

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 23rd May 2000
at 10.30 a.m.**

Present:

The President (Hon N Q Cringle); the Attorney-General (Mr W J H Corlett QC), Hon C M Christian, Messrs E A Crowe, D F K Delaney, J R Kniveton, E G Lowey, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mr T A Bawden, Clerk of the Council.

The Chaplain of the House of Keys took the prayers.

Apologies for Absence

The President: Hon. members, I have received apologies from the Lord Bishop this morning.

**Statutory Minimum Wage – Proposed Bill –
Statement on behalf of the Minister for Trade and Industry**

The President: Before we formally start the items on our agenda paper this morning I understand that Mrs Christian wishes to make a statement on behalf of the Minister for Trade and Industry.

Mrs Christian: Thank you, Mr President. I am grateful for the opportunity to make a statement on behalf of the Minister for Trade and Industry in relation to the proposed Statutory Minimum Wage Bill.

A resolution was passed at the October 1999 sitting of Tynwald, 'That the Council of Ministers' Report on a Statutory Minimum Wage be received and that a Statutory Minimum Wage Bill. . . be introduced in the Keys no later than 23rd May 2000 sitting.' The Department of Trade and Industry, which is responsible for this matter, put considerable effort into drafting the Bill in order to comply with what was a tight timescale. The Bill was produced and was submitted to the Council of Ministers on 27th April in accordance with standard procedures. However, one further amendment and clarification of certain aspects of the Bill were requested by Council and this has delayed progress of the measure. The measure has been approved by the Council of Ministers now and the amendment is being dealt with by the learned Attorney-General.

The minister is making a similar statement in another place today expressing his personal regret that these delays have meant that the Bill has not been introduced today. The minister is, of course, very conscious that the Bill is important to many members and he has undertaken to do all he can to ensure that the Bill as amended is introduced without further unreasonable delay. Thank you, Mr President.

Mr Lowey: Mr President, may I ask a question? The minister says that it will receive priority. I think, in the way in which she has presented her statement on behalf of the minister, we were told in October 1999 when the amendment was carried that it was thought possible it would be brought in before this - 'no later than. . .' So the timescale has been maximised to the full. I have asked repeated questions about this matter, about

the progress of this piece of legislation, and have been assured that it was being brought forward, and she now says that the minister is giving a guarantee - or not a guarantee, I notice the word 'guarantee' is not used - but doing her best endeavours to bring forward this piece of legislation. It is prevarication, delay all the way, and when I see the speed that is accorded to other bits of legislation you will forgive me if I have the greatest reservations that the commitment is there as promised by the minister here this morning acting on behalf of the other minister. I find it very strange that the lady who was in charge, the member who has been relieved of her duties - I would have thought the minister would have taken personal charge of this and perhaps, if he had been at his desk instead of promoting the Isle of Man overseas, it would be seen as a better use of the minister's time.

The President: Well, I think there is a question there somewhere.

Mr Lowey: There are a load of questions in there!

Mrs Christian: Mr President, I am not sure what the question is. I note the hon. member's opinion about the progress of the Bill. He attributes to the minister, or to the Council of Ministers perhaps prevarication; I am not sure to whom he attributes this prevarication. I would reject that allegation. The department, as I understand it, have produced a Bill as fast as they could. It is a part of the function of the Council of Ministers when considering this draft legislation to make amendments if they see that as being appropriate. It is unfortunate that when they got the draft Bill they felt that there was a need for an amendment, which has slowed down its progress and meant that it will not meet today's timetable. However, I would, on behalf of the Department of Trade and Industry minister, reject the allegation too that it is not necessary for him to be off the Island. Part of his function in the DTI requires him to be off the Island promoting the Island's cause in a variety of areas which fall within his responsibility.

Mr Delaney: Could I ask the minister who has made this statement on behalf, I take it, of the Council of Ministers and her colleague if she can give an assurance that now that the department is down to two members and the amount of responsibility in the portfolio of that department, can she give us an assurance that the department on this matter at least not only will give it priority but will have some actual personal attention from either the minister or the other one member who ceased to be in the department that this will be carried out as requested and demanded, I would suggest, by the legislature in toto?

Mrs Christian: Mr President, the delay, as I have indicated, has been at the request of the Council of Ministers; it should not be attributed to the minister or the other members of that department at this time. The delay has been caused because Council of Ministers, when they saw the Bill on 27th April, required that there be an amendment made to it. I have indicated that that amendment is being dealt with by the learned Attorney's department and I am quite sure that it will be progressed as quickly as possible.

Mr Lowey: Turning to the amendment, would the minister care to suggest what the amendment is about? Is it weakening the Bill or strengthening the Bill?

Mrs Christian: The amendment, Mr President, deals with the confidentiality aspect of officers who visit firms and are privy to commercially sensitive information. It deals with sanctions against them if they breach that confidentiality.

Mr Kniveton: Mr President, if I have heard it right, there is no date set now for the replacement of today's date. It is something I personally do not like, to have it open-ended. Can the minister give us an assurance that it will be before us or before the other House before summer recess, or is it going to remain open-ended and can drift on?

Mrs Christian: I am not familiar with the timetable; I am quite sure it would be the minister's wish that it certainly comes for first reading before the end of this session. Perhaps the learned Attorney could give some indication of procedures in relation to the drafting of the amendment.

The Attorney-General: Mr President, I regret I cannot tell hon. members precisely what the timetable will be. I do know that the draftsman will deal with the matter expeditiously if that is the request of the Council of Ministers, and I am sure it is; I know it is. If I may say so, one of the things that I think was of concern was that of course the legislation creates a machinery through the form of regulations; in other words, the calculation of the minimum wage is something which is not within the language of the primary legislation itself but rather is to be fixed as a result of regulations, and one of the concerns in addition to that mentioned by the hon. minister is that the regulations had not been prepared by the department, and it seemed to be very wrong that the primary legislation was coming forward without the support of the regulations.

Mr Delaney: Actually, Mr Attorney has answered part of the question I asked the minister, who is answering on behalf of the Council of Ministers. My blame was not to the department; I was pointing out the fact that it will be so easy now, as there are only two members, the minister and one other on that department, to say that they are overworked - and they are in some respects - and have not had the time to progress the regulations that are needed to actually achieve the object of the legislature.

Mr Lowey: Mr President, the minister said that it was considered by the Council of Ministers on 27th April. Here we are nearly into June and we are now being assured by the learned Attorney-General and the minister that it will be expeditiously dealt with, and the Attorney this morning has said that he does not know yet when. Now, which is it, the Attorney's department or the department that is drawing up the regulations, and where is the delay? I just see here a recipe for more prevarication and delay.

Mrs Christian: Mr President, the regulations, I am quite sure, will have to be drafted in conjunction with the Attorney-General's department. Most regulations are drafted in conjunction with some legal advice. The information with which I have been provided does not refer to the regulations; it is clear that the primary legislation could proceed while the regulations are being drafted. It must be a matter of a political decision, I presume, whether the regulations need to be ready at the time that the primary legislation comes forward.

The President: Hon. members, I understand that the same statement has been made in the other place this morning anyway and I think, whilst I am happy to allow

questioning, what we really ought to do is give an indication to the Chief Minister and to the Council of Ministers and to the department that the Council is unhappy. Mr Lowey.

Mr Lowey: One question: the minister mentions regulations and it is all right for the primary legislation to go on. Will she then give an undertaking that the regulations will not have to go out for consultation with the self-same people who are opposing. . . which again will add to the delays.

Mrs Christian: Mr President, I am not in a position to say what the procedures are that the DTI intend to follow in respect of the regulations.

The President: Hon. members, I note the concern of members of the Legislative Council and I think, if that concern is expressed to the Council of Ministers, the Chief Minister and the Department of Trade and Industry it is probably the best that we can achieve this morning.

Corporate Service Providers Bill – First Reading Approved

The President: So can we move on then, hon. members to item 1 on our order paper, which is the Corporate Service Providers Bill, and we note the fact that Mr Crowe is absenting himself from our deliberations on this matter. So it is for first reading, Mr Radcliffe.

Mr Radcliffe: Thank you, Mr President. The purpose of the Corporate Service Providers Bill 2000 is to introduce a regulatory regime for those who, by way of business in or from the Island, provide corporate services to companies. It also requires Isle of Man incorporated companies carrying on any of the regulated activities outside the Island to be licensed. The initiative for some form of regulation of those engaged in the business of company formation and company administration was that of the Island's own government, and it was, I suppose, fortunate for us that when in 1998 Mr Andrew Edwards on behalf of the Home Office carried out a review of the regulations of the financial services industries in the Crown dependencies, the proposals for the introduction of a corporate service providers regulatory regime were already well advanced. Mr Edwards acknowledged that the Island's proposals to regulate corporate service providers would in a large part deal with a number of his criticisms of the Island as an international company registration and administration centre.

The Bill before us, then, is, should I call, one of our own initiative, not other people pushing us to do it, we were already on the move anyway and I would move, sir, that the Corporate Service Providers Bill be read a first time.

Mrs Christian: I beg to second, Mr President, and reserve my remarks.

Mr Delaney: Just on this first reading, Mr President, if I may ask a quick question, one I have been asking around through the government and through the department and the people who actually this law will be applied to, why was the figure of 10 in relation to the number of companies fixed by the department, how was it fixed and mainly, sir, was the figure 10 brought in?

Mr Radcliffe: Well, I must say that this was introduced in response to criticisms which were emanating from those involved. Some of the people involved do only handle a very small number of companies, and it was thought, I think, in consultation that 10 was

agreed to be a reasonable number to go for and I suppose the obvious answer to the question, 'Why 10?', is 'Why not 10?'

Mr Delaney: I am asking the question.

Mr Radcliffe: And I have answered it, I think!

Mr Waft: I wonder if the mover would like to comment on correspondence we have received with regard to clause 10 and clause 12. With respect to clause 10 it gives the commission and persons authorised by it the power to inspect books, documents and covers of corporate service providers, and yet in clause 12 it will enable the commission to apply to a justice of the peace. Why in clause 12 should they apply to a justice of the peace but in clause 10 it gives them authorisation anyway? And also the comment that it is perhaps in breach of the European Commission on Human Rights - I just wondered what investigation will be done to see that it does comply, and has he got any comments on that one?

I would like to thank the FSC for responding to correspondence by myself and various people with regard to amendments that have been made in another place. They have taken on board some of the comments, and apparently the chartered accountants are happy with the situation now, but on those points raised by correspondence received by members, the latest correspondence, perhaps the mover might like to make comment on that?

Dr Mann: Mr President, I do not want to refer to individual clauses at this stage - we are still dealing with first reading - but I think this Council has a considerable responsibility to look at this, truly giving it a second look as distinct from its passage in another place.

There is considerable worry and anxiety concerning this Bill. I think any member sitting around this table must be aware of the considerable anxiety about what we are about to introduce. I do not think the principle is in question; I think it is how it is going to be implemented that is in question, and it does appear, without reference to any particular clause, that aspects of this Bill give powers to certain bodies which are far in excess of what appear to be necessary both by the industry and in comparison with other activities both in the financial sector and in ordinary civil litigation.

So I think there is a considerable burden of responsibility on this Council to look very closely at this Bill, because we are here to take that second look, and when we come to a second reading and clauses then we must go through this very carefully indeed to ensure that we get this right.

Mr Lowey: Mr President, just on broad principles here this morning, I understand why the Corporate Service Providers Bill has been introduced and I understand that the providers have been consulted and we are getting plenty of advice from the providers, looking at it from their point of view, but I would be interested to know: the providers are providing a service for someone - have they been consulted and, if so, how? In other words, the people who are actually receiving these services - have they been consulted? I think that that is what the legislation is about, protecting them, and I too share the general concern of the powers of the FSC as illustrated in this Bill. Again, I do not want to

highlight individual things at this stage. Take the police, for instance; if they wish to raid your property for whatever reason for criminal activity, they have to get a justice of the peace and it does seem to me that getting justices of the peace is a reasonable safeguard for the general public, and I have never heard of any problems anyway in the past, and yet the FSC are dispensing with that formality. That worries me somewhat. I am in danger of getting into detail. It is the general powers of the FSC that are being given in this particular Bill, but I am very interested to know how we have gauged the response of the people who actually use the services that are provided by the corporate service providers and how they have been consulted.

The President: Can I ask Mr Radcliffe to wind up the debate then on the first reading?

Mr Radcliffe: Thank you, Mr President. Mr Waft mentioned specifically clauses 10 and 12, which deal with human rights and powers of entry and so on. Can I assure the hon. member and other members that there has been a lot of lobbying about human rights, and concerns have been raised and a lot of investigation done, but it is worth noting - and perhaps the learned Attorney will verify what I say - that the commission sought and received advice from a United Kingdom barrister who is a leading expert on European law on human rights, and he suggested that the particular circumstances for the Island's financial services industry and the greater protection afforded to licensed businesses by what is termed this reverse burden of proof provision could be used as a justification for framing the Island's domestic legislation in this way in terms of human rights and this advice, which was extensive, was supported by a considerable human rights case law, and I wonder whether at the end of my remarks the learned Attorney would care to comment on this whole question of human rights, because there is a Bill, of course, due to surface fairly shortly on that particular aspect.

The hon. member, Mr Waft, also referred to clause 12, which is inspection. Clause 12 requires a warrant before the officers can enter and demand to see certain papers or whatever they do require to see. In the clauses there is a series in the clauses following through as to how inspections may be done. The first phase is for officers to seek information and to be invited almost to 'Right, here are the papers, come and have a look at them.' If the provider is recalcitrant, the commission has power then to seek a warrant from a justice of the peace, and if there are still problems with the whole thing the third phase is to gain a deemster's warrant which gives them full powers to seize, search and pretty well do what they like with whatever papers they request.

'A lot of anxiety' Dr Mann commented regarding this Bill. I think one of the reasons for that anxiety is that this particular section has not been regulated prior to now and they are a bit nervous as to what is and what will be required of them. The Bill gives extensive powers to the commission but they will be used sensibly. I think one has to say that in any legislation, unless you give teeth to the legislation for the authorities to move when they require to, it is useless legislation, but I would assure the hon. member that the powers that are there and will be given to them will be used sensibly. It will not be the big stick at the first call - it may be the big stick at the 21st call but initially it will be the quiet and, dare I say it, humane approach to seek the information they are after.

The hon. member, Mr Lowey, talked about consultation, and I can assure him that these consultations have been extensive. The whole thing commenced in 1991, first thoughts were given to this particular type of legislation then. Consultations have gained momentum over the years and it has been looked at, sent back, altered, looked at again, sent back and a lot of alterations have been made to what was considered the ideal, initial draft of this Bill.

Mr Lowey: Could I just ask you to tease that one out a little, Mr President? But you have been consulting with the same people, the providers and not the users of the service. Is that not fair comment?

Mr Radcliffe: Well, I think that has got to be fair comment because these are the people we are going to regulate. To the best of my knowledge the customer is what you are talking about there. I do not think they have been consulted extensively anyway, because they are not all on-Island, a lot of them are off-Island, a lot of the business is confidential in any case and I think that to try and seek a consensus from a vast number of people scattered all over the place would be an impossible job, but certainly the providers are the ones who we are seeking to regulate and the providers have certainly had their say in what should be in the Bill and in the regulations, so we are falling over backwards, almost, to try and please everybody. But the nervousness is because they have had no experience of regulation and inspection. Some of the bigger companies who are involved in other activities and are used to being regulated and visited have no real qualms about it. It is, dare I say it, the one-man bands and two-man bands who are the ones who are worrying over this and, as I say, the powers are there, but they will not be used harshly, initially anyway; they will be used sensibly.

Mr Lowey: Thank you, hon. member.

Mr Radcliffe: I do not think there is much more for me to comment on, Mr President, but I wonder if the learned Attorney would care to just clarify on the human rights side of this whole saga.

The President: Well, we can but ask the learned Attorney if he wishes to.

The Attorney-General: Thank you, Mr President. Yes, I will certainly make some comment on the human rights aspect but I think it is also right for me at this stage, on the general point about the Bill, to refer briefly to the reason why it is so important. We have heard a reference to the Edwards review and the fact that the Island was already, in advance of the Edwards review, conducting a review of those persons who provided corporate services on the Island.

We all know how important that area and sector is for the Island but unfortunately how easy it is, and was, for the bad eggs to bring the whole of the Island's reputation down, and it was therefore vitally important that corporate service providers should have some element of supervision attached to it. You may recall that when this first initiative was brought about the emphasis was to be on company agents - in other words, there were to be people in the Isle of Man as agents for companies who would be personally responsible for compliance; that was felt to be too draconian, and therefore the emphasis changed from personal responsibility of agents to one regime whereby those persons

who held themselves out as being able to provide corporate services had to be licensed and that they would be fit and proper people.

Now, it was that message, when Mr Edwards looked at our jurisdiction, which I think went a long way towards Mr Edwards concluding that our jurisdiction was well regulated in the banking and insurance fields but also it was well on the way to becoming well regulated in the corporate service field as well. I think it is also useful for hon. members to be reminded that this is not an area in which the Island is forging ahead itself; we are moving ahead with Jersey and Guernsey and in fact I know that in Jersey, at any rate, their legislation is going to be broader than ours; they are going to license not only corporate service providers but also fiduciary services. So in other words people who provide trustees and trustee services will be licensed. Now, this is something which no doubt the Island will be looking at in due course, but we at this stage are just looking at corporate service providers.

The whole international field, in my view, requires that as a jurisdiction we can show that we are a transparent jurisdiction and that, if there is wrongdoing through companies, then it must be the case that the authorities can find out what is going on, and principally they must be able to find out who is the beneficial owner of companies. This is something which is absolutely crucial in the pursuit of crime, and one of the matters which the hon. mover will undoubtedly come to in due course is clause 6 of the Bill, which provides for regulatory codes to be made by the commission, and it is the regulatory codes which really will provide the teeth for the commission and it is those codes, again, which have been subject to considerable consultation over the last few months, if not years.

With that background I can assure hon. members that the human rights aspect has indeed been a matter of great concern. Of course, the Human Rights Bill is still being debated in another House, but one hopes that it will in due course become law on the Island and that after a convenient period of time our legislation in the human rights field will be effective and enacted. In anticipation of that I can confirm that, as Mr Radcliffe has said, expert opinion has been obtained from England, and that opinion is to the effect that the Bill is fully compliant with human rights law as it is at the moment. One thing that is rather difficult about human rights law is that it is a moving feast and we can only spot it, as it were, in our sights at a particular time but, as it is at the moment, Council has advised that it is fully compliant. I should say that the commission and indeed Council of Ministers did not receive that advice uncritically. In fact, in so far as the so-called reverse burden of proof was concerned - and this is the area where it was suggested that if a company was guilty of an offence then the directors also were guilty of an offence unless they proved that they were innocent - that was something that Council felt was compliant with human rights law. In the Council of Ministers it was felt that that was not the correct stance and that the burden of proof should lie on the prosecution throughout. So, in fact in many ways we have gone even further than Council advised in protecting human rights rather than ignoring them.

I hope that those brief comments in relation to human rights will assure hon. members that, so far as we can be sure, it is fully compliant at this stage.

The President: Okay. Mr Radcliffe, having invited Mr Attorney to pass some comment, is there anything else you wish to say before I put the first reading formally to the Council?

Mr Radcliffe: No, Mr President. I am grateful to the learned Attorney-General for his explanation and comments and, as he has rightly said, the whole question of human rights has been looked at in great depth and indeed we are more than compliant with the requirements within this Bill.

The President: Mr Lowey is now indicating that he wishes to question the Attorney.

Mr Lowey: Well, there are two things, really: the first, if I can take the last point, about the criminality and the onus of proof being on the prosecution at all times. But isn't the criminal law now that if you remain silent you can be deemed to be guilty? And doesn't that apply in this case? And - I think it is germane and in the light of what we heard earlier about the concerns of the Council of Ministers regarding the confidentiality of information coming to officers of the Crown - isn't the same concern being offered here to the FSC about confidentiality in the conduct of its affairs? Doesn't that apply too? So I think there are two legal points there that are being raised. And could I finally ask the Attorney, is there any evidence that the providers have self-regulated? We know they have an association now of the small providers - are they regulating themselves against the bad eggs? In other words, what is in place now provided by the providers to regulate themselves that this will enhance, or haven't they any regulations at all about getting rid of the bad eggs amongst themselves?

The President: Mr Attorney, perhaps you could answer that before I go on to Dr Mann.

The Attorney-General: Thank you, Mr President. Mr President, again if I may deal with them in reverse order, I think one of the principal gaps that this Bill seeks to plug, as it were, is the fact that there are people who provide corporate services who are not regulated at the present time. Of course, there are many who are regulated such as accountants and lawyers, they are self-regulating, but there are many other people without any professional qualifications who may be in a so-called one-man band or two men in a band, and so on; they have not been regulated up until now and it is vitally important they should be.

In so far as confidentiality is concerned, I am afraid I did not quite follow the point that the hon. member raised.

The President: Silence, I think, was the point, wasn't it?

Mr Lowey: No, silence was the first point. But on confidentiality, the minister this morning said the Council of Ministers have concern over confidentiality of information picked up by officers; that presumably would be the Department of Trade. But the FSC will come into contact with what I would call commercially sensitive and confidential matters, and doesn't the same concern apply to them as it does to the other officers?

The Attorney-General: Well, Mr President, so far as the officers of Financial Supervision Commission is concerned, it is my understanding - I could not put my finger on the precise statutory provision - that they are bound absolutely to treat information

that they glean in the utmost confidential way, and if they were to breach that, not only would they be guilty, I would suggest, of an offence in the criminal law but they would also be guilty of a disciplinary offence which could lead to their dismissal. I think the point in relation to the earlier legislation we were discussing this morning was that there was no such sanction against employees who went into an employer's premises, found information and then disclosed it. So, it was designed to tighten up against officers of the department that we were concerned about.

In so far as the point of the right to silence, I did refer to this reverse burden of proof, and I think it is in that context that the hon. member is concerned. It is clause 20 of the Bill, sub-clause 3, which provides that where an offence committed by a company is proved to have been committed with the consent or connivance of a director and so on, he, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

Mr Lowey: It was just broad principles that I was really asking about.

The President: I am sure we will all get to the various clause stages anyway, so I think, as Mr Lowey says, we are indicating on principles at the present time.

The Attorney-General: Yes -

The President: Perhaps, Mr Attorney, if I may, sorry to cut across, but I think Dr Mann also had a question.

Dr Mann: Mine was quite simple: is there an equivalent provision in the United Kingdom to this Bill.

The Attorney-General: There is a similar Bill, Mr President, which contains similar provisions as far as I am aware in the financial services legislation and in the context of human rights provision it is my understanding that there is a qualification in relation to, for example, statutory indemnity - that is, where officers of the investigating authority are to be indemnified against any liability. It is to the extent that the human rights legislation permits that; there is some qualification to the statutory indemnity in the financial services

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Dr Mann: No, I was just referring to the corporate service providers - are they similarly regulated in the UK?

The Attorney-General: No.

Mr Delaney: The question has been asked now -

The President: Hon. members, the motion before Council this morning is that printed at item 1 on your order paper, that the Corporate Service Providers Bill be read for a first time. Those in favour - agreed? (**Members:** Aye.) The ayes have it. The ayes have it. Now then, Mr Radcliffe.

Mr Radcliffe: Thank you very much, sir. There is a certain urgency on this Bill, as the learned Attorney has said. Our competitors, if we should call them that, in other Islands - one already has the legislation in place, or at least it is awaiting Royal Assent, as I understand, the other is well on the way to having their legislation in place, and the question we must ask ourselves is, can we afford to be so far behind others? I was

hoping and proposing that this Court would enable me to take the second reading of this Bill this morning and deal with the clauses et cetera at our next sitting. As I say, time is not exactly of the essence, we have a long summer break coming in as legislators and the desire is, if at all possible, to have this dealt with before we recess for the summer. Those are the reasons why I seek the Council's agreement to proceed with the second reading only of the Corporate Service Providers Bill this morning.

The President: Now then, hon. members - Mr Lowey.

Mr Lowey: Can I ask for clarification on the timescale? Would it be possible to get this legislation in if we just kept it to the normal -

The President: Before we get on to queries like that, Mr Lowey, are you actually seconding?

Mr Lowey: I will second the proposal as given on the floor, certainly, Mr President, and then I will ask the question as posed - is it feasible to get it in in the normal timetable?

The President: I do not know quite that that make things any simpler, but the point is that Mr Lowey has seconded Mr Radcliffe's proposal to suspend standing orders, I understand it is 22 - 2 and that we take a second reading of the Corporate Service Providers Bill this morning. Mr Delaney?

Mr Delaney: Mr President, I have indicated I am putting an amendment to a clause when they come but also I am not satisfied with the answer the hon. member gave me in relation to the question I asked, and even it was taken this morning, I believe there are people out there who I would like to consult with, and certainly with the actual commission themselves before we get to it. To do it practically and probably right is to take, as it was listed, the first reading and give those who are interested - and I am certainly interested - the chance to consult with people in relation to what this Bill actually does in certain respects now that it has got to this draft.

Dr Mann: Mr President, I fully support what the previous speaker has mentioned, but the fact is that if we go to second reading and do not consider the clauses, we are really not advancing this in any way at all, and I think, as I said before, we have as a body a considerable responsibility here, and cries of urgency, I think - the mover could well say that having reached this stage we are fairly advanced compared with other islands, but we are not dealing with other islands, we are dealing with what is happening here, and there is a considerable body of people outside this Council who are very concerned, and certainly to see it pushed through at some high speed when we are supposed to be taking a second look, I think is entirely the wrong message.

Mr Kniveton: Yes.

The President: Hon. members, the motion in front of the House is that we suspend standing order 22(2) in order to take a second reading of the Corporate Service Providers Bill this morning. Those in favour please say, aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

For: Mr Radcliffe and Mrs Christian - 2

Against: Messrs Lowey, Waft, Dr Mann, Messrs Kniveton and Delaney - 5

The President: I think we have 5 against and 2 for. Therefore the suspension of standing orders fails to carry, hon. members.

That actually then concludes our order paper for this morning, so the Council will now sit in private but, prior to that, I would just announce the the Council will next meet on Tuesday next at 10.30 a.m. here in our own chamber again. Thank you, hon. members.

The Council sat in private.