

REPORT OF PROCEEDINGS OF HOUSE OF KEYS

Douglas, Tuesday, 5th December 2000
at 10.00 a.m.

Present:

The Speaker (Hon J D Q Cannan) (Michael); Mr L I Singer and Hon A R Bell (Ramsey); Mr R E Quine OBE (Ayre); Mrs H Hannan (Peel); Hon W A Gilbey (Glenfaba); Hon 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); Mr J P Shimmin and Hon A F Downie (Douglas West); Hon J A Brown (Castletown); Hon D J Gelling (Malew and Santon); Sir Miles Walker CBE LLD (hc) and Mrs P M Crowe and Mr J Rimington (Rushen); with Prof T StJ N Bates, Secretary of the House.

The Chaplain took the prayers.

Apologies for Absence

The Speaker: Hon. members, turning to the order paper, I have to say that I have granted leave of absence for part of this morning's sitting to the hon. members for North Douglas, Mr Houghton and Mr Henderson, and the hon. member for Peel, Mrs Hannan.

Mobile Telephones — Health Implications — Question by Mrs Cannell

The Speaker: Mr Houghton has asked to withdraw oral questions numbers 1, 3 and 4. We will therefore start with question number 2. I call upon the hon. member for Douglas East, Mrs Cannell.

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

Will you consider issuing a warning on the health implications of the use of mobile telephones, particularly by children?

The Speaker: The member for Health and Social Security, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I can advise the hon. member that the only established risk to health consequential upon the use of a mobile phone is whilst driving a motor vehicle. In such circumstances there is clear evidence of an increased risk of being involved in a road traffic accident. The advice I have received from the chief administrative medical officer indicates that there is no evidence of any other form of health risk from mobile phone use.

However, the department is aware that there is some research reported in the media suggesting that subtle non-thermal effects upon living beings can occur when they are exposed to pulse radio signals such as those from mobile phones. Whilst there is no proof of adverse effects in humans. That does suggest that there needs to be further target research. The chief administrative health officer has suggested that it would be appropriate to adopt a precautionary principle towards discouraging unnecessary and extensive use of mobile phones by children. This is in line with the United Kingdom's independent expert group on mobile phones, which has made recommendations in this vein. The industry is being discouraged from making mobile phones specifically for young children until more research has been carried out.

The department will continue to monitor the situation in light of any further evidence that becomes available and, in particular, will keep under review the possibility of providing advice to the general public, Vainstyr Loayreyder.

The Speaker: A supplementary, Mrs Cannell.

Mrs Cannell: Yes, please, Mr Speaker. I thank the hon. member for his reply this morning, but is his department aware that the United Kingdom Government have now decided to issue health warnings on mobile telephones, particularly those geared towards youngsters, and that such notice of warning will probably be issued after Christmas? Is he aware of that and, if so, are we going to follow suit?

The Speaker: Mr Karran to reply.

Mr Karran: Vainstyr Loayreyder, I think the issue of the possible danger of mobile phone use for children is well advertised. Whatever is done in the United Kingdom as far as an established health risk is concerned will be followed as a matter of principle.

Cycling — Protective Helmets — Question by Mrs Cannell

The Speaker: Question number 5, Mrs Cannell.

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

Will you consider making it mandatory for persons to wear protective helmets when cycling?

The Speaker: The Minister for Transport to reply.

Mr Brown: Thank you, Mr Speaker. My department has no plans to make the wearing of protective helmets mandatory for cyclists. Thank you.

The Speaker: A supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. Is the hon. minister aware that in Autumn, in the mini-budget speech, the United Kingdom announced that they were going to lift VAT on the purchase of helmets to help encourage their use, in recognition of the importance of keeping cyclists safe on the roads? What proposals does he intend to make to encourage the same use?

The Speaker: The Minister for Transport.

Mr Brown: Mr Speaker, I am aware of that and, of course, as it is a matter of VAT it will automatically apply to the Isle of Man, sir.

The Speaker: A further supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. In the hon. minister's first reply he merely said 'No, we are not going to consider making mandatory the wearing of protective helmets.' Could he explain why not, given that it is paramount that we keep youngsters safe when they are on the road using their bicycles? Could he explain why he has no intention of making it safer for those people?

The Speaker: The Minister for Transport to respond.

Mr Brown: Mr Speaker, my department undertakes cycle proficiency training for all school children, and it is the view of the department that, under those circumstances, all children should wear protective helmets. However, my department does not believe that we should extend, by law, the mandatory wearing of helmets by everybody who cycles in the Isle of Man.

Road Traffic — Calming Measures in Douglas — Question by Mrs Cannell

The Speaker: Question number 6, the hon. member for Douglas East, Mrs Cannell.

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

Will your department consider extending the provision of traffic calming measures in residential areas of Douglas?

The Speaker: The Minister for Transport to reply.

Mr Brown: Mr Speaker, my department has recently introduced its first phase of Island-wide traffic calming with the creation of 56 home zones in residential estates throughout the Island. The assessment of the effectiveness of the entry features and the 20-mile-an-hour speed limits within these estates is being undertaken. The department's intention is to incorporate further extensions of traffic calming measures, subject of course to that assessment and the outcome of such an assessment, into distinct phases covering first, town centres, secondly, areas around schools and thirdly, villages. It is my department's hope that we will be able to implement the next phase, subject to the outcome of our assessment, during the next financial year that is, 2001-02.

The Speaker: A supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. Is the hon. minister aware that when he brought this order forward to introduce traffic calming measures - a move which I had actively encouraged over the last three and a half years - he also said that members should write to his department requesting various areas within our constituency to be considered? Could he indicate whether 2001-02 is the year in which traffic calming measures will be introduced in residential parts of Douglas other than the housing estates?

The Speaker: The Minister for Transport to reply.

Mr Brown: Mr Speaker, in the debate in Tynwald, if my memory is correct, I invited members, as the hon. member says, to let us know about any areas whether they felt that traffic calming might be effective. I also made it clear that hon. members would have to be patient, because it would be impossible for us to cover the whole Island at once, so we would have to phase in the introduction of such measures over a period of time. We have done this and have, this year, devoted substantial resources to cover the 56 estates throughout the whole Island instead of phasing it in by so many per year, which takes a considerable time.

It is my hope that the next areas that will be looked at are our town centres. However, I would say that there are many differing views about the introduction of such a scheme; there are people who like them and there are people who do not. Under the legislation, we are required to consult those affected, consider those views and implement them if we believe it is necessary. However, we have limited resources because of the demands on us. We are keen, where appropriate, to introduce such measures throughout the Island, but they will have to be phased in over a period of years because of the costs incurred in implementing such a scheme.

The Speaker: A supplementary, Mr Duggan.

Mr Duggan: Thank you, Mr Speaker. I compliment the minister and his department regarding these traffic calming measures, but will he look at their height? They seem to be catching on vehicles and causing considerable damage, especially to sports cars and low vehicles.

The Speaker: The minister to reply.

Mr Brown: Yes, Mr Speaker, we are aware of some of the problems that have been identified with regard to certain vehicles when they go over the humps. I have checked this on a number of occasions and have been assured by officers in my department that the design, height and radius of the humps is as laid down by the British Standard and should therefore be appropriate for most vehicles. It is likely that some very low vehicles, such as sports cars, will have difficulties. I am aware that there are also some problems with some funeral hearses and limousines, and my departmental officers have been asked to consider how we can overcome those problems.

The Speaker: A supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the minister agree that there is also a concern about the amount of resources that are going into these speed humps? Can he assure this House that resources are still going into the general maintenance of the roads and other developments that are needed and are just as important?

The Speaker: The minister to reply.

Mr Brown: Mr Speaker, as the hon. member for Onchan, Mr Karran, will be aware, the Department of Transport receives thousands of requests relating to highways every year for works to be undertaken for maintenance, introducing new systems, or whatever. We endeavour to balance up our resources and meet public demand. We have made this a priority in terms of the introduction of legislation and for the first phase of the schemes, which relates to residential estates.

All I can say to the hon. member is that we are conscious of our other responsibilities and endeavour to meet them as best we can with the resources available to us. We try to provide what the public require and what we believe is necessary to improve road safety for everybody especially the pedestrians.

The Speaker: I will take just two more supplementaries. Mr Cannell, member for Onchan.

Mr Cannell: Will the hon. minister undertake to consider as a priority future calming measures for areas where motorists are obviously attempting to avoid stoppage spots such as traffic lights placed at major junctions?

The Speaker: The minister to respond.

Mr Brown: Yes, thank you, Mr Speaker. We are very conscious that often when we implement new traffic control measures or traffic calming measures, many motorists will endeavour to find the quickest route round and will take a run through an estate to try to get from A to B faster. We covered all the estates in the way we did in an endeavour to minimise that impact, especially in areas where the population density is quite high, such as residential estates. We appeal to motorists at all times to drive sensibly, take care and, of course, be aware that there are pedestrians - especially children and the elderly - in such areas.

The Speaker: A final supplementary, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. Would the minister agree with me that, as he has just mentioned, pedestrian safety is of the utmost importance, particularly children's safety? (**Mrs Cannell:** Hear, hear.) Therefore, there should be calming measures, particularly round schools and, as has also been mentioned by the hon. member for Onchan, through the short cuts. Those are the priorities. Children's safety is a priority.

Mr Cretney: Hear, hear.

The Speaker: The minister to respond.

Mr Brown: Yes, Mr Speaker, our philosophy is to improve safety for all pedestrians, especially children and the elderly. As I indicated in my initial answer, the next phase will be town centres, which of course in some cases may well include schools and areas around schools.

I have to say that, from a departmental point of view, physically the amount of work that can be undertaken is a problem, given all the other work we have. This summer the team that was brought in came from across, because of the specialist nature of laying of the humps in terms of the covering. We have a budgetary provision, and we have to identify our priorities from that, but I can assure hon. members that we have been keen to take measures to improve pedestrian safety. However, I have to say that the reaction to that from some quarters has been quite hostile, because people do not like

having the provisions implemented where they live. One of the excuses we have heard is that we are trying to bring in English systems for the Isle of Man.

It has been proven that the introduction of such measures into estates does slow traffic down. I have to say, as somebody living in an area where this has been introduced, that I have noticed a reduction in the speed of the traffic by people living in the area, who are used to the area and may be used to driving a little too fast because they are so au fait with the area. It is a matter of trying to introduce systems that encourage people to slow down. We introduced a 20-mile-an-hour speed limit to get people at least to try to acknowledge that speed limit. Ultimately, if there are problems, we will of course talk to the Isle of Man Constabulary about enforcement action in those areas as well.

Incinerators — Deaths Caused from Operation of — Question by Mrs Cannell

The Speaker: Question number 7, Mrs Cannell, member for East Douglas.

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

- (1) *Are you aware of a UK Environment Agency report citing deaths caused from the operation of mass burn incinerators; and*
- (2) *does this affect the reliance which you place on the information previously provided to your department by that agency?*

The Speaker: The Minister for Local Government and the Environment to respond.

Mr Gilbey: Mr Speaker, in answer to the first part of the hon. member's question, having looked into the matter extremely carefully, I am not aware of any UK Environment Agency report citing deaths caused from the operation of mass burn incinerators. In fact, the Environment Agency has assured the Department of Local Government and the Environment that no such report exists.

I presume the hon. member's question relates to the article which appeared in the UK edition *The Guardian* on 1st November 2000, in which a Mr Watson made certain serious allegations. He alleged that staff of the Environment Agency were guilty of a cover-up. Naturally, the Department of Local Government and the Environment immediately contacted the agency to see whether there was any truth in the article. The department has been informed that an independent investigation was previously carried out into the allegations, which found that the agency had not suppressed any information on the health impact of incinerators and has not been involved in any cover-up. The investigation concluded that the agency had acted in an entirely correct manner, and the independent adjudicator found no evidence of correspondence between the UK Department of Health and the Environment Agency on the subject of the health impact of incinerators.

I can also report that the chairman of the UK Environment Agency, Sir John Harman, wrote to *The Guardian* newspaper on 3rd November 2000 regarding the report which had appeared two days earlier. I shall read the full text of his letter, which was as follows: 'The agency views openness and accountability as fundamental in securing a better environment for present and future generations. We proactively make information about the environment, and how we are working to protect and improve it, available. In addition, we respond to around 350,000 requests for information every year. Our policy includes open board minutes and the placing of board minutes on our web site. The meeting notes quoted were those of 12th July board meeting and were not confidential; they are on our web site. The agency has not suppressed any facts on the health impacts of incinerators and would not condone any form of cover-up. Our actions in this matter are entirely consistent with the letter and the spirit of all relevant UK and European legislation. Our own policies ensure that we are an open and transparent organisation, one in which members of the public can place their trust.'

That letter, Mr Speaker, as I have said, was signed by Sir John Harman himself. However, as far as I have been able to ascertain, *The Guardian* chose not to publish that letter. I shall leave hon. members of this House to draw their own conclusions.

Mr Speaker, I can also inform hon. members that the Department of Local Government and the Environment contacted Professor Peter Blane, professor of environmental medicine at Newcastle University and a member of the advisory board to the Medical Research Council regarding *The Guardian* article. He has also made his own enquiries and has since confirmed, and I quote: '(a) there are no reports that anyone's life has been shortened by dioxins from waste burning incinerators. (b) I am not aware of any cases where deaths or hospitalisation have been shown to result from emissions from waste burning incinerators.'

Mr Speaker, I now turn to the second part of the hon. member's question. I have no hesitation whatsoever in stating that the department has every confidence in the integrity of the UK Environment Agency as the principal regulator of environmental matters in the United Kingdom. The public can also have confidence in the agency; there is no reason at all to doubt the validity of the information provided by the agency to the Department of Local Government and the Environment in the past, which I have reported to this House and to another place.

To conclude, Mr Speaker, the UK Environment Agency is faced with the responsibility to discharge its functions under the UK's Environmental Protection Act 1990, in individual planning applications and pollution prevention and control regulations. It must ensure that all appropriate preventative measures are taken against pollution and that the environment is protected. The Department of Local Government and the Environment is entering into a contract with the Environment Agency to undertake an advisory role regarding our own integrated energy from waste incinerator facilities. We will continue to seek the agency's expert advice on various environmental matters as and when appropriate.

The Speaker: A supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. It is gratifying to note that the hon. minister considered the questioning carefully. How come, therefore the minister is not aware that Paul Leanster, director of the Environment Agency gave evidence towards the end of November to the House of Commons environment subcommittee which was investigating waste management strategy? Why is he not aware of that? Could he please reconsider the issue most carefully, and recognise that members of that committee, which was established to look into waste management strategy, heard people from the Environment Agency say that they had no idea how dangerous Britain's new generation of incinerators would be to public health, as they were at an early stage and it was too soon to assess them. Can he explain that?

The Speaker: The minister to reply.

Mr Gilbey: We looked into the matter most carefully, Mr Speaker, and I did not wait until I got the question from the hon. member to do so. The department started looking into it about two days after the newspaper article appeared as we always do in such circumstances. Regarding Mr Leanster's letter, we are equally aware that it is another production of *The Guardian*. But in view of the fact that they did not even have the courtesy, manners or fairness to publish the reply from the chairman of the Environment Agency to the original article, I do not know how much weight any impartial observer would put on further articles. They seem to me to be running a crusade against incinerators.

As recently as 14th November, in a House of Commons debate, the Parliamentary Under-Secretary of State for the Environment, Transport and the Regions, Chris Mullin, said that emissions from modern energy from waste incinerator plants were strictly regulated and that the Department of the Environment, Transport and the Regions was confident that current environmental protection standards

were sufficient to protect the environment and public health. He also said: 'We also strongly support a forthcoming European directive on incineration, which will set even tighter emission standards'.

As we all know, Mr Speaker, the incinerator plan for the Isle of Man is planned to meet those new, tighter standards.

The Speaker: Mr Karran, member for Onchan.

Mr Karran: Vainstyr Loayreyder, What hope have the people of believing the minister's department when for years it told us that Sellafield was safe and was not discharging into the Irish Sea? It took another organisation, such as Greenpeace to find out the truth and tell his department. Can the minister tell us what safety issues have changed as far as incineration is concerned since the proposal to put an incinerator at Stoney Mountain?

A Member: Hear, hear.

The Speaker: The minister to reply.

Mr Gilbey: Well, I think there are quite simple answers to this, Mr Speaker, as usual. First of all, I think that the Isle of Man Government's policy has for many years been, as the hon. member will know because he is one of the longest serving members of this House, the complete closure of Sellafield. I was one of those who years and years ago said we should fight for the closure of Sellafield. That is the first thing.

Safety standards have increased since an incinerator was proposed for Stoney Mountain. I remind the hon. gentleman that SMOG, which fought the Stoney Mountain incinerator, was not against incineration at all in principle, but against the fact that it was the wrong place to put an incinerator. The organisation believed that incinerators should follow the principle of proximity, in being close to the main areas where waste arises.

The Speaker: I am going to allow only two more supplementaries because we are not going to have a debate on incineration yet again. The member for Douglas South, Mr Duggan.

Mr Duggan: Thank you, Mr Speaker. Could I ask the minister, if dioxins are not a health risk, why does the inter-governmental negotiating committee of the UN's environmental programme, representing 115 countries, name dioxins and furans in its dirty dozen of persistent organic pollutants POPSH and want to ban them?

Mr Cretney: Hear, hear.

The Speaker: The minister to reply.

Mr Gilbey: The answer to this, Mr Speaker, is so easy that we have discussed it dozens and dozens of times over. Everyone agrees that dioxins are undesirable, but the fact is that the mass burn incinerator proposed for the Isle of Man would produce one more dioxin for every 1,000 now in the atmosphere. No one says they are not undesirable; they are, we all agree that. (*Interjection*) The point is that the amount produced by modern incinerators is infinitely less than the amount produced; such as by things such as bonfires, power stations -

A Member: Limousines.

Mr Gilbey: - coal fires in chimneys, and all the other things. I look forward to the hon. member suggesting steps to deal with the 1,000 dioxins that are here now, and not the small addition that an incinerator would produce. (*Interjections*)

Housing Authorities — Criteria for Inclusion on Housing Lists — Question by Mr Karran

The Speaker: Question number 8, the hon. member for Onchan, Mr Karran.

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

What criteria did each Manx housing authority apply for including on its housing list (a) a couple and (b) a single person in -

- (i) 1990;*
- (ii) 1995; and*
- (iii) what criteria does each authority apply today?*

The Speaker: The Minister for Local Government and the Environment to reply.

Mr Gilbey: Mr Speaker, further to the hon. member's question, I have had enquiries made at the Island's functioning housing authorities and have been informed as follows:

If I may I will deal first with part (iii) of the question, the current criteria required for acceptance to a housing list are:

- (a) in all cases a minimum period of residence in the Island of 10 years as this is a legal requirement by virtue of the Housing (Miscellaneous Provisions) Act 1976.
- (b) A specified period of residence determined by the relevant housing authority in the area of that housing authority. With the exception of Douglas Corporation, which requires 10 years residence, each housing authority requires a minimum of five years residence in the area in which it provides housing.
- (c) All the housing association authorities consider the financial circumstances of the applicants, but use different criteria for this. Where it is felt that the applicants are in a position to provide their own accommodation, either by purchase or renting, then they would be encouraged to do so.
- (d) In the case of a single applicant under the age of 45, without dependant children, most housing authorities would accept an application only if there are exceptional circumstances, such as a severe medical condition, for example, supported by a certificate from a doctor.
- (e) in the case of an unmarried couple who have no dependent children, the housing authority may accept an application if it is satisfied that there is a definite marriage date in prospect. Such an application would then be considered for allocation four weeks prior to the marriage date.

Again, there are different criteria. In explaining these criteria I remind hon. members that the established policy, set out in successive annual policy review reports presented to Tynwald by the Chief Minister, is to provide public housing for those who cannot afford the cost in the private sector and for those with special needs.

I turn now to parts (i) and (ii) of the question. We are advised that there are no significant differences between the current criteria and those applicable either in 1995 or in 1990 except for the following:

- (a) Onchan Commissioners recently reduced the required period of residence in the district from 10 years to five years, and
- (b) both Braddan Parish Commissioners and Port Erin Village Commissioners previously accepted applications from single persons under the age of 45 who have no dependent children.

Those changes are likely to have increased the category entitled to be included on the waiting lists, rather than to have reduced the numbers on the lists.

The Speaker: A supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the minister revisit this question and get the reality and the facts on the information in the question? I know that he is wrong as far as Onchan is concerned. Secondly, does the Minister agree with the old adage that there are none so blind as those who won't look? In this case, that applies to his department in respect of the housing problem. We have got a situation where he is not involved with the reality of the situation on the housing criteria and how they have changed over the last 10 years. I am sure that other hon. members in this hon. House have found it much harder to get people on to local authority lists now than they did 10 years ago.

The Speaker: If there was a question there, would the minister reply?

Mr Gilbey: All that I can assure the hon. member is that this has been looked at very carefully by a very senior officer, who spent a great deal of time on it - time that would have been better spent on finding ways of providing more houses and on the other such work for which he is responsible. I believe that he has done this conscientiously and produced the best information that he could get. As I have stressed, this information has been supplied by other parties, and I believe that he has shown complete integrity in reporting what they have said. I certainly do not want him or other officers to spend more time researching this, but it is open to the hon. member, if he has contrary information, to write and give us that information. I hope he will do that.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, will the minister give a detailed written response to what is said in this hon. House today, because I would like hon. members to look at the criteria. Would the minister agree that once again he is hiding from the real issue of the housing crisis? He cannot even give us the real facts on this issue.

The Speaker: Minister to reply.

Mr Gilbey: All that I can say is that the real facts, as presented to me by an officer of considerable integrity and experience who has no reason to put in untrue facts, are as I have presented them. I believe that they are completely correct and that the onus is on the hon. member if he disagrees to provide information to that effect. I believe, as I hope most members will, that our officers' time is better spent producing more houses than answering these questions, which are of no help to anyone.

The Speaker: Final supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the minister agree that, if his department does not recognise that there is a problem at the moment, questions are needed to make him realise that and to start living in the real world on the current housing crisis? Will he circulate the detailed response to this question to hon. members of this hon. House? We can then prove whether it is right or whether it is incorrect.

The Speaker: Minister to reply.

Mr Gilbey: Well, I will send the hon. member copies, and he may then provide counter information if he is able to do so. Nobody says that there is not a problem for a large number of people regarding housing. There is a problem, but it has little to do with the information that has been researched here and given to this hon. Court, because this information will not produce one more residential unit for anyone.

The Speaker: Now, hon. members, that completes the oral questions. For written answer there are questions 9, 10, 11, 12, 13, 14, and 15, which are on your desk.

**National Lottery — Sum Remitted to the Sports Council —
Question by Mr Houghton for Written Answer**

Question 9

The hon. member for Douglas North, Mr Houghton, to ask the Minister for the Treasury:

- (1) *During consideration of the National Lottery Bill in this hon. House, what percentage of commission received from the sale of the National Lottery tickets did you undertake to remit to the Sports Council;*
- (2) *what sum has the Treasury remitted to the Sports Council to date; and*
- (3) *how much do you anticipate will be remitted in the current financial year?*

Answer

- (1) The Treasury receives the excise duty from the sale of National Lottery tickets on the Island. It does not receive a 'percentage of commission.'

No undertaking was given during the consideration of the National Lottery Bill that a specific percentage of the excise duty received in respect of the sale of National Lottery tickets on the Island would be remitted to the Sports Council.

The National Lottery (Designation) Amendment Order 2000, approved at the February 2000 sitting of Tynwald, determines the allocation of excise duty in relation to the Public Lottery Trust for the financial year 2000-2001. It directs that the first £200,000 of excise duty received and one third of excise duty in excess of £400,000 be paid to the Public Lottery Trust.

In moving that order I undertook that the Sports Council would receive:-

Half of the excise duty received, between £200,000 and £400,000 and one third of any excise duty received in excess of £400,000.

- (2) As at 30th November 2000, £98,000 has been remitted to the Sports Council.
- (3) The original estimate of excise duty receipts from the National Lottery sales on the Island for 2000-2001 was £500,000, of which the Sports Council would have received £133,000. If ticket sales for the rest of the year continue at the same level as to date, the Sports Council is anticipated to receive in the region of £190,000.

Average Earnings of Employees — Question by Mr Henderson for Written Answer

Question 10

The hon. member for Douglas North, Mr Henderson, to ask the Minister for the Treasury:

- (1) *What is the most recent figure of the average earnings of male and female employees on the Island; and*
- (2) *what percentage of the economically active population were at, or below, that figure?*

Answer

- (1) Average earnings of full-time male and female employees on adult rates of pay whose pay for the survey period was not affected by absence were shown by the Earnings Survey 1999 to be £383.54 per week in June 1999. The publication of the results of the Earnings Survey 2000 will be released tomorrow 6th December 2000.

(2) The main results of the annual Earnings Survey refer to full-time employees on adult rates of pay whose pay for the survey period was not affected by absence although some tables showing earnings per hour include part-time employees on adult rates of pay whose pay for the survey period was not affected by absence and for whom basic hours of work were reported.

The economically active population includes not only full-time and part-time employees but also the self-employed and those who are unemployed but seeking work.

So the coverage of the Earnings Survey is for employees rather than the economically active population and the results of the Earnings Survey are standardised to remove the effects of absence through sickness and so forth.

Hence the Earnings Survey results do not show data for the economically active population.

However, published results for the Earnings Survey 1999 show that 61.8 per cent of full-time employees on adult rates of pay whose pay for the survey period was not affected by absence earned less than the average of £383.54 per week.

**Leslie Report — Resources Available to the DHSS —
Question by Mr Houghton for Written Answer**

Question 11

The hon. member for Douglas North, Mr Houghton, to ask the member for Health and Social Security:

Following the recommendations in the Leslie report, what additional resources have been made available, or promised, to your department?

Answer

Whilst the majority of the recommendations of the Leslie report related to legislation procedures and practice, there were some that specifically related to resources. The report identified resource requirements in the following areas:

Mental health specialist social workers; consultant psychiatrists and their administrative support; clinical psychologists; and specialist accommodation for persons suffering from mental illness.

At the time of the report, in 1997, there was one mental health specialist social worker. A further five such posts have now been provided and there are currently four mental health specialist social workers in post and we are seeking to fill the other two posts.

At the time of the report there were two consultant psychiatrists established on the Island. Three further posts have now been provided, one of which is a specialist in child and adolescent psychiatry and another which is a specialist in drugs and alcohol. All five posts have been appointed and each consultant has been provided with secretarial support.

At the time of the report there was only one clinical psychologist on the Island. A further two posts have now been established, but it has not as yet been possible to recruit appropriately qualified and experienced staff.

At the time of the report there were significant difficulties in finding appropriate housing for people recovering from mental health problems. Whilst the general housing situation remains difficult, the department has entered into a partnership with PRAXIS, a

leading mental health charity from Northern Ireland, and with assistance from the Ballamona Association for Mental Health six sheltered housing units have been established. These units will be provided with staff support by PRAXIS and will receive their first tenants early in the new year.

Noble's Hospital — X-ray Department — Question by Mr Henderson for Written Answer

Question 12

The hon. member for Douglas North, Mr Henderson, to ask the member for Health and Social Security:

- (1) *Has the X-ray Department at Noble's Hospital its full establishment of staff;*
- (2) *what is the present average waiting period for patients requiring (a) urgent and (b) non-urgent X-ray;*
- (3) *recognising that delay may result in increased patient anxiety, particularly for those awaiting diagnosis, what action is your department taking to reduce the average waiting period for non-urgent X-ray;*
- (4) *are general practitioners made aware of the current average waiting period for non-urgent X-ray; and*
- (5) *if so, are they encouraged by your department (a) to inform patients of the current average waiting period and (b) to establish procedures for patients to contact them periodically to seek information on any change in the period?*

Answer

The Radiology Department has an establishment of three consultant radiologists and 18 radiographers. At present there is a fourth consultant radiologist (long-term locum) and one radiographic vacancy.

For general x-rays there is no waiting list as patients are examined on arrival. For those examinations needing appointments, the longest waiting period for non-urgent cases is at present four weeks. If a case is considered to be urgent then the general practitioner discusses the case with a consultant radiologist, and if appropriate, the examination is expedited.

With the present staffing levels, the waiting lists are considered acceptable on clinical criteria, although the waiting lists are constantly reviewed and action taken if certain examination waiting times are seen to increase.

All general practitioners are issued with a monthly bulletin of the waiting times for various examinations. This information is not confidential and can be used at the general practitioners' discretion.

Schools — Staff Absences — Question by Mr Rimington for Written Answer

Question 13

The hon. member for Rushen, Mr Rimington, to ask the Minister for Education:

In the academic year 2000-2001 to date what is -

- (1) *the total number of teaching staff in the department's schools;*
- (2) *the number of absences from work of the teaching staff;*

- (3) *the number of such absences which have been in excess of one month;*
- (4) *the number of absences in excess of one month attributable to illness; and*
- (5) *the number of such absences attributable to illness which was, or believed to be, stress related?*

Answer

- (1) There are 777 primary and secondary school teachers.
- (2) There were 1,650 days of absence (5th September to 30th November 2000) (This is in the context of 45,066 possible total teacher days attendance and is a 96.4 per cent attendance rate.)
- (3) Twenty five teachers were absent in excess of one month. (i.e. 3.2 per cent of the teaching staff.)
- (4) Nineteen of the 25 teachers were absent in excess of one month due to illness. (i.e. 2.45 per cent of the teaching staff.)
- (5) Four of the 25 teachers were absent in excess of one month due to illness which was, or was believed to be stress related. (i.e. 0.51 per cent of the teaching staff.)

Schools — New Initiatives for Staff — Question by Mr Rimington for Written Answer

Question 14

The hon. member for Rushen, Mr Rimington, to ask the Minister for Education:

What new initiatives have been introduced for the teaching staff in your department's schools, in the last three years to date, with respect to -

- (1) *the curriculum;*
- (2) *salary;*
- (3) *performance targets; and*
- (4) *professional appraisal?*

Answer

The Concise Oxford Dictionary gives the meaning of 'initiative' as being the 'first step.' Accordingly, this question refers only to those changes affecting teaching staff which result from something having been introduced for the first time and which are not alterations or revisions to existing duties or programmes.

Whilst there have been a number of changes in the education service over the last decade, many of them have in fact been alterations to long established practices. The following are the new initiatives introduced over the last three years with respect to the curriculum, salary, performance targets and professional appraisal.

Year Ending December 1998

- * Planning and implementing the National Literacy Strategy (in primary schools.)

Year Ending December 1999

- * Planning and implementing the National Numeracy Programme (in primary schools.)

- * Increasing school-level support for newly qualified teachers (in primary and secondary schools.)
- * Setting targets for pupils (in primary schools.)

Year Ending December 2000

- * Planning and implementing new AS courses (in secondary schools.)
- * Planning and implementing the Foundation Stage Curriculum (in Nurseries and Reception classes.)
- * Utilising the greater flexibility resulting from the revised National Curriculum (in primary and secondary schools.)
- * Making use of the free laptop computers issued to all full-time teachers (in primary and secondary schools.)
- * Using the department's guidelines, produced in conjunction with the professional associations, to minimise the paperwork involved in planning (in primary schools.)
- * Applying for a £2,000 per year rise in salary for eligible teachers in accordance with national agreements on teacher's pay and conditions (in primary and secondary schools.)
- * Establishing a performance management policy within each school in accordance with the national agreements on teacher's pay and conditions (in primary and secondary schools.)
- * Head teachers setting performance objectives for themselves, to be approved by the governing body and recommended to the department in accordance with the national agreements on teacher's pay and conditions (in primary and secondary schools.)

Gas Prices Inquiry — Question by Mr Henderson for Written Answer

Question 15

The hon. member for Douglas North, Mr Henderson, to ask the Chairman of the Office of Fair Trading:

- (1) *When will the inquiry conducted by your office into the price of gas on the Island be completed; and*
- (2) *once it is completed, will it be*
 - (a) *laid before Tynwald; and*
 - (b) *published?*

Answer

The inquiry into gas prices on the Isle of Man was carried out under section 19 of the Fair Trading Act 1996 which enables the Office of Fair Trading to carry out an investigation into any price with a view to providing the Council of Ministers with information relating to that price. The draft 'Report into Gas Prices on the Isle of Man' was considered by the Council of Ministers on 9th November and they have requested certain additional information from the office, which we are now preparing and will be discussing at a meeting scheduled for 8th December. Following this, the final report will be submitted to the Council of Ministers and the inquiry may then be considered as completed.

The procedure to be followed in connection with the publication of the report is detailed in schedule 3 to the Fair Trading Act as follows -

The report shall be laid before Tynwald, and the Chief Secretary shall -

- (a) publish notice of the report, identifying the subject matter with sufficient particularity, in one or more newspapers published and circulating in the Island;
- (b) make a copy of the report available for inspection by any person free of charge at all reasonable hours at such place in the Island as appears to him appropriate; and
- (c) cause copies of the report to be available for sale to any person at such reasonable charge as he may determine.

Bills for First Reading

I now call upon the Secretary of the House.

The Secretary: The Income Tax Bill, Mr Corkill; the Children and Young Persons Bill, Mr Cannell; the Education Bill, Mr Rodan.

Residence Bill — Third Reading Approved

The Speaker: Item 19 on your order paper, The Residence Bill for third reading, Mr Cretney.

Mr Cretney: Thank you, Mr Speaker. This Bill is not a huge piece of legislation. As I have stated previously, it is an enabling measure and much will depend on what is written into the regulations and directions which can be made under the legislation. However, the way to have a mechanism to manage population growth is not to come forward at the time of crisis and try to react, but to have a Bill and suitable regulations carefully thought out and ready as part of our forward planning.

There has been a Residence Bill in the government's legislative programme for a number of years, and I think it is fair to say that this legislation has been one of the longest deliberated Bills to come before this hon. House with, of course, extensive public consultation. A reserve power to manage population growth has always been considered an important part of the government's long-term strategy for the future development of the Island. This strategy envisages the continued expansion of the economy, with greater diversity and improved productivity, without the quality of life being undermined.

Some growth in population must be expected as part of that strategy, but the ability for government more effectively to manage the situation by placing restrictions on excessive population growth as a means of combating overheating and other negative impacts is necessary as a safeguard.

As I have stated, there have been extensive consultations in respect of the Bill, both as part of two wide-ranging consultation processes and necessary discussions with the Home Office, in which we had to persuade the United Kingdom Government that what was being proposed would not cut across existing immigration law, our European Union protocol 3 obligations, or our obligations under the European convention on human rights. We have had firm advice that this proposed legislation does not in any way contravene such international obligations.

Two main issues were examined by the Social Issues Committee of the Council of Ministers throughout consideration of this matter. Firstly, is considered whether there was a need to put in place a mechanism for managing population growth, and if so what means of population management should be considered. I do not propose to repeat all the information to which I referred during second reading, other than to advise that the committee examine a number of existing public control mechanisms and various other alternatives to the Residence Bill during its deliberations. However, it concluded that the existing mechanisms for managing population growth were not in themselves sufficient for the sort of situation which the Council of Ministers was contemplating and that there was no existing means of responding effectively to a rapid influx of population. Furthermore, the conclusion that was reached after looking at the alternative measures available was that none met the need, so there was no option but to create a

mechanism to manage population growth. The mechanism proposed by the committee is contained in the Residence Bill.

This Bill is a piece of legislation which will apply to all new residents. It will need to do so if we are properly to manage overall population growth. We cannot do that by only controlling new residents. It would be impossible to differentiate those living on the Island lawfully from those who were here unlawfully.

I accept - and I have tried to be open right from the start - that this will be considered by some Manx-born people, to be somewhat burdensome. However, the maintenance of the quality of life that we treasure so much must be a price worth paying.

The basis of the Bill is residency. It does not prevent entry into the Island or deal with employment or property ownership. It simply provides that, in order to take up residence on the Island or to change residence, the person doing so will need to prove to the person providing the accommodation that they are registered as a person entitled to reside here.

Questions were raised during consideration of the clauses about those with no fixed abode and those who lived in mobile homes, caravans, caves et cetera. The Bill is intended to apply to all persons living permanently on the Island and to all forms of accommodation. To avoid loopholes, residential accommodation will be widely defined to include premises, vehicles, vessels, or any part of any premises, vehicles or vessels, and any other place used for the purpose of human habitation.

I think that hon. members are aware of the provisions of the Bill and the proposals that it contains in principle, so I do not propose to go through that again. I think it is important to reiterate that this Bill will not affect the Immigration Act and is a separate piece of legislation. Someone wanting to come to live on the Island who was subject to the Immigration Act would need to satisfy both Acts before they could take up residence.

The Bill proposes a few amendments to the Control of Employment Acts, and it is envisaged that the two pieces of legislation would work in parallel in the first instance.

The operation of the economic gateway under the Residence Bill would provide a management mechanism for those coming to reside and work on the Island, but there would continue to be a need to regulate by means of work permits workers who work for short periods on the Island without establishing residence. Residual control of employment provisions would therefore remain.

In coming to a conclusion, I think it is important to repeat my earlier comment that this Bill is seen by the Council of Ministers as forward planning. It is also worth saying that there is concern that, in opening uninformed public debate on the Residence Bill, a message will go out that the Isle of Man is closing its doors to new development. The Council of Ministers is anxious that this should not be the message that goes out and that the emphasis is on our forward planning, which I firmly believe is the correct and responsible way forward and will be welcomed by the majority of those who care for our Island and its future. I beg to move the third reading of the Residence Bill, Mr Speaker.

Mr Gelling: I would like to second, Mr Speaker, and reserve my remarks.

The Speaker: Mr Cannell, member for Onchan.

Mr Cannell: Thank you, Mr Speaker. Hon. members will not be surprised to see me coming to my feet to speak about what I feel is anything but what the mover described. He said that the Bill was not a huge piece of legislation, but I beg to differ. I think it is a massive piece of legislation. It is a sea change for this Island, for certain. He also said that it was somewhat burdensome to Manx people. I accept the principle that is the Bill tries to establish, in that everybody must be on the register and the only way that that can be achieved is by putting Manx people on the register by the transference of their house. Of

course, that may take many, many decades to achieve, because not everybody moves house all the time, although you would sometimes think so on this Island. However, in fact, the Bill is calling upon the people of this nation to establish their right to live here.

Personally, and on behalf of a lot of other people, I do not need to establish my right to live in the Isle of Man. My birth certificate says that I am Manx, and that is quite sufficient for me. I do not need to move house within the Isle of Man to prove something that I already have on public record, as have, a lot of similarly placed people. I accept that it would be a small price to pay if we were to achieve what we are after on this, but I wonder if the mover is aware of expert opinion on the impartiality of people who will be judging such matters? Some members of the tribunal, according to clause 5, are appointed by the Council of Ministers. I wonder if the mover is aware of a legal opinion which has been expressed, that that might prejudice the independence of those members if it was to be challenged? I wonder if he could comment on that.

I have to say that I think I have made my point on previous occasions, so I shall not take up the precious time of this hon. House any further, except to re-register my disappointment that genuinely - Manx people will be placed in such an invidious position. There are a number of other anomalies which I do not care for either, but I would like some enlightenment from the mover on those particular issues that I have addressed.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, what concerns me today is not allowing this sort of legislation to become just a window dressing exercise. I believe that if a Residency Bill is to have any effect in the Island, it will take a decade, just as the work permit legislation took a decade to take effect. The truth of the situation is that we have no clear understanding of how many people live in this Island. As I have said before, there are only guestimates as far as that is concerned.

I believe that it is too simplistic for my hon. colleague to say that it is terrible that people have got to be registered as Manx born. Well, as a fellow Manx-born person, I accept that if we want some sort of control, there are always liabilities as far as that is concerned. My concern is that we should be seeing an order in Tynwald within the next couple of months in respect of this piece of legislation. Not that I want to close the door, but I know the reality of what seemed to be sadly lacking in this hon. House when we listened to the likes of those who have responsibility for housing trying to justify the deviant ways in which local authorities keep throwing people off housing lists. The same applies with the Bill. The reality is, when we bring this legislation into operation, it will take a good decade to do so and to get it work right.

I also believe that the amendments that I put forward should have been accepted. History will be the judge to know whether I was right or wrong as far as that is concerned. But I believe that that should be the case.

In supporting this Bill, I have to be honest with you, Vainstyr Loayreyder. I personally believe that a time will come when we will have to have our own immigration policy. Maybe it should not be as harsh as that of Bermuda, but it should be something on those lines if we are to keep the quality of life in this country. We cannot talk about nationhood and government if we cannot have any sort of control over who comes into the land.

I will support the third reading of this Bill. I am not happy, but I believe that it is better than nothing. I think that it will be used as a smokescreen to try to pretend that something is going to be done, but I do not believe that there is any political will to do anything to introduce any sort of residency control mechanism in this Island.

I hope that, if we do introduce a Residency Bill I cannot see it coming in the very near future - we will not use the work permits in the same way. The work permit legislation is very good for stopping the poor

crook, but it is no good for stopping the rich crook. I believe that, when this piece of legislation is implemented, which I do not see happening for a long time, it needs to be recorded in Hansard that we will then be able to get rid of work permits. If we invite people to come and live in this country, they should have the freedom to work wherever they want and not be used as cheap fodder for scab employers who will trap them into jobs, as they used to do until the economy started to boom. That is what used to happen with work permits. People were brought in and were allowed to come in, but they were trapped, often with bad employers. I hope that when this Bill takes effect, we will recognise the principle of residency, and that if you get residency you work wherever you want to work. Otherwise, we have a subtle means of discriminating poor people who come to this country against the rich ones.

The Speaker: Mr Corkill, member for Onchan.

Mr Corkill: Mr Speaker, I rise to my feet because of a comment by the previous speaker, my colleague for Onchan, Mr Karran. He said just now that it is clear that there is no indication of the population of the Isle of Man. That is totally incorrect. We are actually heading towards another census next year, which will clearly indicate the population of the Isle of Man, as have the previous census operations that have been carried out on a timely basis. There will be orders before another place to kick that into action in the next year.

I just want to make sure that that is on record, but I know that the hon. member is concerned about the numbers of people on the Island. It should not go unchallenged that in fact the government does not know what the numbers of the population are. What is true is that, because of economic activity, lots of people are moving on and off the Island, as happens at this stage in an economic cycle. That may give the illusion that a lot more people are resident here than actually are. Certainly, information such as the number of people travelling through the airport may give that impression.

The other issue is that, on previous occasions, the economic affairs division of the Treasury has, year on year, used a formula to update the census figure. The previous record will show that they are pretty accurate year on year when the census is carried out; the figures are never too far adrift.

I, too, have reservations about this Bill. As someone who is Manx-born and bred, it does feel rather hard to accept that, to move house at some stage, you have to have a registration process and a piece of paper to approve that process, when you have been born and bred on the Island. Of course, if I go and live in the UK I do not have to endure that. I have that right, but here we are introducing a system.

In terms of the overall objectives of the Bill, however, it is not really a very big price to pay. I certainly see this legislation as an economic lever. It does not stand alone but is part of a policy of economic control of the Island's destiny, and I can go along with that. I would hope that it is not seen as window dressing and that what people are actually looking for is control on a wider front, not just of population numbers, but of the economy and of the way of life. It is much broader than just the issue of what is in the legislation itself.

I have to say that I feel that, once this legislation is enacted, there will be no need to race forward with it. We all know that there are economic cycles, that activity rises and falls and that very much of that activity is dependent on external factors that we have no control over anyway. We see rises in population followed by a steadying over a number of years. Some years it actually goes backwards; then we get another economic cycle; and then we step forward again. That is the way in which the Island has proceeded for many years. We should be able to accept that that is probably what will happen in the future. But in a changing world, where hopefully our economy is going to be stronger and stronger, I believe that this legislation is a useful tool in respect of other aspects of economic control, whether they concern taxation or social policy. All these sort of things go hand in hand.

I am concerned that my hon. colleague brought immigration control into the debate, although he said that our system should perhaps not apply in the same way as in Bermuda. I have to say that some of the things I hear from other islands such as Bermuda absolutely horrify me from a human rights aspect. I understand that there are people of Portuguese extraction who lived in Bermuda for maybe over 20 years and had children there who are now adults, but are now effectively being forced to go back to live in the Azores, where they came from originally. I would hope that we never ever go down that road and feel so threatened that we effectively start to deport people. That is basically what happens in these situations. On an international front, such a policy would really look bad. It would certainly be something that I could not tolerate. As a Manx citizen, born and bred, and having been to other places but speaking as a resident of the Island for many many years, I know that my family and my descendants have the ability to go and live in the UK unfettered. We have freedom of movement throughout the European Union. Those are very important issues for us to consider from time to time. We enjoy those rights. I think we ought to be circumspect in what controls we wish to apply to others who come to live on the Island and are contributing to the Island. But I think that the government's policy is to introduce the Bill as an economic lever as part of the arsenal. On that basis, I support it wholeheartedly.

The Speaker: Sir Miles Walker.

Sir Miles Walker: Yes, thank you, Mr Speaker. As one who struggled to get this piece of legislation into green bill form for about eight years, I rise today to support third reading. I think that this is an important piece of legislation, and it is right to have it on our statute books. It has been a lesson in doing something ourselves, rather than apeing what is done elsewhere. I think we should recognise that and congratulate all those that have been involved with the drafting of this piece of legislation during its formation.

I would rather see this piece of legislation introduced later rather than sooner. The hon. member for Onchan expressed the wish that it be sooner rather than later. I am not in that camp and I think that the pressures on the Council of Ministers to introduce this piece of legislation, once it is on the statute book, will be pretty strong. I think the Council of Ministers has to consider very carefully when that right time is and to make that recommendation to Tynwald. As I say, I am certainly not convinced that it is now and I hope that it will be later rather than sooner.

Quality of life is often mentioned during discussion of this sort of legislation. It is right that it is, but quality of life is not only about population and population control. It is also about a good health service, as I think has been stated by our population on a number of occasions. To have that good health service, you need money to invest in it. Without a growing economy, in a small island like this that money will not be there. We have been through such periods, and I for one do not want to see them back for some time. So it is a balance, like so much in this life, of determining when controls ought to be applied legislatively against the growing of the economy and the nurturing of what I believe to be a very sensitive issue.

It was quite interesting to hear members call for this legislation to be implemented right away. Reflecting on that point of view, I wonder who would be prevented from coming to the Island if this were applied? Would it be the 400 or so public servants whom it has been determined that we need over the next few years, those who are coming along to work and drive our economy forward in the finance sector, or those people who want to import or come to the Island to live or work in the service industries in our industrial sector? Diversification of the economy is fundamentally important, and I agree with that statement as well. Such difficult questions will have to be addressed at some stage.

As far as our work permit system is concerned, I would also like to see a proper resident situation take over from the work permits that we have at the moment, although I accept that for short-term workers on the Island some work- permit-type system would probably be required. There is a very simple answer regarding the anomalies in the work permit system that are facing us now and that is, in fact, to do away

with it. Work permits are useful in times of high unemployment. However, in times of high employment when work permits are issued almost on request - I know that there is some looking into individuals' backgrounds - the need for the economy to have more labour that seems to be accepted by the work permit people. I think that the work permit system has outlived its usefulness, certainly when the economy is going as it is at the moment but, as far as this piece of legislation is concerned, I welcome it.

I congratulate the hon. member for Douglas South for bringing the Bill forward, I hope that it receives a smooth passage in another place and gets on to the statute books in good time and I am 100 per cent, sir, in support of it.

The Speaker: Mr Quine.

Mr Quine: Thank you, Mr Speaker. I give this Bill strong support for its third reading. I thank Mr Cretney for grasping this nettle and agreeing to take it through the Keys. In common with perhaps a number of other members, I recognise that some aspects of this Bill are not going to be welcomed by certain sections of the community, but I feel that we are down to a basic choice. We have either to move in this direction and make some reasoned and sensible approach to putting our regulatory mechanisms in place, or we will just stand as we have done in relation to many issues in the past, wring our hands and say that something should be done, but we are not quite sure what.

I am sure that this Bill is the first step in a logical and sensible approach to providing a regulatory mechanism that makes sense. I do not share the concerns of some contributors to this debate that, because we not only have this Bill in place but we go forward with the secondary legislation, that that will spell disaster for the economy. I do not think that is the case at all. It is a case of having sensible and judicial controls that can effect the tuning, which is necessary, but not of such a nature as to choke off economic development. I do not see that as being a real danger if it is applied properly.

I am quite happy to support the Bill's third reading. I hope that it will move from here and very quickly receive similar support in another place. We can then move on to aspects of this debate that have been touched upon here today, such as the matter of the secondary legislation, what goes in it and when it will come into force. I certainly hope that we can have a debate on that aspect within a few months. I know that we have to wait for it to go through the branches et cetera, but I hope that we could then grasp that within a few months. We must not get into a scenario where this is left ad finitum - left on the shelf again - because people are apprehensive about touching it or about doing so before a general election. I believe that we have to move forward, give this Bill the approval that it deserves, have another place do likewise and then return as quickly as possible to grasp the more complicated issues that will evolve from the supporting secondary legislation. But for today, sir, I am very pleased to support the third reading.

The Speaker: Nobody else wishes to speak? I call upon Mr Cretney to respond.

Mr Cretney: Thank you, Mr Speaker. I thank each of the hon. members who have taken the opportunity once again to contribute to this important debate. I say to the hon. member for Onchan, Mr Cannell, that in terms of the green Bill and the size and quantity of clauses et cetera that it is not a huge piece of legislation.

The important feature of all this will be the regulations which flow from hopefully this House, another place and Tynwald passing the primary legislation. The independence of the tribunal is a point that has been raised previously. I have seen legal comment about it and I have sought further legal comment on that point. Comments were made about the tribunal by the Clerk of Tynwald, who advised us that the Council of Ministers cannot give directions to the tribunal.

Directions can be given to the Registrar and, in dealing with the review, the tribunal is required to take the directions of the Registrar into account. The review is the Registrar's decision, not the

regulations or the Council of Ministers' directions. The legal advice is that the tribunal is rendered partial by such provisions. The issue of tribunal independence and Council of Ministers appointments has been raised before. I accept that there is something in what the Clerk says, although, given the undirected independence of the chairman, legal advice would not be as dogmatic.

We have also obviously, in terms of our international obligations to which I referred earlier, had to seek approval to make sure that this does not contravene them and is not seen to cause problems, and we have had assurances about that.

The point which the hon. member for Onchan, Mr Cannell, made was again about Manx-born people having to register when they moved home, and that that could take decades. That is right, but Manx people, if they wish, can also take the option to register as and when this Bill becomes law. It will be their right to do so. As I have said previously, that price is worth paying.

We are not devaluing Manx people in any way, shape or form. In fact, in my opinion by this legislation we are trying to protect what is important to so many of us. I now have a dilemma because of the two other Onchan hon. members. Mr Karran wants in now or yesterday, and Mr Corkill does not want to race forward with it, so I accept what Mr Quine said about my grasping a nettle. Well, I was a volunteer. I am a strong supporter of this and always have been, but given the diverse views, not only here, but outside, about when is the right time to introduce the regulations, it will be an ongoing debate.

However, we should not shy away from that, because it is important. This is an important piece of legislation for the future of the Island. We need to continue to develop the economy, but we also need to recognise the adverse effects that could happen if we were swamped. That is what we are trying to avoid. I draw attention to the *Isle of Man Examiner* of Tuesday October 29th 1996, just a few weeks before the last election. At each election, I have made a point in my manifesto about the need for a Residency Bill. I have been elected on every occasion and people generally are in support that. **(Two Members: Hear, hear.)**

The comment I wanted to finish with is one that Mr John Webster made at the time. I have a great deal of respect for John Webster, who said, 'The time to implement measures is before you have problems. The alternative is to wait till overheating starts, and then you are seen to be taking panic measures.' How often is it that sadly we are forced into a position where we take panic measures over a number of different things? Is it not better to take the Bill forward today?

I ask you to support the third reading. We will look at the regulations. We will make sure that they are appropriate. As Sir Miles said, the time to produce it is critical and key. We have got to get the balance right. We all need to remember what went on in the 1950s and before, when people had to leave this Island to find employment. We are in such a fortunate position now. However, the Bill is part of the development of the economy, and I ask members to support its third reading.

The Speaker: Hon. members, the motion is that the Residency Bill 2000 be read a third time. All 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, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Houghton, Henderson, Cretney, Duggan, Braidwood, Downie, Singer, Karran, Corkill, Cannell, Gelling and the Speaker - 20

Against: None

The Speaker: Hon. members, the motion passes 20 votes in favour and no votes against.

Gaming, Betting and Lotteries (Amendment) Bill — Clauses Considered

The Speaker: Hon. members, we now move on to item 20. Mrs Hannan, the hon. member for Peel, has leave of absence for part of today's sitting, so with your permission we will move on to item 21, the Gaming, Betting and Lotteries (Amendment) Bill, Mr Bell, for consideration of clauses. Mr Bell, sir.

Mr Bell: Thank you, Mr Speaker. Clause 1 of this Bill allows betting offices to open at any time except on Good Friday and Christmas Day by removing all other restrictions on their opening. I beg to move that clause 1 stand part of the Bill.

Mr Duggan: I beg to second, sir.

The Speaker: Mr Cannell.

Mr Karran: Vainstyr Loayreyder -

The Speaker: Sorry, not Mr Karran, Mr Cannell. He has an amendment.

Mr Cannell: Thank you, Mr Speaker. I formally move an amendment to clause 1. It is not controversial, I hope. The amendment proposes to commit the Gaming Control Commissioners to prescribe regulations on the management of betting shops. The Gaming Control Commission is currently committed to prescribe regulations for the casino. I am sure a few hon. members here can recall the original licensing of that establishment; some may even recall its establishment in the Castle Mona prior to moving to its present premises. This currently permits prescription of regulations for a casino, and similar provision is also being introduced in the Betting Office Bill for international telephone betting operators. They are known as restricted betting office licences.

This amendment to clause 1 will mean that the Gaming Control Commission will be able to prescribe regulations for all the different licences that are issued. This is a much wider issue than it once was, and the proposal will thus bring betting shops in line with other licence holders. It is particularly important, hon. members, given continuing developments in technology, as the amendment will provide the commission with the ability to react to changes in technology by introducing new regulations where they are required within a short time.

The current position is that the commission is unable to introduce regulative changes except by the introduction of primary legislation, which seriously reduces the commission's ability to react quickly to problems and changes in technology. Hon. members will be well aware of the tremendous advances that there have been in the period under discussion, particularly latterly. The amendment will ensure that an up-to-date regulatory framework is provided for the whole of this industry on an ongoing basis. I beg to move the amendment to clause 1:

Page 1, line 2; for clause 1 substitute -

"1. Conduct of betting offices

(1) In section 20 of the Gaming, Betting and Lotteries Act 19881 ("the 1988 Act"), for subsection (1) substitute -

"(1) The Commissioners may make regulations -

(a) prescribing the rules in accordance with which public licensed betting offices shall be managed; and

(b) providing that a contravention of any provision thereof shall be an offence punishable

-

(i) on information by a fine; or

(ii) on summary conviction by a fine not exceeding £5,000."

(2) *In the said section 20, for subsection (2) substitute -*

“(2) Where any person is charged with an offence under regulations under subsection (1) or (1A) by reason only of his being the licensee, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.”

(3) *Until the coming into operation of section 2(2) and (3) of the Betting Offices Act 20002, the said section 20, as amended by subsections (1) and (2), is modified -*

(a) *by the substitution in subsection (1) of “licensed betting office” for “public licensed betting office”:*

(b) *by the omission in subsection (2) of “or (1A)”.*

(4) *Subject to subsection (5), the following provisions are repealed -*

(a) *in the 1988 Act, Schedule 2 and, in Schedule 5, the entry relating to section 20(1);*

(b) *in section 2 of the Betting Offices Act 2000 -*

(i) *in subsection (2), “(1),” and*

(ii) *subsection (4).*

(5) *Schedule 2 to the 1988 Act shall continue in force, with the substitution for paragraph 1 of the following -*

“Opening hours

1. The premises shall be closed throughout Good Friday and Christmas Day.”

as if it were contained in regulations under section 20(1) of that Act, as substituted by subsection (1), and may be amended or revoked accordingly.”

1 1988 c.17

2 2000 c.

Mr Downie: I beg to second, Mr Speaker.

The Speaker: That is the amendment to the schedule?

Mr Cannell: Yes, sir.

Mr Downie: I rise to second, Mr Speaker.

The Speaker: I call the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, all I would like to know is why it has been deemed in this legislation that the only times that betting offices should be shut is Good Friday and Christmas Day? I wonder if the mover can explain why they have gone from one extreme to the other?

The Speaker: Mover to reply, Mr Bell.

Mr Bell: Thank you, Mr Speaker.

The Speaker: Sorry, Mr Cannell first. Do you have any response?

Mr Cannell: Mr Speaker, I feel that the one person who has spoken in the debate has been speaking not particularly to the amendment, but rather to the overall provisions of the Bill. I am content.

The Speaker: Mr Bell.

Mr Bell: Thank you, Mr Speaker. I ask hon. members to support the amendment, which has been put forward by Mr Cannell, the member for Onchan. The amendment is promoted by my department and we believe that it will give the Gaming Commissioners more flexibility in the future, particularly as the hon. member has explained that changes in technology now may necessitate new regulations and controls being brought in at relatively short notice.

As the hon. member explained, the current situation is that the matter can be dealt with only through primary legislation which, as we all know, can sometimes be quite lengthy and time-consuming. Giving the commission the opportunity to bring in regulations now through Tynwald will speed up the process and enable us to react far more quickly than perhaps we have been able to do in the past.

As far as the hon. member for Onchan, Mr Karran, is concerned, I would have thought that the exclusion of Christmas Day and Good Friday would be self-evident. It has been felt that on religious grounds it would not be appropriate for such facilities to be open to the general public. Therefore, whilst introducing flexibility into the operation of betting offices, we also recognise that both Christmas Day and Good Friday are very sensitive days to a portion of the community, and we feel that it is only appropriate that they should be excluded.

The Speaker: The motion is that the amendment by Mr Cannell stand part of clause 1. Those in favour please say aye; against, no. The ayes have it. The ayes have it. I now put the motion that clause 1, as amended, stand part of the Bill. Those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 2, sir.

Mr Bell: This clause relaxes the restrictions on advertising of betting offices. At present, section 20, subsection (6) of the 1988 Act prohibits the advertising of betting offices except (a) inside the office; or (b) in such a manner as may be prescribed, that is by regulations on premises giving access to such an office.

Subsection (1) allows advertising of a betting office outside the office as well as in premises giving access to it, provided that it is controlled from inside the office and complies with the regulations made by the commissioners under section 47, subsection (1) which are subject to Tynwald approval. Subsection (2) is a consequential amendment, as is subsection (3), and subsection (4) is a transitional modification.

The reference in new section 20, subsection (6) to a public licensed betting office assumes that the Betting Offices Bill has come into force. Until it does, it is to be read as a licensed betting office. Mr Speaker, I beg to move that clause 2 stand part of the Bill.

Mr Duggan: I beg to second, sir.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I am concerned about advertising. I do not want to be in this hon. House trying to take the high ground on this issue, but some people have a gambling problem, and I do not know why we want this type of business advertised.

I understand that the mover is for opening everything whenever you want. It is his right to support that, but I am a little concerned. This seems to be complete deregulation. We are left to the whims of what regulations may come along at a later date. I am very concerned that, just because the United Kingdom has done it, why we should always follow suit. Why do such businesses need to advertise their premises? They have been able to stay there for many years without any more advertisements. I would like the mover to explain this proposal. Many members of this hon. House are not clear about it, but I am brave enough to say so.

The Speaker: Mover to reply.

Mr Bell: Thank you, Mr Speaker. Once again I remind hon. members that any regulations which come in to which the hon. member for Onchan referred must have Tynwald approval. Tynwald will have the opportunity to make its views known at that particular time if it is unhappy with the regulations.

As regards the relaxation on advertising of betting shops, I would have thought that the hon. member would be fully aware that the National Lottery, another major form of gambling which involves vastly more people these days than those who use betting offices advertises freely on and off the Island. Advertisements for the lottery are on television, and in all the national media.

We are trying in this small measure to bring some consistency and logic to our attitude to our local businesses, recognising now that social attitudes have changed considerably, particularly with the introduction of the National Lottery. We are simply reflecting that and, in effect, introducing a level playing field for our own local operators as well as the National Lottery itself. I beg to move, Mr Speaker.

The Speaker: The motion is that clause 2 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 3, sir.

Mr Bell: Mr Speaker, this clause allows tickets for a Christmas draw operated in a public house to be sold in November as well as December. Section 30 provides an exception to the general prohibition on lotteries in the case of a private lottery, which includes a Christmas draw limited to persons working at and customers of licensed premises. 'Christmas draw' is defined in section 30, subsection (2) as a lottery for which tickets or chances are not issued except in the month of December, and for which the draw takes place on or after 18th December and before 1st January next. This clause substitutes the months of November and December for the month of December. I beg to move that clause 3 stand part of the Bill.

Mr Duggan: I beg to second, sir.

The Speaker: Hon. members, the motion is that clause 3 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 4, sir.

Mr Bell: Mr Speaker, clause 4 enables a society lottery to be advertised to the public, provided that the advertisement complies with the requirements to be laid down by regulations. This clause adds to paragraph (h) of section 32, subsection (3) of the 1988 Act a further class of permitted advertisement, that is, a notice or advertisement of such a description and complying with such conditions as may be prescribed by regulations made by the commissioners under section 47, subsection (1), subject to Tynwald approval. It also adds a further requirement, as a new paragraph (1A), that all advertisements, except the one on the ticket, must contain information prescribed by such regulations. Mr Speaker, I beg to move that clause 4 stand part of the Bill.

Mr Duggan: I beg to second, sir.

The Speaker: The motion is that clause 4 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 5, sir.

Mr Bell: Clause 5, Mr Speaker, enables a jackpot prize normally not exceeding £10,000 to be given in a society lottery. Section 32 subsection (3) of the 1988 Act states that 'a Society lottery is not unlawful if the following conditions are observed in connection with the promotion and conduct of a lottery' that is to say, no prize shall exceed £2,000 in amount or value, and no ticket or chance shall be sold at a price exceeding £1.

Therefore a jackpot prize of more than £2,000 cannot be offered. Sub-clause (1) imposes a limit of £10,000 on the jackpot prize where this is authorised to be offered in a society lottery. Sub-clause (2)

enables the commissioners to authorise a society lottery to offer a jackpot prize if; (a) it is promoted by a charity; and (b) the whole proceeds, less prizes and expenses, go to charitable purposes. It also extends to the £10,000 jackpot limit the commissioners' existing power to vary the monetary limits in the case of a particular lottery, complying with those conditions. Sub-clause (3) inserts a definition of a jackpot prize in section 48 of the Act. I beg to move, Mr Speaker, that clause 5 stand part of the Bill.

Mr Duggan: I beg to second, Mr Speaker.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, can the mover just explain with the increase in lottery prizes whether we have sorted out the anomaly there was over property being part of a lottery prize? I cannot remember whether we got around to doing that.

The Speaker: Mr Bell to reply.

Mr Bell: I have to say, Mr Speaker, that I am not sure what the hon. member is referring to, but if he would like to speak to me afterwards about it, I will give him an answer at third reading.

Mr Karran: Yes. I was talking about selling a house by lottery.

The Speaker: Are you moving the clause?

Mr Bell: I move that the clause stand part of the Bill, Mr Speaker.

The Speaker: The motion is that clause 5 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 6, sir.

Mr Bell: Clause 6, Mr Speaker, enables the list of approved bodies, members of which may certify returns of society lotteries, to be amended by order. Section 34 subsection (1) of the 1988 Act requires the promoter of a society lottery to file with the commissioners a return certified by a member of an approved accounting body, showing certain particulars about proceeds, expenses, prizes and sales of tickets.

Section 48 subsection (1) defines approved accounting body as the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants of Scotland, the Association of Certified Accountants, the Institute of Chartered Accountants in Ireland and the Chartered Institute of Public Finance and Accountancy.

Sub-clause (1) adds a new subsection (1A) to section 48, which enables the commission to amend that list. Sub-clause (2) amends section 47, subsection (2), which requires Tynwald approval for regulations and certain orders made by the commissioners by adding an order under new section 48 subsection (1A) to those orders. Mr Speaker, I beg to move that clause 6 stand part of the Bill.

Mr Duggan: I beg to second, sir.

The Speaker: The motion is that clause 6 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 7, sir.

Mr Bell: This clause, Mr Speaker, allows bingo to be played at functions and enables certain events such as horse-racing nights to be run as society lotteries subject to regulation. Horse-race nights are technically lotteries, which also count as gaming since they are played as a game. They are at present strictly speaking illegal, but as they are now so common and seen to be harmless it is thought necessary to legalise them.

Sub-clause (1) adds a new exemption to the general prohibition on lotteries, that is a society lottery which (a) is played as a game, such as bingo; and (b) complies with conditions which are prescribed by

regulations made by the commissioners under section 47 subsection (1), subject to Tynwald approval under section 47 subsection (2).

It is intended that the regulations should authorise bingo and horse-race nights to be organised as fund-raising functions, subject to safeguards to prevent fraud or exploitation. Sub-clause (2) avoids overlap between the controls on gaming and the controls on lotteries in the case of a society lottery played as mentioned in sub-clause (1) previously.

Section 1 subsection (2) of the 1998 Act excludes a lawful lottery from gaming controls, provided that the winners are not ascertained by more than three draws or other events. That proviso would not cover a bingo session or a horse race night allowed under sub-clause (1) above unless there were three or fewer cards or races. So this amendment disapplies the proviso except so far as regulations under sub-clause (1) otherwise provide.

Sub-clause (3) extends another exemption from the controls on gaming that apply to events such as whist drives and entertainment promoted otherwise than for the purpose of private gain. It does so by removing the requirement that not more than one distribution of prizes or awards is made in respect of all games played at the entertainment. This legalises games of bingo at fund raising or similar functions of voluntary organisations at which prizes may be awarded after each card. This exemption is not limited to society lotteries, so it is available to churches and other voluntary bodies which are not registered for lottery purposes.

Sub-clause (4) extends the exemption for society lotteries from the controls applying to pool betting to cover those allowed by sub-clause (1) above.

Sub-clause (5) deals with two provisions applying to licensed premises: clause 37, sub-clause (1), penalises a licensee if the premises are used for gaming with an exemption for lawful lotteries; and clause 80, sub-clause (4), makes it clear that giving liquor as a prize in a lawful lottery is not a sale by retail requiring a liquor licence. Both exemptions are extended to cover lotteries allowed by sub-clause (1) as described.

So, Mr Speaker, I beg to move that clause 7 stand part of the Bill.

Mr Duggan: I beg to second, sir.

The Speaker: The motion is that clause 7 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it.

Mr Houghton, a new clause.

Mr Houghton: Thank you, Mr Speaker. I rise to move a new clause for inclusion in this Bill. Hon. members will recall my notice of intention at the second reading stage, when I wished to bring forward appropriate legislation to permit the sale of scratch cards issued by large companies such as Littlewoods Pools at retail outlets on the Island. This clause will have a parallel effect to that contained in the United Kingdom British Societies and Lotteries Act. I beg to move that this new clause stands part of the Bill, sir:

Exemption for British societies' lotteries

(1) In section 29 of the 1988 Act, after subsection (2) insert -

“(2A) In any proceedings for an offence under subsection (1) it shall be a defence for any person charged to prove -

(a) that the lottery to which the proceedings relate was a lottery which is declared to be not unlawful in Great Britain by section 3(3) (societies' lotteries promoted in Great Britain) of the Lotteries and Amusements Act 1976 (an Act of Parliament),

- (b) *that the promotion of the lottery was managed by a person registered by the Commissioners under section 33A, and*
- (c) *that at the date of the alleged offence he believed, and had reasonable ground for believing, that it was being conducted in accordance with the requirements of that Act and any regulations for the time being in force under that Act.”*

(2) *After section 33 of the 1988 Act insert -*

“33A Registration of managers of British societies’ lotteries

(1) *An application for the registration under this section of a person as the manager of a lottery referred to in section 29(2A)(a) shall be made to the Commissioners and shall specify -*

- (a) *the name and address of the applicant;*
- (b) *the name and address of the society by which the lottery is promoted;*
- (c) *the purposes for which the society is established and conducted;*
- (d) *the name and address of the registration authority with which the society is registered under Schedule 1 to the 1976 Act or, as the case may be, that the society is registered with the Gaming Board for Great Britain under Schedule 1A to that Act; and*
- (e) *where the applicant is a person mentioned in section 9A(1)(e) of that Act, the name and address of the person certified under Schedule 2A to that Act by whom he is employed.*

(2) *The application shall have attached to it -*

- (a) *a copy of the scheme approved under section 5(3)(c) of the 1976 Act which relates to the lottery, and*
- (b) *where the applicant is a person mentioned in section 9A(1)(d) or (e) of that Act, a copy of the current certificate issued under Schedule 2A to that Act to the applicant or to the person by whom he is employed, as the case may be.*

(3) *Subject to the provisions of this section, the Commissioners shall, on application duly made under subsection (1) and on payment of a fee of £50, register the applicant in a register kept for the purpose, and notify the applicant in writing that they have done so.*

(4) *The Commissioners, after giving the person concerned an opportunity of being heard, may refuse to register the manager of a lottery under this section, or revoke the registration of the manager of a lottery under this section, if it appears to them -*

- (a) *that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society;*
- (b) *that the society is not or has ceased to be a society on behalf of which lotteries may be promoted under the 1976 Act; or*
- (c) *the person concerned is not or has ceased to be qualified to manage the lottery under section 9A(1) of that Act.*

(5) *Where registration has been refused or revoked under this section, the Commissioners shall forthwith notify the person concerned and the society in respect of whose lottery he is registered of the refusal or revocation, and that person or that society may, within 21 days of the giving to it of such notice, appeal to the High Court; and Schedule 4 applies, with any*

necessary modifications, to an appeal under this subsection as it applies to an appeal under section 33(3).

(6) Where a person is for the time being registered under this section, that person, or the society in respect of whose lottery he is registered, may at any time apply to the Commissioners for the cancellation of the registration; and the Commissioners shall cancel the registration accordingly.

(7) Every person who is registered under this section shall pay to the Treasury on the 1st January in each year while he is so registered a fee of £50, and, if any such fee remains unpaid at the end of that month, the registration of the society shall be cancelled forthwith.

(8) The Treasury may by order substitute for any amount specified in this section such other amount as may be specified in the order.

(9) In this section “the 1976 Act” means the Lotteries and Amusements Act 1976 (an Act of Parliament).”

(3) In section 47(2) of the 1988 Act, after “33(6)” insert “, 33A(8)”.

Mr Henderson: I beg to second, sir.

Mr Karran: Vainstyr Loayreyder, I know this seems to be getting nodded through, but can we have some idea from the hon. mover about the implications of the new clause? We have an agreement as far as lottery tickets are concerned. We get an agreement on how much profit there is and the VAT that comes to the Island. What will be the implications as far as extending these scratch cards to other British societies is concerned? I would be interested to know what the financial position is as far as the Island is concerned. If the hon. member does not know, I think one of the members from the Treasury should be telling us what the implications are. One of the issues I am concerned with before supporting any proposals here is to make sure that the coffers of the government get what they are entitled to or what we can maximally get out as far as this is concerned.

The Speaker: Hon. member to reply. We are debating in principle the insertion of this new clause.

Mr Houghton: Yes, thank you, Mr Speaker. On the implications, as the hon. member wishes to know and which were set out of course in the second reading stage, I am quite willing to provide him further details. (a) is as with Littlewoods Pools, which pays a fee of some description to the Treasury. Again, the Treasury minister no doubt would give you further information on that. There is an agency commission for the agents to sell. Obviously, there are prizes for members of the public to win and further to that, 20 per cent of the overall profits go to the Roy Castle Cancer Fund. I am absolutely sure that members over here benefit there from, although when they go to the UK for treatment. I beg to move, sir.

The Speaker: The motion is that the new clause be accepted in principle. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Now, hon. member, formally move the new clause, please.

Mr Houghton: Thank you, Mr Speaker. I beg leave formally to move that this clause stand part of the Bill, sir.

Mr Duggan: I beg to second, sir.

Mr Karran: Vainstyr Loayreyder, the silence is deafening as far as this is concerned. *(Laughter)* I am a little bit concerned that we have not had any input from the Treasury. Is it the case that the same allowances have been agreed with the United Kingdom authorities as far as this lottery is concerned? Do we have an agreement as far as getting the same amount of money out that we would do out of national lottery scratch cards and the likes? I would just like to know whether I can summon anybody from

the Treasury in order to inform this House. I just feel that we need to know, because at the end of the day, these other ways of raising money are important. I would like to know before opening up to Littlewoods and the likes what implications that has if people buy Littlewoods cards instead of the national lottery. Do we get a percentage cut or don't we get a percentage cut? I would like the Treasury to be able to inform this hon. House before we go down this road.

The Speaker: Mr Corkill, member for Onchan.

Mr Corkill: Mr Speaker, having been summoned to my feet, I would not want to disappoint my hon. colleague from Onchan, Mr Karran. I have to say that Treasury has not formally considered this amendment, but the situation to which the hon. member alludes is the duty from which the Island benefits with regard to the national lottery. I believe the figure is 12 per cent. Because of our customs and excise sharing arrangements with the United Kingdom, when the national lottery was introduced in the United Kingdom - that is, the UK national lottery - we were able to collect our share of that duty. At that time, of course, where people were arranging to purchase tickets from off-Island sources, that duty was being lost, and the whole thrust to that particular Bill was to secure the duty that was being expended by citizens of the Island and which was accruing to the UK, whereas in fairness it should accrue to the Island.

I can, therefore, fully understand the hon. member's concern that we went along with that legislation on the basis that we were putting our arms around the duty that was available through those ticket purchases. That has been successful and is occurring.

With regard to scratch cards, which are obviously also run by Camelot and by the national lottery, it is my understanding - I think I need to confirm it to this hon. House - that the same situation occurs. Obviously, with this type of situation, in which different scratch cards are being made available, the Treasury would expect to get its same share of the loot, as it were. I think I need to do some more research on this so that I can at the next reading of this Bill confirm that that is the case.

The Speaker: If nobody else wishes to speak, I invite the mover to respond.

Mr Houghton: Yes, thank you, Mr Speaker. I am very grateful to the Treasury minister for his reply and his assertion that he will return to the details the details at third reading. I am sure that he will find that the situation is the same with the national lottery as with Littlewoods. Littlewoods Pools, as I have already said, already pay a fee of some description. Well, it is not a fee, but a duty to the Treasury in respect of the sales of Littlewoods Pools on the Isle of Man. No doubt the arrangement would follow the same lines in respect of sales of these scratch cards, sir. Thank you. I beg to move.

The Speaker: The motion is, hon. members, that the new clause now stand part of the Bill. All 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, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Houghton, Henderson, Duggan, Shimmin, Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 18

Against: Messrs Cretney and Karran - 2

The Speaker: Hon. members, the new clause is approved, 18 votes in favour, 2 votes against. So that clause will now be amended or become clause 8. Original clause 8, Mr Bell, sir.

Mr Bell: Thank you, Mr Speaker. This clause extends controls on amusement machines to cover ships as well as premises on land. The Gaming (Amendment) Act 1984 regulates controlled machines, which cover both amusement machines and amusement with prizes machines. It applies only to premises as defined by section 17, subsection (1), as including any land and any shed, tent, booth,

shelter or other structure, whether permanent or temporary, and any vehicle, but not a vessel used for navigation. This amendment removes the exclusion of a vessel used for navigation from the definition so that a ship on which a controlled machine is kept for use will need a certificate under section 3 of the Act. Mr Speaker, I beg to move that clause 8 stand part of the Bill.

Mr Duggan: I beg to second, sir.

The Speaker: Hon. members, the motion is that clause 8 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it.

Mr Cannell, to move your new clause in principle, sir.

Mr Cannell: Yes, thank you, Mr Speaker. I crave the indulgence of the hon. House to move this new clause. The Gaming Control Commission is responsible for the supervision and control of the casino, the issue of licences for, and the regulation of, gaming and amusement machines and the issue and control of bookmakers' permits, betting office licences and various other duties. Currently, the administration of the Gaming Control Commission is provided from within the Chief Secretary's office, and the Department of Home Affairs progresses all gambling legislation.

With three new Bills currently being progressed by the Department of Home Affairs, the future role of the Gaming Control Commission and the staff that administer and regulate the industry are set to expand considerably. It has been agreed by the Chief Secretary's office, the Department of Home Affairs, the Gaming Control Commission and the Council of Ministers that considerable benefit would be derived from having both functions within the Department of Home Affairs.

The main benefits are that currently the communication of ideas on legislative changes from the commission to the department is a hit-and-miss affair, with last minute changes to Bills being the norm rather than the exception. Having one administrative function dealing with both the legislation and the day-to-day running of the commission will allow the introduction of a more consistent approach to developing legislative changes and policy. The commission was appointed to regulate and issue licences for betting shops and to regulate the casino.

The changes that are to be introduced by Bills currently being progressed through the legislative branches will result in a greatly expanded role for the commission. The high-profile nature of the multi-million pound telephone and on-line gambling industries will require closer day-to-day regulation, and this function would benefit from being provided by the same division within the Department of Home Affairs that is already responsible for gambling legislation.

As a result of the agreed transfer, two minor changes to primary legislation are contained within the proposed new clause. The first is to change the name of the Gaming Control Commission to that of Gambling Control Commission, to reflect more truly the actual role of the commission, which is to regulate not just gaming, but betting, lotteries and pools.

The second change is to allow for three inspectors to be transferred to the department and included with the department's establishment. As such, they will have been appointed by the department instead of the commission. Three inspectors are therefore transferred to the department.

Both the staff involved and the Gaming Control Commission are in favour of this transfer, which will allow the department to manage the staff involved. It will ensure that adequate resources are provided to regulate this expanding industry and provide day-to-day contact with the inspectors to respond straightaway to any regulatory or administrative problems that might occur. So it is the end of the title of the gaming control commissioners, who become gambling control commissioners. I think we should pay tribute to those who have carried out these onerous duties over the years. They have perhaps not always done so in the spotlight, but the department is confident that the moves proposed by the new clause will

make for a smoother running of this important industry, which now has developed so quickly technologically. I beg formally to move the new clause, sir:

The Commissioners

The Commissioners

(1) *The Isle of Man Gaming Control Commissioners are renamed “the Isle of Man Gambling Control Commissioners”.*

(2) *Accordingly, in any enactment or instrument, for “Gaming Control Commissioners” substitute “Gambling Control Commissioners”.*

(3) *In Schedule 2 (Boards) of the Civil Service Act 1990, the words “The Isle of Man Gaming Control Commissioners” are repealed.*

(4) *On the commencement of this section any person appointed for service with the said Commissioners which is wholly or mainly administrative, professional, technical or clerical shall be deemed to have been appointed for such service with the Department of Home Affairs on the like terms and conditions as those to which he was appointed immediately before such commencement.*

Sir Miles Walker: I am pleased to second, Mr Speaker, and reserve my remarks.

The Speaker: Mr Downie.

Mr Downie: Thank you, Mr Speaker. I have no problem in supporting the new clause, but I think that before voting on whether to accept it or not, we should understand that gaming both in the Isle of Man and in other places involves tremendous amounts of money. Because of the nature and the technology that is being introduced of late, it requires some very specialist knowledge. Without any disrespect to people who have been involved latterly - they have done a very, very good job - I think hon. members would agree that the job has moved on, and likewise with the inspectors. I think that some very highly qualified people will be required to make sure that everything is above board. Also, people will be needed, who, if irregularities are discovered, have the ability to pursue cases through the courts and so on.

I want to make sure that in voting for this new clause and having this team of commissioners, we are not going to finish up in a situation where we need to buy in the expertise, but at a tremendous cost. I think that the cost of funding the commissioners and the whole policing and the regulatory programme should be funded entirely by the proceeds of the gambling operations themselves.

I have no problem with expanding the gambling business, but I would not like to think that the burden would fall on the taxpayer to have to refund the regime or that there was not enough coming back through the system to deal with the administration. I think that that is important. One could see the commissioners costing several hundred thousand pounds in the course of the year, particularly if they had some major legal cases to deal with as well. That it is important to bear in mind. I have no problem with the new clause, but I would be grateful if we could have some clarity as to how this is going to be funded.

The Speaker: Mr Bell.

Mr Bell: Thank you, Mr Speaker. Obviously, as minister, I, along with the department, am promoting this change which we are recommending to you today.

The hon. member for West Douglas has hit the nail on the head. He is absolutely right that the degree or breadth of professionalism within the Gaming Commission is something that we really need to review. Obviously, the cost of that review could be quite substantial. As far as the staffing is concerned, if we are successful in achieving support for this change, it is my intention for a thorough review to be

conducted of all the staffing from top to bottom and of the commission once that legislation is in place early on next year. I would expect certainly before April to have a thorough review of the staff resources which we have, their current abilities and the need, if necessary, to extend - either by purchasing in the service or indeed employing direct - appropriate staff levels to ensure that the rigorous checks and enforcement which we intend to impose are actually applied.

The issue is more important than ever at the moment because, although we are moving into an area of considerable opportunity for the Isle of Man, there is equally with this type of business the possibility that money laundering could be brought into play. It is absolutely essential that we get the right quality of staff, working alongside what we stress would have to be highly reputable organisations. There will be a very tight restriction on future issuing of licences to make sure that only blue-chip operators get a licence. They will be paying an appropriate price for that licence.

The figure which we have put in the Betting Officers Bill, which has been recently approved for international telephone licences for example, is £25,000 a licence. We would anticipate that the revenue generated from licences for that, and approval to the On-line Gaming Bill which will be going before you early next year, will mean that the actual operating costs of the commission are more than covered. Of course, that is quite separate from any tax revenue which may be generated for Treasury over and above those licence figures.

So the hon. member is absolutely right in raising these concerns. They are obviously the main concerns which we have had, but given the fact that, as the hon. mover of the amendment has said, my department is now promoting three separate Bills to generate a considerable amount of new business for the Island, it is important that the gaming commissioners themselves are given the confidence to know that they have got the resources of a department behind them, rather than, as they have been to date operating slightly outside the system grouping. They may well need to call on the resources of my department from time to time to help them out. So we hope that they will physically, by the time we get this arrangement completed, be moving into the Department of Home Affairs. I hope it will be an arrangement which will be beneficial to everyone; the commission itself and obviously to the Island in our desire to protect the good name of the Island in this particular operation.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I think the minister has answered the question that I wanted to ask about this. However, on schedule 2 of the boards of the Civil Service Act 1990, does this mean that these people would still be included in the head count? And the problem I have and which concerns me is that gambling control is important, but if it becomes directly part of the Department of Home Affairs, the problem is that you have to pick between whether you have a gaming control officer or a police officer. I am just a little bit concerned about it coming directly under the department. I think the hon. minister has answered my question; obviously, if this comes about then you will be looking towards purchasing the services as far as the control of gambling is concerned, outside government.

So what we are really witnessing today is a device to find extra heads for the home affairs department so that then they can effectively privatise the function to put it outside the civil service. Many departments are having to do such manoeuvring to get around the man head count, but I think we need to know what we are up to as far as this amendment is concerned. I believe that the minister has told us that he would be purchasing services as far as this is concerned. So really the issue is whether, with this amendment, we are really going to try and put the employees of the gaming control outside the government's man head count. It is not just a matter of the pretty changing of the name. I say it now to give the hon. minister the opportunity, when the clause is formally moved, to come back if I have got it wrong.

The Speaker: I call upon Mr Cannell to reply.

Mr Cannell: Yes, thank you, Mr Speaker. I think the hon. minister outlined many of the responses. I did sort of hint at it by paying a tribute to the former operation of the commissioners, because they are from the mid-60s in their establishment - or early 1960s I should think - and they have laboured long and hard and have protected us extremely well over the years. However, this department's move here today is not something new, because the whole of the operation of the Treasury, for instance, and many of the departments, have had to undergo technological changes to address different methods of doing business, so this is not alone.

I would stress that what we are doing here is trying to bring new business to the Island with considerable potential for revenue. The side of that of course which has to be paid for is a regulatory system, which is necessary in anything.

The hon. member for Douglas West, Mr Downie, said that specialist knowledge will be required. I am afraid that we are no longer sitting with ledgers full of beautifully handcrafted writings and entering. We are talking here of electronic technology, and he is quite right to put his marker down - as he would say - that this will cost money. There is no hiding from that. If you want specialist knowledge to monitor things, that was always at a cost. It will in general be, as the hon. minister said, self-financing in this regard. The cost of the service will be easily met within it, and it should produce a good profit. That is the whole idea.

Now, when you come to buying-in the services, that is a different thing. The minister said that the position will be thoroughly examined. They do not come cheap, but neither does anybody else in a specialist field. It is important, mainly for the integrity of this government, that this department takes on the integrity of such operations, as it is willing to do. It is paramount that nothing should be seen to be done which might tarnish the reputation of the Island with its present highly regarded financial scenario.

So the position is that it will be reviewed. We are not seeking to put the existing commissioners out to grass. If there is one thing which I have always said, it is that you have to watch when you do this not to sweep everything away in the great march of technology and put all your eggs in one basket, but rely on the people. They may have had quill pens, but they have had a lifetime of experience in this field, from the '60s until now, and we certainly do not want just to put them out to grass and say, 'Sorry boys, your time is up'. We shall be drawing extensively on the experience which they have had.

The hon. member my colleague for Onchan, Mr Karran, referred to head counting. As I have said once before, it always seemed strange to me that we can parallel the need for a head count of a government appointment with that for brain surgeon at Noble's Hospital or a new cook. Apparently, that is the way it works, but this is no attempt - I would refute the idea - by this department to try to get round this mechanism, quite the reverse. I am afraid that is the way it goes, however. If you see the latest line up for attempts by departments, of which the hon. member is a part, you see that the Department of Health and Social Security, which I am also a member of, is pitching for vast amounts of extra people, because that is what this hon. House, Tynwald Court and the people of the Isle of Man appear to want to demand. It cannot be done. You cannot get a quart into a pint pot. So yes, there will probably be extra requirements, and it probably will be at a cost. We hope it will be self-contained, but we do commend the principle of it, which is to answer the department's call for better regulation by this new clause. The clause is much smaller than the notes I read out, which you will be disappointed about, but it does bring in the Gambling Control Commissioners.

At one time, I am sure, an element in this hon. House would have been standing up, not exactly ranting and raving, but certainly expressing great reservations about having anything whatever to do with what was at the time viewed as a heinous practice. People thought it would bring down the wrath of God and Heaven knows what upon everybody were we even to entertain it. But times have changed a lot, and

we are now in an age when people want to spend lots of money on such activities. The Isle of Man is getting a glorious opportunity to make some valuable income.

As I say, that might be at some other cost, but I hope that overall it will be welcomed. So may I now please formally move or do you wish to have a seconder?

The Speaker: No. I will now put the motion that the clause be approved in principle.

Mr Cannell: Right. Thank you, Mr Speaker.

The Speaker: That the clause proposed by Mr Cannell be approved in principle. Those in favour please say aye; against, no. The ayes have it. The ayes have it. Mr Cannell, please would you formally move the clause?

Mr Cannell: Yes, I will formally move this new clause, Mr Speaker, which I think will be numbered 10 in the Bill when it is renumbered to take in the preceding clause. I hope that I can commend this to hon. members.

Mr Bell: Mr Speaker, could I second that new clause?

The Speaker: Yes.

Mr Bell: In doing so, Mr Speaker, could I nail once and for all the comment made by the hon. member for Onchan that there is any intention on my part or my department's part to privatise the services of the Gaming Commission? That is most definitely not the case. We have discussed it with the officers. Everybody is happy, their jobs are secure. All I said in my presentation was that there may be a time, if we cannot get the number of staff that we require, when we need to buy in services. There may well be specialist services which it would be more appropriate to buy in, rather than appoint direct.

In case there is any belief to the contrary, amongst hon. members, inspired by the media, I assure them that it is not our intention to privatise these jobs. That my hon. colleague from Onchan has said, has been our position now for some 35 years. That is not our intent. I beg to second, Mr Speaker.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I just feel that there has not been a justification for a change. The future of gaming control concerns me. My worry is that there will be not an increase but a decrease in control.

Mr Bell: Why?

Mr Karran: I believe that when it becomes part of one big pot in the Department of Home Affairs, the minister will be saying, 'I want more policemen than I want gaming controllers'. That does concern me.

I am glad to take the assurances of the hon. minister that there is not going to be any privatisation of this facility. I am delighted to hear that, but I think that this new clause is being used as a Trojan horse for other purposes, and I am not happy about it. I do not think that it will add to controls within the Island, as far as gaming is concerned, and I do not think we should support it, unless the hon. member reveals why we need this change. It is not to do with the fundamental issue of the man head count, as far as I am concerned.

The Speaker: If nobody wishes to speak, I call the mover to reply.

Mr Cannell: Yes, Mr Speaker. I do not think that anything new has come out in that last address from my hon. colleague from Onchan. We continue to refute his suggestion of a hidden agenda. I would particularly say that we will not be sitting down as a department unless there is going to be a change in the forthcoming time, perhaps in a year's time or so. At the moment, I am sure that the present

incumbents would not even entertain trying to match up the requirements for policing, the fire service, and anything else that the department is responsible for with this important element of monitoring gambling in the Isle of Man.

The Speaker: The motion is, hon. members, that the new clause stand part of the Bill. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

A division was called for and voting resulted as follows:

For: Messrs Gilbey, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Houghton, Henderson, Cretney, Duggan, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 22

Against: Mr Karran - 1

The Speaker: Hon. members, the new clause stands part of the Bill, 22 votes in favour, 1 vote against. Clause 9, sir.

Mr Bell: Thank you, Mr Speaker. Clause 9 gives this Bill its short title and provides for its commencement on one or more appointed days. I beg to move.

Mr Duggan: I beg to second, sir.

The Speaker: The motion is, hon. members, that clause 9 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it. And that completes the clauses stage of the Gaming, Betting And Lotteries (Amendment) Bill 2000.

Constitution Bill — Select Committee Report — Debate Commenced

The Speaker: I now move on to item 22, and I call upon the hon. member for South Douglas, Mr Cretney.

Mr Cretney: Thank you, Mr Speaker. I am sorry to monopolise the business today with non-controversial legislation and now this little report. The select committee report is essentially an exercise in information, which is why we have tabled it with a motion that it should be received. We have provided a technical scrutiny of the Bill and the tabled amendments. We have reported promptly so that members are further informed about these implications of the Bill and the tabled amendments.

Obviously, it is for the House to decide, but the belief, and, perhaps, optimistic hope of the committee is that the issues raised in the report need not be debated both today and at the clauses stage. I am a bit naive sometimes. *(Laughter)* It would be preferable for members to consider the detail of our report and decide whether they wish to - for example - attach their names to the amendments which we have instructed.

As we indicate at sub-clause 1(4), we have taken a threefold approach to the Bill and have tabled amendments. Firstly, there are often important issues that can be effectively addressed only by the political determination of the House. Given the extended consideration of the reform of the Legislative Council in this House and in another place over the last few years, these must now surely be matters on which members should decide.

Secondly, there are some significant, technical and constitutional issues arising from the Bill. We thought it would be helpful to members if we were to instruct a legislative draftsman to draft amendments to address these matters. These amendments are set out in appendix 3.

Thirdly, there are other matters arising from the Bill which were drawn to the attention of the House, but we did not find it necessary, as a committee, to instruct amendments to address them. However,

while we reported concerns about some of the tabled amendments to the Bill, we have not instructed the legislative draftsman to draft amendments to address these concerns.

I should also say that the committee observes that, given our terms of reference and the manner in which we have discharged them, it will be evident that the individual views of each member of the committee on constitutional development do not necessarily accord with either the provisions of the Bill or the amendments tabled to it. It has been, as I said, a technical exercise.

Given that the select committee saw its report as essentially an information exercise, that many of our observations are quite technical and detailed, and that the committee hopes that this report will not result in two debates where one would do, I hope that I can take a light touch. I shall present the report with just a few illustrations of our approach, although I will obviously be more than happy to respond to other matters raised by hon. members.

The main part of our report is divided into two parts. Chapter 2 examines the provisions of the Bill and tabled amendments which are directly related to them. Chapter 3 considers tabled amendments which offer an alternative view of constitutional development. In chapter 2, which concerns the provisions of the Bill and the amendments directly related to them, we take the reader through the Bill clause by clause.

Clause 1 provides an illustration of a matter which we felt was simply for political determination - whether the Lord Bishop should have a vote in Tynwald and the Legislative Council. One view supported by the provisions of the Bill, the other by an amendment. We feel that this is a matter which is simply for the House to decide. By way of contrast, we felt that clause 1 had been drafted in such a way that it could be said to create a deliberative as well as a casting vote for the President of Tynwald in both Tynwald and the Legislative Council. As we indicate, we consider that the voting capacity of the President should be limited to a casting vote in the Council. We have instructed an amendment which appears in appendix 3 and would provide for this.

Sometimes we identified an omission in the Bill. A good example is the preservation of the privileges of the Keys. We set out the issue at paragraph 2(6). In brief, the ancient privileges of the Keys have been preserved in successive election statutes, but they have been omitted from schedule 2 of the Bill, which substitutes new provisions in the Representation of the People Act 1995. These rather vague privileges appear to be the only statutory basis for important matters such as the right of the Keys to control its own proceedings and for its proceedings to have absolute privilege. We felt that it would be right to extend these privileges not only to the Keys, but also to Tynwald and its branches in what would be almost entirely a directly elected Tynwald Court. Again, we have instructed an amendment which would address this, which again appears at appendix 3.

Perhaps I could take one final example from chapter 2 of our report. The intention of clause 9 is that when the Keys, with directly elected members, and the Council, with predominantly directly elected members, disagree over a Bill, the Bill comes before Tynwald. The disagreement will be resolved by a resolution of Tynwald. We found a number of constitutional and procedural problems with clause 9, one of which was that for Tynwald to resolve that the Bill was passed would require a motion to be tabled. The Bill as drafted did not oblige anyone to take such a motion, so we instructed an amendment to correct this and other defects identified in clause 9.

I would like to make a few observations about chapter 3. There, we consider amendments to the Bill which offer a variety of alternative approaches to constitutional development. Our approach here was to identify those matters which were for purely political determination and generally to offer a critical commentary on the amendments, some of which we found very novel indeed. We have provided information on these amendments. They have been tabled and will no doubt be moved in due course. We have provided some analysis to assist members at that stage. It would obviously be open to

members if they so wished to table an amendments to the new clauses or alternative amendments to amendments which have been tabled. As I have said before, we have not instructed amendments in respect of the tabled new clauses and amendments considered in chapter 3.

I conclude by reiterating that we saw our task as one of providing information to hon. members in the form of a critical analysis of the technical and constitutional issues raised by the provisions of the Bill and the tabled amendments. In respect of the provisions of the Bill, we sought to assist members further by instructing amendments to address our more immediate concerns. Whatever views hon. members may take of the general thrust of the Bill, I hope that the House will feel our scrutiny will give an opportunity to improve the Bill, should it proceed.

I should like at this stage - to take the opportunity to thank the members of the committee who joined me in the work on this matter, and thank them for their confidence in voting me their chairman at the first meeting. (*Laughter*) I beg to move that the report of the select committee on the Constitution Bill be received.

The Speaker: Mr Quine.

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

The Speaker: Mr Rodan.

Mr Rodan: Thank you, Mr Speaker. First of all, I congratulate the chairman and the committee for in a very short time producing a remarkably detailed report. I have read it about three times and am just about getting my brain around some of its complexities. It is extremely detailed. Those who are on the side of constitutional reform will find in this report much with which they can run, and much with which they can chart a course forward on the basis of the Bill proposed by the hon. member for Onchan, Mr Cannell.

Those who are against reform or degrees of reform will not find in this report evidence to make them necessarily change their mind. However having had much detailed consideration applied to the Bill itself and the proposed amendments, I am content that this does represent an opportunity at least for the House to give more meaningful consideration to the Bill.

I wonder if I might make a specific request for some clarification. It relates to the amendment tabled by Mr Quine to clause 11 on page 30. That particular amendment sought to deal with the date at which the whole Act would come into operation; the amendment proposes that it come into operation for the next election but one, in 2006. Proposed amendments to the schedules under clause 10 would appear to make provision. I would like clarification on the statement that the tabled amendment should not, in consequence, be drafted, because of technical defects contained within the amendment. Does that mean that an alternative amendment is to be drafted? On the very last page of the report, does the suggested amendment to clause 11 address that technical defect? If it does not, the question of when the Act is to be brought into effect is rather left up in the air. I understand what has been done to the schedules under clause 10 and the various dates on the proposed amendments that are specified there, but the fact that clause 11 apparently remains silent on when the Act is to be brought in requires some clarification. I may have got this wrong, Mr Speaker, but I hope in the course of the debate that that point will be dealt with. Thank you, Mr Speaker.

The Speaker: Mr Brown.

Mr Brown: Thank you, Mr Speaker. I would also like to congratulate the chairman of the committee on being able to get the members of a committee to sign a report within four weeks. As the last speaker said, 'It is full of lots of detail,' but I would suggest that it lacks a lot of detail in answer to the questions that were put to the committee. Clearly, in the phrase 'for political determination, we see the introduction of a new terminology. I have never seen it in my time in this House, but it may be the new buzz word for

the next House and the way to opt out. Everything we do in this hon. House is for political determination, and yet, on some of the motions or some of the parts of the Bill, the committee recommends that we should or should not make a change. Then we have this new terminology - that something is for political determination.

I would suggest that is the opt out of the committee. The committee made sure that they could all sign a report that would come back quickly to this House. The timescale was of greater priority than examining what the House asked them to examine - which was the Bill, a private member's Bill. Not a member's Bill as in a Bill from government that had had scrutiny, but a private member's Bill, put together and put to this House. This House then, because of the major implications of the Bill, set up a committee to examine it, but the priority seems to be speed.

We had an amendment at the last sitting when this was considered, on 24th October, to have the report back to the House by this date. That was rejected by the House, but by heck we have got the report back. And what does it tell us? Not a lot really. We might as well have carried on with the Bill. We might as well have not wasted the time of the members of the committee. They must have sat down and said, 'Well, let's go through it. Well that's all right, we'll go for that one. Oh! that one's for political determination.' I would be very interested in the chairman or the members of the committee telling me their interpretation of political determination. Everything we do in this hon. House is political determination, because we are politicians. I hope this does not set a new trend for reports that are asked for by the House, because I think it is a disgrace.

I will be accused of not being a moderniser and of not wanting to make any changes. Well, my views are clear. I do not have a problem with going with changes, as long as they are in the Island's best interests. I am against wholesale changes such as are contained in Bill we are going to consider at some stage, because they will clearly destroy our parliamentary system. It will destroy the structure, and especially the ancient sovereignty of this House, which goes back hundreds and hundreds and hundreds of years.

The modernisers - with the greatest respect - are not interested in whether the system works. They just want a change because the change is what other places do. It is a change in a direction, but not for the good of the Isle of Man. It is proposed by certain people who are pushing and pushing and pushing - people who are not even in the House. (**Members:** Hear, hear.)

Time and time again, when we have CPA conferences in the Isle of Man experienced parliamentarians from all over the world, say to us, after they hear how our system works and how the Keys, the Council and Tynwald interrelate, 'What a marvellous system. I wish we had something like that instead of the system we have.' Their systems are often, in many small legislatures, dominated by party politics, with the opposition being one or two members and the vast majority being the government. Their parliament does not sit because the government does not want it to sit, and the government then controls the House.

This legislation about going down the road of party politics. You make a structural change like this and you are on your way. The ministerial system under our statute restricts the number of ministers to a minority of the House and a minority of Tynwald. Therefore, they cannot dominate, unless the House determines the change or Tynwald does.

I have re-read the report several times. I re-read it this morning, and I cannot understand why on some things it says 'That is for political determination, yes we support that change, but we do not support that one.' What am I supposed to make of that political determination? That tells me nothing. I can make my own mind up, but the committee is certainly not giving any indication as to whether or not it thinks that is the right way forward. I am realistic enough to know we are going to deal with this when the Bill comes back to this House. That is fine, but the report, I have to say, is disappointing because it does not give

me the information which might on certain occasions have persuaded me to make certain changes. As I say, I congratulate the chairman, because he has got a report that all members signed. It seems to me that two things mattered: getting a report that all the members could sign and getting it back here on 5th December, regardless of what the House asked the committee to do. I am sorry to say that because I do not believe we are any further forward on the basis of this report than we were with the Bill. We have before us a very important private member's bill which may fundamentally alter the structure of our parliamentary system and in my opinion will do damage to it in the longer term. It was introduced by a private member, which he has every right to do, but when the House asked for it to be properly examined, in my opinion, the committee failed to do that.

The Speaker: Mr Shimmin, member for West Douglas.

Mr Shimmin: Thank you, Mr Speaker. Some four years ago, another court took the choice of electing me and a number of others on to a standing committee on constitutional affairs a fascinating standing committee that I have enjoyed for four years. We have now before us the report of a select committee on a constitutional issue. The good judgment four years ago of appointing me on to one committee seemed to be immediately compromised when we appointed this select committee. Just look at the names! We did this. This was democracy. We built in a committee of five people, three of whom had publicly stated their support for at least the majority of the Bill.

I would agree with one or two comments made by the hon. member for Castletown. Yes, speed became the essence which was not surprising. Given people who moved the amendment, the people appointed on to the committee, it was likely to happen. I, like the previous member, the member for Castletown, thought we should have dealt with the Bill at the time. It would have been far better. It was such a dog's dinner, it would have got chucked out and we would have finished with it. What we have before us now is - here I disagree with the previous speaker - a very good report. It technically considers those areas where failings within the originally drafted Bill have been corrected. It then turns around and says, 'It is up to you to make political judgment.' I can live with that. The only issue is that this committee would not have been able to get something through as quickly had they been more clear in their statements and views. One of those members, I am sure, would be happy if there was an alteration to clause 1. That might have sorted him out. The other three had already stated their position, and the hon. member for Rushen, Mr Rimington, is yet an unknown quantity.

What we have is a report. It is a report which gives information. It is a report which merely advances us to the stage where hopefully we will chuck out what is, in my view, a flawed and poor Bill. The biggest concern I have is that a time when an enormous amount of legislation is backing up, we are going to spend hours and hours going through it. I will oppose now on principle every stage of the Bill and the third reading, and if it does get through to that stage, it will then end up in the Legislative Council.

That makes it sound as if I am not a moderniser, not somebody who is in favour of constitutional change, and I will be portrayed, I am sure, by some in that way. I would urge that the speed that people brought this report back should be reflected in by the select committee's consideration of local government reform, because to me that is where there are far greater problems. The people from the Legislative Council have just disappeared for lunch, having finished at 12 o'clock today. We know that happens, but we also know that when we put legislation through this chamber, there are times when we are very grateful to have them there spending a bit more time and looking a bit more independently, rather than indulging in some of the political gesturing that goes on down here. If we are to have constitutional reforms you should reform the nonsense we have in local government. Once that is established, then and only then should we be considering a reform to what is in existence at present. 'It ain't bust', so we must not waste time trying to fix it when we have so many areas that we should be concentrating on. When we look at local government, surely to goodness it does not take a brain surgeon

to realise that that is where the majority of our failings are at present. We shall come back to the matter when it is timely. I will support the report. It is useful, but I will oppose every part of the Bill and, the longer I stay here, the more I will oppose it.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I think one interesting thing that came out of this report was the fact that our recent improvement in standing orders has undermined the flexibility that this House can operate.

Mr Shimmin: Nonsense!

Mr Karran: I believe that that is the case, and this Bill really proves that. Years ago, when people would have had problems with an amendment somebody would have moved a further amendment on the Floor of this hon. House. People may say that we have that facility now if we suspend standing orders. I maintain that some in this hon. House have that facility, but many of us do not. That is one thing that has really highlighted the big mistake we made with changing our standing orders. The hon. member has his opinion and I have my opinion. I will defend his right to think what he thinks and I just think that sometimes members should not try and belittle other members as far as this issue is concerned. *(Laughter and interjections)*

I find some of the amendments in this Bill quite offensive. I believe that certain issues have been cherry-picked.

Mr Shimmin: Never do!

The Speaker: Carry on, hon. member.

Mr Karran: Let us consider the proposed amendments to clause 6, schedule 2. I know that lots of members in this hon. House know that I personally find certain things quite offensive. I know the chairman has not done this intentionally but such measures have not come from members of this hon. House. This is the 'hit list' of the legal draftsman and the Attorney-General's Department.

I am sorry that it seems to be rather alarming to some members in this House, but I know that there are certain things that need to be tightened up. I will support the report being accepted. I do not agree with the report, but once we get rid of it we can then hit the Bill that the hon. member for Onchan has produced. I think the hon. member for Castletown is wrong. They are not all politicians in this hon. House. There are people who actually believe that they should be MHKs, and MHKs try to make sure that they look after the interests of their people, not their careers. I think there is a big difference between being an MHK and being a politician.

A Member: Rubbish.

Mr Karran: The hon. member has the right to say what he feels, and I have the right to say what I feel (**Members:** Hear, hear.) One of the problems we have at the present is that too many people want to be politicians, not MHKs. I am glad that they have been courteous about my amendments. The previous speaker spoke of local government reform. The problem in this hon. House is that too many in this hon. House would be more at home in local government than in a national assembly. *(Interjection)* I personally think that we have to be realistic, and be fair to members of the committee. We gave them a time period, they have come back with this report and we have got what we really honestly expected. There is no way you would have got those five members to come up with anything else, but a fudge. I think that the hon. chairman and the members have been put in an impossible position. It has been used as a stall tactic, we now have to bite the bullet to see where the Bill should be. Many would say that the Bill should be in the bin. (**Members:** Hear, hear.)

I always remember one thing when I was elected to this House: I will always try and make sure that the establishment is aware of what the minority in this House need, but there is an important factor about stability, stability, stability (**A Member:** Hear, hear.). I believe that there is a fine balance between stability and stagnation. (**A Member:** Hear, hear.) I accept that point, but I do feel that this Bill is on the heel of a popular idea that was not thought out.

I believe that the Bill - if it does nothing else and if this report is accepted - will at least float ideas to those in this House who are blind, because they will not look at so many issues. I think that my amendments which today will be rubbished and ridiculed, will be the foundation stones, like so many other of my proposals, for further development in the future.

The Speaker: Mr Rimington.

Mr Rimington: Thank you, Mr Speaker. As one of the members of the committee, I did - not very successfully and not very professionally - probably try and stir it in a different direction. However I accepted the constraints that were placed upon the committee by the motion of the House and how they were interpreted, and was happy to play a rather minor part on the committee in looking technically at the Bill. With respect to the penultimate speaker, I am going to have to remain an unknown quantity for a little longer. (*Laughter*)

I was itching to speak on the issue five days after my election, but caution rendered otherwise. I was itching to speak when it came up before it was sent to committee but it was sent to committee, So I will have to wait until another day. I agree with the previous speaker that my ultimate desire for the Bill is to go to the same place as he requires - I have got one close to me - but possibly for different reasons. Thank you.

The Speaker: Mr Gilbey.

Mr Gilbey: Mr Speaker, I totally agree with the hon. member for Castletown and the hon. member for Douglas West, Mr Shimmin. I agree with the latter's remark about 'a dog's breakfast', and I would add to the dog metaphor that I do not think there is a dog's chance of this Bill ever becoming law for two very simple reasons. A group of people do not agree with the principles being suggested at all, but they are a minority. The majority who want some kind of change are so split in what they want that they will never form an agreement, certainly not in the time that is available to reach an agreement.

If we were starting a five-year term, with great effort some kind of solution acceptable to a majority could be reached, but we must be realistic. For this Bill to become law, it has to be absolutely completed before the general election, which is under a year hence, and all sorts of delaying tactics can be introduced.

Does anyone seriously think that the Legislative Council are going to act like turkeys voting for Christmas? Of course, they are not. We must remember that they can hold up a constitutional Bill against the wishes of this hon. House for a year. I hope that hon. members will accept the fact that this Bill has not got a chance of becoming law before the election. They should not spend further time debating it or anything to do with it, because I am absolutely certain that they would be just wasting time that could be spent on more valuable matters.

The Speaker: Mr Quine:

Mr Quine: Thank you, Mr Speaker. Mr Rodan has referred to what is in fact one of my amendments, and that is whether the scheme that is embraced by this Bill would be in the next election or the later election. I would just like to confirm, of course, that there is nothing in this report that changes the proposal in my amendment and indeed if you look at clause 2(10)(ii) you will see that it is the election, but one that stays as mooted in my amendment. I thank the hon. member for raising the point.

The hon. member for Castletown wants to look for more information. We have had information over the last four or five years, ad nauseam. This is the fourth major report. Let us consider the House of Keys select committee report on which this Bill is based. It is not a private member's Bill pulled out of the air. The hon. member has made it clear that his Bill was based on the proposition embodied within the select committee of the House of Keys Bill.

There is nothing that has not been considered. We have had so much information and that is part of the problem. We have now arrived at confused lines of thought, because of the repetition of going back and looking at the matter over and over again. In truth, the issues are quite clear. They are quite simple and they are for political determination, although some members of this hon. House would prefer that not to be an issue - certainly before the general election. Information is the one thing that we are not short of. We want some decisions, and that is why a number of us oppose this proposal going to committee.

According to the hon. member for Castletown, we are entering into a new novel term for political determination. I see nothing novel in that. I think that political chambers are about political determination of issues. It boils down to the fact that we put the issue on the floor and take a vote on it. There is nothing novel about that; that is our bread and butter, and this report has made it quite clear that there is nothing new that it can pull out of the air. The issues are known. The information is known. It is for political determination - in other words, it is for a decision.

Perhaps the hon. member for Castletown was expecting us to go back and once again pull out another half a dozen variations of the theme. That certainly will achieve nothing (**A Member:** Hear, hear.). We have a Bill before the House, and if the hon. member for Castletown has alternative proposals, he needs to do to put those proposals on to the floor as part of the consideration of this Bill.

I cannot accept the fact that the hon. member has a proposition of that nature. I see no amendments tabled by him in relation to this Bill, so I therefore assume that he is for the status quo pure and simple. We all have judgments as to how good our system is and whether it should stand or change, but it is suggested by the hon. member for Castletown that, as a measure as to how good it is, we should be influenced by members of the CPA who come here, and say, 'This is wonderful, I wish we had this.'

Can you honestly imagine members of the CPA coming here as our guests and saying, 'This is a load of rubbish you've got here'? They will come here and be as polite and respectful about what exists here, as I would hope that we would be if we were visiting their countries and commenting on their arrangements. There are, of course, ways and means to extract information and we can do that diplomatically. We can do that politely. But to suggest that that the measure is important is something that I cannot go along with. I do not see at all how whatever is proposed in this Bill and in this report by way of commentary on the Bill moves us either nearer to political government or a party political government or further away from it. That is not an issue that was considered. We had a Bill before us. We were required to look technically at that Bill and to comment on it, as the hon. mover of the select committee report has pointed out. I believe the report it has produced has been very valuable in providing a technical analysis of the Bill. As we consider it, perhaps we will be a little bit further forward.

I do not believe that this exercise is a waste of time. There is a pressing need for us to address reform. I have said that on many occasions, and there is no need for me to cover it here again today. To suggest that it would be different if we were starting this and had a five-year run is not living in the real world. When we started it - with respect to Mr Gilbey - we had a five year run.

Mr Gilbey: It has run out!

Mr Quine: It has run out, exactly - and some of you would be quite happy if we started another five-year run and ran out again.

A Member: Absolutely.

Mr Quine: If they would be honest enough to say that, perhaps the public outside can judge the strength of their representatives.

Mr Brown: So why did the committee take so long?

Mr Quine: I thought that the complaint was that we did not take long enough. (*Interjections*)

Mr Cretney: Which one, the last one or the one before?

Mr Quine: Or the one before that! I beg your pardon, Mr Speaker -

The Speaker: Thank you.

Mr Quine: I understand that the hon. member for Onchan has expressed reservations in relation to whether the amendments of this select committee represent an overwhelming input from the law draftsman. I assure him that that is not the case because this committee, together with his own legal advice, sat down and devised what we believed were the amendments that we wanted. We have had the co-operation and the assistance of the law draftsman in putting them before this hon. House.

I cannot agree with whatever the experience of the hon. member for Onchan, Mr Karran, may have been in the past or in relation to his required amendments, I do not think that we could say that we have had foisted upon us amendments that represent the wishes of the law draftsman. That has certainly not been the case. It has been a question of looking at the issues in the Bill, looking at the evidence and making a technical assessment. I see this as an exercise that was unnecessary. I do not believe it was necessary. I believe that it was devised as another mechanism to delay measures and get us past the general election by saying, 'Well we are looking at it, it is not that we are not doing anything about it.' I do not believe it was necessary, but it was a requirement of this House. That requirement has been met. There is some additional information provided here for us in considering the Bill. That is fine. What we need now is to consider the Bill and the amendments, and to make some decisions in a short period of time. Let there be no further delay. Let us get on with it. Let us pin our flags to the masts, so that we all know where we stand and, more importantly, so that the public know where we stand. Thank you, sir.

The Speaker: Sir Miles Walker.

Sir Miles Walker: Thank you, Mr Speaker. I rise to support the resolution on the agenda paper. It seems that it is the only option that we probably have faced with this report. I do so with a degree of disappointment, although I did not have a great deal of expectation that the committee, composed as this House decided it should be composed, was going to come up with anything different or radical or the extreme opposite of radical, which I know is what some members of this House would consider my views to be.

I feel disappointed because I did expect the committee to take a step backward, I suppose, or 'back' and look into some of the considerations that were in the amendments that are in front of this hon. place. But that was not the case and I am not too disappointed. My views accord very closely with those of the hon. member for Douglas West, Mr Shimmin. I have made my views clear. I do not mind making decisions and I know the decisions that I am going to make in regard to this Bill.

Mr Downie: You are in favour of local government reform -

Sir Miles Walker: I am in favour of local government reform where it can be shown to be beneficial. (*Mr Downie interjecting*) I am not convinced that reform of local government, which gives us the model of a corporation, and the some of the larger commissioners that gives us that model is the right road to go down. But I am certainly committed to some reform of local authorities, where it can be seen to be beneficial, not just as a matter of principle or a matter for all-Island rates and such issues. I do not believe we should compare the Bill with local authority reform, because local authority reform quite honestly does

not matter all that much. This piece of legislation does matter. It is extremely important and I believe, that it is extremely dangerous. It is the wrong road for this hon. House to go down.

The model that is being considered of a directly elected Tynwald is the wrong model. There are dangers in that, and I will come to those dangers when we go through the clauses of the Bill.

One issue arises out of this report to which I would like the chairman of the committee to respond. I refer to the situation regarding the presiding officers. It is very clear that the committee considers that the presiding officer has an important role. In a couple of places in the report, it refers to 'the impartial apolitical role which is constituted and expected of a presiding officer'. Yet the suggestion is that we change from the situation we have today where our presiding officer is not returned by the people but is voted on by the parliament.

We are scrapping that and we are going back to the situation where, after a general election amongst the 32 or 33 people that are elected, a presiding officer shall be appointed. We are talking about that individual who had been directly elected by the people to take up this impartial apolitical role which is constitutionally expected. Mr Speaker, forgive me, but you are the Speaker of the House of Keys, and I suppose if you stand at the next election and are re-elected - as your record shows might quite possible - you may well be put forward as the President of Tynwald, and I do not understand -

The Speaker: You are not debating me, sir. *(Laughter)*

Sir Miles Walker: I do not understand, Mr Speaker, how a person like yourself could be returned by the people, be voted in as President, and then ignore the wants of the people of Little London for water, for instance -

Mrs Crowe: And coastal erosion.

Sir Miles Walker: - ignore the concerns of Kirk Michael as regards coastal erosion, or ignore what you see as the need for more development in the north of the Island. *(Mr North interjecting)*

The Speaker: Hon. member, we are straying slightly, but carry on.

Sir Miles Walker: Mr Speaker, I used such an example because you preside over this hon. House of Keys. I think that in every single member of this hon. House's case there are three or four issues that they have been elected on that they would want to forward in the political place to which we have just been elected. It seems to me that in that one part of this morass we are going terribly wrong and, what is more, we say that after five years the person who has been voted in as presiding officer of Tynwald also finishes that job and he goes back to his constituents -

Mr Brown: And says, 'I've done nothing.'

Sir Miles Walker: - to try and persuade them that he has acted in their interests and that he has been in a position to forward his political views. Now it is a nonsense. **(Mr Gilbey: Hear, hear.)** It is a nonsense to my way of thinking, because I cannot see it working. Not only do we have the President of Tynwald, we a chairman of the House of Keys or the committee that is designated of the House of Keys to deal with legislation and the chairman of the other place, the Legislative Council whatever that may be.

We know that the Speaker of the House of Keys has 'certain rights and privileges', which have grown up over a long time. The Speaker of the House of Keys can make his political views known in Tynwald; the Speaker of the House of Keys can have his input into resolutions and policy development and all those things. Those rights, privileges and protocols have grown up over a long time and have become established. I happen to think that they are important. I know that the President of Tynwald is quite a new being - quite a new role - but over, the nine years since its development certain protocols and things have been accepted of the President of Tynwald. That is right. What we have in the Isle of Man

is an ancient - some would say too ancient; I do not agree with that - system of parliament where the roles of the different parts of it are quite well established, where protocols have grown up, and where people understand the parameters within which they have to work. If they do not understand, they step outside and are very quickly put back into those parameters in a very proper way. What we are saying with this piece of legislation or what it seems to me that we are saying is that none of that matters. **(Mr Gilbey: Hear, hear.)** We are not talking about the evolution of our constitution or of our parliament. We are talking about dismantling it completely, pulling it to bits, putting it in the sack, giving it a good shake and pulling out the bits. What will we be left with then? Where will the protocols, rights and privileges be? This report suggests, 'Well, the Standing Orders Committee or somebody will look at all those issues at a later date'. I have to say it is not good enough. **(Mr Brown: Hear, hear.)** It seems to me that this Bill reflects the view of the hon. member for Castletown about party politics and power. **(Mr Gilbey: Hear, hear.)** It really does. Every five years, what do you have? Everybody out, a new group of people elected and a chance to overturn or make great change to what has happened -

Mr Cannell: Elected.

Sir Miles Walker: - in the previous House. The hon. member is absolutely right to say elected. There are no checks and balances, they are completely elected, with no track records and no institutional boundaries. I have to say I think it is dangerous and wrong. I am going to join with those that want to see this piece of legislation in the dustbin. I will do my very best to get it there. Thank you, sir. **(Mr Gilbey: Hear, hear.)**

The Speaker: Hon. members, how many members now wish to speak? Can I have some indication? Mr Cannell? In that case, the House will adjourn and reassemble at 2.30 p.m.

The House adjourned at 1.01 p.m.

Constitution Bill — Debate Concluded — Select Committee Report Received

The Speaker: We will continue with the residency Bill. I call Mr Cannell.

Mr Cretney: We have had that.

A Member: Constitution Bill *(Laughter)*

The Speaker: Constitution report, I beg your pardon, I am sorry. The Constitution report, Mr Cannell.

Mr Cannell: Thank you, Mr Speaker. I did not think that my voting in favour of the residence Bill would qualify me for similar courtesy on the Constitution Bill select committee report, which -

Mr Henderson: The trouble you are causing. . .!

Mr Cannell: -leads me to think that support for the Bill itself may be rather less than underwhelming. Me being such a tenacious person, most will know that I shall see it through, still with the hope that we may be able to convert a few people along the road to Damascus. In fact, everybody, as they talked this morning of all the wonderful things that would ensue on some of the measures about which we were speaking, knows in their hearts, as they know with an all-Island rate and many other things that have to be addressed from a particularly parochial point of view, that this is another item that will eventually come to fruition. Whether it will do so in May, I doubt, but I shall certainly see it through right to the end with the Bill as tabled.

Mr Quine: I am right behind you.

Mr Cannell: We have already heard from the hon. member for Castletown how speed was of the essence. I presume he meant speed in terms of fastness rather than of the more colloquial expression attached to that word at the moment. In fact, there were times when we were examining the Bill when we

might well have felt the need for some of that help. (*Laughter*) But speed was of the essence and I would say that it is about time some of the other issues that this hon. House addresses from time to time had a bit more speed. From what I have seen of some of the moves that are made in here, they are obviously designed not only to have little speed but to have no inertia whatever and come to a complete standstill. In fact, they go backwards sometimes. When the issue of who was going to sit on this committee came up, as the hon. mover of the Bill, or perhaps the hon. member for Douglas West, said, you put the members on, so do not be surprised if three out of five members then come along and put up a report which tries in some way to help the Bill along.

It would have been exactly the same had it been the other way. In fact, it would have been worse. I am amazed that we were able to get into this position. Normally, all the guns are turned round and it is all nicely eased as to where the position is, and the committee is comprised of those who wish to see the thing buried. That is undoubtedly what would have happened to it. Now here we have a committee report. We are not on the Bill this afternoon, and were not on it this morning either. This is only the report on it, which you can receive or decline to receive. But I would suggest that it is a very good piece of government business to get the thoughts of someone on this Bill out in such a short time. It guides you, it tells you what is thought of it. The criticism made this morning was that the Bill was lacking because it had no thoughts by the committee about how things should go, but you can imagine what would have happened if the committee had recommended this, that and the other. They would have used the classic phrase, 'Well they would, wouldn't they?' So we do not have it. It is still in your hands to do what you like with it. I already see that Gellings foundry is on overtime making new dustbins for it. That is all right. We accept that, as it is what democracy is about. This Bill is on the floor and is awaiting its reappearance, which will be on 23rd January 2001, if it goes to plan. It will then be for everybody to pick the bones off the Bill.

But this is not the Bill we are talking about today. Neither are we in any shape or form destroying parliament or doing anything of the kind. We are just trying to make an advancement on something that many others have tried before. All right, they failed, but you have to keep hammering away if you believe in it. And you must have, as I said this morning-

A Member: When?

Mr Cannell: -to Sir Miles, you must have democratic elections of everybody who represents the public in any shape or form and is influential on its policies or financial expenditure. This Bill is viewed by some as flawed, and parallels have been drawn with the Local Government Reform Bill. In fact, I have the pleasure of serving with Sir Miles on that as well, and I should imagine we shall take diametrically opposite positions on that as well.

Mr Corkill: Where is that report?

Mr Cannell: That report is not, I am afraid, forthcoming in quite such a fast time as this one.

So we have had a fudge of a Bill that has been heading for the dustbins. It is not very courteous to a private member's Bill to be told before it even comes to its first clause that it is doomed. I would have thought that people would be a little more objective than that, even if they do not care for the main essence of it. A lot of thought has gone into the reported. It was not a case of 'Write anything down and we will sign it and go because we are fed up.' In fact, a lot of thought went into it. I think we had seven meetings in four weeks, which was not bad going, and there was a lot of thought. If you read the report, you will see that a number of the things which previously irritated people have been addressed, and ways out have been tendered.

The opportunity is there for you to take different courses. For instance, its timing is different because it does not mean that all the people who were panicking about getting re-elected next

November have to face up to their responsibilities and address the Bill. It is deferred under Mr Quine's amendment. That is one solution for the way out.

The spread of the constituencies is also addressed. Mr Quine again comes to the rescue where he sees his way of addressing that in maintaining the present constituencies.

Of course, the thorny position of the Bishop's vote is very rightly left to the people to decide. It is not for the committee to say whether it should be withdrawn, recommended or voted against. It is down for the members to vote when the clause is put.

We also heard about the position of people in general. Sir Miles said that he could not see anybody wanting to have an election and to send someone straight up from the election who would then be virtually frozen as the President of Tynwald in the position of representing his constituents. I cannot see what is different in that to many other situations where people are hide-bound by departmental loyalties in the Bill. (*Interjection*) Okay, if you speak as you find, you should be able to stand on this floor and say exactly what you think on behalf of your constituents. That is until you try it and you get the wrath of the department around you. It has been suggested to me that one of the jobs of this trade is that you support your department. You have your fights before you get here, but on the day you make a united stand upon it. So I cannot see why people are being disenfranchised in that respect. The current President of Tynwald was elected by his electorate. He chose to leave that electorate to become the President of Tynwald, but he did not technically honour his obligation to the electorate to serve them for the five years for which they put him in. He decided to go out from the system and the person that they got represents Rushen in exactly the same way. He comes to the Floor with exactly the same credentials, and the electorate voted him in in the same way they did with me, at a by-election. But that still does not escape the fact that they voted for Noel Cringle. Rushen voted for Noel Cringle for five years, and he did not do it. That is the fact. Okay, he went somewhere else. That was his decision, and we are perfectly happy with that; there is no criticism of it whatever. Anybody would have that right to assume to move on to what they view as a better job. I happen to think the present President of Tynwald is missing his old days with us down here, but still, that is by the by.

So the Select Committee on the Constitution Bill has its report. Rather than being slagged off, I think there should be a little more tribute to the work that went into producing it. It does not actually make the position worse, but makes it slightly better. It was a very valuable exercise. When the Bill comes to the Floor, as it undoubtedly will unless something befalls it in between, although I cannot see how that would happen, I will persist. I am sorry. You might say that in the face of such overwhelming opposition, I should withdraw it. I certainly do not intend to do that. I shall see it through, and it will be on the record, I hope before this next election, just what people decide their position is in this type of matter.

Most will be comfortable with it, I do not doubt, but so will I, because it was one of my election manifesto pledges that I would attempt to do this. It is the only constitutional matter in which I intend to become involved on the Floor, because as many people have said, it has all been done before. But it will come eventually.

I thought I detected a will even in the Legislative Council. It was said this morning that it would be turkeys voting for Christmas. They produced their own Bill when they thought they were up against it. They were pretty quick getting their own Bill out to form themselves into a senate, and heaven knows what else went with that, because they thought then that people in this hon. House were moving towards the point where they actually would support Cannell's Bill and some elements of it might scrape through. They had the wind up, but that is now fading away as the last month counts down to the 31st, the start of the real millennium. I am afraid the backbone appears to be bending a little bit, and I do not know whether we are going to make it, but that will not stop me trying. Thank you, Mr Speaker.

The Speaker: If nobody else who wishes to speak, I call upon the mover to respond.

Mr Cretney: After this morning's debate on the select committee's report, I now realise, if I had not before, why my select committee colleagues were so anxious to offer me their kind support in chairing the meetings and presenting the report. (*Laughter*) This straightforward technical assessment of the private member's Bill and the amendments proposed to it is not quite so straightforward. I felt a little bit like David facing a huffing, puffing giant Goliath, only this time Goliath came from Castletown. Who does not consider the committee answered the questions asked, and who did not like the expression 'matters for political determination', which was used in the report? I indicated in my presentation on the report that many of the issues surrounding this subject have been discussed ad infinitum by Tynwald for years and years, and that further there was no consensus on the committee in a number of areas, except to the extent that it was agreed that the private member's Bill, like it or not, provides an opportunity for the House to express a preference on a number of key issues.

It is decision time not indecision time. (**Members:** Hear, hear.) Either the Bill with its technical scrutiny and overview of its clauses and amendments goes forward or it does not. I believe the committee has fulfilled its remit in this regard. On the seventh day the Methodists, the Anglicans and the Jews signed the report. (*Laughter*)

There was some comment on the current apolitical President of Tynwald's role and a suggestion in the private member's Bill that the President should come from the ranks of those elected by the people. Well, that is no revolutionary move. I am advised that by far the majority of modern democracies operate under such a system.

However, if that feature is something unacceptable to the majority of members, that will become apparent when we get the detailed consideration of the Bill and specifically clause 2. I do, however, find it difficult to accept that either the present or the immediate past President of Tynwald could remotely be considered apolitical.

I would like to thank those members who have spoken during the debate. Whilst coming from completely opposite views with regard to this matter, they have acknowledged the fact that the committee has discharged its responsibilities. I would also like to thank those people who have contacted me with regard specifically to the vote of the Bishop over the past several months. I believe my assessment of the situation coincides with that of a number of members.

In a letter to my constituents dated August 4th 2000, I stated, 'clearly there has been much debate about this issue over a number of years and I have to make it clear that I am in favour of the members of the Legislative Council being directly elected. However the issue of the Bishop's vote is one which has been seen as separate to this. My opinion on the Bill which Mr Cannell, MHK, presently has before the House of Keys is that in its present form it will not be going anywhere in terms of a great deal of progress. Although the Bill was supported and got to the second reading stage I believe that what will happen is that it will go to a select committee of the House of Keys or run out of parliamentary time. You will also be aware, that, at the same time, the Council of Ministers has been instructed by the House of Keys to consider a select committee report on the matter of direct election, the principle of which I now believe is accepted by the vast majority of members of Tynwald, or at least that is what they say. I certainly take note and thank you for taking the time to make contact with me in relation to your concerns about the possible loss of the Bishop's vote in Tynwald. When this matter is further discussed, I will certainly give great thought and consideration to your views on this matter. However, as I indicated previously I do believe that the Bill, in its present form, will not be progressing much further.'

Little was I to know that a select committee of the House of Keys would be established on the 24th October 2000 or that I would be elected to chair it. (**A Member:** Hear, hear.) Time will tell whether the rest of my predictions come to pass. If they do not in the Keys, they certainly will when it comes to the Council consideration, in my view.

Local government reform has been raised during this debate. Whilst I fully agree that such reform is needed, this select committee was not charged with such determination, and I am not offering to chair a select committee to consider that, either. *(Laughter)*

In my view, I witnessed a minor miracle this morning when the House of Keys unanimously gave a third reading to the residency Bill. I am not going to push my luck and seek another miracle now, but I would suggest that the time to determine the future of the Constitution Bill is when we get to the clauses, not now, whether that future lies in the statute or up the incinerator. I beg to move that the select committee report be received.

The Speaker: Hon. members, the motion is that the report of the select committee on the Constitution Bill be received. Those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

For: Messrs Quine, Rodan, North, Sir Miles Walker, Messrs Crowe, Rimington, Houghton, Henderson, Cretney, Duggan, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Karran, Cannell, Gelling and the Speaker - 19

Against: Messrs Gilbey, Brown, Mrs Hannan, Messrs Bell and Corkill - 5

The Speaker: Hon. members, the motion carries in the House of Keys, 19 votes in favour and 5 votes against.

Matrimonial Proceedings Bill — Third Reading Approved

The Speaker: We will now revert back to item 20, Matrimonial Proceedings Bill for third reading, and I call Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I thank you also for allowing me leave this morning to attend a planning appeal.

The Matrimonial Proceedings Bill 2000 is promoted by the Council of Ministers and includes the power for Manx courts to order pension sharing between couples in divorce cases. The courts also seek to take account of pension rights in financial settlements, but such rights are normally non-transferable. Pension sharing involves orders for the transfer of pension rights which are binding on pension fund holders or managers for state scheme authorities as well as on other parties.

This legislation relates to married couples. The court will take into account all the issues to do with the breakdown in the relationship, the standard of living before breakdown, and the children and their expectations, on, for example, their schooling and their future education, training, employment et cetera.

I would reiterate that this is not a blaming piece of legislation. It is practical, recognising the legal nature of a marriage vow and making provision accordingly. And should the payee - that is, the partner - have provision made for financial support and then remarry, that funding/provision ceases. The ex-partner, the payee receiving the financial provision, must tell the court that there has been a change of circumstances, otherwise they have committed perjury against the court.

This legislation also allows for reciprocal provision between the United Kingdom, Mann and the Channel Islands. In the case of a bankruptcy, a pension share-out would be safeguarded and the property might also be safeguarded, but that falls back on to the court and is for it to decide. Legal aid is available for divorces on green form and for further sums at the discretion of the court. It is means tested when anyone applies for more assistance than the green form advice.

Vainstyr Loayreyder, this is an important piece of legislation. It recognises marriage, partnership, the rights of children and the rights of partners. I would hope that the House will give the Matrimonial Proceedings Bill 2000 a third reading. Thank you.

The Speaker: Mrs Crowe.

Mrs Crowe: I beg to second Mr Speaker.

Mr Singer: Thank you. Last week I asked a question of the hon. member for which she did not have the answer. While she seems to have partly covered it, either deliberately or not, in what she has just said I would ask her it again. The question I asked was whether there was a penalty if a person who is receiving payment does not inform the payee, the payer or the court. They could continue to receive payments where there has been, for example, a remarriage. The hon. member just now seemed to say that they are committing perjury of the court if they do not inform it, but she certainly did not say whether there is any penalty for them doing that. So perhaps she could enlarge on those points that I made last week and just now. Thank you.

The Speaker: Nobody else wishes to speak, I call upon Mrs Hannan to respond.

Mrs Hannan: Thank you, Vainstyr Loayreyder. This financial provision is made and it is not continued after the payee has remarried. That is stated quite clearly. It is contempt of court if a person does not tell the court that their circumstances have changed and therefore they would be guilty of contempt of court. Any payment from the time that they remarried would have to be repaid.

With regard to contempt, it would lie with the court to decide what the penalty would be in those circumstance.

Vainstyr Loayreyder, I beg to move that the Matrimonial Proceedings Bill be read a third time.

The Speaker: Hon. members, the motion is that the Matrimonial Proceedings Bill be read a third time. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Procedural — Motion to Sit in Private Carried

The Speaker: Item 23, Mr Braidwood.

Mr Brown: Thank you, Mr Speaker. Under normal circumstances I would not request for this House to sit in private, but I do so to avoid any embarrassment to any individual who is currently employed in the Office of the Clerk of Tynwald. Members have been circulated with papers from the Tynwald Management Committee and myself last week. I am of the belief that the Tynwald Management Committee has exceeded its powers in announcing an appointment instead of recommending a candidate to be considered by both branches before ratification by Tynwald. Mr Speaker, I beg to move:

That the House do now sit in private.

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

The Speaker: Mr Brown.

Mr Brown: Yes, Mr Speaker, I oppose this House going into private. The hon. member who moved this said firstly that it is to avoid any embarrassment. Secondly, he said that he believes the Tynwald Management Committee has exceeded its powers. If it has, that is a matter for debate in public, (**A Member:** Hear, hear.) not in private. This House should go into private only on matters of national importance or of national interest, not a management matter relating to a committee of Tynwald or a committee that has any relation to this House.

We are now in the difficult position of considering a report that has been circulated in strict confidence. Of course, that confidence, as you know Mr Speaker, applies only if the person on the other side respects it. I have to say that as far as I am concerned, the report that has been provided clearly outlines the situation. I do not think there is any misunderstanding. I think it is most unfortunate - I have to say this - that we see a situation where the Clerk of Tynwald has forwarded his resignation. But that is his

decision and we should respect it. I do not believe that it is a matter for this House to fight against an employee who has made a decision, for whatever reasons. As far as I am concerned, I would wish the Tynwald Management Committee to provide a report that can go public, because I believe that as this issue has been questioned, and a case has very briefly been made here today that this House should go into private to consider an issue of public importance, quite clearly it would be of benefit at some time for this matter to be made clear in public through a proper report from the Tynwald Management Committee, circulated as a public document.

I honestly believe that in the confidential papers that have been circulated by you, Mr Speaker, there is nothing in there that would not normally be circulated publicly in terms of a procedure that has happened in relation to Tynwald or the Keys. I therefore strongly oppose this House going into private.

The Speaker: Sir Miles Walker.

Sir Miles Walker: Thank you, Mr Speaker. I take a similar line to the member who has just resumed his seat. I believe it is wrong in principle for this branch of our parliament to sit in private. We used to do it on a regular basis, Mr Speaker, as you will recall. I was one who led the recommendation that that did not happen, and I really believe there is a very firm principle at stake.

Now the hon. member, when moving this resolution, made a couple of suggestions. If a report from the Standing Orders Committee is to be received, it should be received in a way that can be debated in public. But I understand that where personalities are concerned, and if there is to be any debate about the personalities that are involved, that is not a matter for the public. The way I would prefer to see it dealt with would be to respond to an invitation from yourself to meet in the Millennium Room or any other place to discuss this matter at some length, if that is the wish of members.

I do not believe that this is the right forum to do that, sir, (**Members:** Hear, hear.) so I would seek to avoid the discussion of personalities in public, in the way that I have said. If a report is to be received from the management committee or any other committee, then it should be written in such a way that it can be publicly debated.

The Speaker: Mr Gilbey.

Mr Gilbey: Mr Speaker, I, too, oppose this move to go into private. As has been said before, this is a thing we used to do years ago, and I thought we had given it up for good.

The Speaker: I must point out, hon. members, that this was properly motioned and handed to me in accordance with standing orders.

Mr Gilbey: Yes, but I am entitled to say, Mr Speaker-

The Speaker: Exactly.

Mr Gilbey: -that I disagree with the idea of going into private. I disagree with it even more in view of the remarks that the hon. mover made. He first mentioned papers circulated in private, and then said what it is about, but most important of all, he has said in public to the newspapers here, the radio here and in *Hansard* that the Tynwald Management Committee has exceeded its duty. Now in natural justice, I demand that, as this has been said in public, they should have the right in public to show that they have behaved with complete propriety and integrity. I think no one could deny this (**A Member:** Hear, hear.) in natural justice. I go further, to say that under the human rights legislation that has been passed, they have virtually a right, now this accusation has been made, for it to be publicly refuted.

I agree with the hon. member for Castletown that the Tynwald Management Committee's report should be made public, definitely. It has been mentioned, it sets out clearly how the committee behaved and I think, in view of the accusation that has been made about them, they have a right to that being

made public too. Now I would have agreed with the hon. member for Rushen, Sir Miles, about discussing this somewhere else if this public accusation of excessive behaviour by the committee had not been made. But I would hope that all hon. members, having heard this accusation made in public, would feel that, in natural justice and fairness, members of the committee should now be able to answer in public and show that they have behaved, as they believe, with total propriety.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, as a member of this hon. House who has seen this House when it used to go into private, I remember the absurdity of getting minutes from the Council of Ministers that third division civil servants in the adjacent island had seen before the democratically elected people of the Government of the Isle of Man. We do not want individuals highlighted or hurt: there has been a lot of hurt and upset over this, and I believe that the matter should be discussed in private for the sake of the individuals involved. It is an absolute scandal that we once again see the establishment trying to play on the decency of the other members in this hon. House that are not prepared to do that. If we do not have it in private then it will go into public, and I think that that will be no good as far as the individual is concerned. Frankly, I think that the management committee are hiding behind individuals.

You know that we are not going to end up with a slanging-match in public, Vainstyr Loayreyder, and I think that if this hon. House has any decency and integrity it should meet in private to make an open and frank assessment of how we have got into this situation. I am all for lots of information being given in public, but even courts, Vainstyr Loayreyder, have stuff in chambers. It is just a complete and utter red herring from the hon. member for Glenfaba. We may be classed as being a bit extreme; but I would go a lot further. This House deserves a full, frank and honest explanation, in private, because we are dealing with individuals and their lives. We are in public life, but our staff are not in public life, and they have a right to privacy that we should honour. I hope that the establishment will do the decent thing and sit in private and listen to what went on. I have to be honest with you the whole sad affair leaves a terrible taste in my mouth.

The Speaker: Mr Quine.

Mr Quine: Thank you, Mr Speaker. I think it is wrong to try to draw a parallel between the circumstances going back a number of years when there was a move to do away with sittings in private and the sort of situation which we are discussing today. A large part of the issues which I think the hon. mover wants to debate today are quite clearly of a domestic nature. It may well be that, having gone through that step, there are matters which could and should be discussed in a public sitting, but I think we are some way removed from that at this stage.

We should respect the sensitivities of the individuals who have been drawn into this situation. I am talking about the staff, who are unavoidably drawn into this situation, although it is not of their doing. You have to ask yourself where the balance is being struck. Is the adherence to a principle conveniently applied going to be the strength of the case for having these individuals and comments on these individuals brought into the public arena, certainly at this stage? I would suggest not. I do not think that is either reasonable, or balanced.

I know how strongly the hon. member for Glenfaba, Mr Gilbey, has spoken in this House and other places about protecting the officers who work for the government and, indeed, for parliament. That is a little bit inconsistent with the position that he is trying to advance today.

The predominant view may be that we should be absolutely clinical and draw on the earlier precedents of several years ago, which were related to an entirely different set of circumstances, as the hon. member for Onchan pointed out. If we stick with that view, I fear that, because we will unavoidably be drawing individuals into the debate, the issue of natural justice will be in far greater prejudice, than if we

follow the prudent course suggested by the hon. member for Douglas East, Mr Braidwood. He said that we should sit in private, draw the facts out and then see whether or not there are matters which could legitimately be called of broader public interest. But at this stage the initial discussion on this matter at least should be in private, and I see no breach with any principles or practice of the past in seeking to do that. If it is to be as a matter of public debate, so be it, but I would regret it because innocent members of staff, through no actions of their own, will be drawn into public debate, which may not be in their best interest. So I would suggest we take this step by step, go into private, and see what information we can produce from that. That is not a bar to any subsequent public discussion, and I would be very surprised if there were not an open public discussion later arising from some of these matters at least, but that is not the stage we have reached. So I would support the move by the hon. member for Douglas East, Mr Braidwood, that we should go into private and at least have that initial discussion.

The Speaker: The Chief Minister.

Mr Gelling: Mr Speaker, I was not going to speak in this particular part of the debate, but I have been brought to my feet for the simple reason that I thought we were discussing whether or not to go into private. Now, in public, we have been told that the management committee has done wrong and that furthermore it has been contrived by the establishment.

What on earth is going on here, Mr Speaker? I have absolutely nothing to hide, and I cannot understand where this misconstrued statement about the establishment comes from. I am an elected member from Keys on the management committee. I am not there because of my position, but because I am elected by this body, and I take umbrage at the statements that have been made that something has been contrived.

The hon. member for Ayre has just said, 'Well, we do not want to bring other people into it,' but other people are already involved, Mr Speaker. The atmosphere up in that Tynwald Office is dreadful. I do not know where the information is coming from that is getting members so wound up about something dreadful that was construed. I just do not know where it is coming from. Nobody has asked me, but I have got it absolutely chapter and verse, and can tell every member exactly what happened all the way along the line. I can see nothing whatsoever wrong with what the committee did on the advice they were given, Mr Speaker.

Mr Gilbey: Hear, hear.

The Speaker: Hon. members, the motion is that the House do now sit in private. It is not what the House might wish to debate in private, but it is that the House sit in private. I call Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. I shall be very brief. I am delighted when people come out with political ideologies, but there is a time for ideology and a time for dogma. This is not a time for political dogma, or for saying that we should not sit in private. I believe we should. I believe it will clear the air better, and therefore I would urge members to sit on this occasion in private.

The Speaker: Mrs Crowe.

Mrs Crowe: Thank you, Mr Speaker. I find this whole matter most distasteful. The only person that has behaved with any dignity is the appointee to this position. It is a nonsense to suggest that sitting in private would protect anyone's anonymity on this Island, although I think we should protect the anonymity and views of the other people that we interviewed for this position.

I would just like to know from the mover, Mr Speaker, whether he wants to sit in private to have a vote of no confidence in the management committee? That is what he seems to be suggesting. I would just like this information. What is the hon. member for East Douglas hoping to achieve by going into private sitting? Is it just a discussion of people's views on an interview panel? I have sat on them on

occasions, and other people's views do not necessarily correspond with one's own. So I would like to know what the hon. mover's reason is for wanting to sit in private. Is it, as I say, to have a vote of no confidence in the management committee, which it seems to be, or is it for another purpose? Thank you.

The Speaker: Mr Cannell, Onchan.

Mr Cannell: Thank you, Mr Speaker. I would like to try, for once, to turn the temperature down a bit. Someone has said - and on these occasions you do lose sight of it - that we are speaking to a resolution as to whether or not to go into private. It is very risky to go any further than that, because if anybody is seeking redress for anything, they could totally prejudice the matter. In fact, that may well have occurred already. One thing I am a little perturbed about is that we all know what we are talking about here, but we are at the moment sitting in public, with a press gallery. There might easily have been people sitting in the public gallery who, unless they were in on the tom-toms, would have no idea what we were talking about. *(Interjection)*

We would be extremely naive if we did not know the basis for the subject, but it is not on the resolution. What amazes me is that there are people now already taking entrenched positions as to what they are going to do or not going to do. I will say one thing. If this subject, which is confirmed as regarding an appointment made by the Tynwald Management Committee, is to be the subject of a debate, I am one who is prepared to say exactly the same thing in public or in private, **(Members: Hear, hear.)** but I am not too certain that that fits the bill for the individuals when you start to bring in staff members. *(Interjections)*

We should not as we are tempted to do on everything else, try to pre-empt the item by trying to get our positions on paper. All we are doing here is deciding whether to have a private sitting. Presumably it will then be down to the same mover - to ask us to discuss a subject he thinks that a private sitting would entertain. He would still have to convince the members that that discussion should go forward, but that is not where we stand at this moment.

I have been on the press benches, and I could be rubbing my hands if I was sitting there now with a newspaper or a radio deadline to meet. I would say 'They are fighting it out before they have even started the discussion,' because one statement has been made already and it has not been answered. If we do proceed on the subject that we are not talking about, some of the people concerned have already spoken and made their position clear. That cannot be right either, because if they are going to be a party to the discussion they should not influence our debate on whether it is going to go in private. If I were one of the members of the Tynwald Management Committee, I would have walked out of the door. I do not think it is fair to put your opinion across as to whether you think it should be in private or not. You are trying to influence a debate on a subject to which you are a party, and that is not correct.

The Speaker: Mr Corkill.

Mr Corkill: Mr Speaker, I too joined this House when we had private sittings, and I have to say at that time I was completely dumbfounded. As a member of the public, new to politics, I had not realised that the House of Keys ever did sit in private. It was quite a mystery to me as to why that was required and, thankfully, shortly after that, it changed. For many, many years now we have not sat in private.

There is a very important thing at stake here, which to my mind goes beyond individuals, beyond any individual who is elected to or works for this House, and that is transparency. The proceedings that go on in this House are public proceedings, in my book, and they should remain so. I have to say, Mr Speaker - and I am sure you will be aware of this debate, which has occurred on occasions in the past - that I would find it very difficult to remain in the chamber whilst there was a discussion going on in private. There is a democratic, elected process in this chamber, and those things should be done in public. **(Mr Cretney: Hear, hear.)**

There has been plenty of opportunity over the last week or two for a private meeting to be called for members to explain some of the scenarios that have gone on, which we have heard tittle-tattle about. I have to say, as a member who is not connected with any of these decisions, I have been waiting for that invitation to arrive. What we have had of course is information, and I thank the system for providing that information to me over the last few days, because it has been very useful. But the overriding principle remains. As the hon. member for Castletown said. If national interest were involved maybe it should be in private. But then it would still only be a 'maybe', because this chamber is a public chamber. It is a parliamentary process, and, by definition, parliaments meet in public. I have great difficulty going into an issue and passing that principle. Maybe it is a high-level principle, Mr Speaker, but it is one that I have come to terms with over a number of years, and I do not feel I should change my view on this issue.

I am aware of the issue, certain things have been said that are, not relevant to the order on the motion. They are public record. so I believe we have already got to a situation where it has to be public. I take the side of those members of the committee who have been accused, but have not got the platform to respond in the proper way. I hope the procedures of this House can stay strong and produce a result, because people want the situation resolved in an amicable and satisfactory way. But I certainly cannot vote for the motion, Mr Speaker.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. I suppose the difficulty lies in the wording of the motion, which calls 'That the House do now sit in private'. It is difficult for the mover to make a case for sitting in private without touching upon the subject which he and others wish to debate.

What we have heard during this mini-debate on whether or not we should sit private is something of a defensive attitude coming from members of a certain committee. I would say that it is not appropriate to sit in public at this moment in time to discuss what we need to discuss, because the matter involves personnel. (**Mr Gilbey:** Hear, hear.) When coming up through the political ranks over the last decade or more. I have always stood for transparency and open government. I very much opposed private sittings of the Douglas Town Council when I was a member there, but there is no comparison with that situation. In those days the corporation would go into private at will to discuss the most unimportant and unexciting issue.

Today I have to support the motion, for all the right reasons. If members had listened to the comments of the hon. member for Ayre, when he got to his feet, they would have heard a full explanation of why we are required to consider this issue in private at this point in time.

I do not believe that there is anything to be gained by anybody in this hon. House - I include staff in that - by other members stirring up a mock. I do not believe we need to stir up anything today. We need to support the member who is moving the motion, and have a frank and open discussion to ascertain the whys and wherefores of this situation. You will note that I have not even gone into it -

Mr Brown: I would hope not.

Mrs Cannell: I have not mentioned anybody by name, or the subject matter that is on the agenda.

I would hope that we can go to a vote in the next minute or two, Mr Speaker, and those who will support, will support and those who will vote against, will vote against. But I would just like to stress that if the vote is lost and it goes in public, I do not think anything will be gained. It will cause a lot of hurt and upset and probably a lot of recrimination, which I think we can do without at this moment in time. That is not to say that after the subject has been properly discussed by hon. members in private, it should not then be opened up in public. That might happen during this sitting or a subsequent sitting. As to whether or not the report circulated in the name of the hon. Mr Speaker should go public, I have no problem with that whatsoever.

The problem I have today is that the defence is coming in: it is 'them and us.' I do not stand for a 'them and us' today; I stand for diplomacy in respect of this issue, and the only way in which we can be diplomatic. We are considering a domestic matter, a matter that relates to staff, important staff as far as hon. members in this House are concerned. We should exercise discretion and diplomacy, and I would urge hon. members to support the motion.

The Speaker: Mrs Hannan.

Mr Cannell: Mr Speaker, excuse me, could I just clear up a point that the hon. member just raised -

The Speaker: What is your point of order, sir?

Mr Cannell: The order is for a private sitting. If that fails, surely that does not bring it into public, does it?

Members: No, no, no.

The Speaker: Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. As part of the establishment and as part of the Tynwald Management Committee elected by this House, I am told that I have done something wrong. *(Interjections)* Sorry, pardon?

Mrs Crowe: Are you a them or an us?

The Speaker: Look, please address the chair and carry on with the debate, madam.

Mrs Hannan: And the comment -

The Speaker: I am sorry.

Mr Cretney: Take no notice of the ministers. *(Laughter)*

Mrs Hannan: I was elected to the Tynwald Management Committee by this House. I am concerned that the mover of this motion has suggested that the Tynwald Management Committee have done wrong and therefore should be hung, drawn and quartered in private as opposed to in public. I am sure everybody would find it much more exciting in public. I have got to my feet because I was invited by the member for Onchan to leave the House and not vote on this particular issue -

Mr Cannell: I just said if I was on the committee I would go.

Mrs Hannan: I have always opposed private sittings of this House. **(Mr Cretney:** Hear, hear.) If the intention is just to tell the Tynwald Management Committee that we have done wrong, fine, fair enough, we have had our slap on the wrists, you can do what you will. But I am concerned that this particular issue has not run its course. If the Tynwald Management Committee have done wrong, we have done wrong in not bringing this matter before Tynwald for approval -

Mr Downie: Before this House.

Mrs Hannan: - or this House. It has not been placed on the agenda yet. It does not come into force until the end of March, and there are another three sittings before that time. So I cannot agree with this requirement to sit in private.

I am concerned about some of the comments that have been made already. Even though some of the information has gone out, I am surprised at some of the comments that have already been made with regard to this discussion to go into private. It seems that, instead of wanting to discuss it, lines are drawn. The member for Onchan quite clearly said that this is a terrible conspiracy by the establishment. I do not consider myself to be an establishment member or an establishment member within this Tynwald Management Committee. I can tell this hon. House that I have worked long and hard on this Tynwald

Management Committee. We have done more in this four years of this membership on the management committee than has been done for years. We have given lots of our time, consideration and all the rest of it to get more facilities for members, not just in the new development -

The Speaker: Keep to the motion, hon. member.

Mrs Hannan:- I am just talking about the Tynwald Management Committee, Vainstyr Loayreyder -

The Speaker: The motion is 'That the House do now sit in private.'

Mrs Hannan: - and the Tynwald Management Committee has been criticised openly in this House (**Mr Gilbey:** Hear, hear.) this afternoon. The Tynwald Management Committee has worked long and hard for the membership of Tynwald, to improve facilities and improve what is available for them. I will be voting against the private sitting because I do not feel that it is something that would bring glory to this House. I am saddened by the events that have gone on here this afternoon. I really am very sad.

Mr Cretney: Vote.

Mrs Cannell: Good, good.

The Speaker: Mr Rodan.

Mr Rodan: I think, Mr Speaker, there are occasions when this House is very much at its best and rises to the occasion, but regrettably this afternoon is not one of those occasions. Any member who puts down a motion on the order paper that the House do sit in private does not do so lightly, without good reason. We should take into account the fact that there are well-known positions in this House where there are members who hold such a move on principle. There are members of this House who support such a move only with very good reason, in matters of national importance, for example. So I am sure that the hon. mover did not put this motion down lightly or without good reason.

I have no idea what the hon. mover seeks to tell us if the House sits in private. I have had a broad indication of the subject matter. As a matter of courtesy, and knowing that no member would put down such a motion unless it was, in his opinion, of vital importance and of vital importance to this place, I am prepared to do him the courtesy of waiting to see what the subject matter is. (**Mr Houghton:** Hear, hear.) There has been an awful lot of pre-emption and supposition going on as to what is to be talked about.

It is regrettable that the hon. mover couched the motion in his introduction in the terms that he did. If he had simply made a formal moving, it would have been less of an invitation for unwise things to have been said. I feel enough has been said already. I have now said my piece for the record, and I hope we will go straight to a vote.

The Speaker: I call Mr Braidwood to reply.

Mr Braidwood: Thank you, Mr Speaker. I am taking a pragmatic view. I have listened to the comments of all members. I do not want to go through every individual member, because we seem to be divided into camps: people who do not want to sit in private unless the matter is of national interest, and people who are against sitting in private. However we have to look back and as the hon. member for Onchan, Mr Karran, mentioned, we used only to go into private sessions to discuss Legislative Council minutes or whatever. In 1976, on the appointment of the present Deputy Clerk of Tynwald, we went into private session and then matters go to Tynwald after endorsement by both branches. The same happened in 1987.

I did not mention any individual names to save them embarrassment. I have not mentioned anybody, but it is very difficult to get a motion to sit in private. I just wanted to give the bare bones of my argument and I think that people have already made up their minds. (**Mr Cretney:** Hear, hear.) I am not

going to hang, draw and quarter people. I just want to get to the bottom of this sorry affair. Thank you, Mr Speaker.

Mr Brown: Mr Speaker, on a point of clarification, please, sir, if I may. Will you confirm, Mr Speaker, that, if the House sits in private, every member, unless they have your specific leave, will have to sit in the House?

The Speaker: That is in accordance with standing orders. When the House is in session members should have, if they wish to absent themselves, leave of absence from the chair.

Mr Karran: As you know.

The Speaker: The motion is that this House do now sit in private. Will those in favour please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

For: Messrs Quine, Rodan, Rimington, Houghton, Henderson, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Bell, Karran, Cannell, Gelling and the Speaker - 15

Against: Messrs Gilbey, North, Sir Miles Walker, Mrs Crowe, Messrs Brown, Cretney, Duggan, Mrs Hannan and Mr Corkill - 9

The Speaker: Hon. members, the motion is that the House do now sit in private, 15 votes in favour and 9 votes against. I must ask the Clerk to make sure the House is cleared and that the doors are shut. Any member who wishes to leave the chamber must do so now and not during the debate. Is that the wish of the House?

Members: Yes.

The Speaker: Thank you.

The House sat in private at 3.31 p.m.