which will perform those functions on behalf of the authorities concerned. Such order will detail the constitution of the new authority and the manner in which funding arrangements will be dealt with. This order would be introduced following consultation with the individual authorities.

This department is hopeful that this latter order can be considered by Tynwald before the recess in July 1999.

First-Time Buyer Houses – Future Provision – Question by Mr Karran for Written Answer

Question 9

The hon. member for Onchan, Mr Karran, to ask the Minister for Local Government and the Environment:

- (1) *How many first-time buyer houses does your department intend to build in the years 1999 to 2001 inclusive; and*
- (2) *in what local authority areas do you intend to build them?*

Answer

- (1) The department anticipates a requirement for 80 first-time buyer homes per annum for the next five years. This programme will be reviewed annually.
- (2) These units will be provided -
 - (a) partly by the department which will release land in its ownership to the private sector on a subsidised basis, and
 - (b) partly by the private sector with support being made available to buyers through a new house purchase assistance scheme.
- (3) Land owned by the department at the former Springfield/Harcroft sites in Douglas will shortly be released to the private sector which should bring the first tranche of some 50 first-time buyer homes onto the market early in the year 2000.
- (4) Land owned by the department at Andreas, Bride and Ballasalla is being considered for earlier development to provide further first-time buyer units.
- (5) Both the public and private sectors will have to play their part in satisfying the need for starter homes and the department believes the introduction of the new scheme to encourage home ownership will provide the stimulus required.

- (6) For its part, the department is continuing to identify opportunities to acquire suitable land in appropriate locations which can be made available in the manner described in (2)(a) above.

Council of Ministers – Appointment of Ministers – Statement by the Chief Minister

The Speaker: That takes us then to item 10 on our order paper, a statement by the Chief Minister. I call upon the hon. member for Malew and Santon.

Mr Gelling: Mr Speaker, in January 1997 I invited nine members of Tynwald to take up responsibilities as ministers. This, at the time, was not easy as I wished to bring together the different groups within Tynwald to move forward with consensus government and, by doing so, retain the stability within our Island which is so vital to our continued success in international business and economic growth. At that time, out of the nine ministers selected, four were new to the Council of Ministers team and it is fair to say that not all were pleased with the portfolio offered, but they were all willing to work within the ministerial system to achieve the overall objective, and it is worth noting that only one department held the same minister as in the previous administration and that all members were now working in departments of government.

This was a very new team in many ways with a different approach to the previous administration. We were all on a steep learning curve and I stated at that time that I would be reviewing the situation with regard to how members and ministers were settling in. During 1998 I invited all members of Tynwald to my office for a private and personal interview on all aspects of their positions and that of others, including the minister and members of the department on which they served, also the question of their future aspirations if not content with their positions. These interviews proved in general that most members were content, and it was satisfying to find that things were running well, except for one or two areas, which I would suggest will always be the case with different personalities and in politics.

We are now just over two years into this administration and during that time have faced a number of threats and difficult situations which I would suggest have been handled with great care, sensitivity, honest endeavour, co-operation and, when required, firmness to achieve what is in the best interests at all times of our people and our Island businesses. Since the motion of 26th January of this year, there has also been a sincere and worthwhile effort by ministers to work closer together in achieving the overall objectives of government while still, forcibly at times, putting forward alternative and opposing views on individual schemes and possible changes in policy.

I never expected a smooth passage. That was never the objective. I was looking for and working for a government position which retained the best of our long history of stability and democracy whilst facing up to the opportunities of our now world-wide business market and the challenges which that presents. I do, however, sometimes wonder why some members forcibly demand change in the membership of the Council of Ministers when, in overall terms, the Island, its people and most business sectors are doing well. We have at present a 0.9 per cent unemployment figure and a 6 per cent year-on-year annual economic growth. However, I have never been complacent and intend to work towards new objectives which will keep the Island's economy in a good healthy situation so that we can continue showing the figures as presented today and, in so doing, retain our jealously guarded quality of life.

Certain members, I would suggest, are not satisfied with or dislike different ministers for all kinds of reasons, personal and otherwise, but I must keep a balance within the Council of Ministers which will achieve the overall objectives of government. There is at times a dissatisfaction voiced about all aspects of government, systems, personnel, and our democracy dictates that a committee, parliamentary or otherwise, is set up to look into that situation. The Council of Ministers and the Legislative Council are two such parliamentary committee considerations which are currently still before the Tynwald and Keys committees, and I am informed that they will now report before the summer recess.

I made a remark during the debate in the Keys on 26th January 1999 that I would make a statement in respect of my ministerial team before or on the due date of the April sitting of Keys, which is today, April 27th. This timetable was dictated by the fact that in my opinion the only window of opportunity for making changes, other than changes forced upon me, would be after the budget and before the meetings with departments on policy. I said then, from information received, both parliamentary committees should have reported and I would have had the benefit of knowing the outcome of their deliberations and also the acceptance or otherwise of their findings by Tynwald and Keys respectively. Unfortunately that is not to be the case, so I have to consider my position and that of the membership of the Council of Ministers in the light of the present laws as they stand in regard to who is available to me from the Tynwald membership and how those positions are filled.

I have taken due heed of comments made by members and discussed with ministers the position as I see it at this time. Bearing in mind the changes which will take place over the next few years both in the membership of Tynwald and possibly the law appertaining to ministerial selection, I wish to announce that as of today the following ministers have been assigned to departments: Department of Treasury, R K Corkill MHK; Department of Agriculture, Fisheries and Forestry, A F Downie MHK; Department of Education, S C Rodan MHK; Department of Health and Social Security, C M Christian MLC; Department of Home Affairs, A R Bell MHK; Department of Local Government and the Environment, R E Quine MHK; Department of Tourism and Leisure, D C Cretney MHK; Department of Trade and Industry, D North MHK; and Department of Transport, J A Brown MHK. I hope that members will see that there is in this team a blend of experience and new blood and that the changes are evolutionary rather than revolutionary in character. Certainly it is not my expectation that changes will lead to significant changes in direction in government policy. I think that this is a good team, in the absence of the reports by the parliamentary committee on ministerial government and the Legislative Council, and it is my responsibility to nominate the team and I have discharged that responsibility. As far as I am concerned, the team stands or falls together and they should be given the opportunity to work together. The time has come to stop the speculations about who is and who is not to become a minister and for us all to work together for the good of the Island and I hope we can avoid further distractions.

I would, at this time, wish to place on record my thanks to Mrs Hazel Hannan MHK, for 3¹/₂ years as Minister of Agriculture, Fisheries and Forestry at a time when all sectors which that department has responsibility for have witnessed very real problems and concerns. Mrs Hannan has always been very supportive and I thank her for offering to serve as a member of a department of government for the continued good government of Mann. I also wish to record my thanks to Dr Edgar Mann MLC, for the sterling work carried out in the Department of

Education, where he has agreed to serve as a member under the new minister and he has pledged his support in the continuation of the work of that department and the government of the Island.

There are only 10 members who sit at the Council of Ministers' table out of 33 members of Tynwald. Without doubt there are a number of capable and enthusiastic members, some with more political experience than others, who will certainly realise their ambitions and become ministers in their own right. My only plea to those members is: please be patient and continue to play the very worthwhile and important role that you do play in the success of our Island. I am quite sure opportunities will come about as we move forward into exciting and challenging times which will bring about reward and satisfaction to us all if we work together for the greater good of the people of this Island. I do not mean by that that we should always agree with everything; debate can certainly be healthy and constructive. I put together a team with individual strengths from different groups of members who will bring to the Council table many different dimensions of our Island life with varying personal talents. There will, of course, be changes now to department membership which will be announced by the Council of Ministers very shortly.

Mr Speaker, I am honoured to have been elected by the majority of Tynwald members to this important position and will continue to do my best to serve you and the people of this Island to the very best of my ability. I will continue to listen and respond, but please appreciate that everything is not always straightforward and easy to achieve. There are many different considerations to take into account and I can assure you many hours have gone into my deliberations over this very important matter and I know I will be unable to please everyone.

I thank you, Mr Speaker, and all hon. members for the time that you have taken in listening to this statement and hope I can rely on your understanding and support. There is a job to be done and we are all charged by the people of this Island to get on with it. Thank you, Mr Speaker.

Mr Cannan: A question with your permission, Mr Speaker. I thank the Chief Minister for his statement but can I ask him, is there a specific reason that the Minister for the Department of Health and Social Security should be a member drawn from the Legislative Council rather than a member of this House, the elected representatives of the people, the DHSS being a department that is responsible for 40 per cent of the total government expenditure, a net revenue expenditure of £114 million out of the government total expenditure of £286 million?

Mr Gelling: Mr Speaker, as I said in my statement I am guided by the laws as they are appertaining at this time and I have the selection of ministers from the Tynwald membership, and until such times as the report comes forward that suggests otherwise and that this House or Tynwald actually changes that system, I have, as I have stated, selected within that particular area. I do have to say at this time that I happen to think that the minister who has got that portfolio has done sterling work (**Mrs Crowe:** Hear, hear.) in that position for the last two-and-a-third years. So therefore there are many considerations, one of which again has to be considered that there are questions asked in the Legislative Council to a member of the Council of Ministers, so you do need a spokesperson there to answer and field the questions that are asked. So there are other areas that have to be considered and, as I have said, until such times as it is changed I will operate under the laws which are there at this time.

Mr Cannell: Mr Speaker, I wonder if I might ask the hon. Chief Minister, was he pleasantly surprised that the two new ministers which he has appointed were able to agree to serve on the Council of Ministers, both having voted against it as recently as last December?

Mr Gelling: Mr Speaker, again, as I said in my statement to this House, I was taking into consideration the different groupings within this House and the talents that are available to us, and the situation is that we are going forward with consensus government and I have to consider all these dimensions when making these appointments.

Mrs Cannell: Mr Speaker, is the Chief Minister not disappointed that the Council of Ministers will now not have a female representative from the House of Keys in his Cabinet and indeed will only have one female representative from the Legislative Council?

Mr Gelling: Yet another point that I had to consider, Mr Speaker.

The Speaker: Hon. members, that, I think, draws to a conclusion item 10 on your order paper.

Council of Ministers – Vote of Confidence in Ministers – Motion Withdrawn

The Speaker: We therefore are faced with the resumption of the debate on motion 11 which, with the dependent motions 12 to 20, were adjourned at the 26th January sitting. Now, hon. members, dealing with our order paper and the numbering which is before you today, we reach item 11 on the order paper. Hon. member for Michael.

Mr Cannan: Mr Speaker, I understand that the debate on 26th January was adjourned and I assumed that the debate will continue following that adjournment.

The Speaker: Sir, I am calling you to move item 11 on the order paper if you so wish.

Mr Cannan: Well, Mr Speaker, I move that the debate be carried. Surely that is in standing orders, is it not?

The Speaker: Hon. member for Michael, if you just resume your seat for one moment, if that is the way we wish to continue this morning and accepting that it was an adjournment debate, does any hon. member wish to continue to speak to the adjourned debate of January? Hon. members, I therefore turn to item 11 on our order paper and if the hon. member for Michael wishes to move item 11, so be it.

Mr Cannan: Mr Speaker, with the deepest respect, *Hansard* stated on 26th January that the motion, and I quote, 'be moved, then the debate be adjourned to 27th April 1999' and therefore, if there is nobody further to speak, I will sum up on that item. Surely that is in accordance with standing orders?

The Speaker: If the hon. member so wishes to sum up to that debate, I will give you permission at this stage to sum up to that debate now, sir. Continue, hon. member for Michael.

Mr Cannan: Thank you. Mr Speaker, the adjourned debate which we voted on on 26th January was that standing orders 64 to 66 be suspended to enable this hon. House to vote by secret ballot on the motions at item 21 to 29 inclusive.

The Speaker: This is item 11, sir.

Mr Cannan: That is right, sir. The hon. members who spoke to that debate were: Mr Downie, Mr Braidwood, Mr Rodan, Mr Cannell, Mr Bell, the Chief Minister and Sir Miles Walker.

The background to that debate, as you well know, was that on 16th December in Tynwald a motion was put down of confidence in the whole of the membership of the Council of Ministers and that debate resulted in 10 members of this hon. House voting against the Council of Ministers - Messrs Quine, Rodan, Houghton, Henderson, Duggan, Braidwood, Mrs Cannell, Messrs Downie, Singer and Karran, I have that from Hansard. They voted that the Council of Ministers had no confidence, and the object was to bring down the Council of Ministers and, by implication, the Chief Minister. It survived the vote but I made clear, certainly, that whilst not supporting the whole Council of Ministers to come down, there had to be changes made.

The Chief Minister did not react to that debate and so on 26th January I placed the motion to which I am now referring. The motion therefore asked this House to give a vote of confidence or no confidence in the members of the Council of Ministers, as listed in item 12 onwards on today's motion paper. The Chief Minister said in his statement that he was going to make a decision by the 27th.

The Chief Minister has made a statement. I believe, from what I have been hearing - because members will bear in mind the original debate in December was because there were drum beats of discontent within the membership of this House, otherwise 10 members would not have voted against the Council of Ministers - that there is still dissatisfaction. I further believe that, notwithstanding the Chief Minister's statement, the ministers, as presently appointed, are not the settled will of this House.

I believe that discontent will probably continue into the future. Chief Ministers cannot govern without the support of this House, that is the democratic system, and while I will ask leave of this House to withdraw the following motions in order that the Chief Minister's changes can be given a chance to succeed, as I still say, from the initial responses that I heard, it is not the settled will of this House, the changes that have made. (**Mr Houghton:** Hear, hear.) So on that basis, Mr Speaker, I close the debate on the adjourned motion of 26th January and ask your permission and the permission of the House to withdraw the following motions, number 12 to number 20. Thank you, sir.

The Speaker: Thank you, hon. member. Hon. members, having listened to the hon. member for Michael, effectively what it amounts to is that the items on your order paper 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 are completed and withdrawn.

Bills for First Reading

The Speaker: Hon. members, we therefore move on to item 21. I call upon the Secretary to take both items 21 and 22.

The Secretary: The Copyright (Amendment) Bill, Mr North. The Children and Young Persons (Sale of Addictive and Intoxicating Substances) Bill, Mrs Crowe.

The Speaker: Hon. members, that concludes the business before the House this morning and the House will meet next on Tuesday, 4th May at 10 a.m. Thank you, hon. members.

The House adjourned at 10.41 a.m.