

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS**

**Douglas, Tuesday, 27th October 1998
at 10.00 a.m.**

Present:

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

Welcome to Visitor

The Speaker: Hon. members, today it gives me very great pleasure to welcome to the visitors gallery a visitor from Beijing in the People's Republic of China, Mrs Hongmei Chen.

Hongmei is an overseas student. She is studying for a diploma in childcare and education at Ware College and as such is partly funded by the Isle of Man Overseas Aid Committee.

On behalf of this hon. House, may I wish you a very pleasant stay on our Island and success with all your studies.

Members: Hear, hear.

**New Hospital – Investigation into Cost Financial Control and Management –
Question by Mr Cannan**

The Speaker: Turning then to our order paper, hon. members, item 1, I call upon the hon. member for Michael, Mr Cannan.

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

- (1) *Do you concur with the opinions publicly expressed by the member of the Department of Health and Social Security with particular responsibility for the new acute general hospital, the hon. member for Onchan, Mr Karran, that -*
 - (a) *the investigation by the Standing Committee on Expenditure and Public Accounts into the development and cost of the new hospital will only hamper the progress in building the hospital;*
 - (b) *the investigation should only happen after completion;*
 - (c) *part of the increasing cost is due to measures that have been implemented which, in hindsight, would not have been carried out?*

(2) *Are you fully satisfied in all respects with the financial control and management of the new hospital?*

The Speaker: I call upon the Chief Minister.

Mr Gelling: Yes, Mr Speaker, the hon. member for Onchan must of course take responsibility for his own statements and I have nothing to say on the statement that he has allegedly made, except that self-evidently the process of parliamentary scrutiny, like any ordered process, does consume resources. So parliamentary scrutiny is a necessary part of the democratic process, but those who have to respond to that process are also those providing the service. So inevitably parliamentary scrutiny will occupy their time and limit the time that they can devote to providing the service, which in this case is the new hospital development.

Now, as regards financial control and management, I have no reason to be other than fully satisfied. Arrangements for financial control and management have been determined by the DHSS and the Treasury and neither have expressed any concern.

Mr Cannan: A supplementary. In view of the Chief Minister's statement that he is fully satisfied in all respects with the financial control and management of the new hospital, does he therefore consider that an investigation by the Public Accounts Committee is an irrelevance?

Mr Gelling: Mr Speaker, the remit of the Public Accounts Committee was changed to allow such a scrutinising as is being stated and therefore I have to be satisfied.

Mr Cannan: A further supplementary. The member responsible for the new hospital stated, both on the radio and in the press, 'Investigation into the costs and financial management of the new hospital should only happen after the completion.' Does the Chief Minister concur with that statement or would it not be more appropriate that better to investigate if things are in order now than to find they have not been in order after the hospital has been completed?

Mr Gelling: I can only assume, Mr Speaker, that the hon. member who, as I have already stated, must be responsible for his own public statements, was referring to the very thing that I answered in the original question and that is that members who are responsible for providing the service will be the ones who will be asked to provide details, and it will obviously cause concern to them in the production of the new project.

Mr Karran: Vainstyr Loayreyder, would the Chief Minister not agree with me that in the statements that I that one of the things that I stated was that I wanted to make sure that the Public Accounts Committee do their job on a needs basis instead of on a political cherry-picking basis, and would he also be aware of my concerns on general government contracts in the total of government in the fact that they are actually run not the most efficient way, and would he also not agree that this is the reason why I am concerned about the Public Accounts Committee, that there are more fundamental issues that need to be addressed which they are not addressing because they are cherry-picking?

The Speaker: Hon. member, I think within that there were three supplementary questions. However, I invite the Chief Minister, if he wishes, to respond.

Mr Gelling: Yes, Mr Speaker, the hon. member has his opinion and that is his opinion, that there are other areas that the Public Accounts could be looking at. Now, that is his

opinion. As far as I am concerned, Tynwald Court have elected a Public Accounts Committee and they are responsible people and will carry out their duties accordingly.

Television Reception – Question by Mr Cannan

The Speaker: Item 2, hon. members, again I call upon the hon. member for Michael, Mr Cannan.

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

- (1) *What response have you received from the chairman of the BBC regarding concern over television reception in the Isle of Man in general, and Ballaugh in particular; and*
- (2) *will you ask the BBC if it is their intention to address the existing inadequate television reception in the Island by the introduction of digital television?*

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

Mr Gelling: Yes, Mr Speaker, we have had a helpful correspondence with the BBC. We were advised in February that work had commenced on a frequency planning study which would include theoretical and fieldwork on the installation of three new television relay stations on the Isle of Man. It was indicated that the results would be available during the summer. Now, we followed this up in July and we were advised that the study was complete and that a final report had been produced.

Now, the BBC advised that they had started the process of obtaining the necessary legal and regulatory clearances and as soon as those clearances had been secured they would proceed to consider this investment alongside the many other calls on their resources. Now, the latest information we have is that the BBC is expecting a response from the Radio Communications Agency in November, that is next month, so the issue is ongoing.

Now, as regards digital television, current predictions indicate that the Isle of Man will not receive any digital terrestrial television service from any of the 81 transmitting stations included in the first phase of the service. It is therefore unlikely that we will get a coverage of the Isle of Man by digital terrestrial television over the next five years. However, there will be certain areas of the Island which might very well pick this up.

Mr Cannan: I thank the Chief Minister for his comprehensive reply. Will the Chief Minister give an undertaking to pursue this matter with a certain amount of vigour and inform this House as soon as he receives a reply from the BBC of their proposals to set up transmitters in the Island, which is presumably next month? Further, can I make the Chief Minister aware that the regional Ceefax from the BBC to the Isle of Man is only receiving BBC North-East.

Mr Gelling: Mr Speaker, I am aware of the problems and in answer to the hon. member, yes, we will continue to keep the BBC on the go with this one because I think now we have a positive decision from them that something will be done, and I can keep this hon. Keys informed of how we are going with that report.

Mr Gilbey: Mr Speaker, is the hon. Chief Minister aware that as well as the problems that he has referred to there is a further one in that the Beary transmitter at St John's and its satellites at Foxdale and Glen Maye are being affected by excessive output from an Irish radio

station and would he be able to advise this hon. House what urgent steps are being taken to deal with this problem which is affecting the reception of a considerable number of people?

Mr Gelling: Mr Speaker, I am aware of certainly one person in the Beary Mountain area because they have been in contact with me. That has been passed on to the Communications Commission, so they are aware of that particular problem. I think also it is fair to say that there have been atmospherics around the Island which have caused quite a lot of distortion of picture and signal on televisions, which of course is because of the certain weather conditions we have had, but we are aware of that Beary Mountain problem.

Mrs Cannell: Mr Speaker, would the Chief Minister not also agree that those living in Douglas and Onchan are also experiencing extreme problems with the broadcasting from the BBC and that he is aware of the situation and indeed has received correspondence to that effect?

Mr Gelling: It would appear, Mr Speaker, that we have problems throughout the Isle of Man. So basically I take on board what the hon. member is saying. If there are problems in the Douglas area, I believe that they will be different problems to the problems that of course were raised by the original question, but I take on board what the hon. member is stating.

The Speaker: As the hon. member had already caught my eye, Chief Minister, I will give the hon. member for Garff his opportunity.

Mr Rodan: Thank you, Mr Speaker. Indeed, given that some Island residents are unable to receive any terrestrial reception whatsoever, will the Chief Minister continue to press the BBC for a possible reduction in the cost of the full licence, possibly to the level of a black-and-white TV receiver licence?

Mr Gelling: Yes, I will repeat again, Mr Speaker, as I did to a questioner a few months ago, that of course this about refusing to pay the licence is a very dangerous one because I have had correspondence of recent times where they have suggested they should do that, and I will repeat of course that the licence is there to receive even if you only receive snow. It is your decision.

Now, I take on board what the hon. member says. Laxey is a very, very bad area (*Laughter*) and as the representative for Santon and Malew, I will also say that we have very, very bad reception and often we cannot see it at all. So I understand absolutely what the hon. member for Garff is saying.

New Prison – Study – Question by Mr Henderson

The Speaker: Item 3, hon. members, I call upon the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Mr Speaker, I ask the Minister for Home Affairs:

- (1) *Is your department preparing a feasibility study for building a new prison on a greenfield site;*
- (2) *if so, what has prompted this initiative; and*
- (3) *when will the study be made available for consultation?*

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

Mr Bell: Thank you, Mr Speaker. The answer to part (1) of the question - I can confirm that my department is currently examining the feasibility of building a new prison on a greenfield site. We have not, however, rejected the possibility of redeveloping and extending the existing prison on its present site and the adjoining land. Both options remain under consideration. Once we have concluded our investigation into the feasibility of a greenfield site development, we will then be in a position to make the final recommendation to the Council of Ministers on whether the present prison should be redeveloped and extended or whether a new prison should be built on a greenfield site.

Turning to part (2) of the question, the department has never discounted the possibility of building a new prison on a greenfield site. That has always been an option. The preferred option has, however, been to redevelop and extend the present prison. We do, however, recognise the problems associated with this option, and as I have already stated publicly, as this option has been examined in greater detail, these problems have become more evident. This is why we are now looking in more detail than we have in the past at the implications of a greenfield site development. Whichever option we eventually choose, we will be embarking on a major and costly scheme which will have to serve the Island for many decades to come and it is essential therefore that we thoroughly research all the options and ensure that we come to the right decision. We must also ensure that the option we decide upon enables us to incorporate all the facilities identified in the department's blueprint document for the development of the prison service, which was produced last year and which has been circulated to all hon. members.

Finally, in answer to part (3) of the question, I hope that my department will be in a position to make a final recommendation to the Council of Ministers by the end of the year.

Mr Henderson: Mr Speaker, a supplementary. Could the hon. Minister for Home Affairs confirm that the recent Home Office inspection of the existing prison buildings and present site, or indeed an extension of the present site, could not sustain a facility which would completely meet Home Office, European and other international guidelines and criteria set out for the building of a modern prison and that the only practical way forward to meet fully these implications would in fact possibly be to redevelop on a greenfield site?

Mr Bell: Mr Speaker, I have already explained in great detail to the hon. member for North Douglas exactly what our plans are and the difficulties that we are facing in our pursuance of those plans. The difficulty, as I have stated also in the press and on the radio, stems from the possible difficulty of incorporating all elements of the blueprint for the future regime of the prison onto the extended site.

Now, as I have just said, that study is still continuing and it will be several weeks yet before we are in a position to know whether or not we will be able to pursue one option or another, and until then I really cannot add any more to what I have already said.

Mr Houghton: Mr Speaker, could the hon. minister also confirm that to best meet Home Office and European standards fully it would be essential that any prison development would have to be on a greenfield site or a brownfield site away from its present location and would he kindly make an announcement as soon as possible so that he can put the minds of those residents within the area of Victoria Road at rest?

Messrs Henderson and Cannan: Hear, hear.

Mr Bell: Mr Speaker, I do not know how many times I have to repeat myself. The discussion and investigation into the best way forward is still continuing and no decision or announcement will be made until that exercise is finished.

Mr Karran: Vainstyr Loayreyder, would the Minister for Home Affairs agree that the situation is, when you consider that we have the biggest prison population in Western Europe, would he consider it a priority that his department has a review of the penal policy within this Island in order that we get the right sized prison and the right sized development for the Isle of Man?

Mr Bell: Mr Speaker, we do not have the largest prison population in Western Europe. What I have said recently is that statistics have shown that we imprison more per head of population -

Mr Karran: Yes.

Mr Bell: - than any other country in Western Europe other than Portugal.

The basis of our investigation which is going on at the moment is entirely surrounding the future regime which we have identified for the operation of the prison, which I believe is essential. It is not simply providing a facility to lock up people for a period of time as punishment, it is also to include rehabilitation facilities, education and exercise, and these are elements which my department feel essential and I certainly believe are vital if we are going to have a prison regime in the future which serves the need of the community in terms of acting as a deterrent but also meets international standards in terms of rehabilitation and enhancing our ability to prevent, if possible, recidivism and a continuation of a criminal lifestyle which unfortunately the present regime is incapable of achieving effectively because of the limited resources.

Mr Karran: Vainstyr Loayreyder, would the hon. Minister for Home Affairs not agree with me that you will find that Portugal now has not got a higher prison population to the number of people that are living within the 100,000 that is worked out throughout Western Europe?

Would he also not agree with me that the issue that needs to be addressed is the fact that we need to address the issue of penal policy as well? What we do not want is a big prison which will turn out to be a white elephant and there is a need to look at the penal policy.

The Speaker: Hon. member, I find no reference to Portugal in question 3 and the answer to the penal policy the Home Affairs minister answered in response to your previous supplementary.

Mr Karran: Vainstyr Loayreyder, it is important as far as penal policy is concerned, the size of a prison.

The Speaker: Which was the question, hon. member, which you asked as your previous supplementary and the minister has responded.

Paedophile Register – Question by Mr Houghton

The Speaker: Item 4, the hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. I beg leave to ask the Minister for Home Affairs:

When will your department be in a position to release for consultation its legislative proposals for the establishment of a paedophile register?

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

Mr Bell: Mr Speaker, provision relating to the establishment of a sex offender register will be included in the Criminal Justice Bill which will be introduced into this House during the current legislative year.

The first draft of the Bill contained a provision very similar to that contained in the UK Sex Offender Act 1997 but before deciding the final shape of legislation I set up an officer-level working party to consider how the UK legislation was operating and whether any changes to their legislation would be desirable for the Isle of Man. The working party has recently reported back to me and I am in fact meeting with them tomorrow to discuss the issue and in conjunction with my departmental colleagues I will then be considering the form that we believe the local legislation should take. We will also consider at that point whether, and if so to what extent, there needs to be further consultation with other bodies or the general public before finalising our proposals.

Mr Houghton: Mr Speaker, I am pursuing the hon. minister today for a date, a date when this document can go out for consultation. Would he kindly confirm a target date?

Mr Bell: No, Mr Speaker, I cannot do that.

Mrs Cannell: Mr Speaker, would the hon. minister please cast his mind back to our last session and would he not agree, when casting his mind back, that he did make a promise to this hon. House that he would come forward with proposals with regard to a paedophile register by September and that he would inform members in that regard during September?

Could he also confirm that in studying the Criminal Justice Bill of the United Kingdom his working party will have also identified the tagging procedure and could he inform hon. members as to whether or not he will be supportive of this measure?

Mr Bell: Mr Speaker, I have made several statements on this issue over the last 12 months and I have always promised members that I would get this legislation back to the House at the earliest possible time. It has not been possible to get it any earlier than this. It is a highly complicated and sensitive issue and I am not prepared to steamroller legislation through simply to satisfy the whims of one or two members. This will have potentially a very serious effect on certain elements of Manx society and it is important that we get this right rather than to chase headlines with it.

As far as tagging is concerned, I have also made my position very clear. Provision to enable tagging to take place will be included in this particular legislation. We are hoping to have representatives of the tagging companies on the Island very shortly to discuss with me the technical methods of operating such a system. This system has my support, in principle it has my department's support, and we are now working on the final details of its implementation.

But legislation in the Criminal Justice Bill, to cover both the paedophile register and tagging will be included in the Bill and we will be getting this Bill to this hon. chamber as quickly as we can.

Mrs Cannell: Mr Speaker, could I ask the hon. minister what degree of priority does he apply to this particular piece of legislation, bearing in mind that he has recently announced that he is very much in support of the Rehabilitation of Offenders Bill and in fact that is possibly one of the priorities of his department, and does he not agree that this is very important legislation, the paedophile register, (**Mr Houghton:** Hear, hear.) that we have in fact seen a rise in sexual offences, particularly involving children, over the last couple of years and that statistics backing this statement up have been supplied to him during the last legislative term?

The Speaker: I think, hon. minister, you have already said you thought it important legislation, but nevertheless, sir.

Mr Bell: Yes, Mr Speaker, I do not know how many times I have repeat myself to the hon. member: this legislation has a high priority on my department's agenda. As the hon. member knows, as she was a member of my department for some time, we have a limited number of staff in the department to pull these extensive measures together. This is a complicated Bill, this Criminal Justice Bill, which covers a whole range of issues. All these issues have to be considered in depth and thought out thoroughly before we bring them before this hon. chamber.

It is important, and I would have thought the hon. member has been in this hon. chamber long enough to realise, that it is not sufficient simply to follow UK legislation, particularly on such sensitive matters as this. It is of great benefit to the Manx community to have some experience of how the UK legislation is working in practice before we jump in and follow willy-nilly. There have been some considerable difficulties in various parts of the United Kingdom with the implementation of this legislation and I would have thought the hon. member would support my department in ensuring that we do not follow and make the same mistakes in the Isle of Man.

If we bring in such a register here, or when we bring in the register here, it is important that it works effectively and does the job everybody wishes it to do, not simply to provide window-dressing to give us the opportunity to say that we have actually done it.

Mr Henderson: Mr Speaker, a further supplementary. Could the hon. Minister for Home Affairs indicate whether, in this study, his department is also looking at other types of sex offenders and indeed if there is any length of time been considered for how long they should be held on such a register?

Mr Bell: Yes, Mr Speaker, one of the reasons why there is a delay on the implementation of or the bringing forward of this legislation is the fact that we are looking at extending this register to cover serious offences, not just sexual offences, and I think this is in response to a concern which has been expressed by a number of members, and certainly a number of members of the public, that there are other serious criminal offenders at large who would need perhaps closer monitoring than we are giving them at the moment.

Mr Cretney: Mr Speaker, could I ask the minister to confirm, whilst not needing to mirror the United Kingdom legislation with its faults, which I think have been recognised, it will be important that in whatever legislation is brought forward there is the closest liaison with the United Kingdom police authorities and elsewhere to ensure that the Isle of Man is not used as some escaping point?

Mr Bell: Yes, Mr Speaker, this is very true and I have tried to point this issue out on a number of occasions also. If the Manx authorities are going to have free access to the UK register, then the indication that has been given to us is that we need to mirror quite closely what they have in the United Kingdom. It is important that we have access to the UK register and that we do not find ourselves in the position of finding that paedophiles are in fact coming to the Isle of Man without our authorities being aware of them and therefore it is important that we do have to work very closely with the UK authorities to make sure that that does not happen.

But this simply highlights the delicate balancing act which we have to contrive to find, first of all that we can develop legislation which effectively tackles the problem locally but still nevertheless gives us access to the UK register. It is not an easy task and it is something that I am not prepared to be pressured into rushing.

Healthcare Staff Meeting – Question by Mr Downie

The Speaker: Hon. members, by the Court clock our time is. I call upon the hon. member for Douglas West, Mr Downie.

Mr Downie: Thank you, Mr Speaker. I wish to move:

That standing order 43(2) be suspended to enable the remaining questions tabled for oral answer at this sitting to be put.

Mr Cretney: I beg to second, Mr Speaker.

The Speaker: Agreed, hon. members?

Members: Agreed.

The Speaker: In that case we will continue with item 5 on the agenda and I call upon the hon. member for Douglas North, Mr Henderson.

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

(1) Does your department accept that, at the recent healthcare staff meeting at Noble's postgraduate centre, important and serious problems were raised; and

(2) if so, when and how does your department propose to address them?

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

Mr Karran: Vainstyr Loayreyder, in reply to the hon. member I am able to confirm that my department attaches the utmost importance to any issues of concern raised by healthcare staff.

With regard to the meeting referred to, held in early September under the auspices of the Isle of Man Trades Council, there is no doubt that there were many varied issues raised. Particular concerns were raised, in different areas, to the Island's health service. However, it has to be said that a large number of the points brought up during the meeting were work-

based in nature and as such are proper matters to be discussed within the forum of the joint consultative machinery.

However, my department does recognise that there are areas such as recruitment and retention of staff where there is a requirement for more of a strategic approach. In this regard the hon. member will be familiar with the steps previously taken to reward existing staff through the introduction of a local pay agreement and also the introduction of enhanced recruitment packages. All these matters are being discussed jointly with the nursing unions as part of the annual joint negotiation arrangements.

Finally, I would not wish this opportunity to go by without mentioning the nurse training, and hon. members will be very aware of my views in this regard. I am concerned but pleased to confirm the support of the Council of Ministers in the discussion to look at the possibility between the Department of Education and ourselves on reviewing the options for nurse training.

Mr Henderson: Mr Speaker, a supplementary. I have to thank the hon. member for his additional inclusion of the nurse training issue, which was ongoing prior to the meeting in question from my question. How can the hon. member's department possibly view what are ostensibly his department's problems in management issues to be those of nurses and the unions? Are this hon. House and the people of the Isle of Man given to understand that there is a distinct possibility here that the DHSS are trying to shirk their responsibilities for staff wellbeing and employee relations and not taking any initiative following this meeting by addressing the various issues that were raised?

Mr Karran: Vainstyr Loayreyder, the fact of the matter is that I, when becoming a member for Health, instigated that we were to have regular meetings with the nursing unions. Many of the issues that were raised at the meeting have already been raised as far as that is concerned. I am very happy for anybody to have public meetings and I will always be interested to hear what goes on as far as those meetings are concerned. I cannot understand the hon. member when he tries to make out that we are trying to shirk our responsibilities as far as our staff is concerned.

Mr Downie: Mr Speaker, I would just like to ask the member with responsibility for Health, given that the meeting that was held in the postgraduate centre was attended by his own staff, totalling well over a hundred, including 17 members of Tynwald, would the member not think it would be wiser for the department to initiate a meeting with the staff sides to discuss the main issues and following that meeting work out some sort of action plan to actually getting down and solving them?

Mr Karran: Vainstyr Loayreyder, when we talk about the DHSS staff we are talking about a lot more than a hundred staff that are employed by the DHSS and we are only talking about a percentage of the staff there. That is not trying to undermine the position. The fact of the matter is we are conscious.

One of the problems, I have to be honest with you, that I think would maybe resolve one of the problems is the reintroduction of an administration committee back into the hospital system, but that is something that was decided on before I took up the post as far as being the member responsible for Health.

I feel that it is wrong to try and make out that there is a crisis within the health services. There is not a crisis within the health services as far as the staff is concerned. I think it is wrong for them to try and hype it up. It has cost us staff coming from the adjacent island with all this media hype and it does not do anything for the morale of the other staff in the hospital when this situation arises.

Mr Singer: Mr Speaker, in reply to that last comment, a crisis or not and blaming the press or not -

Mr Karran: I am not blaming the press.

Mr Singer: - well, the media then or not, do you not accept that it is the general managerial attitude and intransigence which are the cause of some of the present problems of the DHSS and the very ones that were highlighted at that nurses meeting and which are causing very low morale within the health service?

Mr Karran: Vainstyr Loayreyder, I think the hon. member has picked up on a very important point. It is one of the problems that you have got with the ministerial system where you have delegated it upwards where there is not the same amount of accountability, but I would say that I think whilst there could be some concerns about some staff at the higher level being intransigent, I do feel that it has been hyped out of all proportion. My door is always open. When people come to see me about problems within the health services, then I address those issues.

The Speaker: I think a final supplementary, the hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. Could the hon. member confirm that this was one of the most important healthcare meetings ever held and in that context, when he himself attended, he was so concerned with the issues raised that, to quote the hon. member with responsibility for Health in his own words, 'rolled over and played dead and ran off from the meeting'.

Mr Karran: Vainstyr Loayreyder, the fact of the matter is that the meeting was about union recruitment. I have been a member of the T & G a lot longer, more than likely, than the hon. member has been a member of the T & G. I have fought to get workers' rights in here, which many in this hon. House may like to forget, and I do not need any lessons from the member for North Douglas as far as that is concerned. (**Mrs Hannan:** Hear, hear.)

Now, furthermore the reason why was the fact that there were a hundred or so people at the meeting.

Mr Henderson: Hundreds.

Mr Karran: A hundred or so. The fact of the matter is I think the hon. member wants to work out how many staff there is employed by the DHSS and then we will get it into proportion.

I believe that it is not perfect in Noble's Hospital. I have to agree that the fact of the matter over the nurses uniforms was a matter of intransigence and I have to say that I am glad that common sense has prevailed. I would like to see a structure there to allow for more harmonious employment as far as the hospital staff is concerned, but I think it is wrong to try

and make out that all the staff are depressed, are all under hassle as far as their employment in the hospital is concerned.

I do view it with concern when staff feel they have not got a recourse, but they have got a recourse. I had more meetings with the unions, more likely, than any member in the position of member of Health has ever had, and I have a meeting planned for, I think, a fortnight's time with one such union. They have that basis, they have the joint consultative basis, and I would like it to go out loud and clear: if members of staff have got a problem, ring me up; I am in the front of the book and I will be interested to hear.

DHSS – Internal Procedures re Civil Servants – Question by Mr Henderson

The Speaker: We move on to item 6 on our agenda, hon. members, and I call upon the hon. member for Douglas North, Mr Henderson.

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

- (1) *Can you give a categorical assurance that there are no internal procedures in your department restricting the capacity of civil servants and others employed in the department contacting members of Tynwald in confidence on matters of personal or public concern; and*
- (2) *if not, why not?*

The Speaker: I call upon the hon. member for Health and Social Security, Mr Houghton, to respond.

Mr Houghton: Thank you, Mr Speaker. In answer to part (1), it is not possible to give the categorical assurance sought by the hon. member.

As an example of the purpose of part (2), the hon. member may be aware that the employment of civil servants is governed by Civil Service regulations. Section c of those regulations deals with conduct and, amongst other things, provides that it is grossly improper for a civil servant to attempt to procure the intervention of a member of the legislature in the matter of promotion or otherwise with reference to his position in the Civil Service. There are many other examples in the regulations of circumstances in which it may be said that civil servants are restricted in the way implied by part (1) of the question.

Mr Henderson: Mr Speaker, a supplementary. Could the hon. member not even assure non-civil servants such as nurses that they are not restricted from contacting their MHK, and would he not agree with me that it would be improper for a political member or officer of the department to discriminate against any one member of the legislature?

Mr Houghton: Mr Speaker, what I would say is that if nurses have a problem that they have that is professional or otherwise and that they are failing to have properly answered or adequately answered, and more in particular in the interests of the health service, I do believe that members of Tynwald should be approached on that.

Mrs Cannell: Mr Speaker, in view of that very positive response by the member who is presently answerable to the Department of Health and Social Security, why then was an hon. member of this House singled out for special treatment in relation to constituents who work within the health service, be they civil servants or not, and a special proviso put to that in

relation that regardless of the subject matter, if a person employed within the health service should contact their MHK regarding any issue, again regardless of the subject matter, they must copy the same to the minister's office? Why then has that been instructed and gone out to all members of the Department of Health and Social Security?

Mr Houghton: Mr Speaker, I cannot answer the hon. member's question as to why, because I have read the letter, it is copied in front of me at this time, and I have to say that I am quite aghast to see something like this come out from such a low-level officer. I am unable to answer any further, I am sorry.

Mr Singer: Mr Speaker, if I may refer to the same letter, because it is entitled 'Correspondence to Members of the House of Keys', that is plural. While they mention Mr Henderson, singular, it does refer to Members of the House of Keys and Legislative Council, and is the hon. member aware of any other hon. member who is being so blacklisted by the DHSS, maybe because they are a member of a union or maybe because they are a company director of several companies?

Mr Houghton: Mr Speaker, all I can say is that I am not aware of any other member of Tynwald being treated in the same way as the alleged situation as is before us, but if there is I would certainly join with my colleague for Health across the floor from me in making sure that that comes to a halt.

Mr Cannan: Can the member inform this House, did this letter that we have in front of us from Mr Wadsworth go out with the authority of the Minister for Health and Social Security?

Mr Houghton: Mr Speaker, I am unable to confirm that. I will look into it and I will reply to the hon. member in due course.

The Speaker: I think a final supplementary, hon. member.

Mr Cannan: A point of order. Can I ask, Mr Speaker, that he informs the House and not myself whether this letter went out.

The Speaker: I am sure the hon. member would.

Mr Houghton: Yes, I will.

The Speaker: A final supplementary on item 6, hon. members, I call upon Mr Henderson.

Mr Henderson: Thank you, Mr Speaker, a final supplementary. Given the memorandum's implications throughout it, certainly for contacting Mr Henderson, would the hon. member not agree that this document could be seen as discriminatory and could possibly be offensive and effectively might deter staff from contacting any political representative?

Mr Houghton: Mr Speaker, I feel I have answered this question already before today. I do concur with the hon. member's question here and I do feel that much more clear literature should come out from the department to make sure the circumstances are absolutely clear and that there is absolutely no discrimination whatsoever from that department.

Nursing Staff – Internal Rotation of Duties – Question by Mr Braidwood

The Speaker: Item 7, hon. members, I call upon the member for Douglas East, Mr Braidwood.

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

Does your department intend to abolish internal rotation of day and night duties by nursing staff employed in Island hospitals?

The Speaker: I call upon the member for Health and Social Security again, in this case the hon. member for Onchan, Mr Karran, to reply.

Mr Karran: Vainstyr Loayreyder, my department has no proposals in relation to this matter. However, I should say to the hon. member that the issues and working practices within the Islands' hospitals, such as internal rotation of staff, are matters for the management to determine in the interests of patient care. It would in my view be totally inappropriate for politicians to become involved in the management arrangements relating to the delivery of services.

I would conclude by saying that should members of staff have concerns over any aspects relating to their working practices, then there is in place the joint consultative committee arrangements at which such concerns can be raised. I understand that these issues are under discussion at that forum. In organising their services, managers are encouraged to address the issue of rostering arrangements sensitively and flexibly, whilst observing their prime responsibility for the patients in the hospital.

Mr Braidwood: Mr Speaker, I thank the hon. member for Onchan, Mr Karran, the member responsible for the DHSS in this hon. House, but would he agree with me that internal rotation has been the greatest barrier to the recruitment of staff who have left to start a family and who then want to return to their chosen vocation?

Mr Karran: Vainstyr Loayreyder, I think it is a serious issue that needs to be addressed. The problem I have is simple and that is the fact that up to recently the unions did not come along to the joint consultative meetings. What I have tried to do is make a point of having the door open. I have to be honest with you, when there is something that is unreasonable and cannot be addressed through the mechanism, I would hope that members would feel that they can raise this issue with me.

But I feel that it is wrong to give out the impression that this is the reason why we have got a shortage of nursing staff. It is a factor, but one of the main issues is the fact that we have to address the issue of the reintroduction of nurse training. It will not solve the problem overnight, because it will not get us the skilled staff higher up, but that is what is needed as far as sorting out our staff problems in my opinion long term.

Mr Henderson: Mr Speaker, a supplementary. Would the hon. member for the department not agree that this has been a continuing ongoing concern that has been continually highlighted through the unions and this continual forum that has been highlighted today can be dysfunctional at times and problematic and therefore has caused a breakdown in communications before now?

Mr Karran: Vainstyr Loayreyder, the hon. member is right, but the point is that until recent times it was the unions that were not turning up at the meetings and I think it is unfair to try and make out that it is the management. I do my best to try and make sure that managers

are accountable, but the problem that I have is the fact that you cannot have your fingers on every pulse as far as every aspect within the DHSS is concerned.

Mr Downie: Would the member for Health not agree that there are many trained and qualified nurses who have left to bring up a family, who would return to the health services on the basis that they could work a set number of evenings a week, and could the member explain why management seem so intransigent as not to pursue this view to arrange additional staff for the hospital at difficult times and call on this pool of expertise who are available for employment within the health service?

Mr Karran: Vainstyr Loayreyder, I would be delighted to raise the issue of this pool of staff. My last monthly meeting with Mr Inman was on Friday. If the hon. member gives me a list of people who want to get back, who are trained staff, then please get in touch with myself, if they do not get in touch with the hon. member for West Douglas, and we will listen to the issues.

I have a go at the management as far as this alleged complaint is concerned and they turn around and say, 'Well, we don't know of such persons.' So I wish that the hon. member will produce a list and I will be happy to raise the issue at my next management meeting with the hospital manager, but if not, it is like trying to pin down jelly if you do not have names of where this alleged problem is supposed to be.

Mr Cretney: Mr Speaker, could I ask the hon. member who is acting on behalf of the minister, would he agree with me that one way in which the pool of expertise and the trained staff who may be available outside, may be able to be used, would be if crèche facilities were put in place?

Mr Karran: Vainstyr Loayreyder, I think it would be a wonderful idea as far as that is concerned. That issue actually, funny enough, was raised last Friday, but we are told that it is not a crèche that they particularly want at the present time, but this is something that really should come through the joint consultative committee to me so that it can be prioritised in order to do it.

I think that the issue of getting trained staff back to work after having children is an important issue and I would like to get it addressed. I know that the issue is high on the hospital manager's priority list and I will do everything I can to encourage such a facility for our staff.

Mr Cannan: Will the member agree that in the matter of having part-time staff reinstated it is a policy decision and not a decision for names and addresses? It is a policy decision for the department and it is quite inappropriate that names should be bandied about?

Mr Karran: Vainstyr Loayreyder, what I am at the moment doing is trying to catch ghosts, because the fact at the moment is I have nobody that I can turn around to, grab the hospital manager by the throat and say, 'Listen here, this person has been victimised.' All I hear is rumour and counter-rumour, and all I say to hon. members in this House is start putting some facts to the rumours and I will be more than happy to address the issue if people are being victimised as far as this is concerned.

Can I also say that I do appreciate that there are times when you have to rotate staff around from days to night in order to keep their training up, and I think we must recognise that point as well.

The Speaker: Now, hon. members, we have given this question a good airing and the hon. member the original questioner has been really very patient, so the final supplementary, the hon. member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. The hon. member talked about addressing recruitment, but is he aware that there are staff who are on contracts just for night duty and they have been able to bring up a family and also maintain their commitment to nursing and this was before internal rotation was introduced?

Mr Karran: Vainstyr Loayreyder, the fact about the internal rotation is about training and making sure that staff keep themselves fully au fait of movements within medicine.

But the fact of the matter is I believe that the management are flexible. If they are inflexible, then the fact of the matter is that that issue should be raised at the joint consultative committee. If hon. members feel that people are not getting a fair hearing at the joint consultative committee, then I am perfectly happy to add that to my list of meetings that I have to attend in order to make sure that the staff get fair play, but at the present time all I hear is rumour and counter-rumour and it is like shadow-boxing at the present time. All I want hon. members to do is start coming up with a few more facts instead of fiction.

Land for Housing – Question by Mr Cannell

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

Mr Cannell: Mr Speaker, I beg leave to ask the Minister for Local Government and the Environment:

What action does the government propose to take to ensure the release of sufficient land for building the estimated requirement of 450 new homes per annum over the next five years?

The Speaker: I call upon the Minister for Local Government and the Environment.

Mr Quine: Thank you, Mr Speaker. I am grateful to the hon. member for the opportunity to clarify this department's policy and duties relating to the availability of land for housing.

The starting point is to note that government's central planning assumptions envisage an increase in population between 1400 and 1500 over the next five years.

The Department of Local Government and the Environment is the planning authority and from time to time, through the revision of local plans, facilitates the zoning of land for various purposes. It is not the duty of this department to make land available in the marketplace, albeit it monitors the situation to ensure adequate land is zoned for development, and in this regard I shall revert later to the availability of land for social housing, which is a somewhat separate issue.

Mr Cannell refers to some 450 new homes being required each year over the next five years. This department presently estimates a total requirement of between 300 and 400

additional units per annum over the next five years. This figure includes sheltered housing, which generally makes a larger unit available. A more accurate estimate of the need for further housing provision will shortly be available as part of the housing review report which is now nearing completion.

At present there are some 600 acres zoned for residential development, about half of which is located in the main towns and villages. Not all of this land is readily available for development for a variety of reasons. For example, the landowner is not prepared to release land, or for lack of services to that land. Housing land available for development and land coming on stream from the series of local plan revisions should ensure that sufficient land is available to meet anticipated demand over the next five years.

The land available for housing does not take into account the potential for brownfield development, that is, redevelopment of land within the existing towns and villages. Hon. members will be aware that an urban regeneration study is under way in relation to part of Douglas. While this exercise is primarily concerned with improving housing standards, some increased capacity will result from such redevelopment, for example conversion to residential use. It should also be borne in mind that in some cases new housing units can be provided without there being an associated requirement for land to be released. Here I am thinking particularly of replacement housing such as the 255 units at Pulrose, and the conversion of commercial properties into permanent residential units such as the new apartments that are being built on what were formerly traditional tourist areas.

But this department has a direct responsibility to provide public and sheltered housing units, in the main through local housing authorities. The five-year capital programme makes provision for some 230 public and sheltered housing units at a cost of £21 million. This does not take into account the cost of the replacement of units at lower Pulrose. Again this department has a part to play in regard to first time buyer homes. The department owns land at Ballasalla and Andreas, some of which has been earmarked for such units and we are preparing schemes for their early development. The Springfield-Harcroft Road site in Douglas is another such site and again a scheme has been drawn up with this in mind. Parcels of land are also zoned for residential development which would be suitable for first-time buyers in Marown and a number of other areas.

The housing mortgage scheme is undergoing review to address a number of shortcomings and a revised scheme should be finalised within a few weeks. The new scheme *inter alia* will address the upward movement in the housing market, in particular over the last two years, and will seek to resuscitate private-sector interest in the lower end of the housing market, in particular first-time buyer homes.

I am satisfied that land currently zoned for housing, coupled with that which will come on stream through the revision of local plans, can meet housing requirements in the short to medium term. In the medium to long term the situation is of course more problematic and it is in this context that the forthcoming strategic plan will have an important part to play. Thank you, sir.

Mr Cannell: Mr Speaker, if I may ask a supplementary question, please. Notwithstanding the hon. minister's comprehensive reply, for which I thank him, is he aware that it is becoming increasingly difficult for first-time buyers to afford any property and that the Island of Jersey

currently offers mortgages of £125,000 with low interest rates perhaps down to 3 or 4 per cent over 45 years, and is he also aware that Jersey has only last week issued a 15 point housing plan rezoning land for rental and states loan homes? Therefore would he consider it prudent to rezone some of the Isle of Man's residential areas which are zoned for office development back to residential use?

Mr Quine: I think there are two questions there, sir. First of all let me say that as far as the provision for first-time buyers goes and the question of them being displaced by current market conditions, I have addressed that in my answer. I referred to the fact that we are within a few weeks of bringing forward a revised scheme on the house mortgage system. So that matter is being addressed.

With regard to what may or what may not be happening in Jersey, I think we have a somewhat different situation that appertains in Jersey, not only in relation to housing, but social conditions generally. I am prepared to look and I do look at arrangements and schemes on a wide basis, but ultimately I prefer to provide a scheme that meets an Isle of Man situation, and that is what we are seeking to do.

Now, if I could just go on from there and make one further comment, and I think this is fairly transparent, if we have a position where the housing market has created a situation where private developers are less interested at this point in time in the lower end of the market, in particular first-time buyer homes, then clearly - and this will come through in the report that I referred to - we have to look towards either some sort of support in the financing arrangements, support in the making availability of land, or support in the actual cost and subsidising the cost of the premises, and all three of these items are being addressed at the present time.

Rockmount, Poortown, German – Purchase – Question by Mr Karran

The Speaker: Item 9, hon. members, I call upon the hon. member for Onchan, Mr Karran.

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

- (1) *What was the cost of the purchase by your department of Rockmount, Poortown, German;*
- (2) *what has been the benefit to the taxpayer of the purchase; and*
- (3) *what plans has your department for the property?*

The Speaker: I call upon the Minister for Transport.

Mr Brown: Thank you, Mr Speaker. The cost of purchasing the property Rockmount, Poortown, German and adjoining lands was £650,000.

In answer to part (2) of the question, by purchasing Rockmount and the adjoining lands my department has secured a valuable and strategically important natural resource which has the ability to provide the Island with a quality road stone which could meet the Island's needs for a period of 20 to 30 years.

In answer to part (3) of the question, prior to needing to quarry the land my department is considering letting the fields under a short-term grazing agreement and in addition my

department is considering the options for the future use of the two properties and has taken advice from the government valuer with regard to possible rental values. However, no decision has yet been taken regarding the future use of these properties. Thank you.

Mr Karran: Vainstyr Loayreyder, can the minister give an assurance to this hon. House that these properties will not be allowed to sit and rot and that he will try and make the ministerial system of government work where it is supposed to work interdepartmentally and that other departments of government will have the opportunity to lease these properties off his department?

Can he also tell this hon. Court has there actually been a detailed survey to make sure that we are actually getting what we are buying as far as the minerals are concerned or have we bought it on spec, that we hope there are minerals in this area?

Mr Brown: Mr Speaker, first I would say that there is no problem and as far as I am aware never has been in terms of the ministerial system working to get the best for the people of the Isle of Man.

As far as the availability of property is concerned, certainly if my department has the property available in terms of what to use it for, then of course we will be quite content to raise this issue with other departments of government, but it is one of the issues that we are presently considering.

As far as the purchase, was it, on spec, I think it is worth making the point that the actual stone we require for the long-term security of the Isle of Man, so we do not need to import stone at something like 10 times the cost to the taxpayer, is available in the top field, as we call it, and the stone is called gabbro, and certainly our experience of endeavouring to get a licence for a field or an area in private ownership in Poortown has been anything but of great benefit to us, it has been a very, very difficult procedure which we are still going through and because of that long procedure we actually have now had go below sea level in a quarry, which we did not want to do, otherwise the Island would not have had the stone it requires to enable it to continue to repair its roads without importing that stone at considerable cost to the taxpayer.

Mr Downie: Mr Speaker, I would just like to ask the minister how much in excess he has paid for this land than the valuation put on it by the government valuer, if that is the case?

The minister indicated in his reply that the importation of road stone would cost 10 times as much as to use our own resources here on the Island. Could the minister indicate who he used for that cost analysis exercise and could he give the House at some future period a costing per ton of granite and other road stones delivered to the Island?

Mr Brown: Mr Speaker, first I would answer the inference given by the member, which tends to be the natural one, that government is paying more than it should. As far as this property is concerned, we took the advice of the government valuer who valued the property and we purchased it at £650,000.

I think it is worth making the point that we are not our own agent in this because of course we do require Treasury concurrence on such matters and Treasury themselves concurred with the purchase of this site, therefore it is not just a matter of satisfying us.

I would also make the point that £650,000 to secure some 20 to 30 years of gabbro, of high-quality stone, is very, very cheap, and for members to give an inference that it is not. . . We have natural resources on this Island and it is, I believe, of paramount importance to the future of the Island to secure those natural resources for the wellbeing of future generations, and this is one such circumstance.

As far as the cost is concerned, the importation cost, that is the figure, I understand, based on advice given to me by my officers in the department. The cost of the stone against local stone is at least three times the cost, but by the time you then bring it in to the Island the actual cost goes up by 10 times, and if anybody believes that we can rely on external resources to provide 20 or 30 years of stone to ensure we can continue to repair and construct our roads within the Isle of Man, really I do not believe that is in the Island's best interests. You secure your own resources so that you control your own prices, and this is one such basis.

I would also make the point that it may well be in the future, once we have clearly identified the area we require, that in fact Rockmount will then go back on the market and I suggest, with prices, we may well recoup all of our £650,000 just on the sale.

Mr Cannell: Mr Speaker, if may ask a supplementary of the hon. minister. Whilst welcoming the support given for local industry there, could he consider that it is possibly to the detriment of private quarry operators in other spheres but of a similar nature to be supported? We have Dreemskerry in the north of the Island, a lone operator there, who considers that the Isle of Man Government could put considerably more work his way to support this local type of operation which we have and which is obviously beneficial to the Island.

Furthermore, if I could ask the hon. member, please, if he could request his officers to reconsider whether it is necessary in respect of the Rockmount operation notwithstanding of course there may be safety requirements, for the closure of the road from the switchback to the Poortown Road, beloved of off-road motor sport enthusiasts?

Mr Brown: Mr Speaker, I am not sure about the last part of that question. I think the member did not quite finish it or I did not understand it, maybe I did not understand it. I am not aware of any problems on the switchback in terms of any effect on that and certainly if the member wishes to maybe clarify that with me later I will certainly look at that.

As far as our operation being detrimental to private operators, all I would say is that - I think I am correct - in relation to the private operators, their stone is of a poorer quality and therefore is not the gabbro which we are talking about for the highway works and certainly my department utilises, for example, Billown lime quarries as one for certain works, and Colas, and in fact I think, where appropriate, we will use anywhere else. Clearly private enterprise in the Isle of Man, those who are building new developments, also require stone and as far as I am aware they also use the private operators.

So whilst I remember or recall from some time ago an operator in I think it was the Marown area or north of the Island, I do not know which it was, who was complaining that government was not utilising some stone, I think the minister of the day, the hon. member Mr North, in fact responded to that and made this position absolutely clear and as far as I am aware nothing has changed.

Mr Rodan: Mr Speaker, has the department positively identified the extent of the resource at Poortown and specifically how it would impact on the property itself? Can he confirm that there is no intention in fact to demolish the property Rockmount?

Mr Brown: Certainly, Mr Speaker, we did not buy an asset to demolish it.

Mr Karran: You have done it before.

Mr Brown: The hon. member for Onchan says I have done it before. I have not, but a department has done it before, the Department of Local Government and the Environment, but that is because that asset was in a very, very poor condition. Can I just say that certainly when we purchased this it was for the stone which was the paramount purchase reason and we hope, at some stage in the future, we will be able to recoup some, if not all, of our cost by being able to resell the property. But at this stage I do not whether or not that will actually happen or when it will happen. But it is certainly not our intention to demolish the property.

Landings of Fresh Herring – Question by Mr Downie

The Speaker: Item 10, hon. members, and I call upon the hon. member for Douglas West, Mr Downie.

Mr Downie: Thank you, Mr Speaker. I beg leave to ask the Minister for Agriculture, Fisheries and Forestry:

Why have there been no landings of fresh herring in the Isle of Man this season?

The Speaker: I call upon the Minister for Agriculture, Fisheries and Forestry to reply.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I thank the hon. member for his question. I am pleased to have an opportunity to explain the situation to hon. members.

There are two major reasons why fresh herring are not landed to the Island at present. One relates to the quota system which now governs all fisheries, and the other relates to the technological requirements of the fishing industry and the requirements of the modern processing sector.

To deal with the quota first, the Isle of Man has participated in the European Union fisheries management regime on a bilateral basis since 1987. By virtue of the Fisheries Management Agreement entered into with the United Kingdom authorities in 1990, we are also under an obligation to keep our fisheries management arrangements in accordance with the system operated by the United Kingdom and the European Union. Within this system quotas are allocated on the basis of track records, i.e. fish actually caught by vessels over fixed reference periods.

Over the relevant period fishermen in the Isle of Man have chosen in the main to concentrate on scallops and queenies to the almost virtual exclusion of all other species, including herring. This has meant that the Isle of Man fishermen have no track record for herring, the last sizeable Manx catch being made in 1989 when there was no market and it was dumped. Since then only three tonnes in total was landed in very small amounts through the 1990s. So far as I am aware no Manx fisherman has actually prosecuted the herring stock in any significant way since that date. As a result of this the quota for herring in the Irish Sea is largely in the hands of non-Island fishermen who did fish for that species in the reference periods.

But I must also point out that very few of our vessels now have the equipment required to fish for herring. Fishing technology is constantly changing and the labour-intensive small fishing vessels, such as ours, landing boxes of herring have been replaced by modern vessels with large refrigerated salt water tanks to store bulk catches. These vessels hold more than our kipperers can handle in a day. So these vessels are attracted here by high prices for part of their catch landed to these local processors to make it worth their while before discharging the rest of their catch elsewhere. When there is little or no market interest elsewhere, these vessels are not so inclined to fish for herring, leading to a problem for kipperers here because no herring is landed.

Not all herring landed to the kipperers has been suitable for kippering and over the past few years much has been dumped off Peel breakwater, a basically unacceptable practice which is very wasteful.

In addition labour-intensive herring processing has been replaced by a more mechanised operation and modern labour relations lead kipperers to look for an assured and steady flow of throughput for a normal working day rather than the old style of taking catches at all hours with staff working throughout the night.

In the absence of fresh herring, importing has enabled kipperers to carry out their trade at a steady rate of throughput. It may also make it possible to turn it into a year-round basis rather than a 12-week season from late in June to late September. It is understood that herring now imported comes from the North Sea, although this covers a wide area. Catches may have originated from Norwegian seas or from the Shetlands while other catches may have been landed into Dutch and United Kingdom ports.

On a point of information, my department has legislation which contains the definition of a 'Manx kipper'. In the Manx Kipper Rules 1986 a Manx kipper means a kipper prepared in the Isle of Man, a kipper being a herring which has been split or filleted, brined or otherwise treated in smoke. Rule 4, under the heading 'Adulteration' provides that no person shall use any substance other than water, salt and smoke in the preparation of a Manx kipper. In the Manx Kipper (Packaging) scheme 1988 a 'Manx kipper' means a herring which has been smoked in the Isle of Man after being split or filleted, brined or otherwise treated in salt water within the Isle of Man or elsewhere.

I hope members will appreciate that this is, like many other fisheries matters, a complicated issue which is not susceptible to simple solutions. I thank you, Vainstyr Loayreyder.

Mr Downie: I have got a couple of supplementaries, Mr Speaker, so I just want to give you prior warning. I would like to ask the minister, in thanking her for a very comprehensive reply, do the current Manx kipper rules covering the production of Manx kippers, and bearing in mind that the minister has indicated that some of the fish we are kippering now have been caught as far away as Norway, allow for the herring being imported from outside of our jurisdiction, and in EU terms do the kipper products produced on the Isle of Man still qualify to be marketed in the UK and elsewhere as Manx kippers, bearing in mind that they have not originated in the Isle of Man?

Mrs Hannan: Yes to both those questions.

Mr Downie: I would like to ask the minister, is she not concerned that just a few short weeks ago the *Amber Rose* sank within a mile of the Isle of Man with 65 tonnes of herring on board following her fishing on the Douglas bank? Bearing in mind that the herring season ended on the 23rd September, I would like to ask the minister how are these Irish boats still fishing for herring in Manx waters?

Mrs Hannan: I cannot categorically agree with the member that this boat was fishing in Manx waters. There is the box, which is a closed area, and outside that box, which is outside our 12-mile limit, fishing can continue for herring. The closed area is within our 12-mile area. I can not state categorically where these herring were caught. My understanding from a report in the *Fishing News* was that it was 90 tonnes of herring and not 65 tonnes of herring.

Mr Rodan: Mr Speaker, is the minister saying that no herring are being landed because the Irish boats fishing for Irish Sea herring have exceeded their quota or is she saying it is because the curers are not accepting herring because of its quality?

Mrs Hannan: A track record has been set up by vessels over very many years. I can quote. In 1988 180.6 tonnes of herring were landed to the Isle of Man by Manx vessels. That was 2.6 per cent of our total allowable catch at that time. In 1989 the tonnage was 63.9 tonnes. That is 1.6 per cent of the Isle of Man's total allowable catch. In 1990 that went down to nil; in 1991 it was 0.4 tonnes; in 1992 no herring were landed; in 1993 1.8 tonnes; and then we go into the current track record period which was in 1993; 1994 there were no herring landed; 1995 there were no herring landed. At the moment the non-sector quota, that is the quota that our vessels can catch against, is approximately one tonne.

During that time my officers and the fishermen's association have encouraged vessels to fish for herring. But alongside that the processors' needs have changed and their requirements, and they were being very well supplied by Northern Ireland vessels which were catching into saltwater tanks, and landing fish first thing in the morning to allow the processor to work throughout the day. But I am led to believe by Devereau's and also by Curtis's that the waste that they found from those particular catches was so enormous and they were paying for them to be dumped over the breakwater, they looked for other sources of herring and they tell me they are satisfied with the herring that they are being supplied and the response that they are getting from the public to the herring that they are supplying.

Mr Cannell: Mr Speaker, perhaps a tenuous link to the question before the House, but perhaps you would allow it. Would the hon. minister agree with me that the proposal to enhance operations at Sellafield might prove to be to the detriment of the Manx fishing industry and therefore the kipper trade?

The Speaker: I do not think I will allow the question at all, sir. A final supplementary, the hon. member for Douglas West, Mr Downie.

Mr Downie: I would just like to ask the minister, bearing in mind a lot of Manx people would very much like the opportunity to eat a fresh Manx herring, at what stage are negotiations currently at with a view to obtaining a quota for a Manx vessel to catch herring or perhaps acquiring a licence from either Ireland, Scotland or another jurisdiction which would allow us the opportunity to put one vessel into the Irish Sea with a view to catching fresh herring at certain times to supply the local market?

Mrs Hannan: There have been representations made to Ireland with regard to an exchange of quota. Unfortunately we do not have a producer organisation which any exchange can take place with, so that has caused us a difficulty.

There is a difficulty, not just here but throughout the world, of overfishing, and these quotas, restrictions and everything else have been placed on the industry for very, very many years. In the 1970s 27,000 tonnes of herring were caught in the Irish Sea; that is when the North Sea closed. There was a terrible imposition on the stocks of herring at that time and I suppose one could say that the herring has not recovered.

Also in other instances there has been an attack by the fishing sector on the stocks of fish, not just herring, and it is these discussions that we are continuing to have with the UK and, through the Home Office, with MAFF on structuring our quotas. But that structure of quotas has in recent times changed whereby we were talking about an allocation to ourselves; the rules have again changed with a fixed quota to each individual on their track record and therefore the instances that I am describing to the House today with regard to herring also relate to other stocks.

So there is quite a long way to go on this particular issue. As I said, it is a difficult issue. If members would like a presentation on fishing and its related subject, I would be only too happy to do that for members.

The Speaker: The hon. member for Garff. I think we have fished very well, but nevertheless.

Mr Rodan: I am much obliged, Mr Speaker. Can I ask the minister if she sees the need to review the definition of what is a Manx kipper? Is the minister satisfied that processing North Sea or Norwegian herring landed in Scotland, rather than herring caught in Manx waters or even Irish Sea waters and landed in the Isle of Man, meets the public's idea of the definition of a Manx kipper?

The Speaker: Minister, you replied to that earlier, but nevertheless.

Mrs Hannan: I would need to take advice on that, Vainstyr Loayreyder. I have advised that there is not just one scheme which relates in my department to what a Manx kipper is and I am satisfied at the moment that, unless representations are made in any other way, the actual definition we have at the moment is satisfactory. Who is to say where the herring have been that we catch in the Irish Sea? They might be in the North Atlantic, coming into the Irish Sea that way, or they could be coming up through St George's Channel and the Celtic box. Maybe that would make them Manx then, because they have come through the Celtic box, but it is very difficult to say where they have been prior to being in the Irish Sea.

Twenty-seven thousand tonnes were caught in the 1970s. Obviously there is not that there at the moment to catch, and that causes us difficulties when arguing the case and year on year the quota has come down. We are hoping, we would hope, that with restrictions we have placed on conservation as well as other places, as well as keeping the closed area, the Douglas box closed during the spawning season, it would in actual fact allow future generations to breed, but it is in the hands of fishermen to some extent.

The Speaker: Hon. members, item 11 on our agenda paper is down for written answer and I understand that the reply has been circulated to hon. members.

NHS Consultants – Waiting Times – Question by Mr Singer for Written Answer

Question 11

The hon. member for Ramsey, Mr Singer, to ask the member for Health and Social Security:

- (1) *Will you publish a list of the current waiting times for patients referred by their general practitioners to consultants on the National Health Service;*
- (2) *will you show the waiting time and number of people waiting in each category of speciality*
 - (a) *from being referred by the general practitioner to seeing the consultant; and*
 - (b) *from seeing the consultant and receiving the recommended treatment, including surgery;*
- (3) *will you indicate where specific initiatives have been taken to reduce waiting lists and their effect; and*
- (4) *will you show the waiting times as in question (2) for private patients?*

Answer

(1) In accordance with a previous commitment, the DHSS provides Tynwald members with an annual report on the extent of hospital waiting lists. The latest report covering the year to 31 March 1998 was laid before the May 1998 sitting of Tynwald.

(2) Information systems within the hospital do not record data to show the waiting time between referral and time of being seen, which is determined on the basis of clinical need. Waiting list information sets out the numbers of patients waiting and the length of time waited at a specific date. The latest information records the position at 30th September 1998 as follows:

Out-Patients – Noble’s Hospital – 30th September 1998

| Specialty | No. Patients | Patients Waiting By Month | | | | |
|-----------------|--------------|---------------------------|------------|------------|------------|------------|
| | | 0-2 | 3-5 | 6-8 | 9-11 | 12+ |
| Medicine | 71 | 47 | 24 | 0 | 0 | 0 |
| Paediatrics | 10 | 10 | 0 | 0 | 0 | 0 |
| General Surgery | 240 | 90 | 82 | 18 | 13 | 37 |
| Gynaecology | 0 | | | | | |
| E.N.T. | 715 | 96 | 172 | 161 | 87 | 99 |
| Ophthalmology | 249 | 31 | 77 | 94 | 47 | 0 |
| Orthopaedics | 494 | 104 | 167 | 105 | 59 | 59 |
| Oral Surgery | 206 | 30 | 73 | 66 | 19 | 18 |
| Orthodontics | 93 | 5 | 33 | 21 | 34 | 0 |
| Dermatology | 343 | 49 | 106 | 100 | 83 | 5 |
| Total | 2,421 | 462 | 734 | 565 | 442 | 218 |

Out-Patients – Ramsey – 30 September 1998

Patients Waiting By Month

| <u>Specialty</u> | <u>No. Patients</u> | <u>0-2</u> | <u>3-5</u> | <u>6-8</u> | <u>9-11</u> | <u>12+</u> |
|------------------|---------------------|------------|------------|------------|-------------|------------|
| Medicine | 4 | 4 | 0 | 0 | 0 | 0 |
| Gynaecology | | 20 | 14 | 6 | 0 | 0 |
| E.N.T. | 114 | 41 | 30 | 31 | 8 | 4 |
| Ophthalmology | 0 | | | | | |
| Orthopaedics | 88 | 41 | 28 | 19 | 0 | 0 |
| Oral Surgery | 84 | 26 | 13 | 22 | 14 | 9 |
| Total | 310 | 126 | 77 | 72 | 22 | 13 |

In-Patients – Noble’s Hospital – 30 September 1998

| <u>Specialty</u> | <u>No. Patients</u> | <u>Patients Waiting By Month</u> | | | | |
|------------------|---------------------|----------------------------------|------------|------------|-------------|------------|
| | | <u>0-2</u> | <u>3-5</u> | <u>6-8</u> | <u>9-11</u> | <u>12+</u> |
| Medicine | 3 | 3 | 0 | 0 | 0 | 0 |
| Paediatrics | 0 | | | | | |
| General Surgery | 208 | 192 | 14 | 2 | 0 | 0 |
| Gynaecology | 32 | 32 | 0 | 0 | 0 | 0 |
| E.N.T. | 106 | 87 | 17 | 2 | 0 | 0 |
| Ophthalmology | 210 | 107 | 93 | 10 | 0 | 0 |
| Orthopaedics | 272 | 179 | 54 | 21 | 11 | 7 |
| Oral Surgery | <u>127</u> | <u>107</u> | <u>20</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| Total | 958 | 707 | 198 | 35 | 11 | 7 |

(3) Waiting list initiatives are introduced from time to time with the objective of ensuring that the numbers of patients awaiting hospital appointments, and length of time they are required to wait, are kept within manageable proportions in the interest of the patients, and the specialist staff providing the service.

Over the past 18 months approximately, initiatives have taken place or are in the process of being planned, in the following specialties:

Orthopaedics

- Joint replacements - 26 procedures undertaken
- Out-patient initiative planned for the near future

Orthodontics

- Ongoing additional sessional commitment by the visiting consultant orthodontist, to support school dental service referrals

Dermatology

- Regular short-term initiatives by the visiting consultant dermatologists

Ophthalmology/Orthoptics

- Cataracts - approximately 60 operations undertaken
- Orthoptics - additional visits by the visiting orthoptist
- Major initiative in the process of being planned, with emphasis on the growing out-patient demand
- Short initiative undertaken recently to see long waiters

ENT

- Major initiative in the process of being planned, with emphasis on the growing out-patient demand

General Surgery

- Male sterilisations

Seventy-two patients have been treated. There is a further initiative planned in the near future, subject to approval.

- Minor Procedures

The appointment of a locum consultant general surgeon resulted in 450 patients being seen and waiting times reduced from three years to approximately one year.

(4) The management of private patients is undertaken directly by the consultant staff and does not form part of the hospital's National Health Service recorded data.

Bills for First Reading

The Speaker: It takes us to item 12 and 13 on our agenda paper, both Bills for first reading, and I call upon the Secretary of the House.

The Secretary: The Children and Young Persons (Protection from Tobacco and Liquor) Bill, Mr Singer; the Statutory Boards (Amendment) Bill, Mr North.

European Communities (Amendment) Bill – Clauses Considered – Third Reading Approved

The Speaker: Item 14 then on our agenda paper, hon. members, the European Communities (Amendment) Bill for consideration of clauses, and I call upon the hon. member Mr Gelling to take clause 1.

Mr Gelling: Yes, Mr Speaker, this Bill of course has been the subject of a Council of Ministers report and it has been to Tynwald and here we now have the clauses stage of a Bill that has only, of course, two clauses.

So if I can move straight on to clause 1, this clause adds to the definition of 'Community Treaties' in the European Communities (Isle of Man) Act of 1973 those parts of the Amsterdam Treaty which relate to the European Communities. It does so by inserting a new sub-paragraph (k) in section 1(l) of the 1973 Act. This gives the Treaty of Amsterdam the effect of law in the Isle of Man but only to the extent set out in the special arrangements for our Island, i.e. protocol 3. This is the same approach as was adopted for the previous landmark treaties.

Now, the Community treaties listed in the 1973 Act were initially the three main treaties establishing the three Communities - i.e. the European Economic Community, which since Maastricht, of course, is called the European Community; the European Coal and Steel Community; and the European Atomic Energy Community - as well as other pre-accession treaties, and this can be seen in schedule 1 to the 1973 Act, and the United Kingdom accession treaties, which you will find in paragraphs (a) and (b) of the definition of the treaties in section 1(l) of the 1972 Act.

Further treaties have been added to the list by the Acts of Tynwald and they are the European Communities (Greek Accession) Act of 1981; the European Communities (Spanish and Portuguese Accession) Act of 1985; the European Communities (Amendment) Act of 1988; and the European Communities (Amendment) Act of 1994 which concerned the Treaty on European Union and European Economic Area Agreement, and then the last one is the European Communities (Amendment) Act of 1995 which concerned the accession of Austria, Finland and Sweden.

Now, the new sub-paragraph (k) indicates the parts of the Amsterdam Treaty which relate to the European Communities, namely articles 2 to 9 and article 12, the other provisions of the treaty so far as they relate to those articles, and all except one of the protocols to the treaty.

Now, articles 2 to 9 are the main parts of the Amsterdam Treaty which concern the communities.

Articles 2, 3 and 4 make substantive amendments to the three treaties establishing the three Communities.

Article 5 amends the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to the Council decision of the 20th September 1976.

Articles 6, 7 and 8 make simplification amendments to the three treaties establishing the three Communities to delete obsolete provisions and update some others.

Article 9 repeals the convention of the 25th March 1957 on certain institutions common to the European Communities and the treaty of the 8th April 1965 establishing a single Council and a single commission of the European communities, while saving their remaining extant provisions.

Article 12 provides for the renumbering of the provisions of the Treaty on European Union and the treaty establishing the European Community.

Twelve of the 13 protocols are annexed to the treaty establishing the European Community. All 12 will be an integral part of the treaty establishing the European Community by virtue of article 239 of that treaty and so are added to the list of Community treaties which I read out earlier. However, the protocol on article J.7 of the Treaty on European Union is not added to that list because it concerns exclusively the common, foreign and security policy and does not relate to the European Communities.

Of the remaining provisions - article 1 which is the amendments to the Treaty on European Union, articles 10 and 11 which are the general provisions relating to simplification, articles 13, 14 and 15 which are the general and final provisions, and the annex relating to article 12 - only those which relate to articles 2, 9 and 12, as I have already stated, are added to the definition of 'Community Treaties'.

I have the list of those articles but I am quite sure that hon. members have read the report from the Council, and also it was subject to debate in Tynwald, and therefore I would move that clause 1 of the Bill stand part of the Bill.

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

Mr Cannan: Just one point, Mr Speaker. Can the Chief Minister clarify whether the Treaty of Amsterdam has been actually signed, and if so, this is in effect legally bringing into effect what the Prime Minister of the United Kingdom has signed on our behalf and were we not to pass this legislation it would create a lot of embarrassment?

Mr Karran: Vainstyr Loayreyder, what I am concerned about here today is the fact that I think it is above the heads of the majority in this hon. House because of the fact of European treaties and their implications, and what I am concerned about is that you can go into a treaty and think that you are covering certain aspects and then find out that there is a new interpretation.

I am happy to allow this clause to go through today, but I do feel that the Council of Ministers have got to sit down and address the real issue as far as European legislation is concerned. I do not have the confidence as far as it is at the present time that it is getting enough scrutiny. The danger is that we are tying ourselves up and ending up in a situation where we could render ourselves impotent, especially with the situation over the refusal of the government and this House to address the issue of Royal Assent being at the response of this government's advice instead of a foreign government that has no mandate in this country.

I would be interested to know whether the Chief Minister will give an announcement at the clauses stage that he will review the fact that maybe we should have a committee reviewing it from a cross-section. At the moment it is all done in-house within the Council of Ministers. I think we need a broader viewpoint and I believe that with the track record within the Council of Ministers I am concerned that we could end up with a situation where we pass legislation and become a hostage to fortune.

What I would like to also ask that is more directly to do with the clauses is can the Chief Minister give an assurance to this House that we have a situation where, here we are, being led by the UK Home Office who will enforce this piece of EU legislation? Will it be enforced throughout the EU on an equal basis?

The principle of what this Bill says I have no problems with, but I am concerned about the issue that we do need to be making sure that we fully scrutinise this sort of legislation, because we are going to do something that is going to be virtually impossible to get out of at a later date and I do think there is a need for a more broad committee to be scrutinising this thing because the problem we see with the establishment of the executive is that they are always there wrapping themselves up in the Union Jack and they will look after us, boys. They will not look after us and I am concerned that that issue needs to be addressed and if it is not going to be addressed, then I shall be putting either a motion or doing something in another place in order to get this issue addressed as far as that is concerned.

I will support the proposal here today but I am concerned and I do hope that the Chief Minister takes on board and looks at this seriously because I am tired of having to say, 'I told you so', at a later date.

Mr Quine: Mr Speaker, having had an opportunity to look at the papers which lie behind this legislation I am very pleased to support it of course, but having heard the outline which the Chief Minister gave to us I think it is a situation something reminiscent of that member of the Council who said that he was none the wiser but better informed.

The hon. member for Onchan has raised a very valid point and that is a great deal of European primary and other legislation goes through and are we really as a parliament in a position to monitor that and provide evaluations for our members? I think some hon. members will recall that, going back three years ago in another place, when we took a decision to change the remit of the Public Accounts Committee there was also a decision taken at that time to set up a committee of the other place for to examine European legislation. So I believe we have taken the decision. We have not implemented that decision.

Mr Gilbey: Mr Speaker, I think the hon. member for Onchan raised another very good point in that he drew to our attention the fact that the legislation that is passed appears to be the same throughout the EU. However, the interpretation of it is often wildly different. The UK, for one, interprets it in the strictest possible manner, whereas other EU countries certainly do not do so and they, in some cases you could say, interpret it as loosely as they can, though I think I am right in saying this matter was realised a number of years ago and I also think I am right in saying that at that time the Council of Ministers, which may have been the Executive Council, did arrange to point this out to our civil servants so that they would not necessarily interpret this in the way that is done in the UK alone but would bear in mind the way it may be interpreted in a more sensible fashion in the rest of Europe, and I would ask the Chief Minister whether that policy still prevails and if it does not, shouldn't it, because why should we be tied down to rigid interpretations just because the UK happen to use them, whereas the rest of Europe certainly does not have such rigid interpretations?

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

Mr Gelling: Yes, Mr Speaker, clause 1 of the Bill. Now, first of all can I address the situation as highlighted by the hon. member for Kirk Michael. Yes, the Amsterdam Treaty was signed on 2nd October 1997 and it was actually stated at that time that it would be ratified in 1998 and it would come into force on 1st January. So, yes, it is signed. But the thing I want to bring out immediately is the fact that this is not a directive, this is a treaty to which we already are part, and I emphasise that it is the 1973 Act, and therefore all we are doing is amending our legislation with what came out of Amsterdam.

Now, I think basically then the question was put by the hon. member for Onchan, well, are we scrutinising this sufficiently? Well, I would say that first of all the Advisory Unit on European and External Affairs made their report on the Amsterdam Treaty to the Council of Ministers, the Council of Ministers then deliberated over their report, then the report came to another place, to Tynwald Court, members scrutinised it at the Tynwald Court and of course it said quite clearly then that Tynwald was of the opinion that it should come to the branches to be put into legislation.

So I would say to hon. members this particular amendment Bill has had a great deal of investigation, and then of course what we came out with, and as I moved in our second reading, I said quite clearly it is our conclusion that the treaty was not one which had significant implications for the Island. It does not amend any of the articles in the existing treaties of particular relevance to us and does not change any of the fundamentals of our relationship with the European Union. It is, however, essential that we keep the European Union treaties which are incorporated into Manx law up to date, and that is the purpose of this Bill.

So therefore I am quite sure that this has had a lot of scrutiny. We have the report which hon members have had. I know it is quite a little while ago because it was in the last session of Tynwald, but here we have the Bill, and the first clause is enacting this into our Act so that our treaty and our Act remains up to date, but it is our legislation and it is a way in which this comes forward in a Bill form, and I think again I would like to emphasise that it is the clauses stage we are at. I think the hon. member for Onchan said that he might seek further information at the clauses stage. This is the stage we are at now and I so put forward that clause 1 stand part of the Bill.

The Speaker: Hon. members, the motion is that clause 1 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 2, hon. member.

Mr Gelling: Yes, Mr Speaker. Clause 2 of course is the short title of the Bill and I so move that it becomes part of the Bill.

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

Mr Gilbey: Could I quickly point out, Mr Speaker, the hon. Chief Minister did not attempt to reply to the point I raised which I think is of some importance and as he did not on the last clause I would be grateful if he would on this one.

Mr Karran: Vainstyr Loayreyder, I think that becomes a parliamentary procedure, not to get any answers to your questions.

Mr Cannan: I know; we have that with the DHSS.

Mr Karran: But the point is what does concern me is that I am happy to support the clause but what I would like the Chief Minister to come up with is a list of the people who have had input into this piece of legislation.

This is not an attack. At the end of the day if his government is bad, then I am part of his government and everybody else in this hon. House is part of his government. So at the end of the day this is not an attack, but I am concerned that what we have to make sure of is that we have got the broadest perspective as far as any of this legislation coming from the EU is concerned, and I think warning shots need to be fired at the present time.

I will support the clause at the present time but I do hope that maybe at the third reading stage he can actually give us an input into who has had an input as far as scrutinising this legislation is concerned, so we do not have the inconsistencies of we think we are agreeing to one thing and they think we are agreeing to another.

The Speaker: I call upon the hon. member in charge to reply.

Mr Gelling: I am sorry, Mr Speaker. I begin to think that I am dreaming because what I am trying to say is this report came to Tynwald Court, so does the hon. member want me to go through every member of Tynwald? Every member of Tynwald had an opportunity to have an input into a report that the Council of Ministers had -

Mr Karran: And you are the experts, are you?

Mr Gelling: No, Tynwald Court. I am not talking, Mr Speaker, about the Council of Ministers, I am speaking about this Bill be introduced into the branches. That was a Tynwald

Court decision and I am just carrying out Tynwald's decision. So therefore what I am saying to the hon. member is we are not saying the European committee is expert, I am not saying the Council of Ministers is expert. This has gone through the most severe interrogation and questioning and debate. Members have had an opportunity to come forward and Tynwald decided that the report said there were no implications for the Isle of Man but nevertheless we must keep our treaty up to date. Now, I am quite sure that members are content with that.

The hon. member Mr Gilbey has said why is it some adhere to the directives and others do not? Well, I am quite sure we in the Isle of Man, being law-abiding citizens and a government that if it introduces law does adhere to it, our treaty is our treaty. If we decide to amend it we will adhere to it. Now, if other countries of the European Union do not, I am sorry, I cannot speak for them.

But all I can say to hon. members is this piece of legislation has had a lot of input from a lot of people and I just cannot understand why members are getting hung up on this, that it could have effect, it has not been scrutinised sufficiently. I believe it has and I move clause 2.

The Speaker: Hon. members, the motion is that clause 2 do stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. The hon. member for Malew and Santon.

Mr Gelling: Mr Speaker, I was intending of course to try the patience of the House because I thought this was very uncontentious. It is a very small Bill. It is something that I could have perhaps suggested that we suspend standing order 158 to consider the third reading and I would so propose:

That the temporal provisions of standing order 158 be suspended to enable the European Communities (Amendment) Bill 1998 to be read a third time at this sitting.

Mr Cannan: I beg to second, Mr Speaker, sir.

The Speaker: The hon. member for Onchan.

Mr Cannan: Mr Speaker, could I finish my remarks?

The Speaker: Yes, if you wish, sir, you may speak.

Mr Cannan: Thank you. I see no reason why this Bill should not be read a third time. As the Chief Minister said, it is very small, it is insignificant in the sense that we have already approved the report in Tynwald and it is not contentious, except perhaps to the hon. member for Onchan, and therefore there is no reason why it should not be read a third time.

Mr Karran: Vainstyr Loayreyder, there are procedures for dealing with legislation. What I am concerned about and it really does alarm me is that it should not be a matter of shooting the messenger, and I am disappointed with the Chief Minister. The fact of the matter is I am not arguing about the procedure up to now. What I am arguing about is having a broad enough spectrum of input into these pieces of legislation that come from foreign shores in order to make sure that we are actually passing what we think we are passing, and I am not arguing about members but I do not think there is any member of this hon. House who claims to be a master in European law, and I am disappointed that if somebody questions something they have to be belittled.

Now, as far as I am concerned, there is a procedure here. If the hon. House wants to go against the procedure and give this Bill a third reading, then fair enough, I shall be outvoted. But I do believe there is a principle there and there is a reason why we have these procedures and that is a delaying tactic. Legislation should not be done on the hoof, and I admit that this has had the full hearing of Tynwald Court, but the Chief Minister has not come up with the people who are actually sitting on the committee, who scrutinised it to make sure that Tynwald had the legislation right in the first place.

If the Chief Minister comes up with some national emergency for the reason why we should suspend standing orders, fair enough. Otherwise I think this House does a disservice to the legislative procedure of this hon. House and I hope that many of the others will agree with me there.

The Speaker: Does any other hon. member wish to speak? I call upon the hon. member for Malew and Santon to reply.

Mr Gelling: Yes, Mr Speaker. I am disappointed in the hon. member for Onchan. There is one thing I have not done and that is try to belittle the member. All I am trying to do is explain the way in which this has been brought forward, and I would say that everyone else seems to be content that it has had the scrutiny required, and we will continue to do that, we will continue to scrutinise this legislation in a way that we have always done, and I just cannot understand why the member is upset about this particular piece of legislation when at the end of the day, after scrutiny, we have said to Tynwald Court, and Tynwald Court have agreed, that there are no implications for the Isle of Man and it should happen. Now, I am acting on behalf of Tynwald Court, another place, and I am enacting it. I am not in any way trying to belittle the hon. member, and I move.

The Speaker: Hon. members, the motion is made under standing order 158, that the House proceeds to the third reading stage of the European Communities (Amendment) Bill. Will those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

For: Messrs Gilbey, Cannan, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Houghton, Duggan, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Bell, Corkill, Cannell, Gelling and Henderson - 19

Against: Messrs Brown, Cretney, Mrs Hannan, Mr Karran and the Speaker - 5

The Speaker: Hon. members, the motion carries, 19 votes being cast for, 5 votes being cast against, and therefore we move on to the third reading of the European Communities (Amendment) Bill and again I call upon the hon. member Mr Gelling.

Mr Cannan: It's a good job I am on your side, Chief Minister. *(Laughter)*

Mr Cretney: With friends like that, who needs enemies? *(Laughter)*

The Speaker: Hon. members.

Mr Gelling: Mr Speaker, first of all may I thank hon. members for their support, for no other reason other than we have time to address this now and we can get this particular Bill out of the Keys and therefore I thank hon. members for supporting the move to go on to the third reading.

Now, I have already said what the clauses apply to and we all know that the European Union is a developing organisation and it changes itself by means of the treaties agreed and signed by all the states. Now, this latest treaty agreed by the states is of course the treaty of Amsterdam. It was agreed in June of last year, and as I have already said, was signed on 2nd October.

Now, basically, in April this year, again as I have already stated, the Council of Ministers presented the report to Tynwald, giving details of the effects of the Treaty of Amsterdam, including the implications for the Isle of Man, and it was our conclusion that the treaty was not one which had significant implications for our Island. However, it is essential that we keep the European Union treaties which are incorporated into Manx law up to date, and that is the purpose of this Bill and I would move that this House gives this its third reading.

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

Mr Karran: Vainstyr Loayreyder, I have no problems with this Bill. I have only asked a very important issue that needs to be addressed.

I will support this Bill but what I am saying is I am disappointed with the Chief Minister. He still has not answered my question about who is on the working party, who actually reviews European legislation and its effects and implications of passing that legislation. I believe there is a gaping hole there that we need to address urgently before we end up becoming hostage to fortune, that we have cheerfully nodded something through. I could not argue with the contents of this Bill. All I am saying is that this issue needs to be addressed before any similar legislation is brought in the future. I cannot see that being a great attack on the establishment in the hon. House, but it is a shame if it is seen that way.

All I want from the Chief Minister is the fact of who is on the committee, who is doing the reviewing, have we got a broad enough membership? Because I think it is important that we are assured from the Chief Minister that we are passing legislation and it means what we believe it to be meaning. I have no problem with supporting the Bill.

I have no problem with the principle. We are dealing with international crime. All I am asking is that I think a marker needs to be put down that it is a priority that before future Bills of a similar type come in we need to make sure we have got the right formula who are advising this hon. House and the hon. Court of Tynwald.

Mrs Cannell: Mr Speaker, would the Chief Minister not agree that all hon. members were furnished with a very in-depth report regarding this piece of legislation

(Mr Houghton: Hear, hear.) and that all members should have read that report, as I and others did, and would he not agree with me, in view of what the hon. member for Onchan is now saying, that it seems quite clear to me that he did not bother to avail himself of the report? I still have the report at home along with other documents. *(Mr Karran interjecting)*

It is good legislation. It brings us up to date. It does not allow or permit to sail away into oblivion.

In addition to that, am I not correct in the assumption that it was the hon. Sir Miles Walker who was appointed to look at European legislation and in that respect would it not be Sir Miles who was probably on the working party along with others? And if the hon. member

for Onchan has had a problem with that why has he not gone to Sir Miles to consult with him about any concerns he has over this particular piece of legislation?

Finally, would the hon. Chief Minister not appreciate that without the support of the Alliance for Progressive Government (*Laughter and interjections*) he may not have got to the third reading today? (*Laughter*)

Mrs Hannan: Nonsense! Nonsense!

Mr Cannan: His own cabinet against him!

Mr Cannell: Hallelujah!

Mrs Cannell: In view of that, would he not appreciate the APG's support on further initiatives of his in the future? (*Laughter*)

Mr Cretney: She wants a job, Donald!

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

Mr Gelling: Yes, thank you very much, Mr Speaker. In reply again I thank those for their support, and in a way to try to answer the hon. member who now has introduced international crime into this treaty, I do not know where that one came from, but basically it says quite clearly in an in-depth report which has the Bill at the back, and that was all before Tynwald with the European Communities (Amendment) Bill -

Mr Houghton: Send him a copy, Chief Minister.

Mr Gelling: - and it says, 'A Report from the Advisory Unit on European and External Affairs'. Now, that unit has on it as chair Sir Miles Walker. There is Tony Warren who is obviously from Agriculture, looking after perhaps anything that is in there appertaining to agriculture; our economic adviser, Stephen Carse; our Chief Financial Officer, John Cashen; Ken Bawden, chief executive of the Department of Industry; our Chief Secretary, Fred Kissack; and David Killip, who is also, of course, out of our office.

Now, if you look at that report it is the advisory unit's recommendations to Council. Council then went through that particular report, and as I say, and I will not repeat, all the other areas that have been, and all I am saying is we do treat this extremely seriously and I am quite sure that our advisory unit inform us absolutely of any implications that might be in there to alert us - and when I say 'us', to the Council of Ministers prior to bringing it to Tynwald - to anything that might affect the Isle of Man.

So I beg to move that we take this through the third reading.

Mr Cannan: Hear, hear.

Mr Karran: A point of order. Vainstyr Loayreyder, would the hon. mover firstly explain what are the implications of this piece of legislation as far as policing matters and that are concerned?

Secondly, can he also inform this hon. House how many of them are EU lawyers?

I think there is a little bit of personal abuse here.

The Speaker: Hon. member, I appreciate where you are coming from but on that occasion I am not going to reopen the debate when the member has already responded.

The motion therefore in front of the hon. House is that the European Communities (Amendment) Bill of 1998 be now read a third time. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, that brings us to the conclusion of our order paper for today. The House will now stand adjourned till Tuesday next, 3rd November at 10 a.m. in this chamber.

The House adjourned at 12.05 p.m.