

REPORT OF PROCEEDINGS OF HOUSE OF KEYS

Douglas, Wednesday, 11th April 2001
at 2.30 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); 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 (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 Mr R B M Quayle, Acting Secretary of the House.

The Chaplain took the prayers.

Apologies for Absence

The Speaker: Hon. members, I have given leave of absence to the hon. member for Middle, Mr David North, and the hon. member for South Douglas, Mr Duggan. Mrs Hannan will be coming in later.

Road Traffic (Amendment) Bill — Consideration of Clauses Continued and Adjourned

The Speaker: We will now turn to our order paper and continue from where we adjourned last evening. Does anybody else wish to speak to clause 16 and the amendment or shall I call upon Mr Houghton to respond to the amendment?

A Member: Hear, hear.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. Perhaps it might be helpful if I just give a brief summary of the ground that has been covered just to outline the exact intentions of the purpose of bringing forward this amendment. I did point out to hon. members that, in the 1985 Road Traffic Act that was amended in 1996, there was primary legislation moved that was followed up of course by a Tynwald order that was effective from 1st July to bring in this particular issue. What we seek here is to reverse the process whereby the provisional licence will be issued first and then the theory test will be taken before the practical test. I make this quite clear once again as the circumstances behind this did seem to go off course to a certain extent during yesterday evening's debate.

I have to also endorse that this is the same principle, exactly the same principle, that we wish to adopt as currently is in the UK. One of the major salient points that I would just like to re-endorse to hon. members is the fact of people who have no experience behind the wheel who are expected to pass this test before having done so. That type of scenario assists with intellectual people who are more likely to pass, but the less intellectual people would have problems. Of course, if my amendment goes forward and eventually it goes forward and is accepted in legislation, driving instructors would be able to assist those people who are less able or less intellectual with their problems, as well as everybody else such as youngsters and so on who would have much more idea of what they were actually talking about before they took their theory test which could be taken before they take their driving test - at any time leading up to that time. The theory test, hon. members, is not based on the Highway Code. The circumstances whereby the Highway Code is again tested - and I fully support this - by driving test examiners, are failing people because they still have - and this is quite notable - they still have no knowledge or scant knowledge of the Highway Code when they take their practical driving test. So if they had passed their theory test during the time they took their driving lessons they would have a better and more informed understanding. Again I see that as a positive point towards the amendment which I am wishing now to have agreed by the hon. House this afternoon.

Another salient point that I made in my opening brief was that the system is failing by 100 a month on average, as against the previous two months of last year, January and February and this is accounting to a shortfall of 1,200 less applicants a year. Now, because you have got a scenario where we have a growing population, I can only see that really these figures should increase not decrease by so many. To deal with the scenario with higher pass rates that are currently still in the actual system: those candidates who are passing their theory test who are in the system are people with practical knowledge already because those are people who, of course, have a provisional driving licence issues to them 12 months before the Tynwald order came into force on 1st July. Those people, their licences are now expiring and, of course, they - if they have not taken and passed the driving test - have to apply for a new provisional licence. In so doing they then have to submit for a theory test. That is the purpose, that is the reason why higher pass rates are at the moment being experienced with those taking the theory test.

Just turning to certain issues to do with the paper itself, I must make quite clear that all - I am sure that all hon. members of this House - but all members of the Driving Instructors Association are in agreement with the theory test principle and that the theory test is to be undertaken whilst in possession of a provisional licence. That is something that I cannot make stronger my point about as such.

There were one or two other issues of interest that came up about in the UK; the United Kingdom allows instant retests and gives instant results. In our case, in the Isle of Man, we are waiting three weeks and the hon. minister, Mr Brown, has already pointed out that this will reduce hopefully in the near future to one week. That can only be of help, but the situation will not matter if we are still leaving the circumstance whereby people need to pass the theory test whilst they have got practical driving experience.

Another point that was made, of course, that all we are doing is considering, in this hon. House, businesses. Yes, I see that that is an extremely important point, but I also have interests in the public also who are getting a raw deal from the circumstance that prevails at this time and going back to the scenario with the driving instructors who know the business best, they are going down. Their reduction of three to four more pupils per month that they would take on, on average, have reduced to less than one per month on average. There was some mention of a quirk from one of the hon. members; a quirk in the figures of approximately 200 was mentioned. Again I feel that all I can do is stipulate that as these figures are working through, the driving instructors are dealing with the new people in the new input so they know what is happening at the current time, but the vast majority of people who are working their way through the driving test scenario are existing licence holders who have got and have had that driving experience before taking the theory test. Of course when those particular existing licence holders are flushed through the system, the matter would then be more clearly exposed. Mr Speaker, we simply cannot wait until that particular scenario happens.

Just turning to the respondents to the debate, I would like to take the opportunity of thanking Mrs Crowe for seconding the amendment. I am very grateful to her for that. She did say that she had looked at the theory test and found it very easy. Well, of course, that would be the case for the hon. member, Mrs Crowe, because she is an experienced motorist and she should understand the circumstances of a theoretical test more than that, but I do thank her for her support anyway.

The hon. member who was supportive, Mr Shimmin, I thank him for his support. He did pose a question as to if the amendment was cleared how quickly would this become law and how quickly could the situation be relieved. Of course there is a circumstance here where, yes, currently businesses are being devastated, but we are dealing with matters of law here and the law takes its time to go through and be eventually enacted. My understanding will be is that as soon as the law is changed then the circumstance then will begin to be resolved and that is the best answer I can give to the hon. member for that.

I would also like to thank the hon. member for Onchan, Mr Cannell, for his supportive comments. He has got some very strong points, he made them quite clearly. I support best practice in driving with anything as long as it is not restrictive as to what this particular scenario is

at this time. One of the suggestions that the hon. member made was for people to try out their driving in the likes of Jurby. What a very good idea! If that can be something that can be progressed I would be very supportive, but as I say that is a matter for perhaps the department to take cognizance of in the future. He also made another good point about why is it that in the UK the theory tests are done by pressing a button on a computer and over here we are not doing that, which results in a severe delay in the results being obtained and passed on to those people who are requiring to get the positive result so they can go then for a provisional licence. I cannot see the reason why that that cannot be done in the same way over here, thus giving those people, like in the UK, a clear and definitive answer before they leave the building after they have done the test and then put in straight away for another test to take it, but still that would be even better whilst those people are learning to drive from the experience scenario rather than being on hold until they finally pass the theory test.

I would also like to thank the hon. member, Mr Braidwood, for his supportive comments.

Mrs Hannan, and I am sorry that Mrs Hannan is not in the chamber at this time, she made a lot of play, rightly so as far as she believes, on what are we doing here? What are we doing in this chamber? Sometimes I ask myself that. I think it was the hon. member, Mr Cannell, that made the very good point that in the Tynwald papers that we have got here, most of the regulations there are UK based, but if I can bring matters down to this particular scenario what we have is theory test papers run as in line with the UK mentality, which means that the test and the papers are designed for inexperienced drivers not non-drivers. I would like to analogise that simply with the Motor Construction and Use Regulations. We cannot put 'Manxified Construction and Use Regulations' any more than we can do with this which has clearly failed. If we manxified our Construction and Use Regulations for vehicles there would not be a vehicle on the road and so simply we have to see sense. Most of our regulations, as indeed this one, must be followed in that way.

I thank my hon. colleague for North Douglas, Mr Henderson, for his extremely supportive remarks and also Mr Quine, for putting up a very good argument why the actual theory test paper in itself is flawed - although bear in mind that can be improved and let us hope it is improved upon - but as I say the situation clearly must be improved and the comments that the hon. members made really must be noted by the department if the theory test itself is going to be an improved way of getting drivers' standards improved on the road subsequently.

I also thank the hon. member, Mr Singer, for his explanation of the departmental concern at the time. I would agree with his comments that the scheme is not working and if it is not working this is our position here to admit it is not working and put it right. Nobody can get it right all the time and if we get it wrong let us put it right, it is as simple as that and I support the hon. member in that.

The hon. Chief Minister was up next and he was after some clarification of procedure. I am quite willing to help the hon. Chief Minister, the hon. member for Malew and Santon, as much as I can, but I do feel that perhaps certain of his queries can be more readily answered by the department. What I understood him to ask was that if the amendment was passed that would give plenty of time to study and pass the theory test whilst learning to drive and he asked was that the best option? Of course it is the best option, hon. member. That is the whole purpose of moving the amendment. People who have no practical experience would be unable to understand an awful lot of the questions and that is the reason why they fail. He also asked why applicants are not signed up for a licence when they pass the theory test and I referred back to notes, to comments I made earlier about this discrepancy of this 200 figure of people who have passed the theory test and not necessarily registered for their provisional licence. There may be some area of thought in the hon. member, Mrs Crowe's, answer to that was for the issuing of ID cards et cetera, but I would perhaps ask the hon. member for the department, Mr Brown, to clarify that situation because as I say I am not aware of the reasons for those discrepancies. It is a matter really I would have thought that perhaps may be better answered by the department.

Turning to the hon. member, Mr Brown, who made an awful lot of strong points. I would say that the hon. member really is trying to defend the indefensible. I have tried to study as to whether he had a case. I could not see a case in his arguments and that is the purpose why I continue to

pursue the issue as I see it and as I say I am quite sure most hon. members see in the House here. The legislation is flawed, sir. Yes, we are all responsible for what we vote in the past, but again, if we find that it is wrong, let us change it rather than fall out with each other. We have good legislation and we amend it if we do not think so. Rather than just standing by an old principle or what-have-you of 'No, we must trump on. To heck with businesses. To heck with the public. We are right and we can never be proved wrong.' If we put a more humane handle on things in this hon. House I think we would grow in support from the public enormously overnight, but unfortunately there is a degree of arrogance that comes into this House many times that does not support that method. Let us admit that we are wrong, put things right and that is all I am trying to do here. This is a non-contentious piece of legislation. We all support the operation of theory tests. What I want to see is to see that it is put in the correct context. That is all I am after doing.

The hon. member, Mr Karran, spent an inordinate amount of time last night going on about motor cycle training and the little accident he had and this that and the other. Once again, I can assure the hon. member, Mr Karran, that motor cycle training is contained. Provision for that is contained in the Bill. It is clearly contained. For his information motor cycle training at the moment is not compulsory, but a lot of people are encouraged to take it. The Bill will make it compulsory and with it will come the opportunity to take a theory test because I am supportive like him in safety on the roads, no more than motor cycles. I have been to some hideous, horrendous motor cycle accidents with disfigurements, bodily disfigurements and all the rest of it and as I say, I would do nothing more but support the compulsory training of provisional motor cyclists which would include the theory test. The department has already taken that into consideration already in the Bill. That is not actually a matter for me.

Mr Karran: A point of order, Vainstyr Loayreyder. Could we have a ruling from the Clerk as far as whether he is right on this point. I think he is misleading the House. Under the existing schedule 1 it does not mean that they have got to have a written test before they can get a provisional licence to go on the road. I am sure the hon. member means saying what he believes, but I believe he is not correct as far as that is concerned.

The Speaker: Hon. member.

Mr Houghton: All I can say, Mr Speaker, is that is a departmental matter because the department is moving this Bill. It is not an area that I have included in my amendment and I am quite sure that Mr Brown, the hon. mover of the Bill, will be able to clarify that and perhaps clarify even more when he gets to that stage in the Bill, but that is my clear understanding of it and I am quite sure that that is so, sir. I have closed on my remarks, sir I have nothing else to do, but I beg to move and I thank everyone for their support.

The Speaker: I call upon the minister to reply to the clause and schedule. Mr Brown, sir.

Mr Brown: Yes, thank you, Mr Speaker. As there was no comment really on the clause 16 and the schedule 1 I have not really anything much to add to what I said in my introduction. I think it is laid out quite clearly as to the provisions of the clause and the schedule and I therefore beg to move.

The Speaker: Hon. members, clause 16 and schedule 1. To that we have an amendment in the name of Mr Houghton, as printed before you. I put the motion to you that the amendment stand part of the Bill. Will all those in favour of the amendment please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

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

Against: Messrs Brown and Karran - 2

The Speaker: Hon. members, the amendment carries 19 votes in favour and 2 votes against.

I now put the motion that clause 16 and schedule 1 as amended stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Mr Shimmin.

Mr Shimmin: Mr Speaker, I would like to move that the remaining clauses of this Bill be adjourned to the next sitting of the Keys, sir. My reasons for doing this are that, as all hon. members are aware, we have sat on six Wednesday afternoons in order to try and get through the legislative programme before the closure of this House. We are now in a position where we have three different but equally important Bills before us which are waiting second reading. If, as is quite possible, we spend the rest of the afternoon dealing with the Bill before us at present, that means that those second readings will fail to be heard until the 1st May. Once we have got into that situation, as all hon. members are aware, we would then have to delay a week for any amendments. That would then take us into Tynwald and we would therefore be reaching the clauses stage of those Bills on 22nd May. That would leave us only 29th May for the Keys sitting, sir, for the third reading, which would allow any of those Bills were they to be successful at those stages only one session in the Legislative Council. Any amendment to those would therefore be failing to be carried within the sitting of this House. I believe that all hon. members are aware of the importance of the legislative programme. I know that there is some contention on item 13 on the agenda, which is the Council of Ministers Bill. However, I think there is fairly universal support for both the other two Bills before us today. I would move that if we were disciplined we could move forward today, clear all of those second readings and ensure that the whole debate is able to take place in a satisfactory timescale, sir. I beg to move.

The Speaker: Hon. members, we now have an adjournment -

Mr Singer: Could I second, please.

The Speaker: - Mr Singer. We now have an adjournment motion before the House and in accordance with standing order 79(1) and 79(2) the adjournment motion will be debated with a limit of five minutes on any one speech. Anybody wish to speak? Mr Brown.

Mr Brown: Oh, yes, Mr Speaker. I am sorry, we are in the middle of a Bill. We are part way through it. There is a legislative programme and quite clearly I believe we should continue our programme as it is laid out. The point that the hon. member makes to advance it will make no difference whatsoever. How long we take on legislation is in the hands of the House and the House has taken great interest in two Bills from my department and that is their choice. I do not believe we should disrupt the legislative programme in the way being suggested. Every Bill is as important as every other Bill and therefore the suggestion by the hon. member advances us not far at all and I have to say that, as far as I am concerned, to break off while we are in the middle of a Bill, which at the end of the day - this Bill, the Road Traffic (Amendment) Bill, which is halfway through, could be completed by today and just as importantly could get its third reading after the Easter recess - just as important as any other Bill on the agenda getting its second reading and therefore I would urge the House not to support the adjournment of this Bill because there is not really any logic to it and, as I say, every Bill is important.

The Speaker: Mr Gilbey.

Mr Gilbey: I would entirely support what the last speaker has said, Mr Speaker. I think that there is a lot of very important matters in this Bill, such as the power to bring in cameras to control speed. It is also important that we should get through the amendment that has been moved by the hon. member for North Douglas, Mr Houghton. I think it would be most unfortunate if having got that amendment and spent so long on it, it was now delayed. So I hope that he would agree and other hon. members would that we should go ahead as per the agenda before us.

Members: Vote, vote.

The Speaker: Any other person wish to speak? The motion before the House is that further consideration of the Road Traffic (Amendment) Bill clauses be adjourned until the next sitting of this House. 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, Houghton, Henderson, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Bell, Karran, Corkill, Cannell and the Speaker - 14

Against: Messrs Gilbey, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Cretney and Gelling - 7

The Speaker: Hon. members, the adjournment motion carries, 14 votes in favour and 7 votes against.

Procedural — Electricity (Amendment) Bill Brought Forward

The Speaker: Hon. members, we will now move -

Mrs Crowe: Mr Speaker -

The Speaker: Yes.

Mrs Crowe: Could I beg leave of the House, if we are going to start again on the agenda, that we can put the Electricity (Amendment) Bill 2001, the second reading, prior to the item 13? So that means bringing item 14, which is a most important piece of legislation to aid all the consumers in the Isle of Man or at least certainly to bring the pipeline into the Island for the natural gas. I would urge members to support and give me leave to introduce that Bill prior to item 13.

Mr Gilbey: I would second that I think that, as we are messing about our agenda in a most extraordinary way, we should deal with things that are of interest to our constituents before anything else. (**Members:** Hear, hear.)

The Speaker: I just have to advise, hon. members, we are not 'messing about' with our agenda, we are doing it in accordance with standing orders. There is now a motion before the House that item 14 be taken prior to item 13. It has been seconded. Anybody wish to speak? Mr Karran.

Mr Karran: Vainstyr Loayreyder, I would just like to say that I think it is important that we do get this piece of legislation through to give the power and the flexibility. I think there is a certain amount of shenanigans that can go on but I do feel that this is an important issue. It needs to be addressed and I do hope that we can because it will go through on the nod anyway to make sure that we get this Electricity Bill through.

Mr Cretney: I also would like to speak in support of the suspension of standing orders to take proceedings in the manner in which we have. I do believe that the Electricity Bill, of the remaining three, is the one which is most important in terms of our nation and I think we should go with it.

The Speaker: Mr Rodan.

Mr Rodan: Mr Speaker, just to say that, as the mover of item 13 which is the subject to be overtaken, I would have no objection to the proposed course of action.

The Speaker: The motion before the House, hon. members, is that we now debate item 14 and then revert to item 13. Is the House agreed? Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Electricity (Amendment) Bill — Second Reading Approved — Motion for Suspension of Standing Orders to Take Clauses Lost

The Speaker: Item 14, the Electricity (Amendment) Bill for second reading. Mrs Crowe.

Mrs Crowe: As the minister is away, Mr Speaker, I believe that permission has been sought from the House for me to take the Bill at second reading?

The Speaker: You are seeking permission of the House, Mrs Crowe?

Mrs Crowe: Please, Mr Speaker.

The Speaker: Is the House agreed that Mrs Crowe -?

Members: Agreed.

The Speaker: Thank you, Mrs Crowe.

Mrs Crowe: Thank you very much, Mr Speaker. I am most pleased with your indulgence.

The Speaker: Mrs Crowe, please.

Mrs Crowe: The Electricity (Amendment) Bill, which is promoted by the Department of Trade and Industry, is intended to enable the Manx Electricity Authority to lay pipes for the purpose of supplying gas to its generating stations.

As hon. members are aware, following the recent announcement by the Irish Government that the SIPS 2 scheme to provide additional gas supplies from Scotland to Ireland is to proceed, there are now three options available for a supply to the Island. Two of the options would bring gas to the Island from the East coast sources and the third would bring gas by means of a spur pipe from the SIPS 2 pipeline to a West coast landing point. I am informed that the MEA recently has secured routes from a coastal landing point to the Pulrose generating station for natural gas bought from the East coast sources. This Bill is primarily intended to ensure that there are no insurmountable barriers to the laying of gas transmission mains from a West coast landing point to the Pulrose power station. Without such legislation being in place it is unlikely that natural gas from the SIPS 2 could be brought to Pulrose by October 2002, which would be necessary to meet the Island's future electricity demands.

It is essential that the MEA is given these powers in the national interest as without them the Authority would in practical terms be unable to pursue the SIPS 2 option. If the MEA cannot be confident that it can meet the deadline for making gas available for generating purposes from the West Coast source, then it would be forced to pursue one of the technically more difficult East coast options.

I am sure hon. members will be aware that the MEA already has powers under the Statutory Boards Act to acquire land or rights in land compulsorily for the purpose of any of its functions and this Bill, by allowing the laying of gas pipes by the MEA, automatically gives it the power for that purpose. Thus, should the Authority be unable to agree voluntary wayleaves with a landowner or landowners within the limited time scale available, with the permission of Tynwald it could use compulsory powers.

Hon. members will want to be aware that the Bill also empowers the MEA to place other apparatus in the land along with the gas transmission pipes. These powers allow for the deployment of low pressure gas supply pipes, conduits for carrying electricity lines and electrical plant and conduits for carrying telecommunications apparatus. These powers are also important as they enable such equipment to be deployed without having to dig more than once and therefore enable significant cost savings to be gained, apart from less disruption to the people on the Island. Mr Speaker, I beg to move the second reading of the Electricity (Amendment) Bill 2001.

The Speaker: Mr Shimmin.

Mr Shimmin: I am very pleased to second, sir.

The Speaker: Mr Cretney.

Mr Cretney: Yes, I am just happy to support the second reading of the Bill on the basis that this is a very important Bill for consumers and for the environment of the Isle of Man. It is something in terms of natural gas which has been spoken about for a good number of years. I congratulate the department on the initiative they have taken to get us this far and I think it will be something which will be widely welcomed.

The Speaker: Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I too rise in support of this very welcome Bill which is very much in line with the successful resolution I moved in another place. I wish the department every success with this and any support possible. As the hon. member for South Douglas has indicated, this is very important to the local consumer and the environment.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I would like the mover to explain to me the issue of the purpose for supplying gas to any of its generation stations. Do you feel that there should not be anything to have the distribution facility in the primary law? I would just like to know the thought process behind that. I think it is important that we do not end up with a sort of guerilla war between the government, the MEA and the gas company because the fact of the matter is this is a long fought out campaign for many years to get this natural gas on the Island when it was a matter of 'Oh God' ran the gas company and they were untouchable in those days and now it is owned by Guernsey they are touchable. The point is that we must remember that we are making the law and we need to know whether we are making it flexible enough. That issue needs to be addressed but we also must remember that we do have a responsibility to the existing facility company in the fact that we should try and cooperate as much as we can with them. I just am a little bit concerned that the fact is that the supplying of gas to any of its generating stations - why are they being so specific? I would be very interested and have there been any observations from Manx Telecom, as well?

I support the Bill, as somebody who tried to get common sense to prevail when the first gas line between Scotland and Ireland was coming through our territorial seas and then we were outmanoeuvred. I welcome the proposal but I just want to know the thought process, why you have not built in the flexibility. Whilst I do not want a guerilla war situation between us and the existing company, they need to know because of the capital outlay that they have put out that they are secure but it is important why we have put ourselves in a legislative straitjacket as far as just purely the supplying of gas for generation. I do not want to set alarm bells down at the gas company, I want them to keep on with their investment programme but I just would like to know what was the theory behind that, Vainstyr Loayreyder.

The Speaker: Mr Cannell.

Mr Cannell: Yes, thank you, Mr Speaker. It does seem a bit peculiar to be commenting on an Electricity (Amendment) Bill when the primary purpose of the whole object is to actually bring in gas to the Isle of Man but I do recall that not very long ago we were all saying, 'What do we want - cheap gas, when do we want it - now.' I could little have envisaged then as I went along to the presentation we would so early be having the privilege of putting this measure through-providing, of course, it does receive approval here today and subsequently. I do not think we should quite treat it as Christmas having come early as yet because there are many obstacles still to be overcome and the previous intransigence of the suppliers of gas to the Isle of Man must be overcome with goodwill because otherwise I foresee a stalemate occurring where in fact we will have the gas but we cannot get anybody to distribute it. So I seek an assurance that in fact before we embark upon this grandiose scheme, which will indeed affect the environment because we are going to have to dig our way from Port Mooar all the way through round the edge of Peel and right through the central valley to Douglas with all this which is not an inconsiderable undertaking. Not along the roads I gather from looking at the research done on it but nevertheless quite an undertaking and I am amazed to hear that apparently the wayleaves can be gained quite so easily. I would have thought that it would be quite a struggle to go through the number of people whose land must be crossed in that distance to get this up and running.

I do welcome it if it is going to bring the result which I am told. I am not quite so certain that it will be so smooth as to the fact that very shortly we will be getting gas at considerably cheaper prices. I certainly hope so but I would also look to the day - in fact if there is any suggestion whatever that the present suppliers who have equipment in some cases which need updating itself will not be calling on this government to subsidise that because, if that is the case, we might as well do it ourselves and make the MEA directly the suppliers. I know that cannot be done straight away but it is certainly being done in England, where in fact you actually get your gas supplies through electricity companies. I do not think we are at that stage yet but I would not like to think that the whole thing would founder because, as has been hinted earlier on, we actually end up with a clash between the company which at the moment is supplying gas doing their best but somehow seem unable to make it a competitive price to the point where people now are ringing me up - and I am sure other members as well - and pleading, 'What can we do, Mr Cannell, I'm getting gas bills

for £400 here whereas it was only £200 not that long ago?' You can read all the justification of it till the cows come home but you cannot explain to an elderly lady why she is going to go bankrupt for turning on a basic commodity of gas central heating even if some of them have got it turned up a bit too far.

So let us hope this is the start of what riches the DTI are promising us here but I do not pretend for a moment that it is going to be quite so easy as to the fact that in a few months time we will all be enjoying cuts of 50 per cent in our generation.

The Speaker: Mr Gilbey.

Mr Gilbey: Mr Speaker, I think the last two hon. members for Onchan have raised a very important point which I hope the hon. mover will go into in some considerable detail when she sums up. As I understand it what we are doing is agreeing to the MEA putting down mains supplies, wholesale lines if you like, to take gas from the coast of the Isle of Man, and indeed from a transmission main in the Irish Sea, to their power stations and, at the same time as they are digging up, we do not want smaller supply gas lines to be dug up in parallel along the same roads: they are being given permission to lay smaller distribution mains alongside their main main. But this does bring us to a very important point.

I personally think that we have got to be very careful regarding future legislation to make it absolutely clear that the MEA will in no way whatsoever be in control of the gas supplies in the Island as well as the electricity supplies. I believe we are going to need quite a lot of additional legislation which makes that position absolutely clear; that makes it clear that they can only charge a transmission fee to gas companies for conveying the gas through their pipes from the Irish Sea main which is going to run from Scotland, as I understand it, to the Republic of Ireland; that they will only be able to charge a transmission fee for that gas going through their main into the smaller distribution mains belonging to the gas companies. Otherwise it must be perfectly obviously that, unless this is very carefully controlled, the MEA could merely put on an exorbitant charge or a high charge for the use of their gas main and that would mean that they would price gas above electricity and make it less attractive for people to take pure gas into their houses for cookers, heaters and all the other things that people use gas for. I believe that this is therefore only the very first stage and we are going to need much more complicated and detailed legislation to control the position as to the supply of gas via this main line which we are now approving to smaller distribution networks belonging to the gas companies and exactly how that will be done, what controls there will be particularly regarding price but I am sure I am only suggesting an outline of what will happen. I am certain the hon. member being in the department will be able to explain in much more detail the kind of safeguards that will be required because otherwise unless people hear this assurance I am sure firstly the gas company is going to be extremely worried and feel that they are going to be in the hands of their main competitor: it is rather as if you put Manx Airlines under the Steam Packet or vice versa. So I am sure they will want to know, I am sure also our own board, the Office of Fair Trading, is going to be most interested in this and that the public will be as well.

The Speaker: Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I rose to my feet really because of the comments made by the member for Onchan when he spoke about wanting cheap gas. There is no guarantee that we are going to get cheap gas because we approve this and I do not think we should pretend that we are. The gas company are on record as saying that they could not afford to bring gas in and supply it any cheaper because of the cost of bringing it in. So I do not think we should pretend that because we bring this in we are going to get cheap gas. What needs to happen is that the MEA bring it in by all means and that could in the future cut down our electricity prices and on top of that there might be an added plus if the gas company could be involved in some way but this would be a very technical thing I would have thought - one subsidised area bringing in gas and then how do they arrange it so that they can sell it to a private company? So I do not think it is quite as simple as we would like to maybe make out. We have to remember, too, that because we are bringing in this legislation, it does enable the Electricity Authority to do all sorts of things which they are doing at the moment when it comes to burying cables, putting in cables

across land and the like, so there will be places that will be dug up, people will be affected by it. We do not know how long this emergency with regard to the foot and mouth is going on but they will want to go on to farmland. It is not just down roads. So there will be a lot of activity to lay these and people will be involved all over the place.

The other thing which could be considered at the same time, if we are putting down areas where you can put cables through - I cannot think of the name of it at the moment - but we should also think about maybe in the future there might be an area where we would also need cable television. Now I do not know what the size of cable television is but it is something that could affect the way we live in the future, so it is something that might like to be considered at the moment although it is not near properties and that is where cable television and those sort of areas are affected, where they dig up streets and undermine trees and all the rest of it. It is something that we might like also to be involved with and while you are digging one area you might as well lay down the provision for putting that in as well.

It is not Port Mooar that has been suggested, because that is on the east coast, but it is Glen Mooar that has been suggested, which is on the west coast south of Glen Willyn so I think we should need to get our geography sorted out there.

The other area is the pressure: it has to be away from houses because of this high pressure and then as the pressure lowers it is then nearer houses and so I think I would like to know what sort of safeguards are going to be put in place when this gas pipeline is put in, not just with the high pressure but also the differing pressure. When I am trying to find money to keep the roads in a reasonable order - I know that is not possible but we do try - I would like to know if there is going to be added provision where the MEA dig up roadways. At the moment there are areas in my area which we are waiting for them to come back and satisfy a reasonable condition. While they have this authority to have this added authority to go on land to lay gas mains, I would hope that they will also respect how they are going to put everything back. There is also an environmental issue here and how they actually manage to dig and replace. So I would hope that there could be some comfort in there for me whereby they are not going all over the countryside ruining flora and fauna and all the rest of it without any controls on them and also the extra expense of resurfacing roads once they have dug those up. Thank you, Vainstyr Loayreyder.

The Speaker: Mr Rimington.

Mr Rimington: Thank you, Mr Speaker. It is possibly unfortunate that the hon. member who has just resumed her seat was not able to come to the presentation because actually many of the issues that she raised were quite clearly explained at that presentation -

Mrs Hannan: I -

The Speaker: Sorry, hon. member, Mr Rimington has the floor.

Mrs Hannan: I was just saying I did go.

The Speaker: Mr Rimington.

Mr Rimington: Oh, sorry. As far as I remember from the facts that were given to us there is that, yes, the pipe coming in on the West coast comes in on very high pressure indeed and as it comes in on to land it is then reduced in pressure. It still remains at high pressure and so it will still be a high pressure distribution system to the power station and as such, under the rules and regulations of such pipelines, would not then be able to go anywhere near any houses and also not particularly under roads so the resurfacing aspect of that would be minor. It does primarily have to go over land rather than under roads because of the high pressure nature of it. A low pressure pipe for the domestic distribution system could go under roads or go in another wider variety of territories because it does not pose such a threat to the public.

The point about us not getting cheap gas from this, yes that is true. It will not be instantly rosy and we will all be able to turn on and our gas prices will plummet but the way that it is being suggested that it may take place through the MEA would be to the best advantage of the consumers of the Island rather than if the private company was having to invest to install that

infrastructure and provide a return, a profit if you like to their shareholders as well, where the MEA as the public authority is not there to provide that extra level of return on the investment and, indeed, has probably more resources available to it for that purpose than the private company has which has indicated that it would be reluctant to go the whole hog in terms of that investment because it could not foresee a significant return for the volumes used. But doing it through the MEA would overcome many of those problems and I think that we would see some reduction in gas prices - and progressively so as the years went by. I would just like to say I support the Electricity (Amendment) Bill absolutely because it is going to be a good thing for the Isle of Man.

The Speaker: Mr Brown.

Mr Brown: Yes, thank you, Mr Speaker. As somebody who many years ago as a member of Tynwald, I think it was about 1984/85, opposed the selling off of the Isle of Man Gas Company on the very basis that one day the Isle of Man would have the ability to have natural gas to its shores - and I think at that time I was the only member of Tynwald who opposed it - I am pleased to see that at last the reality that has affected most of the rest of the British Isles including Southern Ireland is coming to the Isle of Man and that is the ability to get natural gas to our shores. Whilst it might not necessarily mean cheap gas, what it will do is provide security of supply of a fuel for the Isle of Man and that in itself has to be of paramount importance to ourselves and, of course, in a world where resources are getting scarce, to the people of the Isle of Man. Therefore I welcome the basis of this Bill in terms of doing that.

However, this Bill is one component of the picture in terms that it will enable the MEA to actually bring gas to the Isle of Man for its own purposes, that is to generate power at its power stations and, of course, very importantly it will mean that the Peel power station can be closed and that in itself has to be the right way forward. The logic of any community is to have one big power station, a community of our size anyway, and not have one at the furthest end of the line where it has to transmit electricity right across the Island and in fact lose a considerable percentage of its benefit wasted in the transmission mains system. So as far as I am concerned, that is something that we should welcome because this will actually enable the MEA to build its new power station, which has already got its plans put forward for, and enable gas turbines to become operational from this gas.

But of course the big benefit from this Bill and the presentation that has come through from the Bill is in fact the situation where the MEA have projected, by passing this legislation, they will be able to put throughout the Island different scales of gas pipeline to enable the Island to be supplied right throughout the Island to its main centres with natural gas. Now I have to say that has to be of great benefit especially when one thinks of the rip-off situation that the consumers outside Douglas have suffered for decades where the Douglas gas was in fact loading the outside out of Douglas area with charges and providing virtually the same gas especially in bottle terms at the expense of those who did not live in Douglas and therefore provided Douglas with cheaper gas. I have to say that we still have that situation ongoing where town gas, i.e. outside Douglas, is very very expensive because it is LPG based and is causing problems for constituents. If members for Douglas think that their constituents have a problem - Douglas and Onchan; which of course is fed by the Douglas Gas system - they want to talk to our constituents who quite clearly cannot afford it and we have had a situation where the gas is a problem. So what this will do is enable the Isle of Man Government to control a commodity. I have to say the vital component on this is that the Isle of Man Government controls the commodity. Whilst the MEA brings it ashore and does that for the reasons they are doing it, all the other side of it has to be controlled by the Isle of Man Government through a regulatory body and ensuring that whoever sells it fits in the price structure that the Isle of Man Government wants and not their own price structure. There are potentially implications to the Island on the terms of the gas supply because it has potential of actually reducing the business in terms of oil supplies and so on and so on and oil usage.

Now, whilst I welcome the Bill because it actually provides that starting point for us, I think we have to be honest though to say that this Bill is very draconian in its legislative format. It actually enables government, the MEA with government, through this legislation that we are being asked to

pass, to bulldoze its way through anybody's land. It pushes aside all wayleave rights and members need to be aware of that because after some of the points that have been made in recent times about members saying they did not realise what it meant and here it is. What it means is your constituents can be absolutely told to go away, we will drive pipes through your land whether you like it or not because this is what the legislation says. When I think back to not long ago in Garff when the MEA was first set up and they were jumping up and down because the MEA would not negotiate wayleaves properly because the MEA said 'We have the right to have a wayleave and we are going to have it.' This Bill says 'We do not even need a way leave. We can go across your land because that is where our pipe is going. It is going from that point to that point' and therefore do not come whingeing when a constituent gets on to you because you have passed this legislation. In passing this legislation, which I believe is an important piece of legislation, members need to be aware of the implications of it. It is not just saying they can lay pipes and so on. It is saying they can, but it is also saying they can whether or not the owner likes it or not and members need to be aware of that. Now, I think it is important to make that point because of the implications of the legislation which we need to know.

The other thing I would say is that my department and the MEA will be liaising very closely on the actions of the MEA. We want to ensure that when the MEA are laying pipes and they are digging up the roads and so on, that if it is appropriate we will liaise to ensure that the IRIS transmission mains, to the north of the Island especially, can take the opportunities that will be provided by the MEA in putting their gas pipeline across the Island and up to the north and down to the south, that we can take those benefits where appropriate. Certainly we will be doing that as best we can, but it will be major disruptions. If you think that the Old Castletown Road is a problem in terms of its disruptions, well, all I can say is 'You ain't seen anything yet' because this will go at a pace (*Interjection*) that will be seen and our man of wisdom is muttering, but I will come back to that later.

So there we are, we have got the situation where we have a situation that this piece of legislation is very important to the Isle of Man. It provides the MEA with a new way forward. I am very pleased that within the legislation that it does not give the power to the Manx Electricity Authority to sell or supply gas to anyone. They can only supply gas to their own operations which of course is the generation of electricity. Therefore what we have to be - and certainly the next administration that comes in after the House of Keys general election in November this year, has to be - in a position to progress the legislation which is being worked on at the moment as I understand it, which will be to ensure that the Isle of Man has a proper regulatory system to safeguard this very valuable resource, which we can get from all over Europe and anywhere else, to introduce natural gas into the Isle of Man. I welcome it and I think we have to acknowledge we are only lucky because the Southern Irish Government needs to lay a new gas pipeline to feed Southern Ireland because they themselves are finding difficulties because of the demand of natural gas and we are able to take the opportunity of the new gas pipeline to ensure that a pipeline is transmitted across the Island on to our shores. I understand those negotiations are going very well.

Finally, Mr Speaker, I would say to the hon. mover of the Bill, and I really think it is an important issue, as this Bill is so important and the House has identified the importance of the legislation, first by putting aside progression of my Bill and secondly by jumping it forward of the Bills on the agenda as it is, I would urge the hon. mover to actually seek to take the clauses at this stage because I do believe, if we get the clauses finished today, then at least it has only got its third reading to come back to when we get back to the next session after Easter and it means that then we can actually get this Bill on the statute books and progressed as it is a top priority to get it forward. So I would urge the member on this occasion, because this is more important than some of the legislation that we have waived standing orders for, for example the Bill that the hon. member for Rushen, Sir Miles took through on banking, this is far more important to the Island and its community and I would hope the member would be in a position to actually take the clauses today because I certainly would support that.

The Speaker: Mrs Crowe to reply.

Mrs Crowe: Copious notes when deputising for my minister as usual! I would like to thank the hon. member for South Douglas, Mr Cretney, for his support and also thank Mr Henderson. The DTI have of course been working on this, the introduction of natural gas to the Island, for, I would think, the whole of the time I have been in the department, but it is nice that there is a general support.

The hon. member for Onchan, Mr Karran, kept coming back to the mention of distribution to consumers. This Bill is an enabling Bill to allow the pipes to be laid to the generating station. This Bill does not empower the MEA to sell or supply gas to any other person. Separate primary legislation will be required. It will be certainly after the general election and Manx Gas are fully aware of all that we are doing in DTI and of course it is Manx Gas that have the distribution network should they be the person that wants to link in to the supply.

I thank the hon. member for Onchan, Mr Cannell. I was delighted to hear that wayleaves would be achieved without a struggle. I would hope that they will be and, of course, this Bill does give the power to the MEA to progress the pipeline and that will be necessary and I do hope there will not be many problems. I think most people will realise that it is very important to get natural gas and the place that it is coming into will mean that it is brought down through the central valley. Once again Mr Cannell did touch again on the supply of gas to the consumer and I will stress this Bill is not about the supply of gas to the consumer. It is purely about bringing the pipeline from the West down to the Pulrose Power Station. The hon. member for Garff, Mr Gilbey, is certainly correct -

Mr Braidwood: You have changed constituencies.

Mrs Crowe: Oh, sorry, Glenfaba, I am so sorry, Mr Gilbey. It does begin with a 'G' - yes, I cannot read my own writing.

Mr Brown: I cannot either.

Mrs Crowe: Once again and I will keep stressing this because it is important, this is not a Bill about the supply of gas to the consumer. This is a Bill about the supply of gas to the power stations and primary legislation will be needed for any wholesale or retail of gas and that will be after the general election. You also did mention in passing Manx Gas and were they fully informed. Yes, indeed, we have been working with Manx Gas on all three of the options that we have had in place at the Department of Trade and Industry. You did touch upon the Office of Fair Trading regulating the gas prices and, as you know, the Council of Ministers has asked us to be a subcommittee to look into the feasibility of gas regulation on the Island and the tender process for that feasibility study is in my office at this time.

The hon. member for Peel, Mrs Hannan, mentioned foot and mouth disease. I do hope that by the time we come to be looking for wayleaves that foot and mouth disease will have passed and hopefully passed us by completely. Hopefully all the excellent measures that the Department of Agriculture have put in place at the ports, the disinfectant sprays and the like, hopefully we will avoid that dreadful disease. You also mentioned about cable television. I feel quite sure that the ancillary conduits that are going in alongside the cable could possibly accommodate cable television. In fact they could accommodate any telecommunication systems and there was made mention of high pressure pipes. High pressure pipes do not go under roadways. I am not entirely sure why; just in case perhaps we do not blow lorries sky high. As for environmentally friendly, indeed the MEA now is fully conscious of the need to be environmentally friendly and I am working with them at the present time on initiatives that will further enhance that policy.

I thank my hon. colleague, Mr Rimington, for his assistance with high pressure, low pressure. I am only used to that for cooking really, but he knows a great deal more (*Interjection*) about the pipes under the ground I am afraid than I do. In fact he knows more about gas and electricity. It is just a shame, Mr Speaker, he does not know quite as much about water as you may well have had a supply in Little London by now.

Members: Hear, hear.

The Speaker: Thank you.

Mrs Crowe: The hon. member for Castletown, Mr Brown, who had the foresight to foresee that natural gas was coming to the Island in 1984: I thank him for his support and, of course, he did touch upon some very important things in his debate. The closure of Peel Power Station: I think that is something that really I am sure the people in the west of the Island will be delighted (**A Member:** Hear, hear.) and I know there have been a number of problems, (**A Member:** Take that chimney down.) but what you did not mention during your speech was the far more environmentally friendly power station that is going to be in place -

Mr Brown: I did.

Mrs Crowe: - at Pulrose. I feel certain that my hon. friend, Mr Cretney, will be delighted when that is on stream and I notice the work is progressing a pace on that as I pass on my way home at night. Half of it has been dismantled already.

Members: Hear, hear.

Mr Downie: Quite right.

Mrs Crowe: I take on board the hon. member for Castletown's comments about an all-Island tariff and it is quite so. We do hear many complaints from the members from Douglas and Onchan about their constituents and their gas prices and of course the price is higher in the rural areas but this is not something that will be addressed by this Bill. This is a problem that is with Manx Gas who are addressing in time the fact that we need an all-Island tariff for the Island. The hon. member for Castletown also mentioned the provision of wayleaves and of course we will have to have that provision and it will not be easy all the time. I do hope that the Department of Trade and Industry and the Department of Transport, as other government departments, always work together when they are opening holes in the road as they are doing down the Old Castletown Road and make sure that all the service pipes go in at that time. I mean this is most important. I do still congratulate the Department of Transport on the massive works that are going on on the Old Castletown Road. It is still ensuring the flow of traffic into Douglas every morning. I do not quite know how you are doing that, but I do think that if this scheme of getting the pipe down the central valley can help to speed up the IRIS link line to the north it will be excellent and I do hope that the departments work together. Mr Speaker, I beg to move the second reading of the Electricity (Amendment) Bill 2001 and would it be appropriate -

The Speaker: Not at this moment, thank you. Hon. members, the motion before the House is that the Electricity (Amendment) Bill be read a second time. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Mrs Crowe.

Mrs Crowe: Mr Speaker, as the comment has been made that it is an important Bill, I wonder would it be possible for me to read the clauses at this time?

The Speaker: You can move suspension of standing orders if you wish, hon. member.

Mrs Crowe: I do think it would be appropriate with a Bill of this importance.

The Speaker: Are you moving suspension of standing orders?

Mrs Crowe: Yes, please, Mr Speaker.

The Speaker: That the clauses be considered?

Mrs Crowe: Yes.

Mr Cannell: I beg to second that, Mr Speaker.

The Speaker: Mr Cannell. The motion before the House is that standing orders be suspended for consideration of the clauses stage of the Electricity (Amendment) Bill. Will all those in favour please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

For: Mr Gilbey, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Mrs Hannan, Mr Cannell and the Speaker - 8

Against: Messrs Quine, Rodan, Henderson, Cretney, Braidwood, Mrs Cannell, Messrs Shimmin, Downie and Singer - 9

The Speaker: Hon. members, the motion fails to carry, 8 votes in favour and 9 votes against.

Council of Ministers Bill — Second Reading Approved

The Speaker: Hon. members, we revert to item 13 on our agenda, the Council of Ministers Bill for second reading, Mr Rodan. The hon. member, Mr Rodan, please.

Mr Rodan: Thank you, Mr Speaker. To get to the starting point of this legislation we need to go back to February 1998 when Tynwald Court appointed a select committee comprising Mr Speaker Cringle, hon. members Mr Cretney, Mr Karran, Mr Shimmin and myself to 'consider and evaluate the operation of Ministerial government and to report.' After 14 formal meetings to consider both written and oral evidence the final report was presented to Tynwald Court on 16th November 1999 with a number of recommendations relating to ministerial responsibility, both individual and collective, and with a principal recommendation in the following terms. I quote from the report: 'We conclude that the quality and effectiveness of ministerial government would be enhanced by the nomination of members for ministerial appointment being again subject to Tynwald approval while allowing the designation of the nominated ministers to departments remaining a matter solely for the Chief Minister. Consequently we recommend that legislation be introduced (a) to grant the Chief Minister exclusive competence (1) to table a motion seeking the en bloc approval of Tynwald for the nomination of up to the statutory maximum of nine members to hold ministerial appointments (2) were that motion to be unsuccessful, to table up to nine separate motions each seeking the approval of Tynwald for the nomination of an individual member to hold a ministerial office and (3) were any of those motions to be unsuccessful, to table further such separate motions until Tynwald approval has been obtained for such number of nominations up to the statutory maximum of nine the Chief Minister seeks. To require the motions referred to in (a) to attract a minimum of 17 affirmative votes of the members of Tynwald, voting as one body by secret ballot to carry.'

The report itself acknowledged that the evidence given to that select committee reflected strong opinions on both sides in relation to such appointments by the Chief Minister. Briefly summarising those arguments, on the one hand there were those who believed that the present statutory procedure is entirely appropriate in that a Chief Minister who is appointed following parliamentary nomination should be entirely free to choose his own team, i.e. members who should be appointed as ministers by the Lieutenant-Governor without any further reference to Tynwald. (**Mr Cretney:** Hear, hear.) Other witnesses proposed going back to the previous statutory procedure, the one from 1986 to 1990 in other words, where members were appointed by the Governor on nomination of Tynwald on the grounds that the electorate vote without necessarily knowing either the members or policies of the incoming government and therefore the nomination of all ministers, as well as the Chief Minister, should be subject to the approval of Tynwald. The debate which took place itself also reflected this difference in viewpoint. On one hand those believing that parliamentary members of a government are responsible to the legislature for government policies and, in particular, that ministers are collectively responsible to the parliament for such decisions taken at Cabinet or Council of Ministers level and that therefore, in a system where nearly everyone operates as independent members, it should be insisted upon that those people were going to be granted additional executive power should actually be supported by a majority of members of the Court. On the other hand there was strong argument that the internal authority within government requires the nomination of a minister to be a matter entirely for the Chief Minister, to whom the minister would effectively be responsible rather than as a decision of Tynwald. Otherwise, it is argued, the executive is strengthened and parliament is ultimately weakened if it shares responsibility for the appointment of the executive. I am sure we will hear those arguments again. The report looked at all that but judged ultimately that the effectiveness of ministerial government would be enhanced by ministers again being subject to Tynwald approval. That judgement was endorsed in Tynwald Court and I would remind this hon. House that the report

with that recommendation was received and the recommendations approved by a vote of Tynwald Court of 22 votes to 8.

That parliamentary decision was acted upon by the Council of Ministers at its meeting of 25th November 1999 and a subcommittee comprising the hon. Mr Bell, the hon. Mr Downie and myself was set up to consider how best to take forward the recommendations of the select committee which had just received such overwhelming backing, including the preparation of a draft Council of Ministers Bill as instructed. It must be acknowledged that opinion in Council as in Tynwald Court has been divided as to whether the requirement for Tynwald endorsement of a Chief Minister's ministerial nominations would result in a strengthening of the Council of Ministers, who could therefore operate with the assurance that they had the support of Tynwald, or whether it would result in a weakening of both Council and the Chief Minister himself. Nonetheless, detailed examinations of the issues involved by this Tynwald recommendation required Council to revisit the specific details and implications of the select committee's recommendation while adhering to the basic spirit and principle.

A number of possible pitfalls in terms of the original recommendation were identified and dealt with, so, therefore, the methodology for ministerial appointments was examined to remove the potential for cumbersome circumstances where a Chief Minister might require a repeated series of appointments to be made by the Governor and a similar series of sittings of Tynwald if there were protracted difficulties in obtaining Tynwald acceptance of prospective ministers. It also looked at the need to incorporate a provision in the Bill to overcome the difficulty of a ministerial vacancy taking place during a period of Tynwald recess. Do we summon a special sitting of Tynwald to obtain the necessary approval or can we avoid a hiatus until the next sitting or what would be the appropriate mechanism? This was looked at. The equity of the situation where the first slate had been rejected and we have nine successive ballots: there was a strong feeling that it would be better to avoid the possibility of a staggered vote with those nominated being voted on individually by separate motions. A better principle from the point of view of equity and fairness was for those nominated to be voted on individually, but on the same ballot paper as a single ballot. It also looked at the need to look at the situation just after the Chief Minister takes office, usually after a general election, where the first slate of ministers had been rejected and a further slate was being put forward, but also at a later stage in the life of the House of Keys where the Chief Minister wishes to make a limited number of appointments, for example in a reshuffle or to replace one or more ministers who have resigned. It did seem unnecessary to oblige the Chief Minister to move for approval en bloc in every case, as had been suggested. Therefore the Bill as drafted gives the option, where more than one nomination is to be approved, of moving for approval either en bloc or independently. The Council considered many options to cope with the appointment of the ministerial team following election and also in relation to casual vacancies. However, each option created its own difficulties, either in relation to casual vacancies or other related matters.

While there is no one perfect solution, least of all the present situation, an amalgam of ideas were put forward in the Bill as being the most workable option. There are, therefore, a number of features in this legislation which I would highlight. Firstly, after an election the Chief Minister should, as soon as may be after he is appointed, submit to Tynwald for approval a nomination en bloc of such numbers of ministers, not exceeding nine, as he thinks fit. If this is not approved then the Chief Minister may at this sitting, or at any time, submit to Tynwald further nominations that may or may not be the same nominations as above and Tynwald to vote on nominations individually in a single ballot; (3) there should be no limit to the number of times the Chief Minister can submit a nomination at the sitting of Tynwald and no restrictions on the number of nominees proposed by the Chief Minister on each occasion; (4) if there were any vacancies remaining at the end of that Tynwald sitting then those would be dealt with as casual vacancies; and (5) the appointments to fill casual vacancies should be appointed from among the members of Tynwald by the Governor on the nomination of the Chief Minister, the key feature being that the appointment would cease to have effect unless it was approved by Tynwald at the next or next but one sitting of Tynwald after it was made.

These proposals offered the most sound and practicable options for ministerial appointments both after a general election and in the event of casual vacancy. This particular Bill this afternoon largely re-enacts the existing Council of Ministers Act 1990, the principle changes to be found only in clauses 5 and 6, which are the ones which are entirely new - clause 5 dealing with the immediate post-election situation, requiring Tynwald approval of a minister before his or her name is submitted to the Governor, and clause 6 dealing with the other situations such as periods of recess as I have mentioned when Tynwald approval is sought after the appointment is made.

In conclusion, I think it is acknowledged on all sides that no system is perfect. The existing situation is certainly not and the wish of the majority of members of Tynwald has been for a fundamental change. This Bill introduces that change. It builds on the principle of the select committee recommendation as endorsed by Tynwald and comes forward as the most practical form of legislation. Mr Speaker, I beg to move that the Council of Ministers Bill 2001 be read for a second time.

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

The Speaker: Mr Brown.

Mr Brown: Mr Speaker, I wish to move under standing order 84 that this matter be adjourned. My reason for the adjournment is that there are no press in the House, this is a matter of considerable importance to the public and we might as well be sitting in private debating this issue. I am extremely concerned that the House is dealing with a very, very important issue that has substantial consequences on the Isle of Man and how its government will run in the future and, whilst we are as a House dealing with the subject rightly under our standing orders, I have to say I am extremely concerned that the press are not here. This is not the first occasion that we have had nobody from the press reporting our proceedings for the people of the Isle of Man and I have to say I just find this unacceptable. We are here in a public forum. While we cannot demand the press be here I do believe that this matter is so important to the people of the Isle of Man, whatever my views are, that it is unacceptable that we should proceed with this Bill without the public being aware of what the consequences of it are. The people we represent have a right to know where we all stand on this issue and yet there is no way that anybody is going to hear about it, apart from if a member does an interview on the radio. I just find it an untenable situation. It is unfortunate but I really believe that on such an important issue of the whole future of how the government of the Isle of Man is structured is done without any reporting whatsoever is unacceptable. I believe this House has a duty whatever we may think to the people of the Isle of Man to protect their interest and ensure that there are public proceedings reported through the media in the way that we would normally have. I am sorry, that is not a matter we can control, except to say that I am extremely concerned there is no press here to report the proceedings. I therefore move under standing order 84 that an adjournment be taken.

The Speaker: Mr Gilbey.

Mr Gilbey: I certainly would second that. I think it is quite astonishing that we are almost as if we were in a private sitting. It is no good saying that the press could find out from *Hansard* because *Hansard* is unfortunately so terribly slow through no fault of the present Acting Clerk. But that is the fact of the case. It will be weeks before they could get anything. You would expect such an important matter to be reported not only in the media with editorial comment and comments on what most people have said on this but you would expect it to be the subject of radio interviews. I would have expected that the main speakers in this debate would normally be interviewed on the radio tomorrow morning but, as there is no-one from Manx Radio either, they will not know who has spoken or what they have said or who to ask to be interviewed. It is no good saying, 'Oh, we can push in our speeches' because that would be very grossly unfair and undemocratic. Some people may not have written speeches, others may be replying and I think it is, as the hon. member for Castletown has said, a total derogation of our duty to those we represent that they have not the opportunity to know what we are saying about this important matter which is a constitutional matter. (Mr Brown: Hear, hear.)

The Speaker: Mr Downie.

Mr Downie: Mr Speaker, I think if we are going to debate this issue today - and I see no reason under standing orders or anything else why we should not (**Mrs Cannell:** Hear, hear.) - those who have chosen to try and slow down the democratic procedure in this House should give us a reasoned argument. We are hear to listen to the argument, we are hear to debate the issue. Today's proceedings were advertised on Manx Radio this morning, what was on the agenda for today and the Bills before the House. There is so much interest that the public gallery is absolutely packed. The press are entitled to do what they want to do. As far as I am concerned this is our debating chamber, the Hansard Clerk is here, the whole of this debate is being recorded and it will be produced in the normal way. Now, as far as I am concerned, we get on with the debate (**Mrs Cannell:** Hear, hear.) and let us get a decision.

The Speaker: Mr Cannell.

Mr Cannell: Yes, Mr Speaker, the notion that this House would prefer to have the press to report its proceedings is quite preposterous.

Mr Quine: Quite novel too. . .

Mr Cannell: The press will decide whether it is sufficiently interested in the proceedings of this House and nothing statutorily will make them attend. If they do they are not obliged in any shape nor form to report the proceedings at any longevity whatever. The hon. member for West Douglas is quite correct that if these important proceedings, as the hon. member for Castletown describes them, were of such regard to the public then we would have at least some people in the ranks in here. But it does finally give me the opportunity I have been waiting for for quite a time: it is about time this hon. House got its act together regarding the press because I am afraid the press are no longer under modern communication inclined to send their reporters to sit in the public gallery and listen to some events which are barely reportable at all, because they are nothing less than routine. I was going to say 'boring'. Now we had the prospect. . .

A Member: Not boring to us.

Mr Cannell: Some of the proceedings I am afraid to the press are. You can say, 'We think we're important and what we say is important' but it is the interpretation by the press as to whether they consider the proceedings are worthy of interest to their readers or listeners. Now we had the prospect this afternoon - all right, the hon. member for West Douglas says the agenda was outlined and we have seen many occasions even in my brief political career when Bills expected to go through on the nod drag out and expected Bills which will take all day have been wrapped up very quickly. That is what has happened this afternoon. There has been a change in the format of the agenda but not just at a whim it has been properly voted upon. Now we had the opportunity this afternoon of facing the prospect of wading our way through the clauses of the hon. member for Castletown's Bill but a decision was taken quite properly that that be not the case and we have now come to this Bill on the agenda by a wide variety of methods, all perfectly legal and approved of, and this is what we are going to do. The notion that we can suspend it because the press are not here to report it - what about last Wednesday afternoon when we had a housing debate? The hon. member, my colleague for Onchan here, and we all contributed to that debate. Not a light in the press was reported because they were not here. What we need to do is to get a committee of members of this House to examine the relationship between the legislature and the press (**Members:** Hear, hear.) and drag it into the modern parlance and get them a feed of the proceedings live to the newspaper offices (**A Member:** Hear, hear.) so that they can monitor what is going on. Get them down here and if necessary make a recommendation that all of the proceedings of all of the legislature be broadcast (**Members:** Hear, hear.) and then we would actually see then what the public know we put up with to certain extent in certain circumstances. They (**A Member:** Hear, hear.) are not that silly that they could not discriminate between what is sheer headline grabbing by Question Time and sheer intelligent debate which can take place on the floor of here, where I do not think I am alone, where I sit and I listen to it. I come in with a perhaps preconceived idea and more than once I have actually listened to a good debate and altered my opinion. That is what a debating chamber is for and it is not to actually suspend it just because in actual fact one or two people do not think they are going to get their own way and in

actual fact want to vary the proceedings. We are already on about our third variance this afternoon. Let us get this Bill which is quite properly on the agenda and hear no more about attempts that because one Bill has been put aside that we have arrived at this a bit earlier than the hon. member for Castletown would have wished.

The Speaker: Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I am surprised by some of the comments really because, as you know, I was at a funeral and I came back expecting there to be a Road Traffic (Amendment) Bill in the middle of discussion, as we left it last night, only to find we were in the middle of an Electricity Bill and now the Council of Ministers Bill. So if that was what I expected obviously the press did not think that issues such as maintenance of highways, vehicle licensing, mud on roads, control of skids and possibly the amendments that were being proposed for the Road Traffic Bill - they obviously thought that was not important enough to be in for. But I would say to members that the Council of Ministers Bill is much more important than a lot of what we do in the House and I think those are the points being made. I find it absolutely astonishing that the people that are the grabbers of the press, the headlines, the photos in the paper, the covering of this story, of that story, press releases and all the rest of it are now saying, on a major piece of legislation which really controls how the government is going to work - not the parliament but the government of the Isle of Man - that it has been like this for the last 10 years which has seen some of the successes that we have had (**Mr Gilbey:** Hear, hear.) and now we are saying it does not matter about the press, 'Sod them', you know, 'We're not bothered if its covered or not.' (*Interjections*)

Mrs Cannell: Point of order, Mr Speaker.

The Speaker: Order, order please. Hon. members, this is not going to be a beer garden and a shouting match. Please sit down, hon. member. What is your point of order?

Mrs Cannell: Mr Speaker, I take offence at the language that is being used by the hon. member for Peel.

The Speaker: Hon. members, we are in an adjournment debate on the Council of Ministers Bill, not on a debate on a whole lot of other subsidiary matters, and members have five minutes according to standing orders. Hon. member for Peel.

Mrs Hannan: Thank you, Vainstyr Loayreyder. I would go on to a dictionary definition of what a 'sod' is but I shall leave that for another day. This is about how the Isle of Man is going to be governed and I would say to the hon. member for Onchan who has left the chamber that we were elected to the House of Keys. It might be boring being a member of the House of Keys but that is what we were elected to do. We were not elected to do anything within government. Our main job is legislation (**Me Brown:** Hear, hear.) and that is what we are here for, that is what we are here to discuss. Legislation is not just a policy debate in another place or questions in this House where they are broadcast. Legislation could be about five years, it could be ten years, it could be a hundred and twenty years. That is why it is so important and I think that is why I am extremely concerned about the coverage that legislation gets. It is all very well saying, 'Oh, it's an offence' but if people do not know what the law is and when we change the law how are they to know? (**Mr Brown** Hear, hear.) I would go back to the point that I made first of all. It was expected that the Road Traffic (Amendment) Bill would be on this afternoon and, as I say, it is not. We have had the Electricity and now we have the Council of Ministers Bill.

The Speaker: Hon. member, all the proceedings of the House this afternoon have been in accordance with standing orders.

Mrs Hannan: I accept that, Vainstyr Loayreyder. Just the final point that I would make is that, yes, it is within the standing orders but I think the principle being is that this piece of legislation is so important, it is about the future of how the Isle of Man is governed, it is not a whim that me or anyone else takes, it is how it is governed and to be considered as proper legislation. Therefore I support the member for Castletown's adjournment I think it should be adjourned until this has actually been addressed - how we get to the public and how we sit in public.

The Speaker: Hon. members, I must emphasise this is an adjournment motion on the Council of Ministers Bill. Members are digressing all over the place. (**Mr Houghton:** Hear, hear.) Member for South Douglas, Mr Cretney.

Mr Cretney: Yes, thank you, Mr Speaker. I will be very brief. I voted against the Road Traffic (Amendment) Bill being suspended. I felt that we should carry on with the work in the order in which it had been put forward. However, what we have here is quite clear. It is an hon. member using a legitimate parliamentary tactic. He opposes the Bill which the hon. member for Garff wishes to proceed. We are all biting, you are all biting, we are all getting up, we are all delaying proceedings and that is exactly what the hon. member for Castletown wants. Take a vote.

Several Members: Take a vote. Move the vote.

The Speaker: Hon. members, is it the wish of the House that the vote be taken -

Several Members: Agreed.

The Speaker: Mr Corkill. (*Interjections*) Order, Mr Corkill.

Mr Corkill: Am I invited to speak, Mr Speaker?

The Speaker: Yes.

Mr Corkill: Thank you, Mr Speaker. It is an adjournment debate and I understand under standing orders I have five minutes to make my points.

The Speaker: On a maximum.

Mr Corkill: It is quite clear that there are two camps, very hardly - a great definition between the two sides with regard to this Bill. But the very point that the hon. member for Castletown makes about the press not being here to record the event is a very valid one from both sides of the argument. It is not just a matter of someone trying to delay tactics in terms of slowing up the procedure of this Bill. That could be argued one way I would put another point forward and that is it is possibly in the interests of those who are promoting constitutional change, great change to the way in which the government of the Isle of Man operates. It is in their interests for them to have the coverage in the press, perhaps in an even-handed manner, because it could be construed by members of the public that this is some underhand method, an underhand method of those who want to promote the change to slide this through -

Mr Downie: Tidy Britain.

Mr Corkill: - on a quiet Wednesday afternoon and I think that it would be very unfortunate if that perception was to leak out, as it were, to the public domain because there are no press to actually report it accurately. There is another point I would like to make which is with regard to the extra time that the House of Keys has been sitting because, in the first part of this term of the House of Keys, we were going home at lunchtime on a Tuesday and I think certain members got used to the fact that Tuesday was half a day's work and it has dawned on a lot of people just recently -

Mr Henderson: Speak for yourself.

Mr Corkill: - that legislation can be long, can be arduous, can be enduring and that it is our duty to make sure that it is promoted properly and that we actually do have a democratic process on each and every clause of each and every Bill. I think there are one or two members in here who do not really like to spend the time in their seats actually deliberating on pedantic clauses I think that is very unfortunate. Certainly in the time I have been in this House since 1991 I have seen that trend drift in that direction and I would hope that, at the beginning of the next House, perhaps we can start with full sessions on a Tuesday -

Mrs Crowe: Yes.

Mr Corkill: - with lots of legislation to debate rather than the two or three years of vacuum which is now, then, we have had the situation where we have got lots of Bills all at the last minute. So I go back to the point that I think the hon. member, quite justifiably, is using his standing orders to highlight a problem with the promotion of this Bill, Mr Speaker.

The Speaker: I would just advise hon. members that legislation comes before this House promoted on the most part by the executive Government and if there is none come from executive Government then this House has no legislation to debate. Sir Miles Walker. (*Interjections*)

Sir Miles Walker: Sorry, Mr Speaker, I think it is an important issue and it may disappoint some members. I rise not because I think this motion is going to be successful - I do not I am sure we all know that

Mr Shimmin: Purely to waste time.

Mr Singer: Filibustering.

Sir Miles Walker: And it is not to waste time but there is an important principle being raised which has begun to be debated and that is that this House is a public place and the interface between this House and the public are the press and the press are missing. The hon. member, Mr Cannell, may be absolutely right in the remarks he made that we need to grow up, we need to change our procedures and all the rest of it, but it should happen and this is an important piece of legislation, as the mover himself said in his opening remarks. To have it going where there is no representative of the press, i.e. no representative of the public if you like, I think is a shame and a disgrace, a disgrace on ourselves as well as the press, but it is a disgrace. I do not believe, as somebody said, 'the public don't care.'

Mrs Crowe: Yes, they do.

Sir Miles Walker: I think the public do care, I think the public do not know what is going on and again that is probably a fault of ours -

Mr Henderson: It is, hear, hear.

Sir Miles Walker: - but the public do care and the public will be rightly concerned whichever side of this argument they are on. It is a constitution Bill. It is of the utmost importance, I believe that this should be, as I said before, represented of the public in the name of the press present for a debate such as this. You cannot force them to come in, I accept that, I certainly accept that. If there is a shortage of staff and they cannot spare anybody to come and be here, well, that is a shame on them as well and they should jolly well sort that out.

Mr Cannell: Should have a feed of the sound.

Sir Miles Walker: They have a job to do, a responsible job, and I have to say I do not believe they are doing it.

The Speaker: Hon. members, a move has been made that the vote be put. Is that the wish of the House?

Members: Agreed.

The Speaker: Hon. member for Ramsey, Mr Singer.

Mr Brown: I did not hear him stand up, Mr Speaker, with respect and move it.

Mr Singer: Well, you should have listened then.

The Speaker: Hon. members -

Mr Singer: I did stand up. You cannot see me.

The Speaker: Hon. members -

Mr Singer: Eyes in the back of your head.

The Speaker: Hon. members, there is a motion that the vote be put.

Mr Karran: Vainstyr Loayreyder, whilst I do not want to support the filibustering and I got criticised for speaking shortish at the last sitting of this House for 10 minutes and be criticised for that, I cannot see what logic is it the press are here, the press are not here -

Mr Quine: That is not the issue, Peter.

Mr Corkill: It is just as well they are not here.

A Member: They want to delay it.

Mr Karran: I cannot see - I mean that is up to them. We should just get on with debating the issue -

Mr Singer: Mr Speaker, under the - (*Interjections*)

The Speaker: Hon. members -

Mr Singer: - under standing order 62, 'when the question now be put no amendment or debate to be allowed.'

The Speaker: That is right. Hon. members, the motion is that further discussion of this Bill be adjourned. All those in favour please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

For: Mr Gilbey, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Mrs Hannan, Mr Corkill - 7

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

The Speaker: Hon. members, the motion for adjournment fails to carry 7 votes for and 15 votes against. Mr Brown, do you wish to continue, sir? No, sir?

Mr Brown: Not at this stage.

The Speaker: Sir, you have spoken -

Mr Brown: Mr Speaker, under standing order 86, I will join the debate later.

The Speaker: Anybody else wish to speak? Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. I take it and I will seek your guidance that we are back on to the item on the agenda.

The Speaker: That is right.

Mrs Cannell: Thank you, sir - which is the Council of Ministers Bill which is before members. It must be said that I have long looked forward to this day that we could look at and consider legislation to change the system on the appointment and the election of the Council of Ministers. This Bill is before us today and I fully support this Bill that is before us today. It was pointed out by the hon. mover that there are two changes and those are contained within clause 5 and clause 6, which in my view include a degree of flexibility within the existing legislation, flexibility which will enable any future government to be able to operate (a) with the sanction and approval of Tynwald and therefore the majority of votes cast there and (b) give the flexibility to whoever leads this government in the future, whether it be a man or a woman (**Mr Brown:** Hear, hear.), to give them flexibility to be able to offer appointments should there be a reshuffle, should there be a resignation for whatever reason. Equally, of course, it must be said that by enabling Tynwald to have the last word, if you like, on whether they like the panel that is put before them or not, with the approval of Tynwald, then it is actually giving the appointment of those particular ministers more power in one sense. It is giving them more power in one sense because if you have the approval of the majority of the members of Tynwald to hold a ministry in whatever area then you can (*Interjection*) Excuse me, Mr Speaker, do I have the floor?

The Speaker: Yes, hon. member, please carry on.

Mrs Cannell: Thank you, Mr Speaker. A minister appointed under this legislation with the approval of Tynwald can rest assured that he or she has the support of the majority of the parliament to conduct and lead that particular ministry. That to me is a vote of confidence and I think that is the way that democracy should be developing in the Isle of Man. However, looking at the present situation, we have heard all of the arguments for the benefits of a Chief Minister to be able to select his or her own team, the importance of being able to have that flexibility to be able to pick a

team that can work together, that operates as a team and so on and so forth. I have never felt swayed by that argument ever, even when the Council of Ministers system came into being and replaced the board, system. I was a member of the public gallery in those days and I often can remember contributions in debate in terms of the change from the Board system to the Council of Ministers system. Of course, when it originally started - it does not now operate as it was originally intended because modifications were made by the first Chief Minister to be appointed. Now, it is all very well to say, 'Well, if I am going to lead a team, I want to be able to select that team' but I would have thought that the person who is leading and wants to select his or her team would say, 'I want to bring this person in because I feel he or she is going to do that job well. I am going to select him or her because I feel that they can do that job well and hold that ministry and conduct themselves in that way.' I am not so convinced that that, in fact, is what has happened in the past - moreover, less convinced now since I have served in this hon. place for 4¹/₂ years. It seems to me that there is very much a club atmosphere within a Council of Ministers situation. (*Interjections*)

Well, wouldn't it be wonderful if I was honoured to be elected Chief Minister next time (**A Member:** Hear, hear.) Yes, and then I could look at my APG colleagues and say 'Yes, APG and some Labour, but nobody else and certainly not another minister that has served in previous governments', but I would not do that. (**Mr Brown:** Yes, you would.) I would not do that. (**A Member:** Oh, yes you would.) A fair and impartial person who is going to lead and whip together a team spirit of co-operation to put together a good government to serve this Island well now and in the future would look, not at personality, but look at ability, (*Interjections*) capability, dedication, faithfulness -

Mrs Crowe: As part of a team.

Mrs Cannell: - reliability. That is what I would be looking for.

Mrs Crowe: And that is what we have had.

Mrs Cannell: And that is why I believe members of Tynwald should have the last word.

Some of the appointments that have been made in the present system I wholly support and some of those ministers, to my mind and my individual thinking, have done a jolly good job. Others, I believe, have had their hands in the lollypop jar for long, long, too long and this is how the system works. This is how it works. It is an old-fashioned way of working. I am sorry, hon. members and Mr Speaker, but we have to move. We are in the 21st century. (*Interjections*) We are going forward. We will hear all the red herrings about 'Oh, the board system, this is reverting back to a sort of board system' whereby if a minister or a member is going to be removed, it has to be taken to Tynwald and there has to be an overwhelming majority to remove or to save that person's job. And in many respects that was right and proper. Only one year ago tomorrow, I was removed as a member of a government department like that with no redress. If that had have happened under the Board system, the Council of Ministers - or the kitchen cabinet within the Council of Ministers - would not have been able to do that. (*Interjection*) A recommendation would have come to Tynwald and Tynwald would have voted upon it and they either would have agreed with it or disagreed and that is fair and right and proper in a democracy.

We have heard filibustering today. The behaviour of some members has been absolutely deplorable in trying to delay and delay and delay, using standing orders, which I suppose is fairly appropriate because they are the guidelines for debate, but all we have heard are red herrings flying right, left and centre. We have the Bill before us. It is important legislation. It does not matter a jot whether the press or the public are in the gallery whatsoever. We are in public session, in a public place, in a public chamber, having a public debate (**A Member:** With no-one listening.) and it is getting recorded. It is being recorded. I have never heard such pathetic arguments in all of my life. We have members who have stood up vehemently in the past and never, ever supported the suspension of standing orders for anything. Hand on their heart, 'It is morally wrong to suspend standing orders. We must run with the agenda'. Yet, when it came to moving item 14 ahead of item 13, those members totally switched sides and switched colours. Now, if that is not turncoat, in my view, then I do not know what is.

The Speaker: Hon. members, we are debating the Council of Ministers Bill.

Mrs Cannell: Yes, Mr Speaker, thank you for keeping me on track. I believe the provisions contained within this new Bill are good. They are fair. They are impartial. They bring the power back to the rightful place in my view in terms of the appointment of a team of ministers to the parliament of Tynwald. Equally, of course, if it is not agreed by the parliament - the line-up, the team, the panel, however you like to describe it - it can be rejected. The Chief Minister of the day still has the power and the flexibility to move on the day another panel or at a further sitting and that to me is a great improvement. So often we are bound by standing orders to the extent that we cannot move - like in this hon. place, where we cannot move a clause on the hoof any more. It is a good Bill. I want to congratulate the mover I want to congratulate the two other ministers that made part of this sub-committee and considered the recommendations that came through the select committee report. I applaud them for it for sticking with it and being steadfast with it. I implore other members to be just as steadfast and see it through to the end. Thank you.

The Speaker: Can I call upon the mover? Sir Miles Walker.

Sir Miles Walker: Thank you, Mr Speaker. Hon. members are absolutely right. This is an important piece of legislation and there are, I think, two very firm different points of view which are being expressed. That is probably right for a subject such as this. I think what we are going to put into place is, quite honestly, an impractical piece of legislation. I say that having had some experience, some experience of both situations. I was interested when the mover of the resolution said that in his view this Bill, these procedures, would improve the quality and the effectiveness of ministerial government. I think those were almost his opening remarks and I have been thinking about them since he said it and cannot. . . (*Interjections*) Ah, well, OK, select committee report, right, he was quoting from the select committee, again from a report that I did not find a lot of merit in. I do not understand how the quality of ministerial government can be improved just by, in fact, the Chief Minister nominating to Tynwald those people that he wishes to become ministers - especially, as has been suggested, I think, that Tynwald are likely to approve his nominations. And the same with effectiveness. I cannot understand why the effectiveness of ministerial government should be improved by the changes that are being suggested.

The hon. member, Mrs Cannell, said she was in the public gallery on a number of occasions during the 1990's, I suppose, when I was Chief Minister and so she was. I would certainly accept that, that she was one of the few people that regularly came into the chamber. She will remember, then, that it certainly was not myself as Chief Minister or members of the Council of Ministers that advocated the change away from what is being suggested here today. That change was advocated by back benchers, very clearly, and the change was advocated during debates on the ministerial system. It became very clear that there was a majority of members of this hon. House that were wishing for change. I can remember that debate and I think it was lead by the hon. member for Glenfaba, Mr Gilbey, and there was the hon. member, Mr Leventhorpe, and there were some others, probably the hon. member for Ayre as well, who were quite outspoken in their views that the system that we had started with ought to be changed and an opportunity was taken, quite properly, to change that system and it happened prior to the 1991 general election. The other thing that happened during the first five years of ministerial government was the required reappointment of ministers after three years and that change was also discontinued and I am pleased to see that is not resurrected in the Bill in front of us today.

My experience at that reshuffle, in 1988 I suppose it was, or 1989, perhaps 1989, after consulting with every member on an individual basis was that there were two options available to me that would give me Tynwald support for a ministerial team. I have to say that one of those options that was clear would be supported was not acceptable to me and the one that was supported I put forward and got through, I have to say, by the skin of my teeth. One vote is as good as six or seven, I suppose, but there is a degree of comfort if you are taking on the responsibility of Chief Minister to know that you have more than just one or two people on your side. So, it is not an easy option and the one that is being suggested, I think, is fraught with problems.

When I stood up in the first place I suggested it was an impractical piece of legislation and I think it will be impractical after a general election. I think it will take so long for a Chief Minister to

put a team into place. I really do believe that. That may not be the case if there is a clear politician. (*Interjection*) If there was a politician that generally has the support of all the members, then probably it would all happen quite quickly, but I think that is unlikely to happen in the real world. It is likely that any debate for a Chief Minister in the future will be quite divisive, that Tynwald will be split into two camps and I do not believe that the Chief. . .

Mrs Crowe: The loser.

Sir Miles Walker: the loser of the ballot for Chief Minister, will want or will his supporters want, to give the chosen Chief Minister the strongest possible team.

Mrs Crowe: Absolutely.

Sir Miles Walker: I cannot believe that to be the case. In fact, it will be the reverse, it will be the reverse. The losing segment, if I can put it that way, of politicians will want to give to the Chief Minister the weakest team in the hope that they can advocate change within a short period of time. If we do not believe that, hon. members, we are not living in the real world, (**Members:** Hear, hear.) we are not living in the real world. We know - I think we know - the difficulties that were faced by our present Chief Minister in putting together a team and was he free to choose? Was he free to choose under that situation? No, he was not free to choose. As I understand it, and I may be wrong but as I understand it, he was suggesting to people 'Now, what about?' 'I am not coming in unless I can have somebody else with me.' All that sort of debate. And that is under the present system. What on earth would it be like if the members who were negotiating, and negotiating they will, knew that there was a recourse to Tynwald?

I believe that this piece of legislation is impractical on those grounds and I do not think it is good for the Isle of Man, for the Isle of Man parliament, for Tynwald which is the paramount body - I would certainly accept that: it is the paramount body - to struggle on and on over weeks and weeks with a Chief Minister trying to put his team of ministers into place. So on that ground I think it is impractical.

I agree entirely with the point made by Mrs Cannell, where she says that if a minister has the approval of Tynwald he can rest assured that he has that support, that is a vote of confidence. I agree entirely with that comment but, unlike her, I do not think that is a good thing. The hon. member, Mrs Cannell, believes that if a minister - and everybody is entitled to this point of view - that if a minister is appointed by Tynwald they are secure in their jobs.

Mrs Cannell: I did not say that. (*Interjections*)

Sir Miles Walker: Well, they have the confidence and support of Tynwald and I do not believe, I really do not believe that ministers should be secure in their jobs.

Mrs Cannell: They are now.

Sir Miles Walker: They should not be secure in their jobs and the Chief Minister should not be secure in his job. At the moment Tynwald can remove any minister or Chief Minister. They decide when they decide, (**Mrs Crowe:** Hear, hear.) much more easily than if they tried to remove a minister that had been put in place and supported by Tynwald, who would be coming forward and saying, 'Well, you gave me this job and you gave me your support and good gracious, 27 members of Tynwald voted for me. You cannot get rid of me.' I believe that those are the attitudes that will come out.

This Bill, I believe, is improved over the last piece of legislation we discussed on this topic because it, in fact, does leave the Chief Minister to make all the nominations and there is not an opportunity for members of Tynwald to nominate. I accept that that is an improvement over the last piece of legislation. I do not accept it is an improvement over the present situation.

The Chief Minister and ministers have serious, responsible jobs and they have an number of privileges that goes with those jobs and I think rightly so. I do not use the word power. Whether they have got power or not, they certainly have responsibilities. I think that the Chief Minister, of the present and in the future, is going to continue to have a pivotal role and I believe that, for him to fulfil

the responsibilities that he has, he should have a clear choice of members of Tynwald for his team and then if it goes wrong, he cannot blame Tynwald.

Mrs Crowe: No.

Sir Miles Walker: He cannot blame other members. He cannot blame people who said, 'Well if you have him, you have got to have him.' The responsibility is, I believe, quite rightly with the Chief Minister and that is where it should be left, because, I believe, if we do not do that, we are going to weaken the Isle of Man Government. There are some, I would suggest, who would like to see a weakened executive

Mrs Crowe: Absolutely.

Sir Miles Walker: and I am not one of them and I do not believe that the public out there want that either. I think they want a strong executive which will give leadership, which will give direction to this Island.

Mr Speaker, some will say, the Island has had it easy over the last 12 or 15 years. All I would say is that the economic success we are enjoying today has not happened by accident. It has not happened by accident and it has got a momentum of its own and it is enabling Tynwald and the ministers and the members to do things which it has never had the ability to do before. Either we did not have the authority or members of Tynwald did not have the authority or they did not have the resources. To keep that economy going so we can give to our people the sort of services that I believe they deserve in the future, I think, is going to require a deal of hard work and for somebody to take on that responsibility, I believe, they should take it on unfettered. (**Mrs Crowe:** Absolutely.) And that not only goes for the Chief Minister but, in turn, I believe it goes for the ministers, who in my view should be chosen by the Chief Minister, because they have grave responsibilities in their own areas. They do not carry it alone because they can share it with the Chief Minister and their colleagues, but they do carry grave responsibilities and if they get it wrong they should go. (**Mrs Cannell:** They don't.) They should go, well, the hon. members says they don't (**Mrs Cannell:** They don't, they brazen it out.)

The Speaker: Hon. member.

Sir Miles Walker: Mr Speaker, they never will go if they are put into place with the support of the majority of members of Tynwald. (**Mrs Cannell:** I disagree.) And I believe that that is wrong. I really believe that this Bill is taking us backwards.

I have had some enjoyment of the role of Chief Minister here and have enjoyed working under my minister, Mr Corkill, and under the chief minister for the last four and a half years. I have also had the privilege of being on a committee in Guernsey, a commission appointed by the Guernsey States, trying to give some improvement to their machinery of government, which is very much like ours was 20 years ago, a committee system, so many committees, nobody in charge, everybody doing something but nobody taking responsibility. Let us not go back to that and I do not believe it is being advocated that we go back to that, thank goodness. But I argued my corner very strongly in that commission to try and get a situation where a chief minister or a leader, president, whatever they call them down there, would be in the position of choosing his ministers in an unfettered way and I was unsuccessful. (**Mr Quine:** That is the point.) I was unsuccessful and I accept that. (**Mr Downie:** You will be here.) I may well be here but, if I am here, it will not be because I have not voiced my concerns and my opinions. (*Interjections*) I believe that this is one of the most important Bills and bits of legislation to come in front of us in this last five years. On each occasion I have stuck with my principles and said that I think it is a mistake. But in Guernsey they have not even got to first base and I believe that if they do get to first base - which is what is being contemplated in this Bill now, or what we had between 1986 and 1991 - that it will not be very long before they make a move to allow whoever is in charge to accept that full responsibility and the only feeling of satisfaction I have about this Bill is that I believe it will not be in place very long before members are advocating to change back to what we have today. This may be an experiment that members have got to try but I wish they would not do it because I believe we are making a fundamental mistake. We can all go back over *Hansard* and I found one little bit of snip which I do want to repeat: Mr

Speaker, I think it quite right and proper that the Chief Minister, if a member of the legislature to be asked to perform the duties of Chief Minister, it is only right and proper that he should be able to assemble his own team. I think it quite wrong to give to the Chief Minister the onerous responsibilities of running an administration and then say to him, 'but you are going to play this game with one hand tied behind your back. You cannot have him, you can have him.' We are moving away from that. I believe the underlying principle in this Bill is right, that we appoint the Chief Minister and let him assemble a team and let him get on with the job! Those, Mr Speaker, are not my words, they are the words of Mr Quine, the hon. member for Ayre. And you went on then to suggest a number of other changes (**Mr Quine:** Yes.) that should happen, such as a policy proposal from the candidates for Chief Minister and so on, which have all been put into place, but I think that those were very wise words and I will be interested to hear the hon. member for Ayre - and I am sure he will - tell us why he has changed his mind on those particular points. Thank you, Mr Speaker.

Mr Speaker: Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. In some ways there is not an awful lot I can add to the comments made by the member for Rushen because I think we should all listen and digest those comments. The member for Rushen has been in place of Chief Minister and as a member and the legislation as it was before and the legislation as it operates at this present moment.

I am saddened that the member for East Douglas has left the chamber because I would have liked to have said to her that the position that she holds at the moment is a position that I held in 1988/1989 when we were discussing this legislation before and I believe that there was possibly two or maybe three members who did not support the change in the legislation at that time. I think it was me, John Orme and, I think, Mr Karran and I think that was the whole sole opposition to the legislation as it was going through. But over time I have come to recognise that parliament is bigger than any of us and I think parliament is the area which government should be answerable to and not the other way round where parliament opposes government and I think we should remember that. It is no good a minister standing up once this legislation has gone through and members saying 'Well, I do not like what you are doing. 'But you voted for me'. I was voted on once as a minister. I had four votes against in Tynwald. Four votes against: it was the APG. They did not have anything against me, they just did not think I was the right person for agriculture that was all. I was told that. Not at the time of the debate, but the minister appointed for education at that particular time got full run. Everyone supported the member who became Minister for Education, who is now the President of Tynwald. So I will come back to that point about government when I have finished.

The member for East Douglas also suggested that 'he or she could be Chief Minister.' 'His or her Council of Ministers.' This legislation does not say that. This legislation says 'He, he, he.' (**Mr Brown:** But she says her.) His and he. (**Mrs Crowe:** It is just a term, Hazel.) It does not mention she, so I do not know where 'she' is coming from on that legislation because this wipes any woman out of being Chief Minister or he intends to pursue or whatever. (*Interjections*) So, politics is a male club. Yes, we have ventured in, us women, and we have deemed to try to make a change. We obviously represent our members but it is a male club and I think it has got quite a long way to go yet before women are actually accepted.

What I would like to ask the mover of this legislation, because the member for East Douglas suggested that it was democratic for parliament to approve the government and the Chief Minister and the ministers, but that it was also right and proper for Tynwald to remove them. Now, what I would like to ask is, is that how you see it in this legislation, that Tynwald would have a vote of no confidence and remove the minister or the members from the department, because that has not happened in the past? (**A Member:** Nearly.) It might nearly have happened, but it did not happen and what I would like to ask the mover is, if he sees that as the role and also does he see the Chief Minister being able to remove a minister if a minister is not performing properly? Can a minister and the Chief Minister remove a member from the department or does the Chief Minister or the minister have to go to Tynwald, as was suggested by the member for East Douglas, to have that

member removed? It would seem to me that a minister, once appointed by Tynwald, approved by Tynwald whatever, can really then do exactly what they like, with no remit to anyone else. The Chief Minister or the ministers would maybe want to give the outward effect that everything was going along very nicely within government, not wanting to spoil the opportunity for someone in the future - I could say myself, when I was removed from my post, so it could be done discreetly, it could be done because of personality, it could be that a member of a department says you cannot remove me from this department, it is mine as much as the minister's.

A Member: Chief Minister's.

Mrs Hannan: Well, the minister or the Chief Minister's. The member in the department could say this is my department as much as yours, my membership has been approved by Tynwald and therefore you cannot remove me unless Tynwald say that I can be removed. I would like this clarified because I think this is a very important part of this legislation. It is all very well voting at a particular time, when there has been all this horse trading going on - you know, elected right, the Chief Minister says, 'I give you, you, you, you a position, should you vote for me.'

A Member: So that is how you did it!

Mrs Hannan: I was not Chief Minister - I cannot think that I would ever be - but what I am saying is that this might be what happened, certainly what happened before 1986. There was a kitchen cabinet. And it was in people's kitchens and they sat round and they organised it. 'If you support me on this, I'll support you on that.' (*Interjections.*) If that is going to happen in the future, everything is tied up, and then this body goes to their Chief Minister of their choice and says, 'Well, if you give me these jobs, we'll make you Chief Minister. We've got the number of votes.' But under this the Chief Minister is then tied. The Chief Minister is tied to that team, supported, obviously if there is a majority of support, in Tynwald.

Now the other point that I would like to get to: this legislation says that, it is 2.2, 'A nomination under subsection 1' - that is relating to the Chief Minister - 'shall be made by resolution of the majority of the members of Tynwald present and voting, who shall vote as one body sitting at Tynwald held in the period of one month after the election.' But what happens if that is not successful? If that is not successful within the month and you have appointed a Chief Minister - because we have had in the past voting for Legislative Council where it has gone on weeks and weeks and weeks and, in actual fact, the press, the public have got tired and sick of what was going on. This would happen with regard to the Chief Minister, when appointing the Chief Minister. The public out there are going to be saying you cannot organise anything. What I would like the mover to clarify is, is this particular part here held in the period of one month? What happens after that month has gone past? I do not know what happens in between the election and the appointment of the next Chief Minister. Does the existing Chief Minister continue until they have been reappointed? Now, I would also. . .

Mr Cannell: He might not have been elected.

A Member: He is still there.

Mrs Hannan: The other thing - I wonder if the Committee, whether it was the Select Committee or whether it was the Committee of the Council of Ministers, have actually looked at other democracies because there other ways of doing things. In the Faroes, the Chief Minister is elected by the House. The Chief Minister then picks his team and it can be from within the House or it can be from without. If it is from within the House, the people vacate their seats and the next person up then sits in parliament because the government members do not sit in parliament. They are answerable to parliament, they attend when parliament sits and they answer to that parliament, but the parliament is separate from the government. So there are ways of doing things different to how we have done them in the past. Nothing is sacrosanct, I think as the mover of this legislation has said. Nothing is sacrosanct. There are other ways of doing things and to turn the clock back, I would suggest is not the right way of doing it. We have progressed and the progression has been from 1866 and along that way women got the vote.

Mr Bell: That is a shame. (*Laughter*)

Mrs Hannan: I am not surprised by that at all! (*Laughter*) I think it is a despicable comment to make (**Members:** Hear, hear.) in the 21st century in a democracy.

Mr Brown: He is a moderniser.

Mrs Hannan: I have noticed. (**A Member:** Tell him Hazel. Have amendments ready for next week.) I am disgusted by the member for Ramsey's comments. I shall be conveying these comments to people in Ramsey when it comes to the election. (*Laughter*) It is a pity that the press are not in here to hear these comments.

A Member: There is no surprise in that.

Mrs Hannan: We have progressed. The attitude of the member for Ramsey could in actual fact have been made in 1866. The Governors picked each time from two representatives put forward by a hierarchy in a constituency and the Governor has picked two. Why let the people choose? Why let the people choose, indeed?

Mr Quine: The Chief Minister does it now.

Mrs Hannan: I am talking about parliament and I am talking about representing the people. Government is answerable to the parliament who. . . (*Interjections*)

The Speaker: Hon. member, we are talking about the Council of Minister's Bill. Carry on.

Mrs Hannan: I am talking about representation, Vainstyr Loayreyder, and representation is so important I am replying to the comments made by the member for Ramsey. . .

Members: Filibustering.

The Speaker: You have the floor, hon. member.

Mrs Hannan: Thank you, Vainstyr Loayreyder. It could be that we would not have made any progress since 1866 or before. In actual fact, we did. There was encouragement to make change and what I am saying is, that this legislation is not change for the better. It is in actual fact, turning the clock back.

There are a number of comments I would like the member to clarify. Just to come back to the points made by the member for Douglas East when she said, 'he or she'. Does the mover of this legislation suggest that maybe it is just for men and not. . . well I wonder why this Government have not. . .

Mr Singer: You know that is not right.

Mrs Hannan: I wonder why the Government has not upgraded legislation. I do not care what legal definition is. There is. . . (*Interjection*)

The Speaker: Hon. member, please!

Mrs Hannan: There is a modern way, Vainstyr Loayreyder, of writing legislation and the sooner this Government or this parliament wakes up to including women the better because it is not inclusive, it is exclusive. 1976 brought in definitions and I would suggest the next parliament looks at definitions of legislation and changes that to include women so that it is inclusive.

There are other areas too, I would like to ask about. In (5) the legislation says, 'Any nomination under (1) or (2)' - this relates to the Chief Minister and the Chief Minister on block members and nominations for ministers and persons nominated under (1) and (2) are nominated on one occasion and notice of a motion - 'the vote shall be taken.' Can I assume the vote should be taken in each of the cases, Chief Minister, ministers, by secret ballot?

Mr Quine: It says so.

A Member: In clause 5.

Mrs Hannan: I want that clarified, in each of the cases it is by secret ballot?

Mr Karran: Wrong. It should be public ballot. (**A Member:** Hear, hear.)

Mrs Hannan: And also the subsequent appointment of ministers, that is also by secret ballot? I would just like this clarified in moving.

Mrs Crowe: . . . other people on their way, yes.

Mrs Hannan: I would also like clarification about members to departments. Are all members to departments voted on? I would like to know about the Chief Minister being able to get rid of a minister and about a minister being able to get rid of a member of a department. I would also like to ask why the Council of Ministers - and this is where it has come from, it states, 'That all agenda and minutes of and any papers to be considered by the Council of Ministers shall be supplied to the Governor.' (**Mr Gilbey:** Hear, hear.) I mean, this legislation, all right, which the mover says is re-enacting legislation. But why? Why can it not be minutes and agenda approved by the Council of Ministers? I will come to this other point, under 9 (5) where it says, 'The Council of Ministers shall consider any papers submitted to it by the Governor.' I would suggest that should also be that any minutes and papers should be considered by the Council of Ministers submitted by the Chief Minister. I think any Governor, if he is going to submit any papers to the Council of Ministers, should be through the Chief Minister. The Chief Minister chairs the Council and therefore I would have thought any papers, agendas, whatever, should go through the Chief Minister. I would like to ask the mover why he is suggesting what he is suggesting in this legislation.

Vainstyr Loayreyder, Government should be answerable to parliament and Government should not have the safeguard of parliament wrapped neatly around it. Government should be answerable to and not appointed by Government on the say so and I would urge members not to turn the clock back. I would urge members that what happened in the 1990 legislation was a step forward. It was for the better government of the Isle of Man and with other people looking at how we operate, then I feel that the movement should be onwards and not backwards. Thank you, Vainstyr Loayreyder.

The Speaker: Mr Cannell.

Mr Cannell: Yes, Mr Speaker, as I have claimed before on quite a few occasions, for some reasons the intrigue, the horse trading and everything else seems to wash over my head. Either they do not trust me, they think I do not know anything about it or, indeed, they think that one day I will come back to haunt them in the non-existent press gallery that we have today.

Mr Quine: Or all three, Geoff.

Mr Cannell: We have a Council of Ministers Bill and it is promoted by a member of the Council of Ministers. Now is a Council of Ministers backed Bill or not?

Mr Corkill: No, it is not.

Mr Cannell: It is about time someone was telling us because, as the very simplified member for Onchan, I do not actually know how this has arrived on this sheet here today, because in fact, although we have heard of the direction that legislation will have to be produced by order, Tynwald direction, in fact, my own move in another place to actually have just such a move brought forward has never been heard of again. So why has this one come forward? A Constitution Bill was ordered by Tynwald to have legislation examined and produced -

Mr Corkill: There is time for another one, yet.

Mr Cannell: - and they are looking at it. So what do we have here? We have the great stability of the Council of Ministers allegedly promoting a Bill under one of their members' hon. names and yet we do not seem to have agreement, even amongst the existing Council of Ministers, as to whether they are going to support it or not, but minor tomtoms that managed to penetrate through to Central Drive, actually tell me that they are split in their acceptance or otherwise of this measure. So do we have the ludicrous position of the Council of Ministers promoting a Bill set to turn the Government upside down if what we have heard from previous speakers, or are they going to say then that they are willing to back it, some of them? Some of them are willing to back it and some are not? Well, I can tell you right now, I am not going to back it. Not at all. (**A Member:** Hear, hear.) But I only go on lesser issues, because I cannot see this picture where people are constantly

sitting in kitchen cabinets. I do not have the stomach for that. I certainly have not become involved in it and I think it is amazing to hear of how actually we have arrived at this position, if that was the way it was done. I suppose that is politics, I suppose so, and I must say when I entered this hon. profession, I did think there would be considerably more of it than there is. But, at the end of the day, we have come along with something here which - let us get it right down to brass tacks - is an attempt for a rival bunch of people to actually set up ready for what will come after the general election. (**Mr Gilbey:** Hear, hear.) So they will be in position A, - not clear to the pitch, I am not suggesting it is illegal, but it might be immoral, I doubt it - but in fact all they are doing, all everybody is doing is trying to drive themselves into the position they perceive will put them into office. (**A Member:** Yes.) But, when you have done it all, we have a Chief Minister who will, at the moment, be still deciding it, because as I read this, the Chief Minister now, unless there is going to be a change in the next few months, the existing Chief Minister will preside over the proceedings until replaced, however replaced. Is that right? He will continue in office, regardless in fact of whether the Chief Minister is successful at the general election. So we have a wonderful position of stability for the Isle of Man Government, where our entire operation is lead by a Chief Minister who cannot command the electorate's vote in his own constituency. What message does that send out? A Chief Minister, not the Chief Minister but the office of Chief Minister is liable to be occupied by someone who would not necessarily have the endorsement of his own electorate and he continues until replaced.

As we have heard already, what you have got is a procedure that could go on until Easter, I should think, the following year at least, with the horse trading and carry on we had over trying to elect people to the Legislative Council. I think that must have been one of the lowest points of the legislature's system of credibility because I was in those days was sitting up there and every Tuesday morning, I believe, we were coming in at 9 o'clock, I think, in an attempt and in actual fact anybody who passed by the front door was getting invited to come in and be invited to take office virtually! (*Laughter.*) David Collister and myself were disappointed that we were not asked down from the press benches. But we get, at the end of the day, a Chief Minister who eventually staggers into office with the approval of Tynwald. He might or he might not. It could take weeks but eventually, I suppose, we would produce a Chief Minister. We might have less difficulty with that because in fact it would probably come down to two people. There would one side and the other and once they had all had their fights, wherever they choose to meet in their conclave, their white puffs of smoke come out and his white puffs of smoke come out. He or she, hon. member for Peel - and I entirely agree with you, all legislation should be written to embrace he or she, although it is the definitive term, 'he'. It is incorrect these days and that is the only concession I will make to feminism! (*Laughter*) If I wanted to be nagged, I could have stayed at home! If the Chief Minister then attempts to get his cabinet, he puts the nominations up - tell me where I am going wrong on this, because I have read it about 200 times - he puts his nominations up of nine worthies.

Mrs Crowe: Skittles!

Mr Cannell: They are up for approval.

The Speaker: Hon. member for Rushen! Thank you, carry on.

Mr Cannell: The chances of that, the chances of either of the side's Chief Ministers putting up nine people and getting them accepted first time are extremely unlikely, with the best horse trading in the world. Right. So he comes along a second time, according to what I read, and he has another go and he puts another nine up. Whether that is a different nine altogether, or whether it is eight of the same and he thinks one of them is a bit dodgy so he chucks that person out and puts one in, you have got to first of all - it is like the find the lady card! (*Laughter.*) Which member of the nine? How would you know, because it is a secret ballot? How would you know which one, two, three, four or all nine are unacceptable. You do not.

Mr Quine: It is easy, Geoff, interview them.

Mr Cannell: Right, if that is the way it is done, I might as well sit down. I am talking about how we do with it properly. (**A Member:** Hear, hear.) So you then go through this fiasco of trying to get the Chief Minister of the day, who already has Tynwald approval, to actually produce a team acceptable

to the Court, to Tynwald, not the House of Keys, because you bring in a load of people who are unelected then, and what an influence they can have on it. They do not have the electorate from anywhere backing for it, that is another subject. So then, eventually, it is bound to run out of steam because the Chief Minister would never be able to get a full team acceptable. (**Members:** Hear, hear.) So he puts a few up and maybe he gets a few. But then we have the position that there are vacancies. So he puts nominations up and the Governor, whether we like the office of Governor approving or not, the Governor then says, 'Right we will have him,' because we have got to have somebody to run Education or whatever we are short on. We have got to have a minister to run it. So then he puts a nomination up and it says it has got to be approved by Tynwald at the next or next but one sitting. That would be a pickle, wouldn't it, just coming into the summer recess. The Governor approves a minister. He spends all summer working upon it, refining, getting the department going, comes along, next sitting of Tynwald, he gets chucked out! Right, the whole lot and you are back where you were. In fact you could have a nomination - say you only got three accepted and the Chief Minister, the day he was forced to put another six up to fill the vacancies to keep the Isle of Man moving, he could get them nominated by the Governor, all up, photo in the paper, everything going well, new money for doing the job, all summer spent slaving away, thanks you get at the end of the day, not necessarily even October. Next but one sitting it says. November, right nearly a year down the line and out he goes and the whole process then goes round again -

A Member: No summer holidays.

Mr Cannell: - because, in fact he would be absolutely bound to start virtually the whole process again. There would be a riot. It is absolute bunkum. When you come down further on, you have the preposterous notion - I know it has been done before, but you have a notion that the Chief Minister, with all the spare time this gentleman or lady actually enjoys, is going to be proposed to actually have another office as well. Just to fill the time in. He could be appointed to another department it says. Unbelievable!

Mr Downie: That is the rule now.

Mr Cannell: And the ministers can be assigned to other departments. From what I see, I do not see the ministers with very much spare time to go around saying, 'Oh yes, I have got Tuesday, Wednesday and Friday mornings, I'll just pop along and help out on the Board of Ag.' (*Laughter.*) We are talking about people running a Government here, with millions and millions of pounds, sir. If they have got any spare time to go to other departments, they can have one of mine! (*Laughter.*) I am afraid it is a non-starter.

The Speaker: Mr Corkill.

Mr Corkill: Thank you, Mr Speaker. There were two points that I was going to raise as the debate has gone on. Unfortunately the hon. member for Douglas East, who is not in her seat at the moment made the point, particularly about her own circumstances with regard to the way she left a particular department, and I think, obviously it was a very unhappy time. It was a very distressing time for a lot of people involved at that time. I just wonder whether the hon. mover of this Bill, at any point, has considered the position of members of departments because obviously this Bill is all about the Council of Ministers. The view has been expressed in a number of ways - particularly the hon. member for Rushen, Sir Miles Walker, talked about this Tynwald approval of ministers and the fact that it would strengthen their arm, possibly against the Chief Minister and possibly against the actions of Tynwald, the parliament, inasmuch as it would be quoted back to them - you know, 'We are ministers approved by Tynwald, therefore you cannot criticise us for what we are doing.' Now, at the end of the day, members of departments are very important to the structure of how executive government works.

Mrs Crowe: Teamwork, as well.

Mr Corkill: It is hopefully teamwork within the departments. Certainly that has been my experience in the few years that I have been a member of this House. Now, with regard to the position of members, I want to know whether it has been discussed as to whether perhaps it should be a part of this Bill, that members of departments should have Tynwald approval. What is

different about ministers and departmental members in terms of their responsibilities to the Treasury, to the Department of Home Affairs, or whoever it is? Because the very point that the hon. member, Mrs Cannell, mentioned, which is that she was unhappy about the way things went, she could have in fact been well protected by a vote of Tynwald, inasmuch as the executive would not have been able to make the decision that took place and the hon. member left that department, because it would have had to have gone to Tynwald. Now, I can see a complete parallel in that position with what this Bill is trying to do with regard to ministers and so in the zealous debate that has gone on, focussing on ministers only, and there are certain members in this hon. House and in the hon. Court of Tynwald who sort of foam at the mouth if there is a chance of biting a minister in his hind quarters. That is politics. But, because the focus is very much on the minister, I think this legislation is actually demeaning the role of departmental members and I would go back to the original point that they are very important to the way executive government actually operates. So it may be appropriate at the clauses stage, if the Bill unhappily perhaps, gets that far, that in fact it would be appropriate for an amendment to be moved to include members for Tynwald approval, members of departments in the same way, because it is a Governor in Council function as to which members become members of which departments. It is a Governor in Council function. It is not the Chief Minister. It is not a minister of a particular department. It is a Governor in Council function that appoints those members and so I think that if you are going to do this to ministers and actually strengthen them in the Tynwald environment and in the executive environment, then you should at least do the same for members because you are going to create a bigger gulf between members and ministers. Some of the problems we have had over the years have been perceptions that there is this gulf between members and ministers. It is not one that I particularly concur with at all but it is there in some peoples' minds and I think if we are into this sort of legislation, then perhaps that sort of issue could be addressed. I hear murmurs of acknowledgment that that would be good thing from the hon. member, Mr Quine, the member for Ayre.

Mr Quine: It has been advocated before.

Mr Corkill: Who has advocated it before. My colleague from Onchan, Mr Cannell, has already touched on this issue, which revolves around clause 6 I would like the mover of this Bill to actually explain how on earth this clause actually functions, because you are running into the summer months, you could have a casual vacancy - a minister drops dead or whatever - so there is a need to appoint a new person to a particular department. The Chief Minister takes his pick, but he has to take his pick thinking, 'Well, some months down the line, Tynwald has got to approve this.' So perhaps in choosing the hon. member who is going to be lucky enough to become a minister, the Chief Minister will perhaps say, 'You know you had better keep your head down for the next few months, because although I want you to be the minister for department whatever it is, if you start getting too controversial, then in fact by the time the motion goes to Tynwald, which could be the October or November, you may well have blotted your copy book.' Of course, the trouble is - not being a completely independent state - we have a Governor to fit into this process, because at the end of the day, the Governor appoints. So here we are, we have got a fully fledged minister, appointed by the Governor and then all of a sudden: 'Oh, no, that hasn't worked out very well. We have got to trip back up to Government House and say sorry the parliamentary process has changed its mind.' I have to say that I find that rather demeaning, that we have to put ourselves in that position because of this debate about Tynwald having to approve ministers. We are actually weakening ourselves in the face of the Queen's representative, in terms of the Crown. I really do feel that constitutionally that is a step backwards from the fact that we do not have that problem at the moment. Why introduce a new problem? So I think I would like the hon. mover very much to explain how he sees that process working.

I would very much like to align my comments with the former Chief Minister, Sir Miles Walker. I think, with his experience of two terms as Chief Minister - having progressed from what there was to what we have now - of all the people in this hon. House, he has at first hand, in the kitchen cabinet, or wherever you want to have negotiated these things, seen the difficulties of getting to a particular point where the process of executive government, after a general election, kicks in.

It was only this morning, at the Treasury meeting, that we were talking about next year's budget. This year's budget, as you know, has been an excellent one and hopefully next year's will be another excellent one and so we have already started to plan it. Who will be up there, of course, will be down to the democratic process that we will undertake in November. But, of course, what we have these days is a February budget. All the discussions with departments start in the last quarter of the year. By Christmas time all those discussions are complete, the paperwork starts to roll forward, approval of council ministers of the budget takes place hopefully and by February it is in a position to be presented to another place, Tynwald Court. We have already, because of the general election - and this is just common sense based on the existing situation that we have - said that it should be March next year. It would be much more appropriate for a budget to be March because there is bound to be a delay in the executive getting its act together as it were. But just imagine if we go to this Bill, when on earth are we going to have this budget? Because I think March is being a rather ambitious target and I would suggest maybe June would be more appropriate in terms of how long it might well take to get to a situation where the white smoke goes up and the five year parliamentary process kicks off again.

I really do feel that this is retrogressive and I am a member who has never experienced the old board system first hand. I did not have the privilege to be a member of this place in those dark ages as I would describe them, but as a member of the business community that time, I do know how long it took to get decisions out of departments -

Mrs Crowe: Absolutely.

Mr Corkill: - and you did not know who on earth to go to. There was no focus and if you were trying to lobby particular people in the House for a particular point of view from your own industry or whatever - your own view on things - you had no focus, you did not know where to go because you had all these different boards. There were chairmen, sometimes chairmen of two different boards, all the members were different and you have in the Tynwald process, the chairman of a board would pop up with a particular policy and have to convince everybody else. I just feel that the strengthening of the executive that we have had over the last 12 years, or however long it has been, has been very much to the benefit of the Island. So much so that other jurisdictions are now examining our process and if that is not a compliment, I do not know what is. Because certainly 20 years ago the Isle of Man was a backwater and not many people in many other places even considered us. They are now looking at our system because they have seen how successful it has been to the public of the Isle of Man and to the economy of the Isle of Man.

I hope that the two points I have fundamentally raised, the hon. mover of this Bill can answer, because I think practicalities is what this Bill is all about. I really do think that we should not leave out discussion on departmental members because they have a very important role and they deserve, to my mind, the same protection from Tynwald if that is going to be offered to ministers.

Motion that the House Continue to Sit — Motion Lost

The Speaker: Hon. members, standing orders, as you know, decree that at 5.30 the business of this House shall be adjourned. Is it the wish of this House that we now adjourn?

Members: Agreed.

The Speaker: In which case it seems to be. . .

Mrs Cannell: Mr Speaker?

The Speaker: Yes.

Mrs Cannell: I wish to move that we carry on with this Bill, that we carry on the standard sitting until we have dealt with the second reading of this Bill, sir.

The Speaker: Mrs Hannan.

Mrs Hannan: I do not feel that this debate should be rushed. We have had legislation.

The Speaker: The motion has not been seconded.

Mr Singer: I beg to second.

The Speaker: Mrs Hannan.

Mrs Hannan: We have many important issues discussed in this House where we have stopped at 5.30 and the very mover of this continuation of the debate has been the one that has left even when a vote has been taken to continue. (*Interjections*) It is not your choice and, yes, you have the permission of the Speaker. (*Interjections*) I do think it seems that it suits the member. Tonight - I have written to you - I have got an appointment at 7 o'clock and I am concerned. I know I have had my say but I do believe that others, should they want to speak, have the freedom to speak for as long and on the subject as they want.

The Speaker: Hon. members, I do not want this debate to on for half an hour. (**Members:** Hear, hear.) I want to put the vote very quickly. Mr Rimington.

Mr Rimington: Mr Speaker, I did mention to you last week that I hope to leave the House early tonight at 5 o'clock for a seminar on a piece of legislation. I have not been able to do that yet, sir.

The Speaker: You have had my permission, sir.

Mr Rimington: I am afraid this is more important, but I reluctantly have to carry on.

The Speaker: Mr Karran.

Mr Karran: Thanks, Vainstyr Loayreyder. I will support any extra sittings at a later date, but I believe it wrong for this House to carry on. This issue is important. It is about the stability and good government of the Island and ever since ministerial government came into this Island, we have had a good time. It has been an easier life as far as parliament is concerned and I believe that we must not allow this House to be reduced to some childish reaction that somehow one side is trying to get over on the other side. I will support any moves to have extra sittings of this House in order to finish the parliamentary programme as far as this House is concerned. But I think it is wrong if it is going to inhibit members from putting their input into this debate, then I think it would be wrong to carry on, Vainstyr Loayreyder.

The Speaker: Hon. members, the motion is - and I am closing this debate - the motion is that this House continues to sit to the completion of the second reading. Those in favour, please say aye; Against, no. The noes have it.

Motion that House Sit on 2nd May 2001 if Necessary — Agreed — House Adjourned

Mr Singer: Mr Speaker. In view of the comments that have been made on the amount of legislation that we have before us, could I move (**Members:** No.) that we suspend standing orders so that we can sit on the afternoon of Wednesday, May 2nd?

Mr Brown: Mr Speaker, we have just voted not to continue. (*Interjections*)

The Speaker: Hon. members, the result of the motion is that we suspend tonight. The mover asked to give advance notice to suspend standing orders to sit on Wednesday afternoon the 2nd. .

Mr Brown: Mr Speaker, I really must challenge that. The House has agreed that the sitting has ceased. The member raised it after the House had determined the sitting had ceased.

The Speaker: I am going to make a ruling to find out whether the next sitting of this House is Tuesday, 1st May. If it is the wish of the House, I would rather this House and its members know now (**Members:** Hear, hear.) that they were going to sit on Wednesday afternoon than have the motion put on Tuesday 1st (**Members:** Hear, hear. Yes.) so that members will know in advance. I feel it is in members' interest (**Members:** Hear, hear.) rather than to be told on Tuesday, 1st May, that they will be sitting on the Wednesday afternoon.

Mr Gilbey: Mr Speaker, I want to raise a point of order. The fact is that a vote was passed not to continue. (*Interjections*) That means that the sitting immediately ended and I cannot see, and I would like the learned Clerk's advice, how then one can go on to do anything else, because we have finished and that is the end of it.

The Speaker: Hon. members, you had finished and the business of the today's sitting is finished. I am now seeking the guidance of the House for a future sitting

A Member: That is more reasonable.

Mr Speaker: for a future sitting whether it is the will of the House that they would wish to sit on Wednesday afternoon, 2nd May, if necessary, to continue their business. If the House does not wish to sit on Wednesday afternoon 2nd May, so be it, but that is not the business of the House today. The business of the House today has finished. I am seeking guidance for the next order paper. Do members wish to sit on Wednesday afternoon 2nd May?

Members: Agreed. Yes.

Other Members: No, not agreed. Divide.

The Speaker: Sorry?

Members: No. Division. Yes, come on.

Sir Miles Walker: Sorry, Mr Speaker. I think that if we are going to vote on this, then there ought to be an opportunity to debate it. I have to say that we have sat the last few Wednesday afternoons. As far as I am concerned I have just had work piling up. I mean, that Wednesday afternoon is important. I know parliamentary business is important, sir, but I do think we should take into account the burden and the workload that members have and I have to tell you that I am slowly getting buried in a mountain of paper which I do not have the capacity to deal with if we sit in here. . .

The Speaker: Hon. members, the Wednesday afternoon sittings were at the will and the wish of the House and the will of the House is to prevail. Mrs Crowe. I want to take a vote very quickly.

Mrs Crowe: Mr Speaker, I speak as the original mover of the motion to sit on Wednesday afternoons, for which I am extremely grateful. I know full well the amount of work that has been piling up for ministers and for members of departments during this time. We had a backlog of legislation at that particular time. We have not got the same backlog of legislation at this time as we had then. There were extensive Bills to get through that we thought would fail, Bills that have been four years in the making. I feel certain that the legislation that is on the agenda now will go through at the same time and I do recognise the fact that putting in extra sittings will just overburden the work of people who, like myself, have more than one department to cope with.

The Speaker: Hon. members, I seek the guidance of the House. I have asked the secretary to call a vote. (**A Member:** Hear, hear.) The motion is, if necessary is it the will of the House that they sit on Wednesday afternoon, 2nd May? Those in favour. . . sorry, call a register. Mr Gilbey. Wednesday afternoon, I am seeking guidance. (*Interjections*).

For: Messrs Quine, Rodan, Rimington, Houghton, Henderson and Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Karran and the Speaker - 12

Against: Mr Gilbey, Sir Miles Walker, Mrs Crowe, Mr Brown, Mrs Hannan, Messrs Bell, Corkill, Cannell, and Gelling - 9

The Speaker: Hon. members, the vote, 12 votes in favour, 9 votes against. There will be a sitting at the House of Keys, if necessary, if the agenda so requires, to carry over from Tuesday 1st on to Wednesday afternoon, 2nd.

Hon. members, the House will now stand adjourned until April 24th in Tynwald Court.

The House adjourned at 5.46 p.m.