

**REPORT OF PROCEEDINGS OF  
TYNWALD COURT  
Douglas, Tuesday, 15th May 2001  
at 10.30 a.m.**

Present:

The President of Tynwald (Hon N Q Cringle). In the Council: The Lord Bishop (the Rt Rev Noël Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon Mrs C M Christian, Messrs E A Crowe, D F K Delaney, J R Kniveton, E G Lowey, Dr E J Mann, Mr G H Waft, with Mrs M Cullen, Clerk of the Council.

In the Keys: 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 and Mr A C Duggan (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East); Mr J P Shimmin and Hon A F Downie (Douglas West); Hon J A Brown (Castletown); Hon D J Gelling (Malew and Santon); Sir Miles Walker CBE LLD (hc) and Mrs P M Crowe and Mr J Rimington (Rushen); with Mr R B M Quayle, Acting Clerk of Tynwald.

*The Lord Bishop took the prayers.*

**Apologies for Absence**

**The President:** Hon. members, we have apologies this morning from the hon. member for Council, Mr Radcliffe, who I can report is making a very good recovery and hopes to be back with us within a week or two. We also have apologies, hon. members, from the hon. member for Middle, Mr North, who is off the Island on government business.

**Tribute to the Late George Swales**

**The President:** Hon. members, a number of us yesterday attended the funeral of our previous member, the hon. member for Ramsey, Mr George Swales, and I call upon Mr Speaker.

**The Speaker:** Mr President, hon. members, it was a sad occasion last week when I learnt, as many of us did learn, of the death of George Cuthbert Swales. George Swales was a Member of the House of Keys for only one term, 1976 to 1981, and after that a Member of the Legislative Council for a short period of 18 months, but George Swales put his mark on the north of the Island.

For 36 years he was in the Ramsey Commissioners' Town Hall. He started as the junior office boy in 1929 and he finally retired in 1975 as the town clerk. Man and boy he served his time in Ramsey. He was well known throughout the Isle of Man and of course in the Second World War, like all men of his age, he went to serve with the colours, in his case the Royal Air Force. He served not only in the United Kingdom but overseas in India as well.

You can imagine the impression he made on Ramsey. He must have known everybody that lived in Ramsey and then after his retirement in 1975 when he said that he wanted to live with his family in peace and happiness, he was persuaded to become a Ramsey Town Commissioner. So successful was he and so popular with the residents of Ramsey that the following year in 1976 they said, 'George, be our Member of the House of Keys' and he stood for election and was returned and he came to Tynwald, to the House of Keys and served, as we all do, on a variety of boards and committees and he gave considerable input because he had great experience of people, of communicating with people and knowing the wants and hopes and aspirations of people, but again he decided to retire in 1981 and there was a casual vacancy shortly afterwards on the Legislative Council and again George was called to the colours to finish that term of office.

George Swales was a good and kindly man and those of us who attended the funeral yesterday will recall those who stood and spoke of George publicly, of his kindness and his concern for other people. He was a good and decent man and the House of Keys can have been proud that he was one of our members in the past.

Hon. members, Mr President, members of the Council, I would ask you to join with me and stand and pay tribute to George Cuthbert Swales and his service to the Isle of Man.

*The Court stood in silence.*

**The President:** Thank you, hon. members.

### **Bills for Signature**

**The President:** Hon. members, returning to our business, we have six Bills for signature and with your agreement, hon. members, we will continue with our business whilst they are signed. Content, hon. members?

**Members:** Agreed.

### **Papers Laid before the Court**

**The President:** I call upon the Clerk to lay papers.

**The Acting Clerk:** I lay before the Court:

European Communities (Isle of Man) Act 1973 -

European Communities (Control of Exports of Dual-Use Items and Technology) (Application) (Amendment) (No. 2) Order 2001 *[draft]*

Customs and Excise Act 1986 -

Excise Duties Order 2001 *[SD No 126/01]*

Value Added Tax Act 1996 -

Value Added Tax (Vehicles Designed or Adapted for Handicapped Persons) Order 2001 *[SD No 127/01]*

Value Added Tax (Passenger Vehicles) Order 2001 *[SD No 128/01]*

Value Added Tax (Protective Helmets) Order 2001 *[SD No 129/01]*

Value Added Tax (Increase of Registration Limits) Order 2001 *[SD No 130/01]*

Customs and Excise Act 1993 -

Air Passenger Duty (Amendment) Regulations (Application) Order 2001 *[SD No 177/01]*

House Purchase and Refurbishment (Amendment) Scheme -

House Purchase and Refurbishment (Amendment) Scheme 2001 *[GC No 20/01]*

Social Security Act 2000 -

Social Security Act 2000 (Amendment) Order 2001 *[SD No 195/01]*

Social Security Act 1998 (Application) (Amendment) Order 2001 *[SD No 197/01]*

Social Security Legislation (Application) (No. 9) Order 2001 *[SD No 198/01]*

Social Security Legislation (Application) (No. 10) Order 2001 *[SD No 199/01]*

Pension Schemes Act 1995 -

Pension Schemes Order 2001 *[SD No 196/01]*

Social Security Contributions and Benefits Act 1992 -

Income-Related Benefits (Miscellaneous Amendments) (No. 2) Regulations 2001 *[SD No 200/01]*

Family Income Supplement (General) (Amendment) (No. 2) Regulations 2001 *[SD No 201/01]*

Jobseeker's Enhanced Allowance (Amendment) Scheme -

Jobseeker's Enhanced Allowance (Amendment) Scheme 2001 *[GC No 18/01]*

Public Health Act 1990 -

Import and Export of Waste Regulations 2001 [SD No 51/01]

Road Traffic Act 1985 -

Driving Licences (Theoretical Tests) (Amendment) Regulations 2001 [SD No 211/01]

Harbours (Isle of Man) Act 1961 -

Douglas Harbour Facilities Order 2001 [SD No 212/01]

Reports -

Report of the Select Committee of Tynwald on Members of Government Departments

Value Added Tax Act 1996 -

Value Added Tax (Business Gifts of Small Value) Order 2001 [SD No 131/01]

Value Added Tax (Consideration for Fuel Provided for Private Use) Order 2001 [SD No 132/01]

Value Added Tax (Amendment) Regulations 2001 [SD No 133/01]

Wage and Salary Agreements -

Wage and Salary Agreements, dated April 2001

Aviation Security Act 1982 -

Ronaldsway Airport (Restricted Zone) Order 2001 [SD No 222/01]

Road Traffic Act 1985 -

Road Vehicles (Roadworthiness Requirements) (Approved Documents) Order 2001 [SD No 236/01]

Reports -

Report of the Isle of Man Delegation to the General Assembly of the Conference of Peripheral Maritime Regions of Europe 2000.

### **Companies – Name – Question by Mr Karran**

**The President:** Now, hon. members, we turn to our question paper. Question number 1, I call upon the hon. member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, I beg to ask the Chief Minister:

*Will the Council of Ministers introduce legislation requiring all companies having the words 'Isle of Man' in the main part of their name to have their principal place of business on the Island?*

**The President:** I call on the Chief Minister to reply.

**Mr Gelling:** Mr President, as I understand the position, there is nothing to stop anyone registering a company anywhere in the world which has 'Isle of Man' in its name. Now, clearly we are not able to exercise any control over any company, even if it has the words 'Isle of Man' in its title, if it is registered and operates outside the Island.

Now, as regards companies registered on the Island, a distinction is drawn between the case where the words of the 'Isle of Man' are included prominently within the company name and the case where they are not, for example when they are included in parenthesis at the end of the name.

Now, where the words 'Isle of Man' are prominent it is the policy of the Financial Supervision Commission that the company should have a substantial connection with the Isle of Man. The same test would apply to the use of words such as 'Manx', 'Mannin' or 'Mann'. Now, where the use of the words is not prominent the examination is less rigorous.

Now, I assume this question is concerned with protecting the international reputation of the Isle of Man and seeking to avoid the Island's reputation being damaged by companies registered in the Island engaging in dubious business abroad. Now, if I am right in that assumption, it is

perhaps worth saying that our experience is that when a Manx company does attract adverse attention it is identified in the media and in the reports as a company registered in the Isle of Man. Now, that is the case whether the words 'Isle of Man' appear in its title or not. Now, the removal of the words 'Isle of Man' from the names of such companies would make no difference, I would suggest, the name is of secondary importance.

What we have to try to do through the registration and supervision of all companies, whether called 'Isle of Man' or not, is to seek to ensure the highest possible standards of probity and thus minimise the risks to the Island's reputation. That is the thinking behind the transfer of responsibility for the registration and supervision of companies to the Financial Supervision Commission and behind the introduction of the corporate service provider legislation which is being brought into effect this year. These are the measures which in their long term will provide the best protection for the Island's good name, sir.

**The President:** The hon. member for Onchan.

**Mr Karran:** Eaghtyrane, I thank the Chief Minister for his answer. Would the Chief Minister not agree that the question was about businesses that are principally placed for business in the Island, so I recognise there is no control outside the Island, but does the Chief Minister not feel that they should revisit this issue again, recognising the important improvements there have been as far as the protection of the good name of the Island? But the good name of the Island is so important for our finance sector that the high-profile businesses that are based in the Island we need to make sure that they do not leave us open to further criticism, especially from a very aggressive and bigoted media from the adjacent isle in the United Kingdom.

**The President:** The hon. member for Onchan has put forward an opinion. I think there may be a question for the Chief Minister to respond to.

**Mr Gelling:** Yes, Mr President, I could not agree with the questioner more in what he has said. The good reputation of the Island is something which we feel is very, very important and of course what I was saying in my original answer to the hon. questioner was that regardless of 'Isle of Man' being in the name, if it is a Manx company you can rest assured that the media will put that forward it is registered in the Isle of Man. But just to give an example to the hon. member of a name that came to our attention that was registered in the United Kingdom, it was in fact 'Isle of Man Limited' and we took steps a few years ago to actually buy that as a non-trading company so that we have that registered company in the name of the Isle of Man Government because it appeared too close to call on the 'Isle of Man Limited', so we are always conscious of that and I would suggest that the Financial Supervision Commission, taking over control of company registration, will be even more alert, I think, and more vigilant to the effect that that could have.

### **Manx Transport Users Committee – Question by Mr Singer**

**The President:** Question 2, and I refer to the hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr President. I beg leave to ask the Chief Minister:

*When is it intended to introduce legislation to establish a Manx transport users committee as recommended in the June 1999 Report of the Select Committee on the Isle of Man Steam Packet Company?*

**The President:** Again I call on the Chief Minister to reply.

**Mr Gelling:** Yes, Mr President, the Transport Users Bill featured in last October's policy document in the programme for the legislative year 2001-2002 and that document reflects our current intent.

**The President:** The hon. member for Ramsey.

**Mr Singer:** Can I ask the Chief Minister, does he not view with concern that, whilst the select committee report was originally received in July 1999, legislation was proposed in the policy

document, unanimously accepted by Tynwald in October 1999 and in answer to my question to the Chief Minister in another place on November 9th 1999 the Chief Minister said then quite specifically that the Bill was scheduled for introduction in the legislative year 2000-2001? We now hear it is 2001-2002. Which department's responsibility is it for drafting this Bill and why has there actually been this delay?

**The President:** The Chief Minister.

**Mr Gelling:** Yes, Mr President, perfectly correct, it was shown in the 1999 policy document, but this timing was amended at the preparation of the 2000 document in the legislative programme and the situation with that is it is now in the 2001-2002 and I would have thought certainly that is our intent and there is no reason to believe that it should be put back.

**The President:** The hon. member for Ramsey.

**Mr Singer:** Could I just finally ask, Chief Minister, as it was a Tynwald decision and obviously felt of great importance to this hon. Court, why was it felt that the Bill should go down the list of priorities and whose decision would it be to put it down that list of priorities?

**The President:** The Chief Minister.

**Mr Gelling:** Well, of course during the policy discussions and also at the budget discussions, Mr President, these are the types of things that are brought forward and discussed and departments will give to us the priority that they put on certain legislation, and of course also it is the time of the legislative draftsman and certainly that is the intent, as I have already said, and I see no reason why we should divert from that.

**Mr Delaney:** A supplementary, Mr President.

**The President:** The hon. member Mr Delaney.

**Mr Delaney:** Could the Chief Minister make it clear then to me and to the other members that after Tynwald has made a decision on policies, some other grouping, maybe political or not, outside of Tynwald then decides when it is coming forward? So can we have an answer which politicians, if they were politicians, decided it would not be a priority?

**The President:** The Chief Minister.

**Mr Gelling:** Well, as I have explained, Mr President, for varying reasons it might very well be that the preparation of that Bill was not a priority because of bringing it forward at that time. Also of course is the effect that we have and that is the number of Bills that are already prepared and are already introduced into the branches, so therefore this would be discussed at the policy document time. It would therefore be brought up, I would have thought at the policy debate if members thought, that the priority that it had been given was not as important as perhaps we had put it -

**Mr Delaney:** Who?

**Mr Gelling:** - and certainly the members, so the Council of Ministers obviously prepare the list of legislation to put to the members of Tynwald when we come forward with the policy document, sir.

**Mr Delaney:** It was your decision.

### **Highways Act – Compliance with European Convention on Human Rights – Question by Mr Singer**

**The President:** Question number 3, I turn again to the hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr President, and I beg leave to ask HM Attorney-General:

*Does the 1986 Highways Act comply with the Island's obligations under the European Convention on Human Rights with particular regard to a person's right to seek redress against the*

*Department of Transport for an injury suffered on an adopted highway which is in a state of disrepair?*

**The President:** The Attorney-General to reply.

**The Attorney-General:** Thank you, Mr President. I take it that the hon. member for Ramsey is principally concerned with the implications of section 120 of the Highways Act 1986 which preserves the common law rule that the Department of Transport is not liable if it fails to maintain highways. I might add that the corollary to that rule is that the department is liable if it carries out the maintenance work negligently and a person suffers loss or damage as a result.

In my opinion the 1986 Act is compatible with the European Convention on Human Rights and in particular with article 6 of the convention which is concerned with the determination of civil rights and obligations. If there is no actionable domestic claim as a matter of substantive Manx law the article does not apply.

**The President:** The hon. member for Ramsey, Mr Singer.

**Mr Singer:** I thank the learned Attorney for his answer. As the department has a duty of care, if that duty of care is not exercised and an accident occurs, then is the learned Attorney saying that the injured party has no right to claim against that department under the 1986 Highways Act under the title of misfeasance?

**The President:** The Attorney-General.

**The Attorney-General:** Mr President, there is a difference which has been identified by the hon. member in his question there, a difference between misfeasance and non-feasance. The well established common law rule in the Isle of Man which is preserved in the statute is that if a department fails to do any work at all it is not liable in negligence or in any other remedy available, but if the department carries out the work and does the work badly, then if a person suffers loss or damage it will be liable. That is the well-established rule, as I say, which is reaffirmed in the legislation.

#### **International Business School – Lease – Question by Mr Karran**

**The President:** I turn then to question 4 and again I call on the hon. member for Onchan, Mr Karran.

**Mr Karran:** Eaghtryrane, I beg to ask the Minister for the Treasury:

*Are you satisfied that the Department of Education's lease of The Nunnery for the International Business School represents value for money?*

**The President:** I call on the Minister for the Treasury, the hon. member Mr Corkill, to reply.

**Mr Corkill:** Thank you, Mr President. Firstly, the lease of The Nunnery is held by the International Business School, not the Department of Education. The International Business School is a registered charity and a company limited by guarantee. The Department of Education acts as a guarantor to the landlord in the event of default by the tenant.

Secondly, I believe that this question should more appropriately have been directed to the relevant department, in this instance the Department of Education. However, I will seek to address the hon. member's question.

In some ways this is a somewhat awkward question to answer in the sense that defining value for money can be problematic. At a simplistic level, for some, good value for money constitutes what they support, whilst those actions or services they do not support represent poor value for money. This is a subjective judgement and cannot provide a relevant or meaningful means of defining value for money.

In a more objective sense, value for money constitutes making the most economic, efficient and effective use of available resources to achieve set policies and objectives. Economy

represents achieving the lowest cost for specified goods or service, efficiency represents using the minimum input of resources to achieve a given level of service, and effectiveness represents the extent to which an organisation is achieving its stated objectives.

Value for money involves all three elements considered in totality and not as individual elements. Therefore in relation to the leasing of The Nunnery by the International Business School it needs to be considered in the light of the policies and objectives which the International Business School is seeking to achieve.

The Department of Education's policy as set out in the 2000 Policy Review is, and I quote, 'to continue to support the International Business School with the long-term intention of establishing a University of Mann.'

**The President:** The hon. member for Onchan.

**Mr Karran:** Eaghtrane, would the Treasury minister not agree that he is in charge of the financial affairs of government? This company shortfall is guaranteed by the Department of Education and he will be then called upon from the taxpayer to pay for it.

Could the Treasury minister tell this Court how much money we have already had to spend on refurbishing this facility? Can the Treasury minister also inform this hon. Court of how much money we will have to pay for putting it back into the order it was if we do not go and buy the place?

A further supplementary: could the minister tell us have we got any realistic evaluation on the purchase of this property, and would the Treasury minister not also agree that by his reply he obviously agrees with the sentiments as far as I am concerned, as far as the value, it is not good value for money and once again government has been seen coming?

**The President:** The Treasury minister to reply if he has the figures available.

**Mr Corkill:** Well, a lot of the figures are in the Pink Book, which is a public document, Mr President, but I can say for hon. member's information today that rental payments for 1999 were £150,000, the year 2000, £180,000 and 2001, £210,000 and I understand that these figures are pretty much in line with the market rate if you work it out on a per square foot basis.

There were costs because there was work undertaken at The Nunnery. This was necessary to provide an acceptable environment for academic tuition there and that environment is necessary to attract students into graduate and postgraduate education.

At the time of the start of this project the Treasury did not wish to commit government funds to a long-term scheme whereby the demands for its services may have only been for the short term, so the three-year timeframe enabled government to assess the future viability of the International Business School without being committed for the longer term and I think this was a prudent approach given that this was a pilot project.

Now, I, like a number of people, hope that we are entering into the successful phase of the International Business School as students begin to enrol and that process is now becoming self-evident.

Financial assistance to the International Business School as laid out in the Pink Book was £200,000 in the year 1999-2000, £500,000 in the year 2000-2001.

I have not perhaps got all the figures that the hon. member has asked for today. If they had been in the original question we could have laid them out more sensibly for the hon. member, but the figures are publicly known and I go back to my original comment that perhaps value for money is in the eye of the beholder.

**The President:** The hon. member for Onchan.

**Mr Karran:** Eaghtrane, could the Minister for the Treasury inform this Court what sort of costs will be involved? Will we have to put it back into existing order if we do not go along and buy this

property and have we not had the actions once again where government will be put into a corner at great financial cost in order to get ourselves out and does this not just reflect that we need more joined-up government when we come to these issues as far as leases and the likes are concerned?

**The President:** The Treasury minister.

**Mr Corkill:** Mr President, negotiations are taking place for the purchase of The Nunnery. Those negotiations are ongoing using the services of professional negotiators and they are negotiating on a rigorous commercial basis. I think it would be quite inappropriate for me to actually make any further comment at this stage (**Several Members:** Hear, hear.) and I understand in past comments that the hon. member, my colleague from Onchan, Mr Karran, has wished government to purchase The Nunnery in the past and I would hope, bearing in mind the taxpayer's interest in this, that we are able to do that for what is an acceptable figure, but I do not wish to comment on any particular figure.

**The President:** The hon. member for Council, Mr Delaney.

**Mr Delaney:** Thank you, Mr President. Now we are given to understand we are negotiating to purchase again, the Government of the Isle of Man, The Nunnery. Would the minister not agree with me this has probably been bought more than Euston Station has in a game of Monopoly?

**The President:** I do not think it is necessary to respond.

#### **Cataract Removal – Question by Mr Singer**

**The President:** We turn to item 5 and I call on the hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr President, and I beg leave to ask the Minister for Health and Social Security:

*When will patients have the opportunity to have cataract removal by the phaeco technique?*

**The President:** I call on the Minister for Health and Social Security, the hon. member for Council, Mrs Christian.

**Mrs Christian:** Thank you, Mr President. The technique known as phaeco emulsification involves the use of laser treatment as opposed to conventional treatments. Expert ophthalmological advice indicates that this technique requires extensive training, generally over a two-year trial period with regular review and audit.

The service on the Island is provided by a highly experienced consultant ophthalmologist assisted by an experienced associate specialist, both of whom undertake cataract surgery in the traditional tried and tested manner and generally obtain excellent results.

The department considers that, whilst the new technique is likely to be introduced in the future, it is not a high priority at present, bearing in mind the existing effective and safe service offered by the Noble's Hospital ophthalmic department set against the implications in terms of specialist training that would inevitably be involved in introducing a new service of this type.

The department do, however, keep these matters under review and, in particular, consideration is currently being given to the introduction of additional specialist staff and it would be expected that this would provide the opportunity of introducing more highly specialised treatments in this area.

**The President:** The hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you. I thank the minister for her answer. Is the minister, however, aware that the United Kingdom has totally converted to phaeco surgery because this is the modern technique, as she has said, a non-stitched technique, and would she not agree with me that the method of cataract removal, this particular method of phaeco, results in less operative inflammation, little

astigmatism, better quality vision, speedier rehabilitation and complete sight recovery within a week rather than the six to 12 weeks which a stitch technique takes and this technique is still being used in Noble's Hospital, and from whatever she said, does she not think that people should be given the opportunity to have the phaeco surgery if they so wish?

**The President:** The minister to reply.

**Mrs Christian:** Mr President, the hon. member has alluded to the advantages of phaeco emulsification over traditional treatment and I would acknowledge that it does offer some advantages, but it is not a panacea for all cataract problems.

In terms of whether or not that clearly offers an improvement perhaps over the current methods, we need to look at whether the current methods are satisfactory and indeed audit has been carried out in the Island on the quality of those services and they have met the audit extremely well.

In terms of the future developments I did, in my original answer, indicate that certainly we would hope to be increasing our staffing levels and when we do that we would obviously seek to bring in someone with the necessary skills to offer these up-to-date techniques and technology.

Members may like to bear in mind that the department, whilst it does receive the lion's share of the budget and the personnel controls, does not on an annual basis receive all the resources that it needs to meet its aspirations and this is one area where that applies. We have submitted bids for next year, we are in the process of providing estimates for Treasury for next year, and that will involve the application for the employment of a second consultant ophthalmologist. Whether or not we are successful remains to be seen, but at that time I would certainly anticipate that they would seek to employ someone with the skills to provide this method of treatment.

**The President:** The hon. member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, could the minister inform this House if this treatment is done on a private basis at the present time and if it is obviously done on a commission basis as well for different individuals?

**The President:** The minister to reply.

**Mrs Christian:** Mr President, I am quite sure that patients can obtain this treatment outside the Island or maybe inside the Island on a private basis. That is not a matter for the health service and I have no idea about the commission basis that the hon. member refers to. I have no knowledge of the private arrangements which patients or others enter into, but I am aware of the benefits that this may offer NHS patients in the future and I have said the matter is under review and we will hope to provide the service in the future.

**The President:** I return to the original questioner for a final supplementary. Mr Singer.

**Mr Singer:** Thank you. Mr President, can the minister confirm that in the past we did send 60 patients to Liverpool for cataract surgery and that they were all operated on with the phaeco technique and that the surgeon then came across to the Island to do a check-up, and if so, shouldn't everyone needing cataract surgery be offered the choice of a technique which causes less trauma and quite clearly, with the reduction in side-effects, would be less expensive in the long run to the people and to the health service and that perhaps by releasing the cataract surgery on the Island other people, diabetics et cetera, could get a better treatment, whilst the most up-to-date techniques could be offered to our residents who need the surgery by sending them across to Liverpool?

**The President:** Again, hon. members, it is an expression of opinion rather than a supplementary. Minister to reply.

**Mrs Christian:** I note the hon. member's opinion. I think it is difficult if we seek to run a health service in the Isle of Man if we were to, for example, send every cataract patient to the United

Kingdom. I do not believe our budget would meet that. We do occasionally have cataract initiatives, we have had one running recently and it continues to run.

I would assure patients that, notwithstanding that this new treatment may offer certain advantages in terms of time, though I have indicated there may be other side-effects, indeed the audit on existing services is good and most cases are day patient cases so that we have indeed exceeded the standards which are set in relation to day case treatments and that does offer some advantage to patients.

### **Health Needs of the Community – Question by Mr Henderson**

**The President:** Question 6, I call on the hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Mr President, I beg leave leave to ask the Minister for Health and Social Security:

*What mechanisms does your department use to determine the health needs of the community and to plan the consequent provision of -*

- (a) diabetic services;*
- (b) breathing difficulties/disorders services; and*
- (c) sufficient medical, surgical and speciality beds in the new hospital?*

**The President:** Again I call on the Minister for Health and Social Security to reply.

**Mrs Christian:** Mr President, the department has for a number of years followed a business planning approach in the way it plans service provision in relation to the health needs of the population. Service development in all areas of health care is subject to a business planning process led by professional staff whose task is to establish the strategic objectives of the service they are aiming to provide taking into account patterns of service, working arrangements, workforce patterns and general overall philosophy. This process has regard to information from various sources including data on mortality and morbidity and is assessed by the department in the broader context of the department's overall objectives through the budgetary arrangements.

With regard specifically to diabetic services, a detailed business plan has been developed by a multidisciplinary team which took into account national and international publications. These included the St Vincent's declaration, a European agreement, the principles of which have been accepted by the department and which focuses on targets for the development of a high-quality diabetic service.

Looking at respiratory conditions, the same process has been followed, picking up on information from expert sources both internally and externally. By way of example, the public health directorate is planning later this year to participate in an international study of asthma and allergies in childhood. With the agreement of the Department of Education this will be conducted in the Island's schools and is intended to assess the prevalence of breathing difficulties in the school age population. It is further intended that the results will be benchmarked with other countries participating in the survey.

Finally, I can advise hon. members that the planning of the new hospital was undertaken by a multidisciplinary service planning group, the process having previously been notified to and endorsed by this hon. Court. In its deliberations in preparing the client briefing project the group were guided by the health services policy framework, statements of intent prepared by the various clinical service teams, central planning assumptions with regard to population trends, recommendations of the various royal colleges of professional associations, trends in respect of average lengths of stay, occupancy rates and turnover intervals and local factors and reports from the Health Service Audit Commission into the economy, efficiency and effectiveness of resources within the National Health Service.

I hope that the hon. member will accept that, whilst the planning of services within the health service is never easy, every effort is made by the department to consult as widely as possible, taking account of what information is available to guide that process.

**The President:** The hon. member for Douglas North.

**Mr Henderson:** Thank you, Mr President. I thank the hon. minister for some of the reassurances she has given us today, especially to the breathing disorders, but I have to ask, although acknowledging business planning technique is best practice, could the hon. health minister advise why there is no mention of proper local epidemiological studies in this situation and would the hon. minister acknowledge that epidemiological studies are in fact local studies of changing patterns of diseases and disabilities which would inform a business plan to the most quality objectives and meeting the community healthcare as best as possible?

**The President:** The minister to reply.

**Mrs Christian:** Yes, Mr President, the hon. member did ask a question about epidemiological studies in written form at the last sitting of this hon. Court, to which he was given an answer and I did indicate through that answer that the department continually reviews the means by which it collects and collates information about the services it provides and the department has commissioned a three-year project where the aim is to link all sources of data by providing a central index.

This strategic information project is setting up a unique personal identifier which is a single reference which will link all the existing sources of information held throughout the department.

One of the secondary uses of this indexing will be the ability to produce more accurate and comprehensive healthcare information on which we can base the future development of health services.

So it is not that we are not willing, this process is being undertaken in order to inform the way in which we best should develop future health services. Perhaps the hon. member's criticism is that it is not available now. It is very easy to look with hindsight and see whether or not data should have been collected. I do believe that most health authorities throughout the British Isles will find that their data collection bases are inadequate and are being developed and we, along with others, are doing the same thing.

**The President:** The hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr President. I thank the minister for her response and acknowledgement of the future three-year data collection programme. Could she advise that in fact that data collection programme will ultimately lead to a proper epidemiological centralised database so that facts and figures can be transmitted on an ongoing basis, and would she also acknowledge that there is an epidemiological transition, a shift at the minute, from major concern with infectious diseases to a shift in the chronic and degenerative diseases which are more associated with old age which should lay priority on the issues that she has just spoken about?

**The President:** The minister to reply.

**Mrs Christian:** Yes, Mr President, the general trend in health provision is certainly looking at specific areas where it is seen that most of the health problems arise and certainly national standard frameworks are being developed dealing with issues which impact on large numbers of the population such as the problems of old age, such as the problems of cancer, such as the problems of heart disease and so on, so all of those issues which are recognised as putting severe demands on health services are issues which are being developed in the Island in terms of frameworks and trying to develop a strategy for the way ahead to make sure that we put the resources into those areas which will produce optimum results for the population.

**The President:** The hon. member for Council, Dr Mann.

**Dr Mann:** Yes, I just wanted to ask a supplementary of the minister. In spite of the positive aspects of the original question, would you not agree that the greatest threat to facilities at the moment is the rapid rise in population?

**The President:** The minister to reply, and I do not want to widen the question into a health service debate.

**Mrs Christian:** Mr President, the growth in population obviously puts pressures on all services in the sense that they need to be provided for more people. Regarding the actual distribution and needs of those people I cannot reflect directly but in general terms more people mean more services, one has to accept that, but they also mean more income, one assumes, and I think the Island's policy has to be to determined where that balance lies.

One of the difficulties, I would suggest, in terms of developing this data collection initiative and going on into the future to establish the kind of database that we are looking at is that many practitioners are indeed expressing concerns about how much time they are going to have to take to produce the data rather than directly treating their patients and so we have to acknowledge that as well and make sure that we have sufficient resource to ensure that these needs are met.

### **Home Improvement and Energy Conservation Schemes – Question by Mr Rimington**

**The President:** Now, hon. members, we are in danger of widening that question too far. Shall we go on to question 7 and I call on the hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr President, I beg leave to ask the Minister for Local Government and the Environment:

*In respect of future home improvement and energy conservation schemes, would your department consider the inclusion of support for the installation of photo-voltaic panels for renewable electricity and solar panels for water heating?*

**The President:** I call on the Minister for Local Government and the Environment, hon. member Mr Gilbey, to reply.

**Mr Gilbey:** Mr President, the Home Improvement and Energy Conservation Scheme 2000 came into operation on 1st November 2000 and will terminate on 31st October 2005.

The department continually monitors applications for assistance under that scheme not only to determine current demand but also to provide information for potential future demand.

As the current scheme has been in existence for only a matter of months any amendment is unlikely to be considered until a general housing policy review which is due in April 2002 and I can advise the hon. member that the department will consider the inclusion of any works in future schemes which conform with the purpose of the scheme which is to improve properties and improve the energy efficiency of the home. In fact the current scheme contains several provisions for energy conservation.

Schedule 1, part 1 of it provides grants of 50 per cent towards the cost of installing replacement windows and towards the cost of work required to render a roof safe and waterproof and toward external re-rendering. Such works are subject to an assessment of income.

Schedule 2, part 2 of the current scheme provides a standard grant of £200 towards the replacement of a central heating boiler with an energy-efficient condensing boiler, and schedule 2, part 3 provides grant assistance of 75 per cent of the cost of materials up to a maximum of £100 towards the cost of providing insulation of a roof space or the insulation of any hot water tank or cylinder and the works in schedule 2 are not subject to assessment of income.

Furthermore, the department may exercise discretion for any works not specifically identified in the scheme and the department may provide 100 per cent grants in cases of special need.

**The President:** Hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr President, I would like to thank the hon. minister for his reply and the commitment to look at these matters as the scheme progresses. Could the hon. minister just indicate, if such matters were to be included in this scheme because solar panels of whatever nature would be on the roofs of buildings, would that have implications for planning policy?

**The President:** The minister to reply.

**Mr Gilbey:** It certainly would and this would have to be considered very carefully by the Planning Committee and by my colleague the hon. member of Council, Mr Crowe. It may well be there could be an overall exemption as there are for certain television apparatuses.

### **Marine Litter – Question by Mr Rimington**

**The President:** Question 8, again I call on the hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr President, I beg leave to ask the Minister for Local Government and the Environment:

*What are the major sources of the marine litter that is washed up on our beaches and what steps can be taken to reduce this waste?*

**The President:** Again the question is to the Minister for Local Government and the Environment, Mr Gilbey.

**Mr Gilbey:** Mr President, I am not aware of any specific research undertaken within the Isle of Man to identify the sources of marine litter washed up upon our beaches. However, through the government's membership of KIMO, an international environment organisation, on which I represent this Island's interests I have obtained a copy of a report published only last year which, following a survey of 64 coastal communities around the northern seas, has identified the main sources of marine litter. As this Island is located within the general survey area I will use this report as the basis to respond to the hon. member for Rushen's question.

There are four main sources of marine litter: shipping, fishing, recreational visitors to the coast and sewage outfalls and I will refer to each of these in turn.

Ocean-based sources of litter include commercial shipping, fishing vessels, fish farming, cruise liners, military fleets, research vessels, passenger ferries, offshore oil and gas platforms and service vessels and recreational boats. As a direct result in the increased use of plastics, larger quantities of highly visible waste are now being washed up on beaches. Plastics are now being used in the majority of fishing gear and make up a large percentage of ships' operational and galley waste. Even in the most remote locations accumulations of debris have been found that could only come from marine sources.

Land-based sources include litter carried out to sea from inland sources via drains, rivers and storm water systems which is subsequently deposited on the beach.

Coastal sources also include recreational beach users, fly-tipping, agricultural, local business and unprotected waste disposal sites.

Sewage-related debris consists of debris that has entered the marine environment via sewage outfalls. I will spare the Court the graphic description of the latter type of debris that I am talking about.

I intend to address the question of what can be done to reduce this waste in two parts by referring to what we have done and can do in this Island and how we can contribute to international initiatives.

The Department of Local Government and the Environment has already taken significant steps to reduce the potential sources of marine litter emerging from the Island including improving litter controls at the Point of Ayre by developing a waste disposal strategy that will not allow under normal circumstances the landfilling of litter but one which encourages recycling and the

production of energy from waste and by introducing and enforcing legislation to prevent fly-tipping and the use of illegal landfill sites.

Other departments of government also have a very important role to play in preventing marine litter, not least of course the Department of Transport which is responsible for port waste reception facilities and the development of the IRIS scheme, both of which are vitally important in this fight against this problem.

On the international front the government of the Isle of Man is a signatory to the Convention for the Protection of the Marine Environment of the North-East Atlantic, more commonly known as the OSPAR convention. It is the intention of the Department of Local Government through KIMO to ensure that this important issue of debris on beaches is kept high on the agenda at future OSPAR meetings.

The hon. member may also wish to note that KIMO were also working actively within the EU to find solutions to this global issue. KIMO have, in partnership with a North Sea foundation, undertaken a lobbying and advertising campaign asking all EU members to vote in favour of the EU directive on port reception facilities. This directive is now agreed and meets 90 per cent of KIMO's requirements and is due to come into force in the year 2002.

As a direct result of KIMO's success the Keep Sweden Tidy Group have entered into a partnership with KIMO and are actively seeking European funding to undertake more work on marine litter and the introduction of biodegradable plastics for the fishing industry.

In conclusion I believe that it is only by following the principles of sustainability by acting locally and encouraging others to do the same through partnerships such as KIMO that we will make a difference. At a higher level the success in securing a new EU directive on port reception facilities at the local European level should be used to encourage action by our global partners throughout the world to take similar action.

**The President:** The hon. member for Rushen.

**Mr Rimington:** Thank you, Mr President. I would just like to thank the hon. minister for his fulsome reply.

**The President:** Hon. member for Peel, Mrs Hannan.

**Mrs Hannan:** Could I ask the minister whether he is likely to get going again a campaign that was in the past very successful, Keep Mann Tidy, because that has cleaned up various areas and it gives a focus point and it was also operated by his department and when he mentioned about ports does not the local authority which usually looks after part of the beaches anyway, if not all the beaches around the Island, not have a part to play as well as government? I do not believe he mentioned the local authorities.

**The President:** The minister to reply.

**Mr Gilbey:** Indeed I did not, Mr President, for the very good reason that the hon. member for Rushen has another question which deals specifically with the local authorities and in answering that I will deal with that problem in some very considerable detail.

Regarding Keep Mann Tidy, we will certainly be prepared to consider reactivating that but I really cannot comment on the merits or otherwise of that scheme as I have not looked into it.

### **Clean Beaches – Local Authority Powers – Question by Mr Rimington**

**The President:** We turn then to question 9 and again I call on the hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr President, I beg leave to ask the Minister for Local Government and the Environment:

*Does current legislation give sufficient powers to local authorities to enable them to keep our beaches clean and -*

*(a) have they sufficient resources; and*

*(b) is the department satisfied with the cleanliness of the Island's beaches?*

**The President:** The Minister for Local Government and the Environment.

**Mr Gilbey:** Mr President, this answer I hope will also answer many of the points made by the hon. member for Peel, as I said before. I should like to make it clear that the Department of Transport is responsible for litter below the high-water mark and that the owner of the land adjoining the sea is responsible for litter above the high-water mark.

Now, Douglas is in fact the only local authority to own a beach within its area, I am advised. Therefore that means the rest of the beaches on the Island either are the responsibility up to the high-water mark of the Department of Transport or neighbouring landowners in respect of the rest of the beach.

Now, the Litter Act 1972 places a requirement on the occupier of the land - that is all land - on which the public are allowed to maintain the land clear of litter. The local authority, under this Act, has power to direct the occupier of such land as to the measures to be taken to keep the land free of litter. In addition, the Department of Local Government and the Environment may by the issue of a code of practice set out the manner in which the local authority shall meet its obligations and how steps may be taken in default of those obligations being met. I believe therefore that local authorities do have sufficient powers to enable them to keep our beaches clean.

On the question of resources it is obvious that until we resolve the problem at source there will never be sufficient resources to keep our beaches or those of the rest of the world in a pristine condition at all times. It is clearly evident to those of us who frequent this Island's beaches that nature has a role to play. Often following winter storms, littered beaches are cleaned and clean beaches are littered. Having accepted that resources are limited, beach cleaning operations should be prioritised so as to make the best use of the resources available.

We must not be drawn into simply looking at this as a financial resource issue but we should also take into account other resources that are available to us as well as looking at the management of the issue. With this in mind the Department of Local Government have given priority to the creation of the post of sustainable development officer, subject of course to obtaining the appropriate approvals for finance and for staffing. This officer will be responsible as part of his or her duties for developing partnerships with local authorities and others to deal with environmental problems and develop local initiatives. We see the problem of marine litter being one area of responsibility that this officer would make a priority.

Finally, the department has been asked if it is satisfied with the cleanness of the Island's beaches. Taking a lead from that great statesman, Abraham Lincoln, the department is satisfied with some of the beaches some of the time but not with all of the beaches all of the time.

The department recognises the very good work carried out by local authorities, voluntary groups, landowners and others who strive to keep our beaches clean. However, improvement can always be made, and as I have stated, we have made it a priority to put in place the resources within the department to work to improve the situation.

**The President:** The hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr President. I again thank the hon. minister for his full and expansive reply in relation to the issues which are there.

Given the particular situation the Isle of Man is in at the moment, which is that the countryside is greatly restricted for access because of the current foot-and-mouth disease and the importance of keeping the Island open for business for tourism et cetera, does the department agree that there

is an added urgency this year in particular in keeping our beaches clear of rubbish for tourists and residents alike?

**The President:** Minister.

**Mr Gilbey:** Well, I do not know how much extra usage the beaches will have as a result of other restrictions in respect of foot-and-mouth but I would say it is something we need to do as soon as we can, but as I have pointed out, although we would like to appoint this sustainable development officer to do this and other similar duties, our obtaining him will depend on the availability of finance from the Treasury and personnel from the personnel sub-committee so I certainly cannot make any promises and I think it would be quite premature to let it be felt that something could suddenly be done now.

**The President:** The hon. member for Douglas South, Mr Duggan.

**Mr Duggan:** Thank you, Mr President. Could I ask the minister has he got any views on the environment as he talks about it regarding the sea and the cleanliness of the sea regarding the effluent and blood being poured into the Irish Sea due to the foot-and-mouth cases in England? They are discharging, I believe, in the Irish Sea.

**The President:** I think we are again in danger of widening the question. Minister, do you wish to reply?

**Mr Gilbey:** Well, I have not read or heard anywhere that blood is going into the Irish Sea -

**Mr Duggan:** On the television.

**Mr Gilbey:** - from what the UK is doing so I cannot possibly comment on it.

#### **Sustainable Development – Question by Mr Rimington**

**The President:** We turn then to question 10 and again I call on the hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr President. I beg leave to ask the Minister for Education:

*Given that sustainable development is taught as a key element of the curriculum in Manx schools -*

- (1) what action is taken on school premises to encourage recycling and efficient energy usage; and*
- (2) on how many school premises are there facilities for storage of bicycles ridden by children to school?*

**The President:** This time I call on the Minister for Education, hon. member for Garff, Mr Rodan, to reply.

**Mr Rodan:** Thank you, Mr President. I thank the hon. member for his question. With respect to action on school premises to encourage recycling and efficiency energy usage I can advise that the Department of Education's works division has five main strategies which promote this. In all alterations and extensions double glazing is used; insulation is to the highest standard of six-inch thickness; timber removed from buildings is recycled through school wood workshops; boiler panels are either recycled through the scrap process or are reconditioned and reused as appropriate to their condition and heat plate exchangers are used instead of hot water cylinders so that water is only heated when required.

Additionally within schools certain levels of recycling take place particularly of paper and aluminium cans and I am sure that in time with the Department of Local Government and the Environment's recycling officer appointment there will be further scope to liaise on further initiatives.

As regards the second part of the question I can advise that four schools have specific facilities such as bicycle racks or stands, three being primary and one being secondary, and in total there are racks for 64 bicycles, 44 in primary, 20 in secondary. This low number does need to be put into the context of the policy of the Department of Education and the road safety officer that children should only cycle to school after they have passed their cycling proficiency test which they take in the summer term of their final year at primary school, year 6.

Unfortunately we must acknowledge the constraints on having children cycle to school because of hazardous traffic, narrow roads in particular.

Across the whole Island it is estimated that some 50 primary school pupils in year 6 cycle to school, while in secondary schools a total of perhaps 40 pupils cycle to school on a regular or semi-regular basis. Thank you, Mr President.

**The President:** The hon. member for Rushen.

**Mr Rimington:** Thank you, Mr President. I thank the hon. minister for his reply. First, in terms of recycling facilities within schools, noting that obviously many children are attending all the schools each day and there is going to be a lot of catering and aluminium cans, would he in the future see that recycling element can be enhanced within those schools and be given some priority?

Secondly, I must note a little disappointment at the small number of pupils around the Island that are using the facilities or actually cycling to school and perhaps would the hon. minister agree that we might be getting into a vicious circle, that is, with less children cycling and more in cars and other forms, then the traffic increases and would he, wherever possible, seek to improve the facilities so children can cycle to school?

**The President:** Minister to reply.

**Mr Rodan:** Yes, thank you, Mr President. On the recycling first of all, as opposed to the cycling, yes, I take the hon. member's point and where appropriate recycling initiatives I would be keen to further encourage.

We have to acknowledge, I think, the possible hazards of collection of items such as glass in a busy school environment and I do understand that at one school which had recycling bins, unfortunately the combustible nature of the contents did result in a rather serious fire in one of the bins and the necessity for a controlled site therefore becomes apparent.

But I do take the hon. member's point, and as I say, the potential for liaison with the recycling officer of DoLGE may assist in this regard.

As far as cycling is concerned, I suppose it is somewhat of a vicious circle. We are certainly a long way off a utopian vision of hordes of happy, smiling schoolchildren pedalling their way to school because for that to happen will require, I suggest, a culture change in the Isle of Man and we would have to address not just provision of facilities in schools but in fact, as I say, the condition of traffic congestion, the absence, for example, of cycle routes or cycle lanes in urban environments. So much requires to be done before I would be in a position to recommend cycling to school as the safest or advised form of travel.

### **Brunswick Nurseries – Future Use – Question by Mr Houghton**

**The President:** We turn then to question 11 and I call on the hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr President, I beg leave to ask the Minister for Trade and Industry:

*What are your department's plans for the future use of the land in its ownership known as Brunswick nurseries?*

**The President:** I call on the member for Trade and Industry, hon. member for Rushen, Mrs Crowe, to reply.

**Mrs Crowe:** Thank you, Mr President. I should clarify straightaway that the Department of Trade and Industry does not own the land known as Brunswick gardens. The site is in fact leased from a company that is owned by the adjoining property owners.

The lease on the gardens is assigned to the department from the Department of Education during 1996, the intention being to rehabilitate the site for use as a horticultural training facility and to create different opportunities for young people and the disadvantaged in our society to acquire worthwhile skills.

Now, when we took over the area it was in poor condition and before the gardens could be used for any training purposes its facilities needed to be upgraded to provide a modern safe environment.

We have faced difficulties in obtaining permissions for necessary improvements to the facilities, as everything has to be agreed with the owners and then approved by the local authority. However, these have been resolved and upgraded facilities now include secure storage, an office, a training room, a washroom and all basic services exist to the site, including electricity, water and drainage.

Whilst no horticultural training has taken place since we took over the lease, it has provided an excellent location for on-site training of our construction trainees and electrical installation apprentices. The range of work has covered demolition of old buildings, laying foundations, building walls, re-roofing, rewiring and the installation of a complete new electrical service. Rendering, painting and all these jobs have gained experience for our trainees, and it is very difficult to simulate this kind of training in a workshop environment and of course all these tasks have generated evidence for those trainees undertaking national vocational qualifications.

The site is currently used in the training of construction trainees and electrical installation apprentices. This will continue.

We are also working with the Department of Health and Social Security with the Next Step unit, an initiative which will provide a work area for the clients of the unit on a section of the site.

In the future we hope to further develop the links with the DHSS to maintain the use of the site by the construction trainees and offer the facilities to other training establishments. Thank you, Mr President.

**The President:** Hon. member, Douglas North, Mr Houghton.

**Mr Houghton:** Yes, thank you, Mr President and I thank the hon. member for the department for her comprehensive reply. May I ask, does she not agree that there have been severe delays in the use of this particular site for its intended purpose, quite severe delays, in fact there is very little that has happened at all, only what has been promised to be continued now by her department, and does she not feel that some of this area may perhaps be better utilised for recreational facilities, such as a football pitch?

**The President:** Hon. member for Rushen, Mrs Crowe.

**Mrs Crowe:** Thank you, Mr President. I would agree with the hon. member, in fact it was a great disappointment to me because it was part of my delegated responsibilities at that time and I really expected to see horticultural trainees on the site within 18 months. However, these things do not happen as easily as one would like, especially when planning comes into the picture, and of course with having to put in drainage, electrical services and indeed water services it all took a great deal more time than I expected.

However, I would say that we are increasing the training facility at the present time, but of course the lease does come up for renewal on one section of the land, I think it is in 2002, and maybe at that time there could be a review to see if perhaps some part of the land could be used

for recreational purposes, (**Mr Houghton:** Hear, hear.) but of course that would need to be negotiated with the company that owns that land.

### **Governor's Hill – Adoption of Roads – Question by Mr Henderson**

**The President:** We turn then to question 12 and I call on the hon. member for Douglas North, this time Mr Henderson.

**Mr Henderson:** Thank you, Mr President, I beg leave to ask the Minister for Transport:

*When does your department propose to adopt the roads through Governor's Hill?*

**The President:** I call on the Minister for Transport, the hon. member for Castletown, Mr Brown, to reply.

**Mr Brown:** Mr President, I can advise that the remedial works required by my department to the road and footway surfaces at Governor's Hill were completed on behalf of the developer of the Governor's Hill estate last week.

The remedial works have now been inspected and approved and the documentation for the adoption of the roads and footways is now with my department and I hope to be in a position to agree to the formal adoption of these roads later this week.

**The President:** Hon. member Mr Henderson.

**Mr Henderson:** Thank you, Mr President. I welcome the news from the Transport minister which has been 10 years in the offing and would he agree with me that this initiative will now help the thousand-plus residents involved and it will be very welcome and could he please expedite it as fast as possible?

**The President:** I am sure he will. Minister to reply.

**Mr Brown:** Yes, thank you, Mr President. I would like to make it clear that the department is basically in the hands of any developer. Our interest as a Department of Transport is safeguarding the taxpayer's interest and ensuring that a private road, before it becomes adopted as a public highway, which then transfers the responsibility for maintenance, repair and reconstruction, is built to a satisfactory specification that we are satisfied with and a specification we would apply to our own highways.

**The President:** Hon. member Mr Houghton.

**Mr Houghton:** Yes, thank you, Mr President. I do also welcome this news, it is about time too, and may I ask if the hon. member would invite perhaps myself and my colleague for North Douglas to his signing ceremony, just to make sure that it actually takes place.

**Mr Brown:** The answer to that, Mr President, is no.

**The President:** Hon. member for Council, Mr Lowey.

**Mr Lowey:** A supplementary, Mr President. Would the hon. Minister for Transport inform the Court, do his officers have any say, control or input into the construction of these roads because it is very difficult to find out what the state of the road is after it has been tarmacked and if it is likely that these roads are to be put into the public domain, do they check when the roads are being constructed so that they know they are constructed to the proper standards?

**The President:** Minister to reply.

**Mr Brown:** Yes, Mr President, contractors are aware that if they wish a highway to be adopted by the department there are certain standards that are required. If a contractor is not aware, then certainly they should contact the department's highway and traffic division and get advice. We do undertake inspections as the road is constructed, and I will not get a recommendation for formal adoption and I would certainly not adopt until the road is up to the standard that we would require for adoption because of course we are transferring the long-term debt onto the taxpayer.

**The President:** Hon. member for Peel, Mrs Hannan.

**Mrs Hannan:** Thank you, Eaghtryane. Would the minister not agree that any hold-up has been with the developer and not with government?

**The President:** Minister to reply. I think he said that in the original answer.

**Mr Brown:** Yes, Mr President, of course the contractor has to comply before we can make our next step.

#### **Queen's Pier – Structural Survey – Question by Mr Singer**

**The President:** We turn to question 13 and I call on the hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr President, I beg leave to ask the Minister for Transport:

- (1) *Has your department appointed structural engineers to survey the Queen's Pier; and, if so -*
  - (a) *who are they;*
  - (b) *what is their experience with pier refurbishment; and*
  - (c) *what is their brief?*
- (2) *Will you ensure that the BWB report obtained by the Friends of the Queen's Pier is made available to the structural engineers as part of their brief?*

**The President:** Again I call on the Minister for Transport to reply.

**Mr Brown:** Thank you, Mr President. I thank the hon. member for Ramsey for his question and I can confirm that the structural engineers have not yet been appointed to survey the Queen's Pier. However, I can advise that following the acceptance of my department's report in relation to the future of the Queen's Pier at the April sitting of Tynwald the appointment of structural engineers will be made following consultation with Manx National Heritage.

I can confirm that consultations are under way to ensure that an appropriate firm of consultants are appointed. I can advise that in accordance with established government procedures, before a firm of structural engineers are selected they will have to demonstrate that they possess the necessary experience and resources to carry out the commission.

Also, a comprehensive brief will be prepared which will include the scope of the work, the terms of reference, the terms and conditions, timescales and professional fee scales.

It is my department's intention to appoint the structural engineers as soon as possible, subject, of course, to obtaining Treasury approval.

With regard to the second part of the question, the BWB report obtained by the Friends of Queen's Pier, together with reports commissioned by my department, will be made available to the structural engineers for their information. Thank you, Mr President.

**The President:** Hon. member Mr Singer.

**Mr Singer:** I thank the hon. minister for his positive response. Can I ask him, as far as his preparation of the brief is concerned, will that also be prepared jointly by Manx National Heritage and the Department of Transport or will it just be his own department who are drawing up the brief, and the minister confident that the timetable of reporting back to this Court in October 2001 will be met?

**The President:** Minister to reply.

**Mr Brown:** Mr President, in answer to the first part of the question, as I have indicated, my department will be undertaking close consultation with Manx National Heritage prior to seeking interested parties for undertaking the works for the structural engineering, so therefore Manx National Heritage will be involved in those discussions for drawing up the terms and conditions.

As far as the October deadline is concerned, my department will endeavour to reach the October deadline, and as the hon. member is very well aware, time is tight. I think what is important of course if we are going to secure the future of the pier is to ensure the structural survey that is undertaken is in fact done properly to ensure that Tynwald is fully briefed on the costs and implications of refurbishing the pier.

**The President:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, would the minister not agree that it is important that this issue, the preservation of the Queen's Pier, is not seen just as some sort of cheap election gimmick, like the previous question as well, but as an important issue as far as the Island is concerned?

Will the minister give an assurance to this House that we will be kept fully informed so that there is no development of a fait accompli so that we get a report at a later date that pulls rabbits out of hats and makes it totally uneconomic as far as the report is concerned? Will he give an assurance that we will be fully briefed right along the way in order that we make sure that there are no shenanigans as far as this important structure is concerned to preserve it for future generations?

**The President:** Minister to reply.

**Mr Brown:** Thank you, Mr President. My views on the retention of the Queen's Pier and other similar structures of heritage to the Isle of Man are well known, in that I have been very proactive and supportive of doing that.

There is no question of any shenanigans. We will carry out our responsibilities professionally and we will endeavour to ensure that Tynwald Court is fully advised, prior to making any decision as to the long-term investment it will be asked to make in securing the Queen's Pier.

**The President:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, could the minister just clarify that he will make it fully transparent, any reports done, so that the members of this hon. Court can see those reports long before any item comes to this hon. Court on the future of this pier so that we are fully aware of what the implications are, not ending up with a situation where we are put in a corner and we are not fully informed of all the details as far as the implications of that structural report are concerned?

**The President:** Minister, it is a largely a repeat of the former question.

**Mr Brown:** It is, Mr President, and I can assure the hon. member that my department carries out its responsibilities and duties the same as any other department of Tynwald and, for that matter, board of Tynwald.

**The President:** Hon. members, that concludes the question paper that is for oral answer. For written answer are 14, 15, 16 and 17. I understand they have either been circulated or will shortly be in your hand.

## **Protected Cell Companies Legislation – Question by Mr Crowe for Written Answer**

### **Question 14**

The hon. member of the Council, Mr Crowe, to ask the Minister for the Treasury:

*Is it intended that protected cell companies legislation be included in the legislative programme for 2001-2002?*

### **Answer**

The Treasury and the Insurance and Pensions Authority have undertaken to re-examine the issue of protective cell legislation.

The authority, on behalf of the Treasury, is undertaking that examination and is seeking extensive professional advice in order to establish whether or not there is merit in such legislation

being included in the legislative programme; which programme (for 2001-2002) already includes an Insurance (Amendment) Bill.

The Treasury and the authority are not yet in a position to predict the outcome of that advice, however. Any proposals will be brought forward as soon as possible.

## **DHSS – Information-Gathering Systems – Question by Mr Henderson for Written Answer**

### **Question 15**

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

*What information-gathering systems are used by your department to assess the health status of the community and any developing disease trends?*

### **Answer**

The Isle of Man Health Service does not currently hold registers of diseases. However, the public health directorate does monitor health status and disease trends through the following sources:

- (1) The hospital service supplies information on mortality (cause of death) and morbidity (illness) across the wide range - ref. Mortality Statistics (Chief Registrar's Annual Report: Tables 11-23):
  - \* deaths in various districts
  - \* deaths as per residence of deceased
  - \* deaths at different ages, males
  - \* deaths at different ages, females
  - \* deaths from different causes
  - \* deaths from malignant neoplasms (cancer)
  - \* deaths at different ages
  - \* infant deaths
  - \* deaths in towns and parishes
  - \* death rates in towns and parishes
  - \* male and female population and mortality
  - \* infantile and old age mortality
  - \* deaths from principal febrile diseases
  - \* deaths from tuberculosis and malignant diseases.
- (2) The Merseyside and Cheshire Cancer Registry compiles cancer data and have provided detailed reports listing all cancer cases diagnosed in the Isle of Man between 1994 and 1999.
- (3) The directorate receives notifications concerning communicable diseases both from general practitioners directly and via the pathology department at Noble's Hospital. This information is entered onto the Co-Surv computer system which serves as a source of reference for cases of communicable diseases identified in the Island.
- (4) Surveys and analyses are also conducted on an ad hoc basis, depending on current priorities. For example, the directorate is currently examining the provision of

breast cancer screening services and has completed a comprehensive database on the subject.

### **Agency Nurses – Question by Mr Houghton for Written Answer**

#### **Question 16**

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

- (1) *How many shifts were covered by agency nurses during February 2001;*
- (2) *how many nursing staff employed by your department worked additional shifts for a nursing agency;*
- (3) *what is the average hourly pay rate in respect of -*
  - (a) *nurses;*
  - (b) *ward managers;*
  - (c) *nurses employed by the department; and*
  - (d) *nurses employed by agencies?*

#### **Answer**

- (1) The number of shifts covered by agency nurses varies according to the time and place of their employment. In the time available for the answer of this question it has not been possible to provide detailed information about the use of agency nurses throughout the Island's hospitals.

As the use of agency staff varies greatly and is often unpredictable, the department is able to provide information regarding two important areas within Noble's Hospital during February 2001. In the ortho-trauma unit at Noble's Hospital no agency staff were employed during this period. In critical care, agency staff participated in approximately 60 per cent of the shifts worked.

- (2) In this specialist area, during February 2001, three staff are known to have worked additional shifts whilst working for a nursing agency.
- (3) The average hourly rate of pay for:
  - (a) a basic grade nurse is £9.62 per hour;
  - (b) a ward manager is £13.01 per hour;
  - (c) registered nurses/F grades average £10.53 per hour; and
  - (d) the rates of pay for nurses employed by an agency are not known to the department. This is a private arrangement between the agency and the nurse concerned.

### **Disc Parking Zones – Question by Mr Henderson for Written Answer**

#### **Question 17**

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

*When is your department proposing to institute a disc parking zone for Hutchinson Square, Marathon Road, Princess Road and Lower Dukes Road?*

#### **Answer**

My department is presently assessing an area north of Broadway for the further extension of disc parking zones in Douglas. I can confirm that the roads proposed in this next extension of the Douglas disc zone are as follows: Hutchinson Square, the lower part of

Marathon Road, the lower part of Dukes Road, Stanley Place, Victoria Terrace, James Place, part of Woodville Terrace and also Castlemona Avenue.

Princes Road is not included in the present proposals. It is intended that that road would be considered in the next phase of extending the Douglas disc zone in this area.

As the hon. member will be aware, the introduction of disc parking into an area can, in certain circumstances, effectively reduce the number of car parking spaces available, unless road widening is and can be undertaken by my department. Such matters need to be taken into account when assessing the overall benefits of introducing disc zone parking into the outer, non-commercial areas of Douglas.

As is usual, the local authority and the hon. members for the area affected by the department's proposals will be consulted by the department prior to any final decision being made regarding the introducing of a disc zone.

### **Integrated Transport Strategy – Statement by the Chief Minister**

**The President:** Hon. members, we then turn to our order paper again and I call on the Chief Minister to move item 3.

**Mr Gelling:** Yes, Mr President, in October last year I advised Tynwald that I hoped that our report on the integrated transport strategy would be available for Tynwald earlier this year. Now, unfortunately we have not got into a position when we can put a finished report to Tynwald within the timescale we had hoped.

A working party appointed by the Department of Transport has produced a report and it is in our hands, but that report at this stage represents only the views of the members of that working party. The issue needs now to be informed by the comments and thoughts of other departments of their views on the working party report and they are being canvassed.

We remain committed to bringing forward the report to Tynwald as soon as possible but because we do not at this stage know what additional issues will be raised by the consultation with departments I am not in a position to give a precise date on when we will be in a position to report to the Court, sir.

Clearly in mapping out a strategy for the Island's internal transport arrangements we need to involve all departments of government and produce something which (a) can stand as a valid blueprint for a reasonable period and (b) has as much support as possible across government.

Whilst it is disappointing that we are not yet able to present the strategy, I hope members will, within their departments, take the opportunity afforded by the departmental consultation to input into the ongoing discussions and I thank you, Mr President, for being able to make that statement this morning, sir.

**The President:** Hon. member for Onchan, Mr Cannell.

**Mr Cannell:** Yes, thank you, Mr President. I would like the hon. Chief Minister to indicate whether he has perceived one of the difficulties in establishing an integrated transport system to be the apparent reluctance of those who operate some of the integral parts of the transport which currently exists vis-à-vis their trade union agreements. It seems to me that everybody appears to want certain expansions of the services which already exist but is being hidebound by the total inability of those who are wishing to expand those to get through a net of trade unionism and hidebound agreements which date right back to just post-war and which seem to be totally incapable of being penetrated to the good of the people of the Isle of Man who so desire this integrated service and particularly the expansion of the bus services.

**The President:** I would remind the hon. members that in fact questions are permitted to the statement, not a debating point. Chief Minister.

**Mr Gelling:** Yes, thank you, Mr President. That is in fact the whole idea of it now, having gone out to departments because we want the more intricate details coming from departments to see how on earth this can all fit into an integrated transport system and obviously some of the difficulties that the hon. member has suggested might very well be a difficulty that we will get back from the departments concerned. However, at this stage we await those comments and I would not wish to make any further statement on that until we get them back from the departments.

**The President:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Could the Chief Minister, Eaghtyrane, inform this hon. Court when common sense is going to prevail as far as free transport is concerned? Will there be a time period? Can we see it done on a phased development? Maybe let us see whether we can extend it so that children can go freely on buses to encourage them onto buses to keep them out of being transported by parents at peak travelling times.

Could the Chief Minister inform this House, will there be some negotiation or concentration as far as the different interested groups are concerned? I can only speak for the Manx Electric Railway, but in human terms it looks as if we are having ethnic cleansing as far as tram vehicles are concerned and I do think that it seems that we are not valuing what we have got. Both the old and the new should be able to live together without destroying the old. Can't we preserve the old as well as producing new stock without cannibalising and ruining what wonderful historical facilities we have got at the present time?

**The President:** Chief Minister.

**Mr Gelling:** Yes, Mr President, there are many ideas, obviously, coming out of the working party's report and the hon. member is suggesting is free transport being considered and so on and can the old fit in with the new. Well, certainly some of these ideas are being put forward that they certainly can. But of course we want to get into the detail then to see how in fact they can and will they work together and so on. So we are getting a little bit into the meat of the report now, Mr President, and as I say, I do not really want to get into a discussion on the matter because we await the departments and their observations.

**The President:** Hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you. Can I ask the Chief Minister, whilst he says he has the report from the Integrated Transport Committee in his hand and he is now going to send this out to the various departments for consultation and for their comments, is he also in fact going to send it out to all the interested transport bodies and local authorities, et cetera? Is it a wide-ranging consultation process or is it just within government, and if so, has he got any time schedule at all, because the Integrated Transport Committee has probably taken four years to report? Hopefully could he confirm that we are not looking at another four to five years before he comes forward with a final report and that in fact he is looking at a final report in the relatively short term?

**The President:** The Chief Minister to reply.

**Mr Gelling:** Yes, Mr President, the working party in fact have discussed the areas where they had been discussing with any outside of government parties before the working party reported to the Council. The Council actually has already sent it out to departments, it is not about to, it has already gone. So actually this exercise is now to receive back from the departments of government to see how they see that report from the working party affecting their particular department and how we can get this coming together of all departments to have a strategy that will work, and that is the important thing, is to have as much support and to have everybody on board, rather than those going and doing their own things and the whole strategy then falls apart.

## Supplementary Capital Authorities – Motion Carried

**The President:** We turn then to item 4 on the order paper and I call on the Minister for the Treasury to move.

**Mr Corkill:** Thank you, Mr President, I beg to move:

*That Tynwald -*

- (1) *authorises the Treasury to extend in respect of the year ended 31st March 2001, from the capital transactions account, sums not exceeding £2,971,998 in payment of items set out in column 6 of the schedule hereto; and*
- (2) *approves expenditure not exceeding £273,158 incurred in respect of the items set out in column 7 of the schedule hereto.*

### SCHEDULE – SUPPLEMENTARY CAPITAL AUTHORITIES FOR 2000/01

1 Department	2 Item	3 Project	4 Vote 2000/01	5 Actual 2000/01	6 Excess Vote 2000/01	7 Additional Amount to be Authorised for Project
			£	£	£	£
Education	1	Cronk-y-Berry Primary School	10,000	94,670	84,670	–
	2	QEII Post 16 Accommodation	169,100	224,679	55,579	–
	3	St John's School Replacement	177,700	331,361	153,661	80,654
	4	Marown School Extension	147,100	157,485	10,385	–
Health & Social Security	5	Southern Community Hospital	360,000	469,517	109,517	–
Local Government & Environment	6	Acquisiton of Land	850,000	2,802,620	1,952,620	–
Tourism & Leisure	7	NSC Phase IIc	1,530,000			–
	8	Villa Marina Refurbishment	623,000	1,771,018	241,018	192,504
	9	Acquisition of Land		771,140		–
	10	IRIS Treatment Plant Santon	187,600		181,416	–
Transport	11	Phase 1	550,000	369,016	33,709	–
		IRIS White Hoe Storage & Pumping	–	583,709 1,283	1,283	–
			4,604,500	7,576,498	2,971,998	273,158

#### Notes

1. Column 6 shows the supplementary capital vote required to authorise the overspending of the vote that occurred in the last financial year. Exceeding the vote for the year does not necessarily imply that the total cost of the project approved by Tynwald has been exceeded. Exceeding the vote for the year can arise simply because a project proceeds faster than originally estimated.

Hon. members, I have pleasure in moving the resolution before hon. members today which stands in my name.

The need for the supplementary authorities arises from those items of capital expenditure where the amount spent last financial year exceeded the capital vote approved by this hon. Court.

The schedule accompanying this resolution, as set out on today's order paper, shows in column 6 the excess capital expenditure during the last financial year for which approval is now necessary. The amounts shown in column 7 refer to projects where the total amount approved by this hon. Court over the life of the project has been exceeded.

The Chief Financial Officer has, of course, to honour contractual obligations and has had to make these payments, even though it was evident that the schemes were going to become overspent.

It is often difficult for a department to forecast the value of payments to be made in a particular year on a scheme which overlaps several years. Any overpayments arising may be the result of underpayments in previous years and insufficient monies carried forward or they may arise from continuing schemes with the provision for 2000-2001 being overspent because the work proceeded quicker than anticipated. In that case we would obviously look for a subsequent reduction in the following year.

Of the 11 schemes referred to in the schedule that have overspent their vote for the year, all bar two have not exceeded the total amount approved for the schemes and are still within the total vote, albeit not for the particular year 2000-2001.

Both of the two column 7 schemes are shown in the February 2001 budget and are scheduled to be the subject of enabling resolutions before this hon. Court before the summer recess. In most cases the projects are incomplete and have proceeded faster than expected and additional funds were authorised in 2001-2002 onwards in the February 2001 budget.

In the case of the Department of Local Government and the Environment's land acquisition spending this simply reflects the operation of the land acquisition reserve, that is, to meet the cost of acquiring land for landbank and other purposes when the opportunity arises.

I will leave any detailed comment perhaps to ministers who are responsible for their particular schemes and I hope that my explanation is clear to hon. members and I beg to move, sir.

**Mr Braidwood:** I beg to second, Mr President, and reserve my remarks.

**The President:** Hon. members, the motion before us is printed at 4 on the order paper. Will those in favour please say aye; against no. The ayes have it. The ayes have it.

### **Southern Community Healthcare Development: Phase 1 – Construction of a Residential Facility – Expenditure Approved**

**The President:** We turn then to item 5 on the order paper and I call on the Minister for Health and Social Security to move.

**Mrs Christian:** Mr President, I beg to move:

*That Tynwald approves the Department of Health and Social Security incurring expenditure not exceeding £6,993,000 for the construction of a residential facility in connection with the southern community healthcare development: phase 1.*

In July 1991 this hon. Court approved the strategy for health and community services on the Island. This strategy included the development of a community hospital in the south of the Island. The community hospitals generally were to provide continuing care for older people, rehabilitation, continuing care for older people with mental health problems and a respite and day hospital. In addition there was to be a minor casualty unit and a base for community staff.

Many of the recommendations contained in the 1991 strategy have been achieved with the development of community units for people with learning disabilities and a residential unit for people with physical disabilities, as well as the current building of the new general hospital on the Ballamona site.

Over the last three years an evaluation of the needs of older people in the south of the Island has taken place. This has been informed by research carried out by John Moore's University into the needs of older people on the Island and by discussion with those delivering services to older people in that area of the Island. The current operational of Southlands was also included in the evaluation.

It was felt that what should be provided for older people was very similar to the recommendation made in the 1991 strategy but that the services should be provided by social services in a social care setting rather than by health services in a hospital setting. This would enable older people to live more independently and live their lives to the fullest extent.

It was also felt that Southlands was in need of refurbishment to ensure that it continued to meet the needs of older folk from the south of the Island. However, the building does not lend itself to refurbishment into a modern residential unit.

The department felt that it would make best use of the resources available if the residents of Southlands transferred to a proposed new build and the existing building be used to provide accommodation for community-based health and social services staff working in the south of the Island.

In addition the department researched the number of people from the south who attended the accident and emergency department at Noble's Hospital. The figures indicated that a very small number attended and some of those involved in serious accidents and emergencies would have had to attend Noble's in any case. It was therefore felt not to be appropriate then to provide a minor casualty unit in the new facility.

The services that will be provided by the development of the residential facility which we are considering today are as follows: an ambulance base for the south of the Island which all the southern GPs and many people felt was essential in assuring safe and speedy medical care to seriously ill patients who require emergency treatment; 12-place elderly severely mentally ill unit which would enable residents from the south of the Island to transfer from Ballamona where they are currently residing to the new purpose-built unit. This provision will include three respite beds for those with dementia type problems. It is anticipated that staff currently caring for patients in hospital will transfer with those residents.

It will provide five separate units of 12 places each enabling continuing care to be delivered to older people with high or moderate dependency levels. This will include very highly dependent people who require total help to perform daily tasks such as eating, dressing, toileting, bathing and so on.

It will embody a rehabilitation respite unit providing 14 beds to support people living at home with carers and provide a service which enables people to return to their homes following a period of rehabilitation or reassessment.

It will embody two day care units providing 20 places in all, one for older people and the other for older people with mental health problems. Such units enable older folk to live at home and would provide support for carers.

These facilities would result in an additional 36 places being available in addition to those already at Southlands which itself has a waiting-list.

The additional beds and day care that are being produced will require additional resource funding to enable the facility to operate efficiently and a bid will be made in the revenue estimates to include the anticipated net increased cost of this unit over and above those already being incurred at Southlands of £380,000 per annum and will also require an additional 30.4 posts. This of course excludes the elderly mentally ill provision which I have already indicated assumes a transition of costs and posts from Ballamona.

Full consultation has taken place with the southern GP practice who have supported the concept of the southern community health care development.

I would suggest that the provision of this facility will significantly improve both the quality and quantity of services available to meet the needs of older people in the south of the Island, providing a modern and effective residential facility in small, purpose-built units and I would seek members' support for this provision. I beg to move.

**The President:** The hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr President. It is obviously a pleasure, as a member for the constituency and a member of the department, to have the privilege of seconding this motion which will be of great benefit to the people in the south.

The facility at Southlands has been well loved and well used by the people of the south and we have always been very appreciative of the department's support of that and the staff that have worked there marvellously, but we recognise that the facilities there physically do not lend themselves to refurbishment to modern-day standards and there is a need there, any by providing the new facility we do two things: one is enhance what is there already by providing extra beds for rehabilitation and respite care, though the actual facility there will be improved and expanded, and also we release the old Southlands building for an enhanced function in the community replacing the existing clinic at Four Roads where physiotherapy can now expand beyond its rather constrained circumstances, and generally improve the community-based health care in the south of the Island.

So with that I would just say I am very pleased to second the motion before us.

**The President:** Hon. member for Onchan, Mr Cannell.

**Mr Cannell:** Yes, thank you, Mr President. As the member for social services, this is one of the more pleasurable duties, to move the expansion of this service, its refurbishment for the south. I am aware that before my arrival in this hon. Court there was some discussion as to whether a full hospital service might be provided in the south of the Island. It is an argument which once prevailed in the north of the Island as well and indeed considerable expense was put to provide just such a service. But as in the way of things it all usually comes down to a central facility and that is for the main provision of hospital services, so it appears that prior to my arrival a different tack was taken, if that is the right expression, to actually expand the services for the south of the Island which would be more fitting for the requirements in that area.

So it is a great pleasure even though it is a considerable cost of nearly £7 million to be associated with this. I suppose it is a sign that in fact you are growing old when you go to the existing Southlands and you think how marvellous it is, but in actual fact it is still way behind what can be done and indeed modern services demand, the efficiency of which can be considerably improved.

It has been a success story, of that there is no doubt, the Southlands complex, by the very fact that there are so many anxious to reserve a place there when it becomes available, which is testimony to the working of the operation and the staff.

It will not be easy to actually tell people that to improve their services they have to uproot and go across the road, but it is the nearest they can get as a move, they are not moving out of their area, they are staying in precisely the same area and beyond the slightly traumatic experience of uplifting across the road, I am sure that if hon. members are disposed towards backing this facility, eventually when it comes about it will be yet another item of the health services of this Island of which we can be truly proud.

The next step will of course be to transfer some further mental patients to give them a better standard of living as well, which will go almost completely to resolving the question of them moving from Ballamona, which in fact I regret to say still appears to carry an undeserved stigma about the place, because the people who are receiving treatment or services there are again very satisfied with what they are getting. But it will enable those from the south who have been receiving treatment or services elsewhere to perhaps return to their true place of residency, and that is no bad thing.

I suppose if you are from outside of the Island you would say, 'How on earth can you possibly support all this lot?' Well, that is because people prior to my arrival, and in fact I am hopeful that it

will continue long after we have probably all gone, will be able to say that the best thing we ever did for our people was to provide them with very good health services.

It takes money. There are people in this hon. Court and there is a lady of distinction in the public gallery who will say, 'You can only do that when you have the resources', and I do not take any credit for developing the resources which enable my division of the department to be able to do this. But nevertheless I am sure that those who had to work with limited facilities will not begrudge those who have the opportunity to provide to their citizens this marvellous type of scheme.

**The President:** Hon. member for Rushen, Mrs Crowe.

**Mrs Crowe:** Thank you, Mr President. Not surprisingly I too rise in support of this motion and I would like to congratulate the minister and her department on behalf of all the members of the Southern Health Authority - that includes my hon. colleague, Sir Miles Walker - for the time and trouble that she and the department have taken in not only identifying the needs, the health requirements for the south of the Island, and that was indeed an extensive project that took place, but also in coming to our meetings so often to explain not only the project but how the project was evolving, how the facilities were going to be changed in some way, but the number of times the officers, and indeed the minister, came down to the Southern Health Authority to explain all that to them, I am delighted.

I am particularly pleased that we will now have a 24-hour paramedic ambulance service in the south which I think is much needed, and I do hope in time that we may be able to have some minor surgery facility with the co-operation of the local practitioners.

But I do congratulate the department on what was an evolving project and I am sure it will be most successful.

**The President:** Hon. member for Peel, Mrs Hannan.

**Mrs Hannan:** Thank you, Eaghtyrane. I am much happier with what is proposed now than what was proposed in the past. However, knowing Southlands as I do, I am a bit surprised that it is described as being not to an acceptable standard because if Southlands is not to an acceptable standard where does that leave the residential and existing nursing homes? Because while some areas do stand still, I know places need to be upgraded on a regular basis, but in my area we have a charitable foundation, you might say, that runs a similar place to Southlands and I know that it finds it very difficult to cope with the changes, staffing and everything else that is expected of them in this day and age and which is supervised by the department, but in doing that it is asking for higher standards and within the envelope of a building it is very difficult to do that.

We have received a day centre, which is welcomed, and also three respite beds and it concerns me that we are having all these extra in the south. I understand that there is a higher population, but the need everywhere is greater, and I acknowledge that people are living longer and therefore their standard of care does need to be kept to a high standard, but it is very difficult then for other areas to provide the sort of facilities which are being provided in Southlands.

Now, I am much happier with this proposal because the other proposal was for things such as X-rays and emergency, and we have not got, you might say, the numbers to keep that sort of area going and the expertise in those sorts of areas.

But the minister, in moving this, also said that there would be an ambulance centred there. I realise that there is an ambulance in the south and presumably this is taking over from that ambulance service, so it will be taken over by the DHSS, paid for now by the taxpayer, I presume. But there must be a criterion for providing an ambulance in an area and it is something that I have spoken to the minister recently about, providing one in the west, and I wondered what actual criterion is used for providing an ambulance service.

Now, the minister talked about older people and that is fine, but there are younger people too who also have difficulties and I wonder can they also be accommodated in this facility? Younger

strokes or head injuries or whatever, could they be also accommodated here or would we be looking for somewhere else? Because there are a number of younger people who have difficulties and they also need care and attention and specialist care. Their families obviously do want to take care of them, but from time to time when things do get very heavy, it is very difficult for them to cope.

So while I welcome it, I do have certain reservations about the standards that are being provided because, if this is the standard that is being provided and it is £7 million in this particular area, I wonder what hope there is for other areas keeping up to this sort of standard as well.

**The President:** Hon. member for Douglas West, Mr Shimmin.

**Mr Shimmin:** Thank you, Mr President. Firstly, I think it is a great credit to the success of the Island that we are in this position today to be discussing this issue. The member for Ramsey, Mr Bell, said only last week that many of the decisions taken are relatively easy. The fact that we are in a position to be discussing the opportunity of investing this level of money is one which is down to our predecessors. The wealth of the Island means that we are able to do what would be viewed by any other jurisdiction as a pipe dream, where we can have this sort of facility replicated around the Island close to where the residents and the people live.

As somebody who has recent experience of visiting such centres because of a family member, the benefits of having that in one's own area are that the regular contact benefits the stress levels to all the family involved so that they can visit their loved ones on a more regular and easy basis. I think the benefits for the people of the south of the Island the south of the Island are immeasurable and I think it is great credit to the Island that we can be doing this.

My only concern is clarification from the minister who refers to a net increase. Revenue costs are £380,000 and an additional 30.4 posts. Two questions I would like from the minister, if possible, to be answered: firstly, does that £380,000 include the wages of those extra staff, and secondly, being aware that many of the people who work in such facilities are at a lower pay scale, how does she intend to resource these extra staff? There is a full employment situation on the Island. To be able to attract an additional 30 members of staff at the salaries which are normally paid to such carers is one which I believe will cause her difficulties and I would welcome the minister being able to respond as to how she hopes to achieve this. Thank you, sir.

**The President:** Hon. member for Castletown, Mr Brown.

**Mr Brown:** Yes, thank you, Mr President. I welcome the investment of nearly £7 million into improving the healthcare facilities in the south of the Island and I will be supporting the motion before us.

However, I would like to take the opportunity to express to the minister, here in Tynwald Court, my concern which she is aware of and I have recently been in correspondence about the condition of the present Castletown surgery (**Mrs Crowe:** Hear, hear.) which really, if not the worst in the Island, certainly the condition of the building has much to be desired. I am extremely concerned that the department is having difficulty in obtaining the finance available for this and I would, again, welcome the minister demonstrating her support here today for improving that facility. I would say it is one of the areas of the greatest concern within the town because the surgery is located in a poor place, the building is very old and it is a building that is not in good repair and in fact cannot cope with the service we need.

So whilst we are developing what I welcome, this service, we must not lose sight - and I know the minister has not, or her colleague in Health - of the need of the local facility in Castletown and I would urge that an early start be made to this, and I know the minister is endeavouring to do what she can, but I will give her my full support.

The other issue I would like to seek some clarification for is in relation to the ambulance station within the facility. We have had an ambulance now based in Castletown at the fire station, which is a good use of government facilities, joint use of those facilities. That again, I believe, has

been a very valuable improvement in the health service, and especially the emergency service, by having the ambulance stationed there and I hope that service will continue when this facility is developed, because the one point about Castletown is that it is actually very central for both south and going towards Douglas or out towards Peel and there is a time factor saved when in fact the ambulance is stationed there.

I made the same argument about the emergency service in relation to the police and, whilst that fell on deaf ears, I would certainly make the point that I believe that for the last 18 months or so that we have had the ambulance based in Castletown it has been a very valuable asset to the health service.

So I welcome this facility but I do have a real concern, as do my constituents, about the ongoing situation which is unsatisfactory in relation to the Castletown surgery.

**The President:** Hon. member for Council, Mr Waft.

**Mr Waft:** Thank you, Mr President. I do welcome these recommendations.

I notice with a great deal of satisfaction the need has been adhered to with regard to continuing care beds for elderly people. There is a sort of dichotomy that has to be reached when elderly people, for one reason or another, do undergo surgery within the hospital concept. They are then usually sent to a similar situation as Glenside for recuperation and after their term in Glenside a decision is taken after they have received all the medical intervention that can be given and the nursing that can be given, until they are no longer deemed to be in need of medical intervention of any kind. There then has to be a decision taken as to where they go. Obviously if they can go home to an environment where they will be looked after by relatives and friends, that is fine, but if they are not, a case will have to be made then as to whether the consequence of their illness has left them in need of a nursing home rather than a residential home, and that has great consequences in the impact on the finances that will have to be made available and the concerns to relatives and indeed to families as to how this is met.

The need for continuing care beds for elderly people has long been recognised and I am sure that beds that are made available within the social services homes are taken up quite quickly.

Unfortunately we do not really have figures to say whether there is a waiting-list for continuing care beds for the elderly in regard to a social services point of view. I would like perhaps the minister to try and endeavour to see what the situation is within the Douglas area as well to accommodate for people who cannot afford the extra that is needed. I am assured that some of the nursing home accommodation is now in the realms of £2,500 a month which is helped by, I know, the DHSS, but nevertheless there is a concern and the need for continuing care beds within the rest of the Island is a possibility that needs to be addressed as well by the department.

But having said that, I do congratulate them for providing these 60 beds in the south and perhaps she might look at the situation in Douglas as well. Thank you, Mr President.

**The President:** Hon. member for Council, Mr Lowey.

**Mr Lowey:** Thank you, Mr President. Well, it is a happy day today to stand up here and support this resolution moved by the minister.

We cannot help but reflect backwards at times like this because the architect of care in the community was the late Cecil McFee who pioneered first of all Marashen Crescent and then was instrumental in the setting up of Southlands, and whilst it has been mentioned here today you can put up the most wonderful buildings, at the end of the day it is down to the people who actually serve those buildings. You can have the most marvellous building and not have that care.

Southlands has been remarkable in the people that it has had in charge, from Mrs Faragher who started it, the first matron, if that is the right terminology - I know we call them managers now -

to Mrs Joy Colebourn, to Audrey and her present team. All have instilled the home ethic and it is a people's industry: they look after people as people.

So therefore I am asking the minister, although at this stage it may seem totally incidental, is she prepared to accept that the name 'Southlands' should be transferred to the new centre because I hope it is not going to be called the Southern Community HealthCare Home as opposed to Southlands which has got a resonance about it and an association by the people, and it may seem, a small minor matter but I would hope the minister would bear it very much in mind for when the transfer does take place.

It is not exactly what we started out with, but I think most people in the south will welcome this with open arms as a substantial improvement on the service that is of a high standard anyway; let us not criticise. So it is a substantial improvement, it is to be welcomed, I congratulate the minister and the department and all her officials who got it to this stage and I would urge the Court to give it unanimous support.

**The President:** Sir Miles.

**Sir Miles Walker:** Thank you, Mr President, can I support this resolution, but before I do so, sir, apologise to you for being late this morning and apologise to the minister for missing her opening presentation on this resolution.

I think as far as the facility goes that is being proposed for the south, it is going to be good and overleaf on the explanatory memorandum and it lists the sort of facilities that are going to be available, and I think they will be wonderful and I think they will be enjoyed, but I think it would be wrong, and the minister knows my view on this, for me not to express my disappointment at the stage we have arrived at, and the disappointment is that we have not followed the path that was set 10 years ago in 1991 for the fuller medical care unit, and I know the reasons why not and I have talked and we have argued, I suppose, over the years and I know the situation we have arrived at. I am one who welcomes what we can get and hope to build on it in the future and that is my attitude with this resolution today.

There is no doubt at all that more beds are required and that an upgrading of accommodation is also required and we are going to get all those things, and we are going to get an ambulance facility, and we are going to get some respite beds. All those things are very positive and I applaud the department for the work that they have put in. However, it is not what I had expected and it is not what very many of my constituents have expected either, and I know when I reflect my disappointment I will be reflecting some disappointment that is held by the community at large in the south. Now then, I am certainly not going to undermine or discourage the department from doing any of this: I think it is good, it will be a good facility.

I would like to support the comment made by my hon. friend Mr Lowey when he was speaking and that is just to mention Southlands and the care that that has given, and the place - and it could be a bit soppy, couldn't it - that Southlands holds in the people's hearts in the south of the Isle of Man. It was the forerunner of that sort of establishment. It has been wonderfully run, there is a great relationship between the staff and the people and the families, and we have to endeavour to transfer that feeling into a new building and it is not always easy, and we may not have had all en suites at Southlands over the years, but we have had very good care and the importance of that, I do not think, should be lessened at all.

The other point I would like to make is that although we were going to get an ambulance depot for the south of the Island and those provisions are going to be very important, we have over the years enjoyed a service of a voluntary organisation in Port Erin, the Rushen Emergency Ambulance, who have provided us with a great service, and obviously services can be improved and all the rest of it, but what has been available by a charity, by a group of workers, by a group of volunteers, what they have built up in the south of the Isle of Man I think is not to be underestimated, and I know there was a good working relationship between the ambulance service as we now have

it, the professional ambulance service, and the volunteers and it works very well, and I would just like to use this opportunity to encourage that relationship to continue into the future because, although there may be one or whatever it is, two ambulances stationed in the south, when they are called out, then there could well be a need, so I do hope that that working relationship. that good working relationship that has been engendered in recent years, will be encouraged to continue.

With those few words I would like to support this particular resolution, again just expressing my disappointment that we are not following the lines that were originally set. I do acknowledge that Southlands, in due course, will be the subject of a further resolution in this Court and a further medical facility in the south of the Island will be produced and again I look forward to that.

**The President:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, what I am pleased about today is I think the most important thing has already been achieved in the south of the Island and that is the ambulance service being down there. That is something which has been long overdue.

What I think today this motion is a recognition of is the fact that we must make sure that we go for quality as far as our health services provisions are concerned instead of quantity. It is no use fancy plaques being put all over the Island for health facilities if we follow the lines of some sort of Ceausescu system where you have a nice big posh building and you have not got the resources and the staff behind it.

So the most important thing has already been done as far as trying to get paramedic services in the south of the Island so that we can get the intervention in as quickly as possible, and I am delighted over that because this Court has got to recognise that we have to talk in realities and not in fanciful terms for our own different constituency and vested interests.

The hospital that we provide at the present time does a wondrous amount of facilities and the situation is that if it was in the United Kingdom it would only do a percentage of what a district hospital would do in the Isle of Man.

The nonsense that somehow we can have another three community hospitals that could be doing all singing and all dancing facilities was nonsense and I am glad that common sense has prevailed today from the eighties in my opinion, as a person who was thrown off the original committee which cost us half a million pounds, that laid down the false foundations as far as the health service is concerned and it cost us half a million pounds.

What we need is speedy intervention throughout the Isle of Man when people have a medical emergency. What I am glad to see today is that we have not gone down the road of trying to triple or quadruple the stroke rehabilitation services. We need one red-hot rehabilitation unit that gets the intervention in straightaway with the staffing levels and the right staff to do it, not it being allowed to be dissipated downwards and so the quality goes and the quantity comes in, and I do believe there is a balance and in this particular case the balance as far as when we are talking about social services care and the likes of recuperating and convalescing. That is fair enough. We need that to try and get back into the different areas, but I am so glad that we have not allowed ourselves to build monuments to an ideology as far as our health service is concerned which would have done a great disservice to our people and would have conned them.

What I do feel is important today is the fact that we make sure that our commitment is that when we get this new hospital we make sure that we provide the services that can be provided realistically in that new hospital, and I think that is going to happen.

As far as the name is concerned, I think it will be a merciful relief if we do not have to pick a name because we have had enough trouble over trying to find a name for the new hospital and I am sure that my department colleague here, who is in charge of it, will be happy to see it renamed Southlands: it will stop all the fighting and all the controversy.

But what I am glad about today is to see the original proposal that some of us paid dearly for. I can always remember having the argument over the original idea that Sir Miles wanted, telling the individual, very politely, that he was only telling the then minister what you wanted to hear and I said, 'Why do you need to spend so much money to be told what you want to hear in the first place?' So it is a shame that for all that money and all that great expertise that was spent out in the eighties today we are seeing some vindication and normally I would not stand up on that subject but I get so many people saying to me, 'Why didn't you say what-d'you-call it?', particularly over this issue when I took so much stick from the then department, from the then minister. It is very good to see.

But it is important that people remember the real commitment as far as the health service part of this is concerned which is that we need to make sure that we get the paramedic service extended throughout the Island to get the intervention as quickly as possible. The services of rehabilitation and the what-d'you-call-it needs to be in one good facility in the Island, not dissipated through two or three or four community hospitals on the Island, so I think it is a good day today as far as this facility is concerned.

**The President:** Hon. member for Ramsey, Mr Bell.

**Mr Bell:** Thank you, Mr President. I only really have one point to make. I fully endorse the comments of previous speakers and the praise which has been lavished on the Department of Health and Social Security for progressing this scheme and I have no doubt at all that the people of the south of the Island will be very grateful and appreciative of this development and, as previous members have actually said, will be looking to a high quality of service once this facility is up and running.

But I just ask the hon. minister one question. Could she tell us what the staffing implications will be for this development once it is complete and how many extra nursing/care staff will be required for this? I only raise this point, not in any way as a criticism, but as a recognition that there is a growing problem in nursing and residential homes right throughout the Island in the care industry that there is a severe shortage in many areas which is actually considerably restricting the performance and in some cases the quality of the service which has developed, and I am not just talking about National Health Service, government-based facilities, it is right across the private sector as well, and it would be tragic, if this development was to go ahead, that the residents of the south of the Island would be looking forward to a quality service and then found that it was severely restricted because of our inability to attract the right numbers of staff.

We will be having, presumably, a recruitment exercise in the next year or two for extra nursing staff for the hospital and there are other nursing homes being developed and expanded so therefore there will be a lot of competition for these posts and I think we should just put our marker down that, as the hon. member for Onchan has just said, our commitment should be to the quality of the staff and the quality of service that they provide for our residents and therefore it is essential that we have a structure in place capable of attracting the right level and quality and number of staff to make sure that this facility works to its maximum potential.

**The President:** Hon. member Mr Speaker.

**The Speaker:** Mr President, I am very happy to endorse and support this new facility in the south of the Island. They have campaigned long and hard for it and I wish them well and I am sure it will be deeply appreciated by all the residents in the south, but having said that - and I am delighted for them and delighted to hear the members of Tynwald from the southern half of the Island basking in the reflected glory of this new facility - I just want to endorse the remarks of the hon. member for Castletown when he complains about the state of his doctor's surgery in Castletown and I say to the minister, and the minister well knows, it is not just Castletown. I have been banging my head (*Interjections*) to try and get you to do something for a surgery in Kirk Michael. It is in the same cottage that I was taken to as a very small boy by my mother and the facilities have not changed. The outside toilet, no washbasin, the very bare necessities, and here in

2001 a growing population in the area, a very large growing population, and still the same little cottage and the same little doctor's surgery, and the community are crying out for a basic facility. All we want is a decent doctor's surgery, just like the hon. member for Castletown, and yes it is great to have these facilities like the southern community hospital. I fully support it, I fully endorse it, but I say to the minister, do not lose sight of the very basics in life which is the doctor's surgery where the ordinary person can go and take their sick kiddie or the elderly person can go and see their doctor. That is at the basis of community care and it is just as important as providing this excellent facility to the south of the Island.

So, yes, I am delighted the south have got what they wanted. I wish them well with it and I endorse exactly what the member for Castletown has said. Do not lose sight, minister, of the requirement for that very basic facility, the community doctor's surgery.

**The President:** Minister to reply.

**Mrs Christian:** Thank you, Mr President, and I thank hon. members for the support which they have voiced in relation to this motion on the order paper. It is a great pleasure to be able to move an item such as this which will take care services a step forward in the south of the Island after many years of planning and development.

Now, hon. members have raised specific issues which I will try to address, one of which was the item which relates to the ambulance service. Hon. members will be aware that, notwithstanding this provision that we are talking about today, the ambulance service has deployed an ambulance on site, as it were, in the south of the Island in a mobile way in recent years in order to provide cover in that area. The hon. member for Castletown has asked whether or not it will continue to be based in Castletown. I think that will be a matter for the service to determine as and when the new facility is available and they will do that on the basis of travelling times and distance and speed and the actual location of most calls, as they have done in relation to their mobile ambulances.

Ambulance questions also came up in relation to Peel and I have been in discussion with the hon. member for Peel on this issue. Members may wish to know that we are carrying out an evaluation, a review in primary care anyway, of the general distribution of the population and increasing numbers and so on, to determine the future provision of a variety of services including ambulance services, and these are, I suppose, to a degree directed by the standards which apply in relation to callout times and meeting those standards. All of those features will come into the mix in determining how ambulance and other services will be delivered in the future.

With regard to the issue of staffing of this new facility, indeed staffing is an issue for many of our services. I did, in my introductory remarks, tell the Court that we will need 30.4 posts in order to staff this facility fully, which is a very considerable number of heads, bearing in mind our usual allocation and the other demands which have been mentioned by other members this morning. So staffing will be a challenge for the department.

Against that we also need to bear in mind that it is important that standards are maintained and we are concerned too not only about standards in our own homes, which I believe are high, but in private sector provision where we would seek to introduce new training courses for people who are to be employed in the private sector.

The question of the figures which I gave - Mr Shimmin, I think, is not present in the Court at the moment but he did ask whether the net increase of £380,000 covered the staff of those 30.4 people. I would confirm that, yes, it does. To have had that in as a separate figure might have been misleading. That is the net cost. We obviously will have increases in income as well as increases in expenditure, but the net cost to the department, covering all the costs including staffing, will be £380,000 per annum.

Some members have referred to the fact that we have changed the plans as the years have gone by. I do not think that is an unreasonable thing to do. I think that if we were to set everything in

stone - and I am quite sure we are going to hear later about setting things in stone and why won't we change things as far as the DHSS is concerned - one does have a moving scene and we do have to take stock from time to time, re-evaluate the direction in which we are going and see whether or not, after the passage of time, the plans which were originally drawn up continue to be appropriate.

It is particularly apposite in health care that we do make changes where we feel that it will result in better delivery of services and that is the reason why the provision in the south of the Island has changed somewhat from the original proposals, but we do believe that they are appropriate for the needs of that area at this time, and of course I would point out that we are talking today only about phase 1. When the existing Southlands building is emptied and decanted to the new provision which we are voting on today we will then set about restructuring the Southlands building to make a base for community health care, including many of the services which have been outlined in the memorandum which has been circulated to hon. members, but of course we will be coming back to the Court in due course to deal with that aspect of this developing plan.

The demands of society for services are almost unending and I do recognise the point raised by the hon. member for Peel, Mrs Hannan, as to whether or not we are making sufficient provision for younger people. We are conscious that there are younger people, perhaps head injuries cases, who need facilities and are not always most suitably placed with older people. The department has, in the past, evaluated the question of perhaps setting up a head injuries unit but it has not, unfortunately, become a priority at this stage, we have many other matters to consider, but it is not one that has been ignored and will continue to be considered in terms of putting together our future capital programmes.

Now, in terms of those capital programmes, it leads me to the question of surgeries, which has been referred to by more than one member. I would fully endorse the need to keep the facilities in primary care of the highest order. It is not just a hospital service that we provide. We do have a need to provide proper facilities in primary care areas and I would endorse the view of the hon. member for Castletown that the facilities there are quite inadequate and have been for some time, but the difficulty for the department is in providing the capital funding to make changes there, but we are exploring other avenues. The department has the option either to provide the facility for the GPs to use or for us to lease property. Now, at the moment we have not got the capital so we are exploring other ways of obtaining suitable accommodation for the development of the primary care service, GP service in Castletown.

The hon. member for Michael has made his point re the facilities in Michael. I would say that that is the satellite surgery at the moment and they can of course go to the main surgeries which serve that area. However, I have assured him that the review that is going on at the moment will take account of current population and potential expanded population in particular areas in determining where we need to make priority provision for the future.

The question of the standard of care which will be provided in Southlands I think goes without saying and I would endorse the view expressed by members that staff and the delivery of care by caring people is of the most significance and importance in any of the care services. Buildings are important, equipment is important, but staff with the necessary attitude and skills is the prime feature of care delivery, and I am quite sure that when we transfer to the new building the ethos which has developed at Southlands will transfer across the road.

The units which are being developed in Southlands are small, 12-people units which we have found from experience to provide a rather more homely atmosphere than the original healthcare developments which the department has had and we believe that that will enable the continuing development of this caring philosophy and homely atmosphere.

The question of accident and emergency facilities for the south I did allude to in my remarks, and the hon. member for Rushen, Sir Miles, has expressed some disappointment that we are not

going with the original plans, but I think we have explained our reasons for doing what we are doing and indeed GPs do have a function to provide emergency and accident care and indeed can carry out minor surgery. But those situations, I think, will be evaluated and evolve as we move to the second phase of the redevelopment of Southlands.

The hon. for Peel, Mrs Hannan - I am sorry, I missed one of the points which she raised and that was in relation to why Southlands could not be refurbished to a suitable standard. I think that is because we are embracing more services than we currently offer at Southlands and it was difficult within the constraints and the foundations and the load-bearing walls of that building to improve facilities to extend further en suite facilities and so on and so it was felt better, as the whole concept was growing, to move the care to another site.

But we do recognise the work which is done by voluntary organisations, such as the one she has alluded to and we do recognise the difficulties which they perhaps have in refurbishing and meeting the requirements for staffing today and that is why the department has increased the amount of benefit which may be payable to people who take up places in nursing and residential care and will be coming back to this Court for further increases.

The hon. member Mr Waft referred to the position about discharge from acute care. Those decisions will still have to be made, notwithstanding an increased facility in Southlands. There is always a point at which acute care becomes no longer the requirement but longer-term care becomes appropriate and the decisions there on discharge from acute care, so difficult sometimes for families, will still have to be faced.

I thank hon. members for their support. I am sure this will generate in the south of the Island the same sort of enthusiasm and back-up as the facility in the north of the Island has enabled the people there to deliver and I look forward to the support of the people of the south when this provision becomes a material development.

**The President:** Hon. members, the motion before you is printed at 5 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Announcement of Royal Assent**

The President: Now, hon. members, in line with your agreement earlier this morning I have to announce that in fact the following Bills were all signed by a quorum of both branches and that Royal Assent has been granted to the Local Government (Miscellaneous Provisions) Act of 2001, the National Health Service Act of 2001, the Income Tax Act 2001, Halifax International Act 2001, the Genetically Modified Organisms Act of 2001 and the Online Gambling Regulation Act 2001.

Hon. members, at this point I think it is a convenient time at which to adjourn and we will recommence our deliberations at item 6 at 2.30. Thank you, hon. members.

*The Court adjourned at 12.58 p.m.*

### **Landfill Sites at The Ayres, Bride Restoration – Expenditure Approved**

**The President:** Hon. members, we rejoin our order paper at item 6 and I call upon the hon. Minister for Local Government and the Environment, Mr Gilbey, to move.

**Mr Gilbey:** Thank you, Mr President, I beg to move:

*That Tynwald approves expenditure of £569,000 on the first phase of restoration of landfill sites at The Ayres, Bride.*

The main object of the restoration scheme will be to restore Wright's Pit East and Ballacallow 1 and 3 to their condition prior to the commencement of landfill operations and thus re-establish an area of diverse ecological habitat which will we will hope to assimilate the sites visually into their semi-natural surroundings. It is intended that the final gradients and maximum heights should be consistent and compatible with those found in the surrounding landscape.

The restoration scheme will result in considerable visual benefits, including the improved restoration of Ballacallow and the restoration of the additional disturbed area to the north-east of Wright's Pit East. The restoration of the whole area of gallic heath land will take some years but will allow the area to return close to its original and natural state.

The financial motion relates to the first phase of restoration works at the Point of Ayre which is a requirement of the latest planning permission which requires the restoration of all existing and completed landfills at the Point of Ayre to gallic heath land with all the restoration work to be completed by December 31st 2004.

It should be noted that the latest planning approval varies the conditions attached to the previous permissions in respect of Wright's Pit East and Ballacallow 2 and 3 in the Parish of Bride. Although the earlier planning approvals already included restoration requirements, a key change in approach now involves the removal of the impermeable layer. It has been concluded that to restore the surface of Wright's Pit East and Ballacallow 1 and 3 to their original gallic heath vegetation it is necessary for a free draining layer low in nutrients to cover the site. This can best be provided by using local materials, layers of sand and gravel and the methods of planting and maintenance that have been successfully employed elsewhere such as at Ballacallow 1. The revised planning conditions now reflect this fact and the department is acquiring, as part of the lease with the head lease holders at Wright's Pit East, a quantity of materials for the restoration of the overall site.

The scheme also incorporates the provision of £40,000 for traffic-calming measures to be undertaken in Bride Village and the department is liaising with the Department of Transport in relation to this.

The overall scheme also includes provision of £62,000 for aftercare and maintenance of the gallic heath for a period of two calendar years after the landscaping contract has been completed.

The scheme is incorporated within the department's capital programme for 2001-2002 and Treasury concurrence has been obtained for this motion being put before this hon. Court today. Accordingly, I beg to move.

**The President:** Hon. member for Ayre.

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

**The President:** The motion, hon. members, is printed at 6 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Draft European Communities (Control of Exports of Dual-Use Items and Technology) (Application) (Amendment) (No. 2) Order 2001 [draft] – Approved**

**The President:** Item 7, Chief Minister.

**Mr Gelling:** Thank you, Mr President, I beg to move:

*That the European Communities (Control of Exports of Dual-Use Items and Technology) (Application) (Amendment) (No 2) Order 2001 [draft] be approved.*

The European Communities (Control of Exports of Dual-Use Items and Technology) (Application) Order 2000 applied the provisions of European Community Council Regulation EC 1334/2000 to the Isle of Man as part of the law of the Island and the EC regulations concerned the setting up of a community system of export controls for dual-use items.

Mr President, you will recall and members will recall this is updated from time to time and this order number 2 is in fact updating the list of those dual-use controls and I would therefore ask that in order that the Island avoids being used to circumvent these measures, this hon. Court support the mention and I so move, Mr President.

**Mr Brown:** I beg to second and reserve my remarks.

**The President:** The motion, hon. members, is printed at 7 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Excise Duties Order 2001 – Approved**

**The President:** Perhaps, hon. members, we could turn to item 15 on the order paper, Minister for Health? Well, one moment. Thank you, Mrs Christian. Treasury minister, we have reached item 8 on the order paper, if you are ready, sir, perhaps you would take it in order, item 8.

**Mr Corkill:** Mr President, I beg to move:

*That the Excise Duties Order 2001 [SD No 126/01] be approved.*

The purpose of this order is twofold, firstly to make changes to the Hydrocarbon Oil Duties Act 1986 and the Tobacco Products Duty Act 1986 analogous to those made to equivalent United Kingdom legislation by the recent budget. Secondly, a minor error in section 1 of the Hydrocarbon Oil Duties Act 1986 is corrected. I beg to move, sir.

**Mr Braidwood:** I beg to second and reserve my remarks.

**The President:** The motion, hon. members is that printed at 8 on the order paper. Will those in favour please say aye; against no. The ayes have it. The ayes have it.

### **Value Added Tax (Vehicles Designed or Adapted for Handicapped Persons) Order 2001 – Value Added Tax (Passenger Vehicles) Order 2001 – Value Added Tax (Protective Helmets) Order 2001 – Value Added Tax (Increase of Registration Limits) Order 2001 – Approved**

**The President:** Now, hon. members, in dealing with the next four items on the order paper - 9, 10, 11 and 12 all related to value added tax - I have had the indication from the Minister for the Treasury that he is prepared to take them as one. Hon. member, I propose so to do. I call upon the Minister for the Treasury to move 9, 10, 11 and 12.

**Mr Corkill:** Thank you, Mr President, I beg to move:

*That the Value Added Tax (Vehicles Designed or Adapted for Handicapped Persons) Order 2001 [SD No 127/01] be approved.*

*That the Value Added Tax (Passenger Vehicles) Order 2001 [SD No 128/01] be approved.*

*That the Value Added Tax (Protective Helmets) Order 2001 [SD No 129/01] be approved.*

*That the Value Added Tax (Increase of Registration Limits) Order 2001 [SD No 130/01] be approved.*

These orders implement measures announced in the United Kingdom budget of March 7th.

The Value Added Tax Increase of Registration Limits Order 2001 raises the threshold above which businesses must register their VAT by 3.8 per cent. It also raises the limit below which businesses may cancel their registration by a similar amount. The amendments are designed to ensure that approximately the same proportion of the business community remains liable to registration as before.

The Value Added Tax (Protective Helmets) Order has the effect of zero-rating supplies of pedal cycle helmets as well as updating references to Community directives and manufacturing standards in schedule 16 of the Value Added Tax 1996.

The Value Added Tax (Passenger Vehicles) Order has the effect of making fares charged for the use of passenger vehicles with 10 or more seats liable to VAT. The previous limit was 12 seats or more. However, the order also allows for zero-rating where the vehicle is designed or adapted to carry wheelchair users irrespective of the fact that it is capable of carrying at least 10 passengers.

The Value Added Tax (Vehicles Designed or Adapted for Handicapped Persons) Order amends group 12 of schedule 9 to the Value Added Tax Act 1996. Group 12 is concerned with the zero-rating of drugs, medicines and aids for the handicapped. The amendment is concerned with vehicles designed or substantially and permanently adapted to carry a wheelchair or stretcher. As a result of the amendments the size of vehicle eligible for zero-rating on its supply is increased from one capable of carrying a maximum of six passengers to ones carrying up to 12 passengers. The need for the wheelchair or stretcher user to sit in a wheelchair or lie in a stretcher whilst on board the vehicle is also removed.

The changes contained in these orders will actually have minimal effect on the Island and I beg to move that items 9 to 12 be approved, sir.

**Mr Braidwood:** I beg to second, Mr President, and reserve my remarks.

**The President:** Hon. members, I put to you the motion printed on the order paper as items 9, 10, 11 and 12. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Air Passenger Duty (Amendment) Regulations (Application) Order 2001 – Approved**

**The President:** Item 13, again I call on the hon. Minister for the Treasury.

**Mr Corkill:** Thank you, Mr President, I beg to move:

*That the Air Passenger Duty (Amendment) Regulations (Application) Order 2001 [SD 177/01] be approved.*

The purpose of this order is to apply in Island law two sets of amending regulations: (a) the Air Passenger Duty (Amendment) Regulations 2001 and (b) the Aircraft Operators (Accounts and Records) (Amendment) Regulations 2001.

Both sets of regulations are necessary due to changes in the structure of air passenger duty which came into effect on 1st April 2001. The former provide for a new monthly duty return and the latter for changes to the duty account that must be maintained by operators with chargeable flights.

Whilst operators accounting for air passenger duty to the Treasury will be affected by the changes contained in the applied legislation, the effect will be minimal, the substantial changes to the law regarding duty rates and duty structure having been made earlier, sir. I beg to move.

**Mr Braidwood:** I beg to second, Mr President.

**Mr Delaney:** Just one quick one.

**The President:** Hon. member for Council, Mr Delaney.

**Mr Delaney:** Thank you. I am not against this, I am just trying to picture this in relation to the public costs of flying anywhere. Will there be any substantial change at all due to this order in the matter of the public in their flights to and from the Island, could the minister tell me?

**The President:** The Treasury minister to reply.

**Mr Corkill:** Mr President, the changes to the structure of air passenger duty were approved by this hon. Court a couple of months ago which changed the way in which air passenger duty is charged on a per leg or per flight basis as opposed to ticket which was either a single or a return ticket.

These changes came about because the way that the United Kingdom applied air passenger duty was deemed illegal by the European Court. Therefore the changes were implemented by the United Kingdom announced a year ago but implemented in April of this year. So the rates have not changed, the cost to the customer has not changed. I think that is important to note. This order today is to do with how airline companies deal with the information which is supplied to Treasury, sir. I beg to move.

**The President:** Hon. members, the motion is that printed at 13 that the Air Passenger Duty (Amendment) Regulations (Application) Order 2001 be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **House Purchase and Refurbishment (Amendment) Scheme 2001 – Approved**

**The President:** We turn then to item 14 on the order paper, Treasury minister.

**Mr Corkill:** Thank you, Mr President, I beg to move:

*That the House Purchase and Refurbishment (Amendment) Scheme 2001 [GC No 20/01] be approved.*

The House Purchase and Refurbishment Scheme was introduced in 1991. The scheme is now closed, the final loan having been advanced in 2000. The scheme allowed, subject to status, for a proportion of the loan, referred to as a secondary loan, to be interest-free for a set period. The scheme also set out how the secondary loan was to be dealt with in the event of the sale of the property. The scheme requires that if the property is disposed of for whatever reason the secondary loan or whatever part of it is outstanding becomes repayable, plus such proportion of the secondary loan as the Treasury certifies as the increase in average house prices in the Isle of Man between the date the loan was taken out and the date of repayment. Therefore the amount repayable in respect of the secondary loan is determined in part by the level of increase in house prices.

The Treasury reviewed the position in relation to the scheme in the context of the 20 per cent increase in average house prices in the year 2000. Treasury took the view that it would not have been the intention of the scheme when it was first introduced to impose overly onerous charges on people taking out secondary loans. Consequently it was decided to seek to limit or cap the level of increase secondary loan holders would face under the scheme if they chose to sell their property. It was decided to cap the calculation of the additional amount to be repaid at an amount equivalent of the maximum amount repayable of the calculation of increases in average house prices stopped at 1999.

This introduces an upper limit to the amount repayable by the 220 people with outstanding secondary loans should they sell their properties.

Mr President, I beg to move.

**Mr Braidwood:** I beg to second, Mr President.

**The President:** Hon. members, the motion before you is printed at 14 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Social Security Act 2000 (Amendment) Order 2001 – Approved**

**The President:** We turn now to 15 and the Minister for Health and Social Security to move.

**Mrs Christian:** Thank you, Mr President, I beg to move:

*That the Social Security Act 2000 (Amendment) Order 2001 [SD No 195/01] be approved.*

The Social Security Act 2000 provides the department with enabling powers to apply appropriate United Kingdom social security legislation to the Island by orders approved by Tynwald.

The Act contains a list of the United Kingdom Acts which the enabling power applies. The order before the Court today simply adds an Act to that list. The order does not apply any of the provisions of the Act.

It is a technical matter, Mr President, it is an enabling mechanism.

I beg to move the item standing in my name.

**The President:** Hon. member for Rushen.

**Mr Rimington:** I beg to second and reserve my remarks.

**The President:** The motion, hon. members, is that the Social Security Act 2000 (Amendment) Order 2001 be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Pension Schemes Order 2001 – Approved**

**The President:** Item 16, the Minister for Health and Social Security.

**Mrs Christian:** Thank you, Mr President, I beg to move:

*That the Pension Schemes Order 2001 [SD No 196/01] be approved.*

This order is very similar to the one we have just dealt with. The Pension Schemes Act 1995, an Act of Tynwald, provides the department with enabling powers to apply appropriate United Kingdom pensions legislation to the Island by orders approved by Tynwald.

As with the previous order this is of a technical nature, it is simply an enabling mechanism. I beg to move.

**The President:** Hon. member.

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

**The President:** The motion, hon. members, is printed at 16 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Social Security Act 1998 (Application) (Amendment) Order 2001 – Approved**

**The President:** Item 17, again Mrs Christian to move.

**Mrs Christian:** Thank you, Mr President, I beg to move:

*That the Social Security Act 1998 (Application) (Amendment) Order 2001 [SD No 197/01] be approved.*

This order amends the order that applied the Social Security Act 1998 to the Island and introduced the new decisions and appeals procedure. The amendments clarify repeal provisions, reapply the repeal of certain social provisions relating to non-payment of national insurance and ensure that payment of the Christmas bonus is covered by the new adjudication procedures.

Details have been circulated to hon. members.

I beg to move the item standing in my name.

**The President:** Hon. member for Rushen.

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

**The President:** The motion, hon. members, is that the Social Security Act 1998 (Application) (Amendment) Order 2001 be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Social Security Legislation (Application) (No. 9) Order 2001 – Approved**

**The President:** Item 18, minister.

**Mrs Christian:** Thank you, Mr President, I beg to move:

*That the Social Security Legislation (Application) (No. 9) Order 2001 [SD No 198/01] be approved.*

This order applies to the Island four items of subsidiary legislation of the United Kingdom Parliament relating to jobseeker's allowance and the recovery of overpayments of benefits.

Full detail of the provisions, which are technical in nature, are set out in the memorandum which has been circulated to hon. members.

I beg to move the item 18 on the order paper.

**The President:** Hon. member, Mr Rimington.

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

**The President:** The motion, hon. members, is printed at 18 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Social Security Legislation (Application) (No. 10) Order 2001 – Approved**

**The President:** We turn now to 19 and again I call on the Minister for Health and Social Security.

**Mrs Christian:** Thank you, Mr President, I beg to move:

*That the Social Security Legislation (Application) (No 10) Order 2001 [SD No 199/01] be approved.*

This order makes a number of minor amendments to social security regulations dealing with jobseeker's allowance and adjudication. I beg to move item 19.

**The President:** Hon. member.

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

**The President:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr President. In making a contribution to this particular item I was wondering if the minister could clarify that, although she has said that these are minor amendments, there is one section in here in my explanatory memorandum on page 8 of the document circulated to all members and at 6.12.1 it says, 'The Jobseeker's Allowance Regulations 1996 et cetera are amended', but it goes on to say at the end of that paragraph that the enhanced allowance provision seems to be suspended from the date of 1st June 2001. It says it will no longer be payable in respect of new claimants. Can I just clarify that this is the case and in fact this particular amendment here stops something that was payable and it will no longer now be payable to any future claimants in this area? Thank you, Mr President.

**The President:** Minister to reply.

**Mrs Christian:** Yes, Mr President. The explanatory note does indicate that this amends the jobseeker's allowance regulations by the removal of the provision of a weekly amount of adult dependency addition payable under the jobseeker's enhanced allowance scheme and we will be coming to the detail of that in a further item, I think at item 22.

This is the case, that it will no longer be payable in respect of new claimants, but there is only one claimant at the moment and there have always been very, very few claimants for this particular provision, which is inconsistent, and I will explain that when we come to item 22 in relation to this provision and other benefits. It is to make the situation consistent and as it is a rarely used provision with only one claimant who will be protected until their claim comes to an end the department is proposing that we make this change to the jobseeker's allowance.

**The President:** Hon. members, the motion before you is printed at 19 on the order paper, that the Social Security Legislation (Application) (No. 10) Order be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Income-Related Benefits (Miscellaneous Amendments) (No. 2) Regulations 2001 – Approved**

**The President:** We turn then to 20. Again I call on the Minister for Health and Social Security to move.

**Mrs Christian:** Thank you, Mr President. I beg to move:

*That the Income-Related Benefits (Miscellaneous Amendments) (No. 2) Regulations 2001 [SD No 200/01] be approved.*

These regulations make amendments to the law governing income support and family income supplement. They are consequential upon the removal of the capital limits for the purpose of calculating entitlement to income-related benefits. This is a matter which the Court has dealt with on an earlier occasion and which was explained at that time as being beneficial, as it does not mean an automatic cut-off but a tapered cut-off in respect of capital allowances. I beg to move, Mr President.

**The President:** Hon. member for Rushen, Mr Rimington.

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

**The President:** The motion, hon. members, is printed at 20 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Family Income Supplement (General) (Amendment) (No 2) Regulations 2001 – Approved**

**The President:** Item 21, minister, please.

**Mrs Christian:** Thank you, Mr President, I beg to move:

*That the Family Income Supplement (General) (Amendment) (No 2) Regulations 2001 [SD No 201/01] be approved.*

These regulations make a number of minor amendments to the laws governing the payment of family income supplement. Provision is made to ensure that absence from work by reason of jury service does not affect a person's entitlement and the receipt of certain payments are to be disregarded including the £10,000 paid to Far East prisoners of war.

Full details have been circulated to hon. members.

I beg to move item 21.

**The President:** Mr Rimington.

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

**The President:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr President. This is another mixed bag, as I call it, because within it there are some excellent improvements and certainly with the £10,000 award to ex-prisoners of war and so on which I fully support, obviously, but at the start of my explanatory memorandum on page 11 of the circular sent to all members in relation to 8.1, and it would be the second and third paragraphs if I can call them that, there are two issues there where it says, 'ensure that certain bounty payments paid to a member of the reserve or auxiliary forces are treated as capital'. I take it that is possibly new and that means that they may well be liable to have that taken into consideration, and does that mean then that they are going to be paying more or less or receiving more or less to what they could have been entitled to, if the minister could clarify that? And also directly underneath it inserts a definition of 'course of study' and amends and so forth and part-time students are treated the same way as full-time students et cetera. What I would like to know there is the same thing. Is that good or bad for part-time students and what it is the department actually wishes to approve here this afternoon?

As I say, I am concerned that if those are proven to be where somebody might get less benefit than they were originally entitled to when we moved this this afternoon it is a negative that is wrapped up with positives and I would just like to make the point perhaps they should be differentiated and separate orders in future. Thank you.

**The President:** I call on the minister to reply.

**Mrs Christian:** Thank you, Mr President. I appreciate the opportunity to clarify those two issues.

In respect of the bounty payments it is simply to clarify that they should be treated as capital rather than income and that would be, at any particular claim time, beneficial to the recipient rather than having the lump sum treated as income.

As far as the changes in relation to the course of study are concerned this is beneficial to part-time students so that they are treated in the same way as full-time students in terms of consideration of their family income supplement payments.

**The President:** Hon. members, the motion before us is that printed at 21, that the Family Income Supplement (General) (Amendment) (No. 2) Regulations 2001 be approved. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Jobseeker's Enhanced Allowance (Amendment) Scheme 2001 – Approved**

**The President:** We then reach 22, the Jobseeker's Enhanced Allowance (Amendment) Scheme. The minister for Health and Social Security to move.

**Mrs Christian:** Thank you, Mr President. I beg to move:

*That the Jobseeker's Enhanced Allowance (Amendment) Scheme 2001 [GC No 18/01] be approved.*

This scheme amends the jobseeker's enhanced allowance scheme to remove the adult dependency addition with effect from 1st June 2001.

Hon. members, there is only one individual, as I mentioned earlier, who is currently entitled to the addition and that person's position will be protected.

The current practice of payment of this particular benefit is considered unsatisfactory since the addition is generally only payable to married persons in respect of their spouses and is inconsistent therefore with the income-based jobseeker's allowance. The adult dependency addition in income-based jobseeker's allowance will continue to be available for couples, whether married or unmarried.

I beg to move item 22, Mr President.

**The President:** Mr Rimington.

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

**The President:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr President. Again, Mr President, I would just like to confirm if the minister could clarify that this is a removal of a specific benefit, albeit not taken up by a great many of our community. I would ask the minister, if that is the case, then why remove it if it has proved even useful for one person and surely then it would be on the department's responsibility to re-evaluate it and see if it could be made available in a more appropriate fashion in other areas perhaps rather than just write it off and give the impression the department are making savings? It seems a shame to lose something even if it is helping one person out, when in fact if it was promoted and revised it could actually help in another way and be more beneficial. Thank you, Mr President.

**The President:** The minister to reply.

**Mrs Christian:** Yes, Mr President. First of all can I say that the department rarely make savings: its budgetary requirements go up and up and up. We sometimes make efficiencies in certain areas and transfer them to others, I would agree.

In relation to this particular benefit I think that we have to look at the situation which now pertains in the employment market. At the time when enhanced benefit was introduced, that was

an exclusively Manx requirement in the light of the fact that there were no redundancy arrangements in the Isle of Man. There now are redundancy arrangements in the Isle of Man but this enhanced benefit still continues to be applied. One might argue that there is no need for it any more but we have not, certainly, proposed at this stage to remove it.

We do, however, consider that where there is a spouse there is a benefit payable for jobseeker's allowance in respect of an adult dependant such as a spouse who may not be working but it hardly seems necessary in today's market that we should, through the enhanced scheme, which is a bonus scheme in the Island now as compared with other places, to have a doubling up of that particular benefit, particularly when it is not consistent as between married couples and cohabiting couples, and as it has had very little take-up anyway we want to get rid of the inconsistency, and you can do that one way or the other, but we do believe that in the light of the changing benefit structure, the changing provision for redundancy payments, the changing market, working place market, this is an appropriate time at which to make this modification.

**The President:** Hon. members, the motion before us is printed at 22 on the order paper. Will those in favour please say aye; against, no. The ayes have it.

*A division was called for and voting resulted as follows:*

*In the Keys -*

*For: Messrs Gilbey, Quine, Rodan, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Brown, Houghton, Cretny Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Mrs Hannan, Messrs Singer, Bell, Karran, Corkill, Cannell, Gelling and the Speaker - 21*

*Against: Messrs Henderson and Duggan - 2*

**The Speaker:** Mr President, the motion carries in the House of Keys, 21 votes in favour and 2 votes against.

*In the Council -*

*For: The Lord Bishop, Mr Waft, Dr Mann, Mr Kniveton, Mrs Christian, Messrs Delaney and Crowe - 7*

*Against: Mr Lowey - 1*

**The President:** Seven votes cast for, 1 vote cast against in the Council, hon. members, the motion therefore carries.

### **Import and Export of Waste Regulations 2001 – Approved**

**The President:** We turn then to 23 on the order paper and I call on the Minister for Local Government and the Environment to move.

**Mr Gilbey:** Mr President, I beg to move:

*That the Import and Export of Waste Regulations 2001 [SD No 51/01] be approved.*

Mr President, you may recall that similar regulations were approved by this hon. Court in November 2000. At that time the department was obliged to finalise the original 2000 regulations in rather more haste than it would have wished. Original regulations needed to be approved before the end of December 2000 if the Island was to avoid a block being put on the export of certain waste to the United Kingdom. Now that the United Kingdom Department of the Environment, DETR, has been able to give the original regulations detailed consideration they have advised that certain improvement should be made if the Isle of Man is to comply fully with the obligations imposed by the Basle convention et cetera.

In the interests of producers and carriers of waste who need to know what their obligations are, the department has concluded that the necessary improvements are best incorporated in a new set of regulations which are totally clear rather than having two lots of regulations which have to be read together.

The changes are minor and have been detailed fully in the explanatory note previously circulated to hon. members.

Mr President, I beg to move.

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

**The President:** The motion, hon. members, is printed at 23 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

### **Driving Licences (Theoretical Tests) (Amendment) Regulations 2001 – Approved**

**The President:** Twenty-four, Minister for Transport to move. Hon. member for Castletown.

**Mr Brown:** Thank you, Mr President. I beg to move:

*That the Driving Licences (Theoretical Tests) (Amendment) Regulations 2001 [SD No 211/01] be approved.*

The regulations amend the Driving Licences (Theoretical Tests) Regulations 2000 by reducing the period from 21 days to seven days in which the Department of Education at the Isle of Man College rejects an application from a candidate who has failed the theoretical test and wishes to retake it. The period runs from the date on which the statement of failure is issued by the college.

At present it is mandatory for the college to reject such an application if it is made to the college within 21 days. Experience from running the theoretical tests for almost a year has shown that it is unnecessary administratively for the college to reject applications for a retest received within such a period as long as three weeks. In practice the present restriction means that a candidate is likely to have to wait about four weeks before he or she is able to be accommodated in a particular test session to take the retest.

Therefore, in the light of the experience, the college authorities now feel that they can cope if an application for a retest is allowed after seven days and so anticipate a candidate being able to actually sit the retest within a fortnight of the previous failure.

However, the amendment does not insist upon the college refusing a reapplication if it is received within the seven days. So if the college can fit in a candidate for a retest within a few days of the failure statement being issued, or if the candidate needs to submit his application very early, the college will not be prohibited from accepting the application, even if it is received before the waiting period of seven days has expired.

I feel that this amendment will maximise the take-up of the available places at test sittings at the college or at the various schools where the test may be taken. It will allow a candidate who fails a test a much earlier opportunity to try again and hopefully succeed in that attempt and be able to take out a provisional driving licence so that he or she can soon put their theoretical knowledge to practical use under instruction on the road.

Mr President, I beg to move the motion standing in my name.

**The President:** Hon. member for Peel, Mrs Hannan.

**Mrs Hannan:** I beg to second and reserve my remarks.

**The President:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** I would just like to thank the member for going ahead and getting this done speedily. I think that that is important that it is recognised, that there was not any effect as far as this being delayed, that we were concerned with the fact that we lost a certain piece of legislation in another place, and I think the minister should be applauded as far as getting on with the job.

It is a shame in my opinion, after a lot of thought about it, that we did lose the position we did lose, even though I do think with hindsight that maybe things would have been run differently as far as that is concerned.

But I do think that the minister deserves to be congratulated in the fact that he did not allow his department to be like a dog in a manger and not allow this important speeding up of the process to be stopped.

**The President:** Hon. member for Onchan, Mr Cannell.

**Mr Cannell:** Thank you, Mr President. It seems remarkable that we do have another chance to comment on this subject which has been aired in another place but in general I do welcome the speed with which this matter has been addressed and I would hope that this is the start of a whole new wave of addressing such anomalies where people are forced to wait for things within government.

I am afraid it is one of the experiences I have picked up, and I do not exclude myself from being one of the people who perpetrate it, but there definitely is a case where people say, where something would normally expect to take a week, because it is the government it takes four weeks. I do not know why that is. I suppose it is because everything has to be given such detail and it does not always come across as it might be seen outside that it is so easy, but certainly this is a classic case of where, with a bit of will, things can be done.

But I would like to take the opportunity, if I may, to ask the hon. minister, what is the position with theoretical tests regarding the difference between having a theoretical test towards a car driving licence and that of a motorcycle? Because I was under the impression that the theoretical part of the examination was necessary to acquaint yourself with the Highway Code and to actually have an ordinary overall view of the conditions you might face, but it looks to me as if in fact you have to have separate theoretical tests for the two separate categories and wonder why that is, although it is acknowledged that if you pass your car test in reality, the real test, you then do not have to take a theoretical test for the motorcycle part on the way towards your real driving test. But if the people - and I do not suppose there are many that are doing it - are running parallel driving instruction at the same time, it does seem nonsense to have to have two theoretical tests.

**The President:** Hon. member for Douglas West, Mr Shimmin.

**Mr Shimmin:** Thank you, Mr President. I was not going to speak on this issue but was brought to my feet by the comments of the member for Onchan, Mr Karran, because I may have misunderstood the purpose of this order.

When I read it I was somewhat frustrated that it has taken a year to amend an anomaly which could have been done, possibly, six months ago. I was under the impression that this was purely an administrative one within the college and had nothing to do with the debate which took place elsewhere. I would therefore like to ask the minister whether it is actually related to a previous debate or whether this is purely an administrative exercise following a year of operation of the current system and I would ask why it has taken a year. If the college has found that it can be done within seven days, then it could have been done many months ago.

**The President:** Minister to reply.

**Mr Brown:** Yes, thank you, Mr President. I thank the hon. members who have spoken for their support of this change.

I would confirm that the change in fact is not in relation to the change made in another place under the Road Traffic (Amendment) Bill. I would say that the change that is here is because of an issue of discussion between my department and the Department of Education.

If I can just say to the hon. member for Onchan, Mr Cannell, as far as I understand it, the theoretical test for a motorcycle and a car have very common factors but there are some specifics that if somebody is going for a theoretical test on a motorcycle, there are specific questions put in in relation to a motorcycle there. Now, that is my understanding of it and certainly if you look at the documentation that is provided, there are issues there where there are questions relating to riding a motorcycle.

It is not just about the Highway Code, and that is an issue that is very important to get clear, because one of the reasons, I believe, that in the early days there have been a number of failures has been that people have picked up the Highway Code and have thought that that is all they require, even though they have been advised they need to get hold of the actual proper books or use the CD-ROM and they have only swatted up on the Highway Code and of course that does not give enough knowledge for taking the theory test and I believe that that has resulted in quite a number of failures.

I can say from my own experience when I have then advised constituents of mine and advised them to get hold of the book that provides the information, in fact they have passed their theory test quite comfortably and I think that now is working through the system because the driving instructors are giving advice, the department is giving more advice and so on.

As far as the amendment is concerned, the hon. member Mr Shimmin says that he has a concern that it has taken a year to amend. Well, first this new system came into being on 1st July 2000. The department, that is, the Department of Transport, endeavoured to encourage the Department of Education, as in through the college of further education, to actually have a shorter timescale right from day one.

They had a concern that in fact they did not feel they may be able to cope with the numbers and the throughput. We were basically in their hands because they deal with it on an agency basis for us and my department appoints them to carry out this theory test.

We have held discussions with them over a period of time to encourage them first to use the districts more than they do, which they now are doing by going out to the south and the north, and secondly to agree to reduce this period of time and it is only recently that they have accepted that they could reduce the period of time to what we are now proposing.

I would say we have built in flexibility as well, which was not in the original order, which is what I explained when I presented the motion, to enable us to deal with that.

So, whilst it may seem a while, in less than nine months we have had discussions, they have evaluated how the system works, they have found that they feel they can incorporate these changes quite comfortably, because they were not sure of the staffing resources for themselves, and we have now got to the stage that we have this before the hon. Court.

So I hope that answers the questions. I thank all the hon. members who gave their support and I hope that members will approve the motion before them. Thank you.

**The President:** Hon. members, the motion before you is printed at 24 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

## **Procedural**

**The President:** Now, hon. members, I am aware that for the next two items on the order paper the numbering got out of sequence and I will refer to the Harbours (Isle of Man) Act as 23a and the Select Committee on Members of Government Departments as 24a.

### **Douglas Harbour Facilities Order 2001 – Approved**

**The President:** So, for purposes of clarity, I call on the Minister for Transport to move the Douglas Harbour Facilities Order 2001.

**Mr Brown:** Thank you, Mr President. I beg to move:

*That the Douglas Harbour Facilities Order 2001 [SD No 212/01] be approved.*

The order before hon. members enables the department to reserve the inner harbour at Douglas for use by particular vessels, that is, pleasure craft and fishing vessels, for which purpose the inner harbour has been provided with a water retention system so that vessels berthed there will remain afloat at all states of the tide. This is in furtherance to the provision of a marina-style

pontoon berth and the order will enable the department to exercise better management of those vessels occupying the quayside berths.

The marina-style facilities being provided for pleasure craft will make more effective use of the harbour and provide berthing for more pleasure craft than hitherto. The pontoons themselves will accommodate 68 craft.

Because the effect of the order will be to authorise the department to restrict the type and number of vessels using the inner harbour, it will be possible for the harbourmaster to prevent congestion and disruption to existing vessels using the inner harbour.

My department has carried out the statutory requirements under the legislation and I beg to move the motion standing in my name.

**The President:** I call on the hon. member for Council, Mr Kniveton.

**Mr Kniveton:** Yes, sir, I beg to second and reserve my remarks.

**The President:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr President. In contributing to this particular order I have to say that once again I express my disappointment with this particular progression and roll-out of the Department of Transport's marina plans and marina-style plans for different areas of this Island.

**Mrs Crowe:** None for Port St Mary.

**Mr Henderson:** Well, I quite agree, hon. member for Rushen, there does not seem to be anything on the paper for Port St Mary, but I am representing the interests of the harbour users of Douglas and I have to say that as far as they are concerned and I am concerned, their views have not been taken into consideration and as far as we are concerned it is a strongly held belief that the money has been invested in this so far, and although it sounds good on the face of it and sense about controlling craft and stopping the congestion around the harbour, what in fact is happening is a licence the department is granting to itself so that it can push the small boat users around and in fact they can find themselves on the rough end of the wedge as far as this particular project is concerned and people would have liked to have seen the money invested in a joint scheme with local government in general improvements round this particular aspect of Douglas which still has much heritage to offer and, as far as we are concerned, would have been a better way to progress it.

I am sorry that it is here and I still feel that this particular scheme is a bridge too far and it always will be and there should have been more consultation and I am just sorry that the harbour users association of Douglas did not have the same input as the harbour users association in Ramsey, where it had a much more dramatic effect, but the sentiment is still as strong and I wish to register that here. Thank you, sir.

**The President:** Hon. member for Rushen, Mrs Crowe.

**Mrs Crowe:** Thank you. I would tend to agree with some of the comments of the hon. member.

**Mr Henderson:** That is a first!

**Mrs Crowe:** No, sometimes I do - the hon. member for Douglas, Mr Henderson. It is a working harbour and I do believe that the pontoons may well impede the work that goes on in that harbour.

I do think the appropriate place to have a trial scheme for a marina was Port St Mary, should have been Port St Mary, should now be Port St Mary. We have got fast craft coming in and out. We have got coal boats, gas boats, all the other working vessels that use that harbour going to be dicing, as yachts are trying to position themselves, at the few pontoons based in the centre of this harbour.

I do firmly believe that this should have taken place in Port St Mary and I hope that the minister will be able to give us some reassurance as to when there will be a proper marina for the Isle of Man with 24-hour access, totally unimpeded for yachtsmen.

**The President:** Hon. member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr President. Looking at the explanatory memorandum I have a degree of questioning that I have to put to the hon. minister. He says in his explanatory memorandum that the harbour is going to provide berthing for more pleasure craft than at present and that the pontoons themselves will accommodate 68 craft. Can I ask him, how many craft were accommodated prior to the installation of the pontoons and does the 68 craft include the owners of small boats who had the pleasure of mooring there previous to the changes?

I would like to ask him how the department will be able to restrict the type and number of vessels, and what is the maximum number? Are the 68 craft on the pontoons for permanent craft or for visiting craft only?

Is he aware that a person who had a boat in the Douglas harbour for some considerable time, over 25, 27 years, has recently bought a new craft which cost in excess of £22,000 and the harbourmaster at Douglas has said that he cannot bring his vessel into Douglas and he cannot accommodate it whatsoever, and how does he view that? On the one hand the order is supposed to provide more pleasure craft, with marina-style pontoon berths. How can that be expected then if new vessels coming in, of a particular size, are refused entry?

How does he expect it to work and does he have the support of the small boat owners now? When the hon. minister moved this particular order there was no mention at all as to whether or not he had come to any kind of mutual compromise or agreement with the owners, the small boat owners for Douglas. Thank you, Mr President.

**The President:** Hon. member for Onchan, Mr Cannell.

**Mr Cannell:** Thank you, Mr President. Even with the best will in the world I am afraid we cannot pitch for a marina for Onchan harbour (*Laughter and interjections*) and the activities have taken place at what is otherwise known as Happy Valley, but to my knowledge they do not include yachting marinas. (*Interjections*) I am also old enough to remember when the Steam Packet Company used to utilise Douglas harbour for the laying up of its boats through the winter. The Victoria was in fact tied up at the Douglas tongue on many a winter there. (*Interjections*)

But in defence - and again it must be a day for firsts - of the hon. minister I would like to say that my criticisms of the overall appearance of Douglas harbour are now - not to his relief, probably, but to his surprise, no doubt - lessening because as the bigger picture unfolds it is beginning to look a considerable lot better than it was and I told him so at the seminar at the Hilton last week and I can see the overall picture of what was once a pretty depressing area, thriving though it was and much workability about it, it was nevertheless looking pretty tatty, tired and not capable of supporting a modern image.

Now, when the shops were redeveloped on the North Quay, that was the first stage of something that other people wanted to do for Douglas harbour and which did not come about, which we need not go into now, but you could see the potential for it. There is something about being associated with a harbour, and while I am on my feet I would like to say how well Laxey is looking at the moment, Laxey harbour area. That has certainly been tarted up a lot and looks considerably better than it did.

But at all these locations, regrettably, we have the very problem that the hon. member for North Douglas has alluded to, and I lament the passing of the harbour being used for everybody. Those days are probably gone where you could just sail in virtually for nothing and tie up the entire time. I am sorry to see the lads go. They were genuine club people, as I call them, and they were there for a long number of years and there is many a time people in that fraternity have come to the rescue

of various situations which have occurred. So I am sorry to see them go with the prospect of yachties coming - I mean, heavens - but if we want the people to come and use these facilities they are going to have to have the correct pontooning.

Now, my information is - perhaps the minister can confirm it - that in fact although there is not a yacht to be seen yet, I was hoping last weekend, with the marvellous weather we had where temperatures in the Isle of Man exceeded those in Lisbon, that we might have actually seen the odd yacht trying it out.

**Mrs Crowe:** Dozens in Port St Mary.

**Mr Cannell:** Perhaps it is not ready yet, or maybe they had all gone to Port St Mary.

However, it will be good fun to see them dicing it out, as somebody said, but I am told that that is half the fun of it, is manoeuvring your yacht round The Croak and up through into the harbour, vying with the Steam Packet boats and everything else that goes on down there, and in fact if we are to believe everything that is happening, shortly - well, I do not know about shortly - but before too long we might not have gas boats coming in to Douglas harbour, with all the attendant risks that that poses, good service though they have given us.

I was just about to say, though, that one of the downsides of the small boat fraternity is they seem to abandon about half of the stock that they have got down there and when I have walked round down past the old Fort Anne jetty, I presume that is where all the, if I can make a pun, junk used to be, the boats that clearly have been shifted by the hon. minister's department and deposited down there by the Red Pier and the Fort Anne jetty and they are still there in exactly the same condition they probably were 10 years ago, and I regret to say that is still the case to a small degree when I made my great inspection of Laxey. There are boats on trailers down there that clearly have never moved. They are full of water, boats, on the trailers the tyres are flat, the whole things are red-rusty hulks and it definitely lessens the appearance of the place.

So the small boat owners who were regularly using the harbour, I am sorry they have had to go as well, though in fact the noise they were making about it seems to have reduced. I do not think they are the sort to give up, so I presume they have been accommodated a little bit more favourably by the hon. minister's department.

But please get shut of all this old tat that is lying around on the sides of the piers now. Okay, I suppose there is a legal obligation to find out whether in fact they still belong to someone, but clearly I would have said, just like the cars that are on the streets now that the Department of Local Government deals with, getting better and better all the time, where in fact they are taken away and a charge is made for their repossession if they are wanted. It is sad to see good vessels; some of them are not bad and some of them are probably capable of actually being refurbished, but no-one loves them and they are lying there on their trailers and they look a right sight too.

So overall I certainly welcome the provision, but I would be interested to hear from the hon. minister just what sort of take-up he has had on his pontooning as to whether what I am being told is, 'Oh yes, they're all sold', so they must be ready to come over the horizon at any moment to take this up, because there would be nothing sadder than to chuck everybody out, put the pontoons in and then they all rot away and you say, 'Well, it didn't quite come off, lads, we should have gone to Port St Mary after all.' So I hope that this will bear fruit. I am led to believe it might and I look for that assurance.

So overall, full marks to the department. I lessen my criticism of the Douglas harbour scheme as a whole. I am not keen on reducing nice-looking harbours to make car parks out of them, as I have said earlier on, but I do welcome the fact, because any harbour, be it Peel, Port St Mary, not Onchan because it is not a real one, but at the end of the day any harbour which has a water retention always looks considerably better than one where the tidal flow takes the tide out. Peel is the most attractive of harbours with the tide in but is not quite as smart with the tide full out, I am afraid, so maybe they are next on the list.

**Mrs Crowe:** No.

**A Member:** No.

**Mr Cannell:** No?

**Mrs Crowe:** Port St Mary.

**Mr Cannell:** Okay, well I am not going to get involved in inter-constituency battles. We have enough of our own on our hands.

**The President:** Hon. member for Onch an, Mr Karran.

**Mr Karran:** Eaghtyrane, I have to say that I am a little bit concerned by this and I have a lot of sympathy with the hon. member for Douglas North as far as that is concerned.

I think we do need to know what are the costs going to be for this facility now and what were the costs for it before as far as the boat owners are concerned?

It is all right many in this hon. House getting themselves into a state of orgasm about all these yachtie people coming in to the Island and how that is wonderful and that and how we have to change with the flow, that we cannot now just have an open port, we cannot have people just coming in and out, and I personally feel that we have got to remember that there are people who have not managed, even though to be fair to my Treasury minister here and to the Chief Minister and his cohorts in the Council of Ministers, they have contributed a wonderful job as far as the economy is concerned, but not everybody is doing very nicely, thank you very much, in society today, and we have to remember that the likes of the harbour has a certain amount of tradition with a certain section of the community and when we talk about rusting old hulks and what-d'you-call-it, I only have to look at the Steam Packet as far as the *Ben my Chree* is concerned because it would be more akin as far as I am concerned with a cattle boat -

**Mrs Crowe:** Oh, shame!

**Mr Karran:** - than a what-d'you-call-it if you are talking about hulks in our harbour -

**Mrs Crowe:** It is a beautiful boat.

**Mr Karran:** - and I think it is a matter of definition. One person's hulk is another person's *Britannia* or whatever, and I think some of us need to just remember that somebody's little boat might not be something that you would want to put in the boat show, but to them it is something that is very important and I think we have to remember that, and far too often we are too busy to set aside and use our own indigenous people as the doormats as far as new progression is concerned in order to get on, so I think that is important.

What I think is equally disturbing to me, and I do not want to really criticise the minister, is I do find it rather crazy that we spend millions to retain water and then we decide to knock out about 20 per cent or 30 per cent of the facility and make the other 10 or 15 per cent of the harbour impotent as far as being able to be used for vessels. It seems very bad and not very joined up government. I appreciate that maybe this is recognition, the long recognition that we have been on about, about getting some more car parking facilities in Douglas, but it seems to be lunacy that you spend an absolute fortune retaining water in the harbour facility, then to put a sizeable chunk of it for car parking, even though I recognise that car parking is a very important facility that is desperately needed in the Island, especially when we refuse to really get on with getting free public transport and trying to get people conditioned back into using public transport and Mr Rimington's maybe bicycle sheds for our children, especially in the state schools.

But I feel it is one thing where I would be interested in the rationale if the minister does want to give that rationale as far as the Island is concerned, as far as his department is concerned.

The other thing that concerns me in my opinion as far as the inner harbour is concerned is the issue of trying to get something done in this place has gone back to the seventies. I can remember

trying to make representations to the Douglas Town Council at the end of the seventies to see whether they would buy Clinch's, and I am not trying to condemn the office facility or whatever that has been put there - it is wonderful, it is employing people, it is providing well-paid employment for people - but what I am concerned about is that we have a situation where again we have put this facility in the middle of the harbour, we have retained the water, which is lovely, we have then filled part of it up so that it cannot be used, the retention of the water cannot be used to its maximum, but we have not got any plan in that area and I am saddened that there has not been the vision of trying to get the industrial site moved from that area and it should be all housing. The late mayor, Mr Morley - I applaud him, his idea of putting houses down where he did. It is something that I have cried about for years. We have got a harbour there, we have got a harbour yard there where really speaking we should have been seeing this proposal here not as a disjointed, malfunctioning policy. So often we get so much right and yet we get such a lot wrong that it makes the thing impotent as far as its maximum benefit to the community. I just feel that we should have seen a policy of buying up all the property in that area.

Can I also just say before I take my seat that one issue where I know people will throw their hands up in horror is that I asked about the registration of the last two Georgian houses on the quay that were originally the Ritz or the Mayfair of the Island and I know some people will look upon this in horror and that, but I think that joined-up government needs to make a policy decision around this harbour that we need it back as residential, not as some industrial site, and I just hope that the DLGE and the other departments can get together and our Chief Minister can knock heads together and say, 'Right, you've done this', and it has been at the expense of a lot of the old-time people who have used the harbour and their parents and their grandparents before, that we can get some joined-up facilities as far as that is concerned, and I do hope that we are not going to just allow those houses to be knocked down and to be replaced just to try and make the road bigger and put another industrial site where those houses are, as I believe that the likes of that we need to try and emulate with some sort of provision for bringing that back to what it used to look like 60 or 70 years ago in my opinion. It should not be an industrial site and I just think that the government should be working together with other departments to buy up the land around there and try and get some housing put back into this area. That is what should be done to enhance it.

But I do feel we do need to know what the costs were before and what the costs are today as far as being able to put your boat down there, because it is concerning and I tend to feel like voting against this because I see it as squeezing out the local guy and I think we need to remember that they will be here when the finance sector may have disappeared and other things may have disappeared and long may that not happen, but we must remember that.

**The President:** Hon. member, Douglas West, Mr Downie.

**Mr Downie:** Thank you, Mr President. Just following on from the last speaker, these houses that he refers to, the last houses on the South Quay were knocked down only recently and my own knowledge of the area is that a lot of people would not live in that area because the houses actually face north, they never got any sun, they were always cold, and the way the harbour has been developed at the moment, that is going to be an extremely busy road to the south, and I would think long and hard about putting houses in that particular area because, I think, like another housing development quite close by, there are still an awful lot of them empty and you have to ask yourself perhaps the reason why.

Now, as far as I am concerned I think the new scheme as it stands at the moment is looking well.

I have one area of concern. I feel that when the pontoons are occupied there is going to be considerable restricted access into that harbour area. Now, I was always taught as a former mariner that a harbour was something that provided a safe haven for vessels. Now, I am just going to put a marker down with the minister that I honestly think that in a north-east gale, like it or not, we do not now provide a safe haven any more in Douglas harbour. It is virtually impossible to berth a

vessel in the outer harbour. There is still considerably heavy swell that rolls into that area and that was always the time that the bridge was swung in the old days and lots of the fishing vessels and the smaller vessels came up into the inner harbour.

Now, unfortunately, we will not be able to do that any longer and if we are in a tidal situation there is no deep water in Ramsey for them and because there is only a small length of pier in Port St Mary it is going to be very difficult for some of those vessels to get a berth, and just to give you an indication of the vessels that would require to go into this safe haven, there were six vessels on the Edward Pier on Sunday, six fishing vessels. There was a fishery protection vessel, there was a blue ranger, there was Mr Carter's tug, the *Girl Mary*. I am all for development, but there has to be a balance and we have to have enough slack in the system to provide some of these other vessels with a safe haven should it be required.

Now, I am going to ask the minister if he has got the technical problem sorted out with the bridge because on three occasions in the last month the bridge has been stuck and I know 10, 15 days ago there were people over looking at it, but you only need that situation to happen once or twice, like when we have got the South Quay closed at the moment, and it does present awful problems in the area.

The other thing I was going to ask is, will there be a redeem in place where the moving traffic at peak times takes priority over boats going to sea? Because I would not like to see a regular number of vessels leaving harbour, say between half past eight and nine o'clock, and the bridge having to be opened and the traffic all backed up. I think if people are going to sea, there has to be a particular timeframe allotted and people stick to that, otherwise you will finish up with absolute mayhem down in the harbour area.

So if the minister could deal with those queries for me I would be very grateful.

But in conclusion, the scheme does look well, it is a credit to us, and I hope that in years to come people will really appreciate it, but I just do not really want the situation to get too intense down there and talks about surrounding the area now with housing and other things, really we are far better seeing how we go first of all and waiting for the system itself to bed in before we start adding even more to it. Thank you, Mr President.

**The President:** Hon. member for Council, Mr Delaney.

**Mr Delaney:** Thank you, Mr President. Well, the minister who has just resumed his seat has raised the point that I want to raise in relation to the unfortunate occurrences when the bridge has not, the water has not worked. That has been difficult for the local boat owners, but my question is based on a return on the investment of the taxpayer. You have now got the first lot of pontoons in and I am given to understand that most of those berths are going to be used by the local people, which is good if they can afford it and I hope they can. What I am interested in is when we are going to have availability for the visiting yachts? Because to have a marina not only for the locals, we need it for the money that hopefully the visiting yachtsmen will have and I wonder if the minister can bring forward the time. I am given two years before we have that availability and I am wanting the possibility of you and your colleagues in the ministerial government trying to bring that forward so we have an opportunity of adding another spoke to the wheel of the Isle of Man's welfare.

Obviously the question of the bridge breaking down does have a problem for all the local boat owners. If it happens on a Sunday morning when they want to go out fishing, they are not going to have any weekend at all in relation to their fishing activities or boating activities and I wonder if the minister would give me an answer to that question which has been raised by his colleague.

**The President:** Hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you. I am in support of this order, Mr President, but I wonder whether the minister now, as the project is coming to completion, has a final overall cost to government of the facilities that have been produced that are now in Douglas, and we have heard strident calls even

this afternoon that Port St Mary should have been first and it is wrong that it is not there yet. Could he possibly give me a comparison to put into perspective the costs that would be incurred if a facility was put into Port St Mary. Has the department got a properly costed projection to date, including the dredging charges, which I remember from my experience in that department, that were very, very costly, because the talk is outside government that the total cost could possibly be £10 million to £12 million in Port St Mary and that is having to be found by government.

So perhaps the minister could give me that comparison of the costs of Port St Mary to those that have been incurred in Douglas and can he also tell me whether in fact any survey has been done of the people in Port St Mary, of the the residents, and are they in fact fully in support of a scheme down in that area.

**The President:** Hon. member for Douglas West, Mr Shimmin.

**Mr Shimmin:** Thank you, Mr President. I do not intend to repeat some of the points that have already been raised. However, it has always been my view that this facility is more of a traffic management facility which as an addition has a marina facility put there.

The member for Onchan, Mr Karran, refers to joined-up government and is often a critic of government expenditure and wastage. To me this is almost the opposite of that. It is one whereby the department, as much as the hon. member for Onchan does not agree with the IRIS scheme, was going to involve a major amount of expenditure from government in that area in order to put the infrastructure in for IRIS. At that stage it would have been negligent not to have put in the ancillary road facilities and to upgrade the opportunity for vehicles to have another route in to Douglas, which has been one of the problems for years.

Now, as somebody who is not in favour of advancing centralisation in Douglas, I too, like many hon. members, would have preferred to see the investment in marinas going elsewhere to try and draw an attraction away from Douglas because, as we all are aware, Douglas is bursting at the seams and it would be a useful opportunity to try and divest ourselves of extra business coming in to Douglas and maybe sharing that out amongst the Island. However, when you have a traffic management scheme necessary, you have a bridge which is being put in for traffic purposes, it would then have been negligent not to have utilised the timing to actually put in this level of infrastructure.

The roundabout at the bottom of the hill - again I was opposed to the idea of that, the covering over of some of the waterways. However, again it is cost-effective. If you have to put that in to service the industrial area up the hill, therefore you have got to have some mechanism of getting those vehicles out. You are attempting to protect North Quay, therefore something had to be done. For a relatively small extra cost at that time, then you make maximum use of it.

So I believe that the department have actually attempted to reduce costs to government by bringing these schemes together. I would have preferred to have seen, if it was a stand-alone scheme, for it to have gone elsewhere as a marina. That was not what we are dealing with here. We are looking at a system whereby it is easier to get this done now, and hopefully once the department has in place the first marina facility it can then expand to other areas to deal with some of the issues that have been raised.

The costs are difficult to break down because you are bringing together three different schemes at least and therefore any figures that could be produced would actually be misused. We are looking at a combination of IRIS, traffic and the marina coming together.

Regarding the housing situation, I do hope, like Mr Karran, that the other government departments are actually making progress with what is going to be done in the lower Douglas area and that there will be an opportunity for housing and mixed occupation of premises, including the police station. That should all be being discussed. I trust that the ministers have got together and that there are plans coming together, we know what the final picture will look like.

But as much as I regret the changes, as we all at times regret change, it does look good, it will look better in the future, therefore I commend the department and will support the order, sir.

**The President:** Hon. member for Rushen, Sir Miles.

**Sir Miles Walker:** Thank you, Mr President. I rise to support this resolution and I do so without any buts or if only's or perhaps if's. I think this scheme is a good one. (**Several Members:** Hear, hear.) I can remember 18 years ago, or thereabouts, talking about the redevelopment of this part of Douglas and the need for it, and, by golly, wasn't it sad then, and step by step by step the area has improved, government have made an investment and on a lot of occasions private enterprise has come in behind that and made a further investment.

I think downtown Douglas, Douglas harbour area, is quite lovely and I think it is improving almost every time we go down that way, so I make no excuses at all for it.

I do understand the concerns of some of the original users of the harbour and I can understand their concerns, but we do move on and I believe we move on quite significantly.

As far as Port St Mary is concerned, yes, I am a supporter of that and I am a supporter of Ramsey and the marina facility in Ramsey and I say that because I think the question we should be asking ourselves is, 'Does this Island need marina facilities in the year 2001 and 2002?', and the answer to that for me is, yes, it does. We cannot turn our back on them. Tourism will provide us with another source of income; diversity is important in that area.

There will be people in Port St Mary who will not want their peace changing, as there are people in Ramsey, as there are people in Peel, who say, 'It's all right as it is: let's make no changes.' But I believe, as politicians, we have a wider vision than that and there are occasions - and I think this is one of them - where the politicians should be seen to be leading public opinion and not sitting back and saying, 'Now, what do the people think about this?', and if they are against it, well the politicians will vote against it. I have to say I believe politicians should be leading and the politicians for Ramsey, Mr Singer and Mr Bell, have been vociferous about the thought of a marina in Ramsey and I have been supportive of that and I continue to be supportive of that and I hope the members for Ramsey continue to be supportive of that because they have had no hesitation in promoting it in the past.

Port St Mary will be a 24-hour facility and it is likely to cost in the region of the figure that was suggested by Mr Singer a few moments ago, whatever it is, £10 million or £12 million, I do not know, but I am sure that it is an investment that this government ought to be making into the future and the way it has happened in Douglas, it has been a phased investment over a period of time and this is another piece in that jigsaw and I would hope that in some way the same sort of progress could be made with a facility both in Ramsey and in Port St Mary, and what Ramsey has the benefit of and Port St Mary does not is the possibility of some housing development, and this Island needs houses and Ramsey are crying out for development and if we need houses and Ramsey want them and we need a marina, why on earth can't we put those three things together and get on with it? I am supportive of this resolution.

**The President:** Hon. member for Council, Mr Waft.

**Mr Waft:** Thank you, Mr President. I fully support this resolution. I would like to congratulate the members of the department and the minister himself for getting on with the job.

There was some reluctance when it came up last time by some of the local members of the area, with concern as to how it was going to work out, but I think people walking round the harbour now can see how it is going to work out. They will even see how it is going to be improved when the yachts do start coming in and the actual chemistry of the harbour seems to take place up there. That will happen eventually.

I mentioned at the time we should not be looking a gift horse in the mouth. If there is investment to be made down there, let us go ahead and do it, but I am glad to see that some of the

members are now looking at the possibilities and have some vision. I hope this Court has vision today and thoroughly gets behind the minister and the department members.

I would support also, I am sure they will, but the yachting fraternity now do require facilities within the harbour. They need access to electricity, they need access to toilets, they need showers, they need proper club facilities and they will be expected.

The only thing I would have caution on, and I did mention it to the minister, was the actual placing and how they are going to manoeuvre there, and I did mention also previously that when you do register the likes of vessels, as you do with motor vehicles, there should be some insurance taking place down there because there will be very expensive pieces of sailing down there and there is a lot of negotiating to take place and accidents will occur and the insurance is essential.

I just offer my congratulations to the members for the work that they have done. Thank you, Mr President.

**The President:** Minister to reply.

**Mr Brown:** Yes, thank you, Mr President, and it was nice to finish on a positive note because I think it was unfortunate that the debate started on what was really quite a negative note and I am a bit surprised really because any area really, if they are looking ahead to the future of the area and they know the history of the area, would actually be saying, 'Wow, isn't this fantastic? Here's millions and millions of pounds of government money being invested in my town to improve my town', and yet we continue to get this, I do not know what it is, but fear of negativity, of saying, 'Oh no, that's all right but. . .'

The point that has been mentioned by a number of speakers has been vision, looking ahead to the future, trying to see how we can improve it. We are not just here just to defend what we have got today - I think that was mentioned by another member - we are actually to look to say we have in the Isle of Man a lot of harbours that were built over a hundred years ago, a hundred and fifty years ago for a purpose. They would not be there except it was the only way to transport food and people and cattle. That is the only reason they were built. They were not built because it seemed like a good idea, they were built because we needed them.

We now have a situation in the Isle of Man where we have not really got much of a use for them, apart from the main one in Douglas for our main cargo and Ramsey for its main cargo and for the shipyard. Outside of that most of the other harbours have very little purpose of a commercial nature.

So we have to recognise we have moved into a new era, we have got to find a new purpose for these very expensive harbours, which bring in very little income and have done for many years brought in very little income, and I want to make it absolutely clear and to again try and stop this myth that has been built up by certain members that we are throwing people out of the harbours. That is not true. My department has gone to great lengths in consultation with those people, and the hon. member for North Douglas, Mr Henderson, said he was disappointed with what we are doing, there is a lack of consultation. You can talk and talk and talk for ever and get absolutely nothing done. I remember being on a committee in the old days of the LGB where we were looking at car parking. The committee consisted of about 30 people. They talked for five years and got nothing done. That is what happened, and what happened after that? They got rid of that committee when we set up the department system and within a short time we got car parks built. Because you can talk for ever. Somebody has to say, 'This is where we want to go: now let's get there and how do we achieve it?' And that is what this is about.

I do take exception to being accused that my department has had a lack of consultation in this area. I have met with my colleagues with those people from the new association, which only set up about 18 months ago, the Isle of Man Small Boat Owners Association. They were brand-new. They just came out of the blue because they had a purpose. I do not have a problem with that. If they

have an interest they should get together and they should come and talk to us. We laid out the plans. They are happy with the plans. We have got this facility coming forward. They are happy with the assurances we have given because, unlike what happened in another place, we have sat down and talked to them, we have said, 'We want to accommodate you, persons who've got an interest in having a small boat, who have your own hobby, you want to enjoy your boat in your area', and we have said, 'And you can still do that', and we are not saying, 'The only facility you've got is to go on this pontoon that is in a float berth', we are saying, 'If you want to go on it, that's what you'll pay and if you don't want to go on it, then stay at the side of the harbour or go up to the far end of the inner harbour', as they do now, where it graduates off near the Tesco end and they can leave their boats there and they can work on them there. We are not saying they cannot and they are all happy because they thought, because of the usual rumours that went round, 'You lot are just going to be chucked out of the harbours.'

My department has no policy of driving people, local people, out of the harbours of the Isle of Man, no policy whatsoever. My department has defended the rights of local people who have boats to actual have the use of the harbour they have always had a use for. My department has been criticised by other bodies and persons for doing that very thing and we have been proved right, that if we do not talk and try and accommodate those people who have an interest, and have had an interest for a long time, it creates a reaction that the public view is they do not want a development. My department has been very, very conscious of that and since I have been minister we have gone to great lengths to consult with those who have an interest in this area and in other areas and we will do it in Port St Mary and we have done it in Peel and we will do it wherever we do a development, as long as I am minister anyway, and that might not be long because we have only got until November.

But the thing is there is not a problem of us trying to accommodate people. There will be change. Of course there will be change because if you do not want change you do not invest. There will be a change, but there will be an improvement. The Isle of Man has needed a float berth for 20 years. For 20 years we have been left behind because we argued over not doing it. It has been a lower priority. We argued for years and we changed the law and that was changed in 1985 or 1986 I think it was and we are only now, in the year 2001, getting to the stage where a development is happening and for the first time I think it is, or maybe the second time, we are using the law to enable us to manage because that is the key word, to manage the inner harbour facility. So, again, we are not driving anybody out at all.

Now, Mrs Crowe raised the issue - and I will come back to the point as to whether there are any objections to what we are doing - of Douglas being a working harbour. Douglas is a working harbour but the Department of Transport, some time ago, 10 years ago I think it was, determined a policy that it would move out of the inner harbour the commercial businesses and put them in the outer harbours and move into the inner harbour the fishermen and the leisure craft, and that policy has been going on for some time. Now, we have the access problem of coming in to Douglas harbour and that is a management issue. We have already introduced new management provisions to ensure that there is safety at sea and we have introduced certain procedures to ensure, as far as possible, we make the access into Douglas harbour safe, and it will mean, on occasions when the *Ben my Chree* is coming in or the Seacat is coming in, that somebody in a yacht who wants to get in, or a boat, will have to wait, and that is no different than if you are driving a car down the road and you have to stop at a stop sign. You have to wait until that passage of traffic has gone by. So it is management and we are going to manage it. We accept we have changed and gone into a new ball game because we are changing the use of the harbour.

As far as the marina in Port St Mary is concerned, I support 100 per cent the marina in Port St Mary because the Port St Mary area is the only harbour that can provide the Isle of Man with a marina with 24-hour access, no problem at all, and since I have been in the department I have been pushing, cajoling to try and get the money put forward and to get the scheme put forward so

we can develop a marina in Port St Mary, I have to say a marina, in my opinion, we should have had 15 or 20 years ago, but there are reasons why it did not happen.

It is no use criticising people. There was a limitation on funds, there was a different attitude, there was not the law to allow it, so there are lots of reasons, but the opportunities are now coming and we are able to take them up and we have got money identified in the Pink Book for the year 2004 - 2005 for £6 million - to answer the question of the hon. member for Ramsey - for the government's contribution for the development of the main infrastructure of the marina in Port St Mary.

Now, we have already acknowledged that we could do it all ourselves and it would cost us possibly £10 million or thereabouts. We have said we are quite content to try and get a partnership for somebody else to provide the afloat berths and to manage them.

Now, again I want to make it clear, because I would hate to miss it out, I am also a supporter of the scheme, or the basis of a scheme, in Ramsey to provide afloat berths in Ramsey. I have no problem with that. I think to do that will enhance Ramsey absolutely fabulously. It is unfortunate, for all different reasons, that the whole thing is having difficulty in getting the scheme put together and we all know the reasons for that, but there is no lack of commitment from my department, there is no lack of will to be involved, but I have to say, whatever our involvement, whether it be Ramsey, Peel, Douglas, Castletown, Port St Mary, whatever we do is in the best interests and safeguards the interests of the persons who use the facility and the taxpayers, the people of the Isle of Man, who own those facilities. So there is no problem from me. I am quite happy.

Now, as far Mrs Cannell is concerned, the hon. member for Douglas East - and unfortunately she is not in the chamber at the moment - I would say we have got down for 68 craft now, which I said in my introduction. What you have to understand is in the area - and if you look at the order and attached to the back of the order you have got the plan which shows it - where we have got the herringbone which is actually what is already in place of the afloat berths. No boats used to sit in there, as far as I know, that is in the middle of the harbour, so therefore we have created 68 berths in an area where there were no berths at all. So that is the answer to the question on that one.

As far as those who wish to not use that facility, they can go along in certain areas of the harbour side. Again we will have to manage it properly, and again to answer the point that was made about, 'This is only 68', the hon. member for Council, Mr Delaney, rightly said, 'What about the rest of it?' We are happy at this stage to do this phase which is phase 1, see how it operates, but not too long because we want to see the rest of it happen along towards the top end of Douglas in by Tesco along The Tongue. We already have those proposals in outline, we have got planning permission for them and we want to see it happen, but again there is no point in putting them all in and then finding the demand is not there. You can develop it in phases because of the nature of the development and the demand will come and hopefully we will end up in the not-too-distant future with the whole of that inner harbour with the outline proposal that we now have in being.

Now, the hon. member Mrs Cannell raised about the issue of a gentleman who had bought a new craft for £22,000 and it cannot be accommodated in Douglas. Well, again it does not really help me much when it is raised just like this because quite honestly I have not got a clue what she is talking about and it would be much more beneficial, and I hope the hon. member will take it up with me afterwards and tell me who it is. I can make enquiries with the director of harbours and find out what the situation is, because maybe there is a specific problem with the size of the vessel, I do not know, so I cannot answer the hon. member and certainly I am happy for her to pass me the information and I will get the hon. member a proper response to that query.

Now, the hon. member for Onchan, Mr Cannell - I thank him for his acknowledgement of the improvements. I know that the hon. member, when we discussed part of the improvements in South Quay, expressed some concerns last time, and I take my hat off to him to say, 'Yes, I see the benefits are coming now, I can see what's happening', and I appreciate that.

The new facilities are not yet ready for occupation. Some of the electrical work has to be done because we are waiting for the MEA to put the service main in. We have done everything we can in terms of the contract. We have gone out to those people who are the boat owners in that area, in the Douglas area, and written to them and asked them are they interested, and said those who are we will look to give them the first choice and we will try and accommodate as many as we can on the first phase.

As far as the removal of old boats, broken-down boats and rubble and so on, we do regularly trawl, if I use the term, the harbours. We have the provision to service notice on the owners. If the owners cannot be identified and if they do not remove it, we can remove the boats, we can charge. The powers are quite draconian and therefore there is not a problem, and again, if there is a specific problem in the area he talked about, I am sure the hon. member for Council, Mr Kniveton, who oversees harbours will raise that with the director of harbours to find out what that specific problem is.

Again, I just re-emphasise: we are not throwing anyone out of the harbours, and I know he was responding basically to a point that was made and I acknowledge that.

Mr Karran was on about the cost of the berthing and squeezing the local guys out. Again, we are squeezing nobody out. We are providing a new facility and giving people an option.

As far as the costs are concerned, yes, the pontoon, afloat berths, will be more expensive because most of the people who are going to take those own boats that are worth anything from £15,000 to £30,000 to £50,000 and I have to say they can afford to pay the sort of costs we are talking about and we are looking to attract those people and provide a facility in the Isle of Man. There are many people in the Isle of Man who own vessels and they keep them off the Island because there is no afloat berth on the Island, and they will bring them to the Isle of Man once we have this facility in place, and anybody who has been to any of these areas, Fleetwood or anywhere like that where you have seen them, the whole ambience of the place is lifted and that is important. I believe that what we are doing here will act as a catalyst of investment in this area and you will see a major change going on.

As far as the charges are concerned the ordinary harbour dues still apply to those who do not use the afloat berths. Harbour dues are approved by Tynwald Court, harbour dues are relatively cheap in relative terms, they are not a major issue. It depends where you are coming from, but generally I think they are very good value for money.

The hon. member also raised the issue of covering part of the river in after putting the afloat berths there. Well, the problem is we did that because in redeveloping the South Quay highway and ensuring that we could provide access for the heavy traffic that presently goes up Douglas Head Road, to enable them to turn right so they do not have to continue to go through the residential area of Douglas down Lord Street, we determined we would put a roundabout at the bottom of the hill and to provide the size of roundabout we require to enable the articulated vehicles that go up Douglas Head to turn right, we ended up that our proposals showed that development having to go over that part of the South Quay river and we decided that there was a benefit in our costs that were going to be required there, that for a not much greater cost we could actually provide some additional car parking which is very much at a premium in Douglas and also car parking so that when this scheme is successful, people who have boats there or who are visiting friends to go on board and have a drink or whatever it may be will want to park in the area, so the whole thing will be there for the benefit of the area and of the town.

Again I have a sympathy for the comments of the hon. member for Onchan, Mr Karran, when he said about no vision in basis of moving industrial units from the South Quay. Well, all I can say to the hon. member is that when I was Minister for Local Government and the Environment, and the scheme we are seeing now was developed in those days by the department and Douglas 2000 in partnership, working up a scheme to say how could we improve what was a very, very run-down area, nobody wanted to redevelop. It is easy to forget what that part of Douglas was like: nobody

was investing at all, the Villiers Hotel was falling to pieces, nobody wanted to do anything. We brought tax incentives in: it got redeveloped. The whole of this lower part of Douglas will really be uplifted as time goes on and we have got to be part of that because government owns so much land central to the whole area. But, as Minister for Local Government and the Environment in those days, I proposed a relocation grant to relocate the industrial businesses out of South Quay, out of there to enable it, as we believed would happen, to be development which would be residential, and unfortunately at that stage the view was that should not happen.

Now, I also believe it is unfortunate we are losing the last Georgian houses on there because I believe, for what it is worth, they should have been registered and they should have been done up. That is my view because they were the last few of them that were left there, and I think that when we lost some of them - and, okay, they were pretty run-down - and we ended up with a garage there and a builder's yard there - isn't it sad? I think it is very sad, and I have seen houses around the Island which people said, 'You can't do anything with those', and we have done it, Charles Street and Queen's Street, Peel. The houses were falling to pieces. We spent money, we did them up. Private enterprise has done the same. So if you want to save it you can save it, and I think it is unfortunate they are being lost.

However, I predict that as this scheme comes to total fruition, within a period of 10 or 15 years, I believe all South Quay will be redeveloped and I think what you will see is private enterprise move in, the relocation of the industrial businesses, and you will see expensive apartments going there, and if you do not believe me, go down the River Thames and see what has happened down the River Thames. People live by mud banks in flats and apartments that cost a fortune and that is what will happen, I believe, in South Quay over the next 15, 20 years. I honestly believe that, because people will pay to do that. So that part of Douglas is going to change and we are all helping that development to happen, and it is all a balance of the redevelopment of Douglas, improving it. At the end of the day I believe that will happen.

Mr Downie mentioned the problems in relation to the bridge, and I would say that, yes, there are contractual problems with the contractor who provided the facility for the bridge. They are under a responsibility to government to undertake repairs and to rectify the fault, and all I can say is when you are dealing with electrical components and computerised components and so on, there are times when you have problems. But at the end of the day my department has got the clear responsibility onto the contractor to put it right, simple as that, nothing new, it happens in contracts, in fact I think there was a problem once with the meat plant. So I think the point is you have got to be realistic about these issues -

**Mr Downie:** Before my time, though.

**Mr Brown:** Well, it might be, but it just demonstrates the reality of the situation.

As far as the traffic versus boats is concerned, my department, again when we presented to Tynwald the scheme for building the bridge and the gate, in fact made it clear how that would operate, and there will be occasions because of the tides when the boats will have to have the facility to go out, but there is another route round which is of course on the other side of north Douglas, and it might be a slight inconvenience. Well, you know, it might have to be a slight inconvenience because we have mixed uses in this area and we have to facilitate them.

I answered Mr Delaney's question, I think, about more yachts being able to go in. That will be our future phases and the sooner we can do it, the better. If the demand is demonstrated certainly my view will be -

**Mr Delaney:** There is none at the moment.

**Mr Brown:** Not at the moment, but my view is as soon as we get the demand over this first phase and see if there is more demand as it develops, then, yes, we will be pursuing the next couple of phases as quickly as possible.

I have answered the hon. member Mr Singer, except to say that when we are in a position with the Port St Mary scheme, certainly my instructions to the department are that the scheme should be in schematic form and finalised by the end of this year, it then should go to public consultation to the local authority, to the Members of the House of Keys, and to the public with presentations in Port St Mary, as we did in Douglas, to get feedback, to find out what is going on and to see whether the majority of people are accepting it.

Again, Port St Mary, like Ramsey, it is a regeneration scheme to try and encourage development in an area that is lying there and can be developed, and certainly that is the view I have.

I thank Mr Shimmin for his comments, and he is quite right when he said you have got this opportunity really that arose because, not only were we building a bridge to improve the traffic, widen South Quay which will be the main route in to Douglas in this area, but in fact you have an opportunity because of Iris and because of everything to do what we are now doing, and he says you have taken the opportunity, there is vision and so on.

Just finally to say that the point that was made by Sir Miles Walker should not be forgotten. Eighteen years and up to a few years ago nobody but nobody wanted to invest in down-town Douglas, it was the last place anybody wanted to touch, and government, over the years in Tynwald Court, has done a lot to encourage investment by giving tax benefits, has promoted it through the planners and through my department, and we are now seeing this development going ahead. I believe we should be proud of what is going on there because it is important to see just how the development has been undertaken, and I just hope that members will take, and I think the majority are, a positive view on this because you have everything to lose by not improving the area because it will just stay run-down.

Now, as far as the last bit I would like to just cover, which is in relation to the concerns expressed by the hon. member Mr Henderson when he said about the Isle of Man Harbour Users Association, which is their new name, who are objecting to this, I would just make the point, and I will just read out: 'From our point of view the department has a duty under law to publish a notice in relation to what we are now proposing here in Tynwald Court, and the department published the public notice which appeared in the *Isle of Man Courier* on 1st March 2001 and in the *Isle of Man Examiner* on the 6th March 2001. Section 58A of the Act requires the draft order to be available for inspection by the public for 20 days after publication, during which time objections can be submitted to the department.'

Within that time we had an objection received from the Isle of Man Harbour Users Association. As was our format, the director of harbours then met with representatives of the association on the 6th March 2001 and following that meeting the secretary for the association wrote to the department on the 12th March expressing satisfaction with the proposed order and withdrawing the association's objection. So we can only go on what they tell us. They are quite happy, they say they are content. I suspect there might be an odd one or two might not be, but the association who we are dealing with is certainly content. Anybody could have objected to our proposals, but that is what we had.

We had initially an objection from the Isle of Man Angling Federation. Again the director of harbours met with them, explained the system and they have also now, I understand, withdrawn their objection.

On the 12th March 2001 the Douglas Bay Yacht Club wrote to the department in support of the order.

So as far as we are concerned as a department, and just to give members comfort as hon. members have got to vote for or against the order, all those who wished to have an opportunity to object to our proposals had that opportunity by law, those who did have been satisfied since that in fact what we are doing is not adverse to their members, and I would therefore, Mr President, thank

hon. members for their contribution and I hope that they will support the order before us because I do believe this is going to bring about, and continue to bring about, a major improvement in all of this area of Douglas. I beg to move.

**The President:** Now, hon. members, the motion I wish to put to you is on the order paper as the Harbours (Isle of Man) Act 1961 headed at 23(a) as I referred to before, and the motion is 'That the Douglas Harbour Facilities Order 2001 be approved.' Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, I think it is a convenient point at which we could adjourn and I suggest that we reconvene and start the Select Committee on Members of Government Department debate at 4.40 by the Court clock. Thank you, hon. members.

*The Court adjourned at 4.20 p.m.*

### **Select Committee on Members of Government Departments – Report – Debate Commenced**

**The President:** We reached item 24a, the Select Committee on Members of Government Departments. I call on the chairman of the committee, Dr Mann, to move.

**Dr Mann:** Thank you, Mr President. I beg to move:

*That the Report of the Select Committee on Members of Government Departments be received and its recommendations approved.*

First of all I would like to apologise to the committee for the length of time that it has taken in producing this report. I hate to say that it was last May when the resolution was passed which set up this committee and I think it is important, before we get into any possible debate, that we realise the actual restraint of the terms of reference, that a select committee of three members be appointed to consider the responsibilities of members of government departments, their appointment and dismissal, and if you think back to a year ago, the tensions within this Court were very high. We had a member of a department who had been removed from her position and in moving the original resolution I felt that there was a necessity for a calm consideration of the methods by which people are appointed to government departments and how they are removed, because it was quite obvious that the mode by which removal occurred in this particular case was far from satisfactory.

On going into the questions of appointment, dismissal and responsibility, I have to admit that we tended to create more questions rather than answering them and in making that comment I think it underlines the fact that we all accepted that appointments occurred, we all accepted the responsibilities that occurred within the departments that we were in. Nobody had really seriously thought of the methods by which those appointments could be terminated and so, as I say, we came upon more questions possibly than ready answers.

The fact is if we just looked at the responsibility of members of departments, there is a vast difference between the responsibilities of each individual member in each of the departments, an enormous variation, an enormous variation in time spent, in commitment and so on and, as was also drawn to our attention, there was a uniformity of pay irrespective of whether one was in one department or another, and of course there was the question also of those members who, for various reasons, had double membership and in particular I think not enough attention has been paid over the years to those responsibilities of members of more than one department. For instance, I think also we have to say in the particular position we are in in this administration because of the wish of this particular Chief Minister to involve everybody in government. It actually does make, to a certain extent, the responsibilities of individual members a little more difficult to set out.

One thing is quite clear, that most members of departments see their loyalty, at the time of the appointment, to the minister of that department and the minister of that department looks upon his

members as members who are going to work together. Certainly when I assumed the role of minister in the beginning of this administration the first thing I did was to get the members together and decide how we were going to work together and if we could not work together, then we had to part company and I think the relationship between the member and the minister is far easier to understand and far easier to understand in the present climate of the administration where everybody is involved in government.

The problem becomes much more blurred when the department in which the member is working becomes involved either in clashes or disagreements with other departments or, as the case in question, involves a difficulty between the work in the department and the view of the Council of Ministers, and I think we have to accept that it would be totally unreasonable for a member of a department in this climate that we are in at this moment to have to feel that he or she has to go along with everything that the Council of Ministers wishes or does not wish to do and it is when the responsibilities or opinions spill over from the department into the more general policies of the Council of Ministers that the troubles really arise.

Now, most of us probably never experience that position at all but the fact remains that there is no formal way presently set out to really answer that problem. I think it is very important, in view of what has happened in the particular case that we had to consider, that a procedure is laid down, is kept to, is understood by the member, is understood by the minister and is understood by the Council of Ministers.

If we stray - and it is no good avoiding it because there was an issue at stake when this committee was formed - into the specific case, if I direct your attention to one area of this report and that is the oral hearings that occurred, it must be quite obvious to everybody that somehow, whatever, there should have been a procedure, but the communication broke down, the procedures really were found wanting.

From the evidence presented, both orally and written, it was quite obvious that within the departmental responsibility the member had not failed. The minister gave no written or oral reason for that member to assume that she had failed in any way and yet a dismissal occurred in which there was no face to face meeting between the member and the Council of Ministers or the Chief Minister.

So really our responsibilities are limited. First of all we looked at the appointment and the appointment was assumed to be, I think for most individual members, that of the Chief Minister. The Chief Minister interviewed at great length and spent an enormous amount of time to accommodate everybody. I remember very clearly the very long process that the Chief Minister was involved in and he must be admired for what he did because ultimately we did have everybody involved in government, as he wished.

**Mr Brown:** Like we had before.

**Dr Mann:** Yes, I would agree.

**Mr Brown:** But it's making the point, yes.

**Dr Mann:** But of course legally it is not the appointment by the Chief Minister, legally it is the appointment by the Governor in Council, and I think the statutory legal position should be clarified and I think that recommendation, although it sounds to be something that should be a matter of fact, should be clarified and made more understandable.

The other thing is that, once appointed, there is such wide variation between the responsibilities of individual members within departments, as I have previously stated, that it is, I think, necessary to have a clear-cut written statement of the responsibilities of an individual member within the department, how those responsibilities are set out and the length of time and possibly the mode by which they can be reviewed and a mode by which they could be terminated, certainly the procedures for termination and the method by which the Council of Ministers should

ultimately have the power of removal because the power of removal once again lies with the Governor in Council but in fact is decided by the Council of Ministers, so I think that part needs to be clarified.

Certainly there should be, I think, a necessary review, as I said, of the way in which responsibilities are allocated within departments and this procedure by which the Council of Ministers reach a conclusion that an individual member of a department should be removed most certainly should be set out quite clearly and agreed and each individual member should be aware of this at the time of their appointment.

It is not possible, I think, for this committee to consider some of the issues that I know do concern members. Certainly the present position on payment is one that several members have expressed an opinion on. Certainly there could be further consideration of the involvement of Tynwald, for instance, in appointment or dismissal and that is something that we have not entered into because we were looking at the situation a year ago, at the situation as it existed then, not a situation that could possibly exist in the future.

One conclusion I am sure is very important and that is that this matter does need a review, it does need a report to Tynwald on the part of the Council of Ministers and it is very necessary that we have a view, an authoritative view, on the future before we reassemble after the general election because there are definite areas that need clarification and they need clarification before we assemble a new administration after November. I beg to move acceptance of this report.

**The President:** Hon. member for Council, Mr Lowey.

**Mr Lowey:** Mr President, I beg leave to second the resolution and reserve my remarks.

**The President:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Thank you, Mr President. I would like to move that under the provisions of standing order 3.12 the various propositions be debated as one but voted on separately and I understand there are five specific propositions.

**The President:** Sorry, hon. member for Ayre. I seem to be conducting two conversations at the one time and if you were addressing me, sir, I have failed to gather what you were telling me.

**Mr Quine:** Thank you, sir. I was simply rising to move:

*That under standing order 3.12 the propositions be debated as one but voted upon separately.*

Within the recommendations there are in fact five sub-headings there which I would suggest do represent the various propositions.

**Mr Singer:** I would like to second that.

**The President:** And the wish is that they should be voted on as one.

**Mr Quine:** Thank you, sir.

**The President:** Hon. members, that is proposed and seconded. Chief Minister.

**Mr Delaney:** No, Mr President.

**Mr Singer:** Voted on separately.

**Mr Delaney:** A point of order.

**The President:** Hold on. At the moment I simply have a proposition that the five be voted on as one -

**Mr Delaney:** No, Mr President, that is what my point of order is.

**Mr Quine:** Debated as one, voted on separately, sir.

**The President:** The other way round? Right, okay. Chief Minister.

**Mr Gelling:** Yes, I think, Mr President, that is where I have a little difficulty, is in fact the motion that is on the paper that we are being asked to agree with is 'That the Report of the Select Committee on Members of Government Departments be received and its recommendations approved', but then I wish to circulate an amendment to that order paper, but I need to explain the purpose of that amendment because in my thinking it is important, that amendment, and I would find it difficult to support the recommendation because you then have to turn to the actual report to see what the recommendation is at the back. Is it all right to continue, Mr President?

**The President:** Yes, sir.

**Mr Lowey:** A point of order, Mr President, sorry. Do we not need to decide on the motion put by Mr Quine?

**The President:** Chief Minister, if I may, at the present time I have a motion by Mr Quine inviting that in fact they should be voted upon separately. That is what Mr Quine moved and it has been seconded Mr Singer. The Chief Minister is making the point that he wishes to amend the motion which is on the order paper and that may very well have a bearing on how you will decide, or even how I will decide, whether it will be split or not. Chief Minister to continue.

**Mr Gelling:** Yes, Mr President, there is a range of recommendations in the report, some of which, in my view, require actual further work, as the chairman in his proposition said in lots of ways it created more questions by the time they had taken the oral evidence.

Now, if you look first of all, there is a recommendation in paragraph 13.1 which does not give a clear steer on the future, in fact it gives two options. Now, I can see some merit in both of those but we need to assess both and arrive at a conclusion as to which way perhaps is the way forward.

Now, then there is, in paragraph 13.2, a recommendation that we include statutorily a mechanism for dealing in a more formal way with the removal of members from departments, and there are difficulties with this recommendation. For example, at a time of general reshuffle a great many changes can be made in a very short time in the membership of departments and it would be, I would suggest, impractical to have statutory procedures of consultation to comply with as part of that process (**A Member:** Hear, hear.) and also I am not aware of any similar statutory requirement elsewhere other than 13.2.

Then in paragraph 13.3 and 13.4 there are recommendations relating to the delegations given to members of departments. Now, this is not in fact a new issue. The need for guidelines to define the working relationship between ministers and department members was suggested by the committee of public accounts in their report on the Noble's Park bowling complex project and guidelines and standard form delegations were actually produced in May of 1995 and they have been applied.

Now, interestingly, the select committee has not referred to that work, so I am not sure whether they were aware of it or have they in fact taken account of it.

Then in paragraphs 13.5 to 13.7 we have a set of recommendations which are concerned broadly with formalising to a degree which goes beyond what we are currently doing as to the relationship between ministers and departmental members. There are some difficulties with some of those recommendations, there are other which require some further thought, I would suggest, so potentially we are talking about a degree of formality and bureaucracy which approaches a contract of employment and we need to look carefully at that and it is not the practice followed elsewhere and whether that, in the sort of relationship that would be appropriate between a minister and a member, is something again we need to give very, very careful consideration to.

Now, the final recommendation - this is the one I referred to - is in 13.8 and that is that a number of the recommendations, a number of them, be the subject of report by the Council of Ministers in October. Now, the purpose of this amendment that I have tabled is that all the

recommendations should be referred to the Council of Ministers for report rather than just the ones that have been identified. Now, I would suggest again that this seems to be the most sensible way to approach the issue, to present a response to the whole package of the report and that is the purpose of the amendment. So therefore if you look on page 13 you will find that it says, 'Consequently we recommend that the Council of Ministers report no later than the October 2001 sitting with a considered response to our recommendations at paragraphs 7.2, 7.3, 9.1 and 9.3' and what the amendment does is basically put a full stop at the end of 'response to our recommendations', so we would come back with a response to all of the recommendations rather than those at the end. So that is why the amendment might appear to be a little unwieldy, but it is to amend the motion that is on our order paper so that it makes sense with the report. So I would so move that the amendment be supported to enable us to come back in October with some thinking and some future thought perhaps on the way this could all fit together. I beg to move:

*That the following be added after the word "approved" -*

*"except the words "at paragraphs 7.2, 7.3 and 9.1 – 9.3 (para 12)" be omitted from the recommendation in paragraph 13.8".*

**The President:** Hon. member for Onchan.

**Mr Corkill:** I beg to second, Mr President.

**The President:** Hon. member, the position is still the same. We have had the motion moved and seconded. I have a suggestion made by the hon. member for Ayre that we should divide it, subdivide it, and we now have an amendment moved by the Chief Minister.

Hon. members, it is the ruling at the present time that the motion on the order paper is but one proposition. I can understand very easily, if it is divided in the motion, that it is very simple to take it in two, three or any number of subsequent parts.

As the amendment has been proposed and seconded, I propose to take the debate, as it were, on the amendment and if the amendment carries it will definitely not be subdivided. Are we happy, hon. members? I am content, I know where I am going, but if the amendment were to carry it would not be subdivided, it would be voted as a whole, and at the present time I am not persuaded to subdivide it. Member for Ayre.

**Mr Quine:** I have a distinct feeling, sir, that I am not alone in failing to have comprehended what the Chief Minister is seeking to achieve and unless there is, from that quarter or from another, a clearer explanation than what has been tendered, I am afraid I, and I suspect others, would have to vote against it from the point of view of taking the safest course of action. I think it needs a great deal more explanation than what has been offered to us, sir.

**The President:** Now, I have an amendment and I have a suggestion put forward. What I would like to do, hon. members, is vote on the amendment. That makes it quite straightforward and plain as far as I am concerned and I do not want to overrule anybody who feels they wish to take part in the debate.

**Mr Delaney:** A point of order, Mr President. The amendment as normal will be taken at the end of the debate -

**The President:** Absolutely.

**Mr Delaney:** Fine, as long as that is understood.

**The President:** Absolutely, the floor is yours. Well, in that case hon. members -

**Mrs Crowe:** Mr President, am I to understand that if we vote on the amendment now, there will be no debate to the motion?

**Mr Delaney:** That is right, that is what I have just asked.

**A Member:** Nobody was getting up.

**The President:** Absolutely.

**Mrs Hannan** A point of order.

**The President:** Hon. member for Rushen has the floor.

**Mrs Crowe:** I think that that might be a shame, Mr President.

**The President:** Hon. members, I have been waiting for members to contribute. (**Mr Cretney:** Hear, hear.) You have the floor, hon. member for Rushen, Mrs Crowe.

**Mrs Crowe:** Thank you, Mr President. I do not relish taking part in this debate, actually, I find it demeaning and distasteful. However, I do think there needs to be some clarity and there need to be some inaccuracies that have to be cleared up.

At the Tynwald Court at the May sitting it was resolved that a Select Committee be appointed to consider the responsibilities of members of government departments, their appointment and their dismissal and that, I think, we all supported, just that, especially those of us who had onerous department responsibilities and the chairman of the select committee has already referred to that. He has said that there are vast inequalities and indeed there are. There are wide variances of the workload of members.

We often hear the hon. member for Onchan, Mr Karran, criticising the hon. members for whatever, who have responsibilities in agriculture, whose responsibilities are obviously not as onerous as his.

We have seen a recent report where a former Minister for Education queries whether there should be any political members of the Department of Education because that particular department is formed in an entirely different way, with 15 elected members, who represent various parts of our Island, who do the great deal of the committee work, I believe, in education. I do not know, but these were the questions I thought were going to be answered by this report.

I certainly feel there are members of the DHSS who would be delighted to have all the chairmanships that they hold that no-one knows about, of the various committees, dental committee, health committee, social services, all ancillary committees that they actually have to chair themselves, and I did some of that work, of course, when I was a member there.

But I think it would have been appropriate for this select committee to have examined the responsibilities of members within departments, to have looked at the various responsibilities of members, and to have reported on those responsibilities, and what of the members with two departments? We heard a mention of that too, and what of the department members at one time who had three departments, I might add? However, that was only for a short time.

Now, if we have members of this Court with very little, or if any, genuine responsibilities within departments, should they be receiving the same remuneration as those who are fully committed to working within government, people who have one, two, whatever number of responsibilities? Those were huge inequalities and this committee had ample time and it was an ideal opportunity to address that.

One could ask oneself has the desire for consensus government placed members in little nooks and crannies where really there is very little work at all? And there should have been some evaluation of that, and I actually agree with the hon. member for East Douglas, Mrs Cannell, when she says in her submission, 'I do not believe that all members of parliament should be employed in executive government.' It is not a democratic situation for the Isle of Man, and in reality' - and I am continuing to quote - 'we all know there are members of this Court contributing very little to departments and receiving the same amount of remuneration as others', and I would totally agree with her. However, I do disagree with the sentence that follows: 'The minister should not rely on one, two, three or sometimes four' - now that can only be a reference to education, I think, at that

time - 'members doing the donkey-work for the minister.' Now, I quite clearly saw my role in the Department of Trade and Industry quite differently from the hon. member for East Douglas. I did believe that that was my role. I mean, I used to send notes to my minister that were signed 'serf'. I did believe that we were there to help him with the bulk of what could be considered donkey-work, if by donkey-work you mean the mundane work of a government department. Okay, the minister may take the glory and some ministers share out the glory a little bit more than others, but that is beside the point. I thought it was my role to assist the member for doing the donkey-work.

Now, I just want to pick up on one little point because I know the hon. member for Council, Dr Mann, has said we must take notice of what is said in the report, and I refer to page 11 of the oral submission. Now, this is rather long. It is Mrs Cannell who starts speaking, actually, on page 8 but I am actually picking up on page 11 and it says, 'But just to finish my little bit, I do not believe that all members of parliament should be employed in executive government. I do not believe that that is a democratic situation for the Isle of Man. I believe that ministers who are charged with a responsibility of leading a department are paid to execute that responsibility. A minister should execute the responsibilities of a department and that minister should not rely on one, two, three or four members doing the donkey-work. I think the buck stops with the minister. Now, we all know that, we all know that the minister is the department. The minister is at the sharp end and the minister should be running the department. Having said that, if a member in parliament has particular expertise before her entry into politics or political life and wants to share that with a department, I do not see any reason why they should be prevented from doing so, but I do not believe that they should be remunerated by way of so much additional salary for doing that. Expenses perhaps, yes, if expenses are incurred. Of course I have a different perspective on things now, being the only person out of government and looking in. I suppose my rose-tinted glasses are no longer worn and I see things as they really are. I believe if we are going to have an effective government in future and an effective parliament in the future, on the one hand you have the executive that runs the government departments and on the other hand you have the parliament which tests, probes and calls to account that executive government. If you were all members of parliament engaged within executive government, in my view we do not have enjoy the checks and balances and scrutiny that should be afforded in a national parliament', and I am sure there are many that agree with that statement, but this is the pointed I wanted to just make sure that everyone fully understood because on a number of occasions within this report there is mention of a veto in the Department of Trade and Industry and I feel that it is important to clarify that veto. I am trying not to read all this, but I am sorry: 'The minister is paid additional because he has the responsibility. He then passes that responsibility on to other members who do the research and do all the legwork and organise the monthly meetings or whatever is involved in respect of that and then report back to the minister. The minister then has to accept that report or not, as in the case, and I believe that the section to which Mr Chairman referred, he was referring to the veto in the Department of Trade and Industry as there is a provision for the minister to veto. I believe it is where the veto comes in with the Department of Trade and Industry, if the minister can have a member to do all the lackey work, as I see it, and then say, "Well, thank you very much, I'll now take that because I'm perfectly licensed to do so as a minister, I will run with it." You have the situation where the master has a team of, I will not use the word slaves, minions perhaps, who do all the work for him. I believe' - and again this is Mrs Cannell that is making these comments - 'that the minister should be the person doing the work.'

Now, I refer to that mainly because of the mention of veto. The veto in the Department of Trade Industry is a veto in favour of the members of the department and the veto applies when the minister makes a decision on a financial grant. We, as members of that department, then have 14, maybe 21 days, to veto that decision if we feel for some particular reason there is something amiss or some interest or even some query that we wish to address, but we can have the veto on his decision, not the other way around. I just wanted to make that quite clear.

**Mr Cannell:** You're very lucky.

**Mrs Crowe:** This is purely a decision made as a group.

But I do feel we need some guidance from the committee as to our work in departments and our relationship with the minister, and that really was not made quite clear here. I would not like to think I was a slave, I just genuinely feel that that is my role in the department: doing the work that I have been delegated to do.

We come then to the appointment of members of departments which seemed from the report to be a little bit of a hit and miss affair, and there is references to bones being thrown in the middle of the table, but in reality, as the chairman of the committee has said, I thought the Chief Minister went to extraordinary lengths to accommodate everyone in departments. But, whatever, we were appointed to departments. Most of us, I think, were appointed to two departments, so I find my minister's statement in oral evidence an unusually undiplomatic slip for him when he says members were foisted on him. I wonder who. Anyway, perhaps we can take it up with him when he comes back.

Now, I believe Mrs Cannell, as I did myself, requested to join the DTI. I felt that perhaps that was the only government department that I could contribute to. I had been in business all my life and I knew nothing of politics and most of you would most probably say I know very little now, but still I thought that I could contribute to the DTI, which was why I put that down on my little list.

So I am not sure how the selection of members of departments takes place and I did think myself that perhaps the inclusivity of everyone, all members, did cause problems for Council and maybe the opportunity for a reshuffle should have actually been taken earlier on, and this could have avoided the trouble that was quite clearly brewing.

Now, we come onto dismissal and the report recommends that the minister and the Council should dismiss. Now, surely this is what happens now. I do not know, I have not been in this situation, but if a minister is unhappy with a member, surely he can then call you into his office and have a word with you, for want of a better word, (**A Member:** Hear, hear.) and then presumably, if you have any sense, you will resign. Now, I do not know. We did have a resignation, we had a resignation at Home Affairs. Now, is this how that happened? I do not know, I have not a clue, but we should know what the system is if we want to resign, because according to this report, as I read it, if we want to resign we have to presumably write to the Council of Ministers. That is what it reads like to me. I think it is important because quite often, increasingly so, and I think it might be quite nice to resign, but I would like to know how to do it.

However, drifting away from generalities, as this committee did most of the time, and in fact basically the report centres around one event and on page 3 of the report it states, 'It was not, in our opinion, appropriate to undertake a complete exploration of the circumstances leading to the removal of Mrs Cannell from her office as a member of the Department of Trade and Industry.' Why not? In reality the event has been considered from a very narrow perspective and in fact I do not think any of the facts have been checked. Why were those closely involved not asked to give evidence - the officers, the Employers Federation, perhaps myself? I do not know, but it was considered, you have said yourself, that you did not feel it appropriate and yet the whole report is based on one event, and so I do think that there should have been an onus on the committee to look into actually what took place. I was a bystander, I watched as the scenario unfolded within the department, and it was as plain to me as night follows day that the inevitable would happen.

I do not want to go through the evidence that has been submitted or even look at the inaccuracies, but what has not been mentioned in this sorry affair is that this affair involved the dedicated officers of the department. They must have felt most uncomfortable witnessing events that in my opinion should have taken place behind closed doors in the minister's office, and I refer to the letter written to the committee, and on page 4 and 5 of that letter - this is the letter from Mrs Cannell - and it is a fully explanatory letter and I could not argue with that, but if we look at that letter, you can see from pages 4 to 5 the events unfolding. The member was clearly very unhappy with what was going on at that time, and that is her right, what was perceived to be a hardening of the

minister's attitude, a change of directive at the February board meeting. In fact the minister, who we know is not seeking re-election, I think should consider forming the Island's own diplomatic corps because certainly the degree of tolerance that he showed would not have been forthcoming from me. I as a member would have handled the situation differently. I would have approached my minister, and I have at times been cross with my minister, and it would be unusual in a working relationship if you agreed all the time with everything that was done, but I certainly would not have done it in front of officers. I would have expressed my fury behind closed doors, and I mention the officers and again I quote: 'I requested that my officer remain.' 'My officer'? What for? Why was this officer asked to remain? Was this as a witness? I was most concerned at the time, most concerned.

Clearly more guidelines on the relationship of members of government departments and the civil service are appropriate and I would recommend that the yellow book that my chief officer gave me the first day as Chairman of the Office of Fair Trading, with a pot of tea, and read from back to front, I do recommend that that is extended to cover members of government departments and their relationship with officers therein.

I am sure it has not escaped the notice of the members that I was also asked to leave the board meeting. Now, this is apparently because at that time I was also a member of the DHSS - that was the Office of Fair Trading, DTI and DHSS - but I was actually pleased to go to the DHSS. It was not a huge area of responsibility, or I did not think it was at the time, it was the social security division, and I felt that it did give me some experience and it was perhaps an extra day's work per week in government meetings, apart from the dreaded chairmanship of those committees. However, I mentioned the board meeting. A request was made to the minister that I should leave. So the scene is set, the minister of the department openly criticised in front of the officers, the other political member of the department asked to leave, and why? What was going to be said about the new hospital? Now, this is in a department whose remit it is to encourage construction, so what could possibly have been said in front of myself? I am at a loss.

Mr President, I watched this sorry affair unfold, and I would disagree with the report when it says, 'We would say that if various procedures which we recommend in this report had been in place at the time, the train of events which led to the removal from office of Mrs Cannell might have developed in a different way.'

**Mr Brown:** A load of rubbish.

**Mrs Crowe:** Mr Chairman, I think not. (**Mr Brown:** Hear, hear.) There are unanswered questions and I am certain that they will remain unanswered. I knew nothing of this. I freely admit I knew little of politics before I arrived in this place. But all members of Council were present, I believe, all the members of Council that sit, were present when, prior to the election, the hon. member for East Douglas apparently gave a presentation at the bar of the Court, or the bar of the House, whichever, I am unsure, a wonderful presentation, I believe, against the new hospital, against its progression of the new hospital. So how did that same Council sit and decide that the appropriate place for that particular member was the Department of Trade and Industry. And further to that, a question that may never be answered: how when we got to that department - and there were actually two delegations for each of us, construction and retail or the manpower division, which, as everyone knows, the donkey-work, was employment training legislation, so it did not matter to me what I did, I had no preference at all - was the particular member who had such a problem with the hospital delegated the responsibilities of construction? It was an explosive combination that was just waiting to ignite.

But once again, very little mention of the selection of members and the appropriate selection of members to departments. I do hope after this serious debacle that nearly brought the new hospital to a grinding halt and could have cost the taxpayers of this Island millions of pounds, apart from denying their right to a first-class health facility, I would urge that Council the next time - maybe

I will not be here - that Council sits, the selection of members to departments should be thoroughly considered.

I would just like to finish by touching on another area in the report that has not been considered. There are many and I do understand that it would have been onerous to go through all of this, but I think, as it was going to be so important and it was a factual document, we should have really had more information. But one of the areas that was not touched on, there was an excellent letter from the hon. member for North Douglas, Mr Henderson, and we had a number of issues there that could have been addressed - members being interviewed by the minister and given reasons for dismissal. It read a bit like a TUC document, but maybe it should have been looked at.

**Mr Henderson:** Correct standards.

**Mrs Crowe:** Absolutely. There we are, correct standards. We will all join the union. And what we also included was a letter from Mr Cannell, as I remember, the hon. member for Onchan, and was that addressed in any way, the subject of that report? I do not think so. What is wrong with having the opposing view? I admire the member for East Douglas, Mrs Cannell. (**A Member:** Hear, hear.) She stuck to her alternative policy within and without the department and we saw examples of that week on, month on, attacks on the minister, attacks on the department, attacks on the new hospital, and, as I say, I must comment, from the press report that went out. This is whilst the member was in the department and with responsibility for construction: 'The APG is planning a lengthy submission to the affair on Tynwald's financial watchdog, the Public Accounts Committee, which has launched an investigation. Mrs Cannell has responsibility for construction in the DTI and regularly meets the Employers Federation. The federation helps to administer the government list of approved contractors created in 1994 by the Council of Ministers. Because of my working relationship', says Mrs Cannell, 'with the construction industry and the department, I have been put under extreme political pressure to remain quiet with regard to what is going on.' What was going on? As I say, that was at the time of the membership of the department, but if that is the way and we are to work in consensus government, so be it, but as I say, it is the democratic right of anyone to have opposing views, it is our democratic right, but I find that difficult. I find it difficult to see an open and hostile attack on government policy in this court, and then going back to a department to progress the opposing policy, the government line, if you like. I find that quite difficult.

I can only hope that this sorry but potentially disastrous affair will lead to a greater understanding of roles and responsibilities to government and to its policies that being a member of a department brings, and this is recognised in the report.

Mr President, I do not wish to remind you of your recent defeat in a Guild class, but I find a degree of difficulty in accepting the concept of accepting payment as a member of a government department to progress government policy whilst holding an alternative policy. It just reminds me of 30 pieces of silver.

**The Speaker:** Hon. member for Onchan, Mr Cannell.

**Mr Cannell:** Yes, Mr President, in my short political career on this side of the bench I have found this situation quite the most peculiar. It is undoubtedly allied to pre-election nerves. It is also allied to the progression of a Bill in another place on which I spoke about what I perceived as some difficulty with the presentation of the notions which were contained within that measure because I decided that there was a motive which was not being fully explained to members. I took that decision to speak on that at the time. The way that measure progressed, of course, it was spread over at least three sittings of the House of Keys and it was left to my hon. colleague from the DHSS, Mr Rimington, to take it a stage further. But this afternoon we have had his colleague from Rushen, Mrs Crowe, in whom I have every confidence that she is sincere because she thinks it out as to her own point of view, and that is where I wish to pick up too, because, and quite surprisingly to some, I have attempted - not always successfully - to try to avoid being involved in any cliques. When I came in I was described as pro-Establishment, after six months I was a described as anti-

Establishment and I hope subsequently I have managed to find some kind of middle ground where in fact I thought I had operated all along, but the hon. member for Rushen, speaking in the House of Keys to the Council of Ministers Bill, and the hon. member for Rushen, Mrs Crowe, speaking this afternoon to this motion, both in my view have epitomised what is happening.

Now, those who have been here a long time will have heard it all before. They will have heard junior members such as Mrs Crowe and myself, probably in a cry for assistance maybe, speak in the fashion which she has done and which I am going to, and they may say, 'If you don't care for it, don't do it', but that is not the point. The point is that we have, or I like to think I do, and I am sure most others do, a responsibility to the goodwill of the Isle of Man, to the wellbeing of the Island.

Now, some of the things I have done in the past might not have been said to have been to the wellbeing of the Island, but I hope it was before I crossed that hon. bar, not the bar which we all have to cross, referred to in other songs regarding the Isle of Man, which I always actually thought was that bar but has been subsequently explained to me was the ultimate in bar, known affectionately as 'the departure lounge'.

But there is no doubt that there has been a concerted attempt to bring down the Establishment via the House of Keys and via Tynwald Court. Only one examination of the question papers which have been to both chambers would exemplify that. It has been orchestrated, it has been well orchestrated, and I do not flinch from saying for those who mounted an opposition, if it was a party government they would have overturned the government no problem whatever, because the nerves which I have been jangling in here at that with individual responsibilities have been nothing as they would have been had we had two parties in complete opposition.

But the one thing I have found - and if you think I am going to a too personal thing here say, 'We don't want to know your personal views as regards your own situation', I am trying to be general - is that I deplore the attempts by departments to further schemes and by their individual ministers to be totally publicly and personally discredited. It does this Court no good, it does the Isle of Man no good internationally and when we head out to the climes, and some members even now are representing the Isle of Man, what do they get? Derision. A member is in a foreign land. Fine, nice, probably the sun is out, it was out here at the weekend, but that member, apart from the normal knockabout fun we have about hobnobbing with the film stars, is doing a good job for this Island. (**Mrs Crowe:** Hear, hear.) The hon. member Sir Miles has just returned from again a trip which most would say, 'Oh, another jolly.' Absolute bunkum. The gentlemen concerned represent this Island.

**Mrs Crowe:** And well.

**Mr Cannell:** When they go from this Island or anybody else does, they are ambassadors and on their shoulders rests the reputation of this Island, with their officers backing them, and it is very, very bad indeed that they actually end up being more or less publicly criticised for doing that.

When you come in from South Africa, when you come in on the boat on a normal Thursday afternoon you feel like putting your feet up, but the gentlemen concerned came presumably straight in to this Court today and the hon. member who is in Cannes or Nice or wherever he happens to be will be doing that job. As I have said before, it is red eye out, it is work all day and every time you are under that microscope and if you slip up there are plenty of critics waiting to jump upon you.

Now, when we have memberships of government departments it is entirely different because you have to be under the minister's control, someone has got to be running it, and as the hon. member said, it would be a poor do, as it is in marriage, where you had total agreement all the time, in fact it would not be a Utopia, it would be awful because there would be no stimulation whatever -

**Mrs Crowe:** Absolutely.

**Mr Brown:** Hear, hear.

**Mr Cannell:** - in the situation, and what I do like about this is that we actually enjoy 75 per cent of the time good stimulative, knockabout debate in here, but I can say, and I have been here a lot less both on the press benches and personally than some people have had in total, I can see that there has been a degeneration of the standard of debate, not just the contributions, but the fashion in which they are done and I, Mr President, deplore it. It is not necessary, under the ministerial system where you have a certain number of government departments and the entire Court answerable to those departments, to spend - and I do not exclude myself because I have been drawn into it, I am afraid, and I am ashamed of it - more time trying to crucify the efforts of others than trying to get their support for your endeavours.

Now, perhaps I am shooting for the moon as Dougie Fargher would have said, perhaps it is unobtainable to do it, but it is about time that we grew up in here. I say 'we' because, as I say, I am not saying it is everybody but me. It is about time we all grew up and recognised that everybody is working to capacity, that everybody does have these responsibilities as set out in here, and unfortunately I find that the report does not address many of the issues, but all we have got here is bring down the other departments and then expect everybody else to vote for yours when it comes to your turn. It is no wonder it hits trouble.

This fighting between the personalities which did not exist is not because of the ministerial system but it has developed at the same time and I suppose there is a degree of jealousy. But the Council of Ministers, if we are going to speak frankly, sometimes deserve the stick they get. They are aloof, they think they are a cut above the rest and they think that they will win the day every time and, it has got to be said, most times they do, but they do it because the Council of Ministers take with them usually the people who are the floating people such as myself, of whom there are probably four or five, because the others will not because they are in an opposition party, but how does our Council of Ministers and our Chief Minister reward them? They place them as infiltrators right in the centre of the departments and you go along and you get an explanation of how you are going to further the cause of some project and unless you are Emil Zatopek you cannot get to the members' room from your department quick enough before the members in that department who are committed to overthrowing the government in opposition are on the phone tittle-tattling saying how well they have done and actually revealing all the alleged state secrets of that department. How can you work like that? (**A Member:** Hear, hear.) And it is working now, this very moment. We have got people coming back, not a fortnight ago - if you want me to tell you, I will tell you who it was, I prefer not to, perhaps I should not - where I went to a departmental meeting and entertained someone who was causing us a lot of difficulty, a divisional meeting, and this person, who actually occupied the job at a previous time, the same slot in the same division, sought to destroy it and then went back and told all his mates about what a wonderful hatchet job he had done on us all. Well, that and when you get a bit further and when you are getting information to which you are not legally entitled make me weep because that is not the way I perceive this job as requiring to be done.

Running to a coven who then sit down and set out a series of questions, not to try to get information, but to try to make a minister or a member of a division or a humble department member look stupid - that is all they are after doing, and it does not only apply to members who are committed to the alliance or the Alternative Policy Group, APG, it also applies to the Council of Ministers to a certain degree because if they perceive something coming at them that they do not like, they also round upon that person to try to make sure, not that they are rubbished individually, but that their policies are knocked out, and that is not the role of the government either. The role is to entertain those aspirations and see.

Now, I am told by those who speak to me from the Council of Ministers, without breaking any undertakings, any confidentiality, that it is not all harmony on a Thursday morning and I do not think you need to be a genius to work that out. We have seen one minister this very day speaking against another minister on this floor, in fact we have been at it so long I think it was this afternoon -

**Mrs Hannan:** It was.

**Mr Cannell:** - before tea break, so that does not sound like harmony, but I do not knock that because that is what it is for. That was good, that was democratic rights of other members, West Douglas versus Castletown, whatever you care to make it. That was good debate where good points were made and neither of the gentlemen had to adhere to a party line.

**Mr Cretney:** They're not gentlemen.

**Mr Cannell:** Well, if the cap fits. . . (*Laughter*) But when you go along, as I did, and I hear my personal integrity being taken into question I do begin to wonder, as probably you all do, why I am here.

Last week I went along to a certain gathering and I was talking quite socially and the chief executive of a department told me that my stance on the TT races, which is something probably which I have some credibility in in regard to my knowledge of it or perhaps just my longevity in its involvement, and told me that I had taken my stance in saying if I had been the Chief Minister I would have called off the races weeks before, which in fact is all I did. I never did as the newspapers said, 'constantly demanded that they be cancelled', I never said anything of the kind. All I said when asked by the radio and the newspapers 'What would you do?' months, weeks before, I said, 'Well, as it stand at the moment I would call it off', and the Chief Minister said the same in the Keys the following week and ultimately we do not need to go into what happened. But this person, the chief executive of a government department, said my entire stance on the TT races had been taken to bash his minister. Now, I ask you. If that is what it has sunk to we need more than a report here, we need to go out and all bang our heads together because something is missing in this government. It is a war that is taking place and it is not to the advantage of the ordinary taxpayer of the Isle of man nor indeed the people who will shortly be re-electing the lower House.

It is a shame. I think someone needs to get a grip of it and get a grip of it fast. Perhaps it is the wrong time. With six months to go to an election it is probably the absolute worst time because it will be every man for himself, from what I believe, shortly and we might see some of the very great holy alliances which we have in here, they may well even be fragmenting amongst themselves. That is what I am told is likely to happen. Perhaps I am listening to the wrong people, but we will see.

But there is no doubt about it whatever, the hon. member for Rushen, Mrs Crowe, has hit the thing right on the head. I do not think it is a bad report, but when you see the length of the report, which stops at page 15 and then 973 pages of appendices, none of which was taken very much notice of, you do wonder about the value of it.

Now, being on select committees myself and one of the most difficult ones I know how difficult it is to actually readdress something that has been done before, local government reform being the prime example, so I do not fall into my own trap of rubbishing the members of the committee who are very well versed in forming opinions, but I suggest, with respect to them, that they have brought forward a lulu here. It is one that has been made to fit the timescale because, as they say in circles, something had to be done and this is it, but if we are really going to get to the meat of what was set out for by the committee, which is to address everybody's problems, including the hon. member for East Douglas who hit trouble, in fact when you read this scenario here it is a veritable litany of someone not coming along and saying, 'What's going on here?' Now, the Chief Minister probably is the man, but I do not flinch for a moment, and this is no crawl, has got enough on his plate, but we must have someone else who can see these things starting to go.

Now, when the hon. member for Rushen says about putting people in departments who have some form of expertise, it used to be a laugh in here when I sat on the press benches that anybody who knew how to change a light bulb would be the Chairman of the Manx Electricity Authority, but in actual fact what you have got now is the complete opposite. You have got people now who have got

some knowledge and they do not usually get the opportunity or they are pulled back from it because of a bit of bear baiting. They do not get that opportunity.

Now, the hon. member for Rushen said she was in the DTI. She talked her way into, I do not doubt, in her eloquent way and has made a blinking good job of being amongst it in there. That is what we need. We need to find the right horses for the right courses and whether that is going to be done by the very laudable method the Chief Minister selected and heaven knows he tried long and hard to make everybody get into the right slots, I am afraid he probably tried too hard, because I do not think it can be done. At the end of the day someone has got to say, 'You're the man for that, laddie, you've got a bit of nous about you for that' or 'No, we're not having that.'

Now, in the hon. member for East Douglas's case of course it just built up and built up and built up, but it was a collision course, it was always going to blow, and I also admire the member for East Douglas, I admire all of the APG, they have done a fantastic job. They have got the Council of Ministers scared stiff and they have got the rest of us. Every time you address an issue, you laugh about it, but every time you put a motion in it is 'I wonder what they'll think of that.' or 'Houghton will be on the trail of that' or 'By God, we'd better not do that, boys, Henderson will be up in arms or Brenda will be doing this, that and the other.' So that is good, that, because it makes those who are going to have to do it just think, 'I don't know whether we'll get away with this. I think in actual fact we may have to modify it', and that is no bad thing, that is a very good thing that there is someone there putting the screw on, because heaven knows what would happen if the Council of Ministers did not have any opposition. They would be driving things through and the only opposition they would have would be the backbench floaters and it would not be enough in numbers. It could not be done.

So the report has some merit but needs a lot more and that is why I will be going along with the amendment which gives us a bit more time to have a look at it all again.

I am sorry I have taken so much time but it is one of these things that sometimes you have got to get off your chest and I hope it has cleared the air in some respects there. I am not disenchanted with being a Member of the House of Keys, in fact I am proud of it. I hope to continue after the election. That is not for people here to decide and it is not for me to decide. But I do think that when the return is made to Tynwald Court of the Keys and when the rest join in there ought to be an absolute one-off meeting, perhaps a separate session somehow, if that can be done, where everybody can speak frankly, not perhaps off the record, but to try to ensure that this disharmony which has spread throughout this Court in the past five, six, seven years maybe is addressed and the problem is tried to be eradicated because there is so much that we have to do - and, okay, you could probably say I am guilty of it in the last half an hour - we cannot afford to spend time crucifying each other.

**The President:** The hon. member for Council, Mr Delaney.

**Mr Delaney:** Thank you, Mr President. At the start I thank the chairman, Mr Walker, and my colleague, Mr Lowey, for spending so much time putting together what I believe is to be a worthwhile exercise in the relationships between members of a democratic society and the government, and I hope you will remember the word 'government', in which they agreed to serve.

There seems to be an awful lot of confusion in the last 14 years since the ministerial government has been operating about what is the relationship between the members of the democratically elected parliament and us, who were elected by you, and the administration. Well, I am sorry to tell some people that they are two different things completely. You are elected here by the people to serve them. You are then given a job in any system which has been in operation and may be and will be reviewed in the future by the people who are actually elected here and then given responsibility to function the parliament into a government and its departments.

I do not see any difficulty at all and I am amazed that anybody can ever be confused by what I have just said in relationship to the people outside and a democratic parliament because there is

such a rift between the two, but some people have a tendency to put them together. It happens in other parliaments. I know it does from debates I have taken place in, reports I have read. Our system works differently than other people's but it still basically comes from the same ends. You stand for election, you are put in here and then because we have to run on behalf of the people to ensure their money and their community, the administrators who are employed to service it, run it correctly. You are a director, for want of a better word, on behalf of the people who put you here. That is exactly what you are and I cannot see any confusion between the two jobs.

Rather than embarrass anybody I am going to use my own reference on page 13 to the job I am given here and I was given by the Chief Minister and my minister and if you read page 13 it is simplicity. It is difficult to keep with, but it is simplicity. I am given a responsibility in the Department of Tourism. If anything goes wrong with that department my minister, I think or I would hope with the agreement of the Chief Minister, would sack me, if he considered that it was my fault that the mistake had been made, and he has a duty to do that by the responsibility he takes on behalf of the taxpayers, and that is the situation, as I see it, for any member in any department, but there seems to me to be some confusion.

I have listened for 14 years and I remember I was on the benches for nine of them, so do not talk to me about being on the benches, I know what it is like, and there is not a department, apart from those I am not qualified to run and I am not qualified even to be in and I will name them, certainly the Treasury, certainly Education and certainly probably the home affairs board, but in any other department I would be quite capable and I hope I have proved that, of running or being a member of, but do not get confused between being in that department and the job on behalf of the taxpayer which is the real cream of the job you are given. They trust you to look after their interests, to make sure their money is spent properly, and in any conflict between that and your department there is only one choice. That is the people who put you here.

When we get down to what is going on, it seems to be how quickly, how many people can I serve. I am of the opinion and always have been since I came here when we had the wonderful board system, which was the system of the time and in which exactly the same situation occurred, where people went away behind closed doors and decided who was going where and I, like the member for Onchan, sat in those benches up there for five years and watched what happened when people who really had no interest in some of the departments or boards they were in took part and there were boards of five people, but some were in several, but they had no real commitment to them.

Members should remember as well they are no different than the ministers. They were elected here and you are only as good in a department as your minister and your administrators, the people you pay to run that department, are, and it is no surprise to me that every so often you will come across a minister who does not cut the mustard, but that is for each individual member of this grouping, this Tynwald, to decide who is doing a good job and who is doing a bad one and the ultimate responsibility for deciding who stays and who goes is the Chief Minister. That is the function he has got.

I would much prefer to see a system, when it comes to members of departments, where the individual ministers decide who they could work with and who they can trust to work with them and who they think can do a job in the respective groupings, but there has been a case of round pegs in square holes, to reverse the argument, and even the last speaker knows himself of the difficulty he found himself in, but he was fortunate. He did not lose anything by leaving my department that I am a member of because the payment for being on two departments is the same as one, but the hon. member for East Douglas found a substantial difference and I want members to keep that in mind (*Mrs Crowe interjecting*) because - I hear the member. I did not interrupt you, madam, and I hope you will not interrupt me now.

**Mrs Crowe:** Oh, sorry, Dominic.

**Mr Delaney:** The situation is that now we are in a different ball game than I first came into and people who joined this Tynwald will find in the future. Now the members are not all the same. Once you have crossed that Bar for it you are different. The Chief Minister will be selected. He will get - what is it - £45,000 a year. The ministers get £35,000, is it, around that figure, and a member, if he gets on a department, will be on about £30,000 a year, but a member who is not on a department will be £4,000 or £5,000 short. That is a hell of an incentive for people to cut the mustard with the Establishment and anyone who does not understand politics does not understand life, because that is the situation you have and in a way you can be accused, wrongly maybe, of actually being prepared to sell your soul in politics, maybe wrongly, but you can be and you would have a hell of a job outside to justify that case.

The members, when they think of it, opposition, and I am delighted that the member for Onchan pointed it out to me and to others, that the APG, this grouping which is not a party, has served a purpose. He recognised that. With the criticism he has of the system, he recognised that we have served a purpose. You have got to have in any democratic system someone who is prepared to be the checks and balances and you may not like them and they may not even do a good job, but they have to be there, otherwise the system starts living its own life and I will say this. I have watched for the years that the ministerial system has been in and I have watched the new life being created. I honestly believe that if the people who went before us in here were to look at what they had and look at what we have now they would be horrified because the administration is slowly taking over the job that you are supposed to be doing. Do not kid yourself and do not tell me anything different. The situation now, I believe, was advise and consent but is not any more. It is not advise and consent. I pass to my minister what I think should be done and hope that he blesses me to do it, but it is the civil servants who do it. Now we have got a situation - we are even listening to members talking about it - they have put themselves in the role of civil servants.

**A Member:** But that is not new.

**Mr Delaney:** When you listen to them they actually talk about 'my department', if you like, 'my board'. The fact of it is that they are civil servants.

**Mr Cannell:** It works.

**Mr Delaney:** If it does not come from a civil servant it does not exist. That is the danger you are in after I am gone. That is the danger you are in. Those are the checks and balances. This report is brilliant in my opinion in warning us of what can happen in relation to department memberships, but it also has a message of what could happen if you do not have a check on the administrators that we pay to run the departments. We are there to make sure they run them properly, but I get the impression from listening to people speaking that we have joined them. We are running it with them. We are the civil servants running it with them. We carry the can when it goes wrong when we should be prepared to say to the public, 'Sorry, it wasn't our fault, it was the people we pay to do it.' It is happening and it is happening all around you. The public can see it, I am sure of it. I look at it this way and I hope it will never happen to any other member. When you come in you are a member on behalf of the public. When you are put on a board you are a member of the government and those two things are different. When you are on the board you have a loyalty to your minister. You have a loyalty to them to make sure they get the best advice. The information goes up and the decisions come down and if you are below them they come down to you.

I cannot see the sense in having a situation where we are trying to fit everybody into government and if that is the case, it strikes me in my head, well, rather than have these people, 'Well, if you don't join us you're going to lose £3,000 or £4,000 a year in income', which to a married person with young kids to bring up can be a lot of money. Let us think about it and I would hope for some consideration of this, which is to allow people the same incomes, because they have a role to play as well, who are not members of departments.

Just because you are a member of a department does not mean to say you are a good job, you are doing a good job for the people. It does not mean that at all. Only the minister will judge that

and the Chief Minister. Just because you are a member of departments does not mean to say that you are doing more work than somebody else. You may think you are. It is just as hard to sit up there in the members' rooms and scrutinise and read all the information that is coming through and be able to stand up here and debate if you were never a member of a department. You still have to do the work.

I think members degrade themselves only in the fact that they cannot get the message across to the public that this is not an easy job. If you do this job right it is not easy. The idea we are giving to the public is all we have to do is sit here once a month or once a week and talk about the green Bills and those sorts of things and the issues. That is not the job at all, it is when somebody phones you up at 1 o'clock in the morning and says, 'Listen, I'm going to get the coroner tomorrow to evict me. I need somewhere to put my family to have a roof over their head' or 'My electricity is being turned off.' These are the things that you have to do and these are the sorts of things that take time to do, but it is not an easy job.

I hope, regardless of where it goes, that this report will not be wasted and the Chief Minister, because I could not understand all his amendments, what he was coming to. All I am saying is, 'Get it right next time round.' You have worked hard to try and fit everybody in this time. Mrs Cannell, I believe, and this will show it, was put into a position for the wrong reason and somebody said the simple words, 'Come in and see me, tell me, what is your problem?' But that did not happen and that is what this committee identified. All three members, I think, identified that, and the minister has a duty of care not only of his department but of the members who make up the department, a duty of care, and if that goes out of the window, so do the members with it.

**The President:** The hon. member Sir Miles.

**Sir Miles Walker:** Thank you, Mr President. I hear what has been said and it seems to me that some people must live and work in a terrible, miserable place and I have to say I do not recognise it (**Mr Gilbey:** Hear, hear.) and I also understand, I hope, my responsibility as a member of a department, i.e. the department of treasury and I hope I understand the responsibility that the minister has to the Chief Minister and the responsibility of the Council of Ministers, and if members look at the recommendations this committee have made, those recommendations are slight. They really are very, very slight.

Now, if we want to go into the evidence that has been given to the committee by members, obviously, not on the committee but by evidence given by other people, well, we can stay here till midnight, because there are all sorts of issues in that evidence that I could personally disagree with and certainly my colleague Mr Lowey could disagree with and probably the chairman of the committee, Dr Mann, who made it clear to us, and we readily agreed, at the beginning of our work that we were not going to go into the individual issue in great detail but we would probably be unable to avoid it. So there was a deliberate and conscious thought of ours that we were not going to go into some of the detail that my hon. colleague Mrs Crowe has brought out, and it would appear that members found it interesting and that is fine, that is a matter for this debate, but it was not a matter that we wanted to go into in that detail.

When I started work on this committee I think I made it clear, I know I made it clear, that I am an Establishment man. I think the system we have developed and are developing, and it will continue to develop, is good, and I hear the hon. member Mr Delaney talking about it was not like this in the old days of the boards. It was exactly like this. There were always members of independent mind, members who wanted to stand up and shame or shock, or whatever, somebody else. I do not think it is very much different today.

I have to say I think the part of Mr Delaney's contribution that I most disagreed with was that there should be a flat pay for everybody, because it is clear to me, absolutely clear to me, that some people do more work than others, and that is difficult to measure, I know, but some members take on more responsibilities than others and that is not so difficult to measure, and I can recall and it is back a few years now, when I was Chief Minister and there were some members not involved in

the administration at all and after the July Tynwald they said, 'That's it, we're off now, see you in October!' By golly, that was not the case for those of us involved in the Council of Ministers and members of the boards, and it seems to me it is right to recognise that difference, that burden of responsibility and give some sort of financial remuneration to it.

What sort of financial remuneration, I am not the one to make any recommendations because I have to say that the financial remuneration we get for this job is the last thing I thought about when I first stood for election almost 25 years ago and was the last thing I thought about when I was re-elected almost five years ago and knew I was not going to be Chief Minister but was hoping to do something positive. Financial considerations, I hope, are not the ones that are paramount in people's minds when they stand for election really to do public service.

I can understand the Chief Minister's amendment and personally I would not want to support it because we make a firm recommendation in paragraph 6 that legislation should be introduced. That legislation we believe should be introduced is to do away with the Governor in Council, a yesterday's body, we have moved forward from that, and as far as ministers are concerned, they are made by His Excellency on the recommendation of the Chief Minister. Why shouldn't members of the departments be made in the same way as on the recommendation of the Council of Ministers? If you do not want to include the Governor, and I would not particularly, I would be quite happy to leave it to the Council of Ministers. But I do believe the Governor in Council as a body has now gone, and I think we should recognise that and when the opportunity is taken we should change that piece of legislation.

As far as paragraph 8 is concerned, which we have missed out of paragraph 13.18, there are not any recommendations in paragraph 8 and we go on to say that we think 7.2 7.3 and 9.1 to 9.3 should all be considered by the Council of Ministers. That is what we are recommending in this report, that consideration be given to some changes which may clarify the situation for those that do not know, if there really are people who do not know, and I rather doubt that, but we make the point that we do believe the issue should be clarified and we have moved on. We are almost 15 years down the road since the inception of ministerial government and why not look at these particular issues?

I do not think anybody particularly enjoyed the issue of the Department of Industry and the hon. member for East Douglas. It was interesting in a political sense and it was not surprising that the situation got to that stage, and it may have taken a different road, had some of these recommendations been in, and I would suggest a different road that it would have taken was the member for East Douglas would probably have left the Department of Industry earlier than she did because it seemed to me that the writing had been on the wall for some time, and if somebody had taken some initiative, and this is a criticism I have of the minister and the Chief Minister, then I believe that initiative should have been taken before it was and it seemed to me the hon. member was, in a way, using that position to taunt the Council of Ministers because, and has been said earlier in this debate, she had a very clear view on the hospital before she was elected almost five years ago, and it seems to me that it was not a clever choice to put her in that particular position and it was going to be doomed to failure at some stage. I am surprised it did not happen before it did.

It has also been suggested that the Chief Minister did a brave try of trying to include everybody, and I would applaud that. He really believed that that was the way forward, he has bent over backwards to make it work and it seems to me that if you want to talk about sides, the other side did not go the halfway to meet the hon. Chief Minister's aspirations.

I also do not believe that if the APG had not existed there would have been no criticism of the policies that come forward from the Council of Ministers. I just do not believe that. I really do not believe that. There are enough individuals within individual opinions that would have carried on expressing concerns and questioning the policies and so on. I think the opportunity we have, those of us who are very happy to serve in departments and serve the Chief Minister and the Council of

Ministers, is an opportunity to influence the policy-making, and it is up to us to take that opportunity to influence. Others are probably going to make it and others may well get the credit for it, but we have that opportunity to influence, and if the time comes when members are not members of departments, then they lose that opportunity. That is clearly a matter for them, if that is the role that they wish to take.

The recommendations, as I said before, in this report are very straightforward. They obviously have not gone as far as some members would have liked to take them and maybe some members were looking for our report to redress some of the situations that had developed and come to head something like 12 months ago. We did not think, we did not believe that that was the role of this committee.

I would vote, when it comes to the vote, against the amendment put forward by the Chief Minister because I believe the firm recommendation should be accepted. I have explained it before and I do not think it is worth the Council considering that particular issue and coming back to this Court.

The only other thing I would say is that I have enjoyed my work on this committee. I have to say I did not relish it, I was not looking for it and I was not looking forward to it, but I have enjoyed working with the two hon. Members of the Legislative Council, but I have to say there were some issues of emphasis that the mover of the resolution put on during his opening remarks which I would not have done had I been moving it. But if we look at the recommendations and it is the recommendations that are important, then I am supportive of those recommendations. Thank you, sir.

**The President:** Hon. member for Ayre.

**Mr Quine:** Thank you, sir. Mr President, I had intended to say very, very little on this motion and I will endeavour to try to stick with that as closely as I can, but there are a number of points which I think I must make in the light of some of the contributions.

First of all I think the first point I would make is of course we have had, as we invariably get from at least one or two sources, the usual expressions of paranoia whenever the APG is mentioned, but that is water off a duck's back as far as I am concerned.

**The President:** Hon. member, if you would, just for one moment and I apologise for stopping you just as you were warming up, so I will give you time to warm up again. I am conscious of the clock and I have an indication now that I have one further member to speak. Hon. members, I think with goodwill we could finish this particular item comparatively quickly and finish this evening at this. I have had an indication now of two members wishing to speak. Now, the difficulty is, hon. members, and in fairness to the hon. member for Ayre, Mr Quine, do you wish to complete this item and finish tonight or do you wish to stop and recontinue it in the morning?

**Mr Delaney:** Stop and come back in the morning.

**Mr Corkill:** Come back tomorrow.

**Mr Lowey:** Finish tonight.

**The President:** Hon. member for Castletown.

**Mr Brown:** Could I propose, Mr President, that we reassess at 7 o'clock, if we have not finished.

**The President:** Would you be happy with that, hon. members, that we reassess the situation? I can be quite open and tell you that I have no intention of sitting for a long time, as we did last month. (**Mr Gilbey:** Hear, hear.) In that case we will reassess the situation at 7 o'clock and I call upon the hon. member for Ayre and you can have two or three minutes to warm up again, sir!

**Mr Quine:** I do not think I will need that, sir. I would simply say that in respect of one or two of the contributions we had the inevitable paranoia which they express. They find it very difficult to live

with the role that we are providing, but I am pleased that at least from the hon. member for Onchan, Mr Cannell, we had some acknowledgement of the value of that role.

But the main point that I would like to start off with is that, notwithstanding the personality assassination by the hon. member for Rushen of Mrs Cannell, what matters in this report is that it is made quite clear that Mrs Cannell, in respect of the rules and regulations has been completely exonerated. (**Mr Houghton:** Hear, hear.) That has been made quite clear in the report.

**Mrs Hannan:** Is it?

**Mr Quine:** It is. She has not infringed any rule, any breaches of rules there. There is no such conclusion arrived at by this committee.

The second point is the suggestion is that within this system, which is the basis of course of part of the study that has been done, there is a group of people who wish to bring down the Establishment. Well, of course that in a way has been answered by the hon. member for Onchan, Mr Cannell, when he quite rightly asked how can that be done because the simple fact is that given the way that the Council of Ministers and the support is pledged through the departments, that is an impossibility. So, again, that is just a wild, throwaway line that has no substance whatsoever. As was said, ministers win the day every time. Now, if I was a member of the public I would be worried about that statement and that is not a statement that I am making.

What I think we have to come to terms with and what has been, I think, perhaps the greatest area of dispute today, or dissension, is whether or not we have scrutiny and examination of government activities or whether we do not, and the extent to which that is permitted and the extent to which that may be good we may assume is embodied within standing orders, and I am quite sure if there were any activities which went beyond the bounds of legitimate and properly constructed scrutiny of government activities there would be a number of people on their feet within this Court for to make that quite clear.

So it is my submission that scrutiny is something that we need and need very badly and if we do not have that, then I am afraid again, as has been made quite clear here today by another contribution, the Council of Ministers could get away with virtually anything.

Again there has been an assertion made that, as far as Mrs Cannell's questioning of what was going on at the hospital is concerned, this was destructive, it was unfounded and consequently should be condemned. Let me just remind hon. members that in respect of what went on at the hospital and is not here for debate today, the jury is out. That matter is still being looked at from more sources or from more angles than one. So we will find out in due course where the truth lies in relation to that matter.

Again, and this has been made on a number of occasions, there are one or two members that seem to hold a view that because they hold two departments they are worth twice the value of any other member that only holds one department. That is part of the evidence attached or at least that is one of the submissions attached to this report. Now, I would suggest to you that is not an acceptable proposition at all because the amount of work that is involved in some of the departments which you might consider to be single departments, and he is not with us at the moment but the hon. member for Health I think is a good example, if you take into account that department, it would greatly outweigh some of the responsibilities that rest with two departments. So I do not think you can move into simplistic terms such as this by way of lines of comparison and it is not productive in any case and it is only marginally relevant to what the select committee has been asked to examine and has examined.

The next item that I would just like to do is just to agree with Sir Miles. Sir Miles said that, having listened to some of the descriptions of what goes on here, he does not recognise this place and I must agree with Sir Miles. Quite frankly we had much more robust politics during the first five years that I was in this hon. House, when I was not a member of this APG that seems to worry everybody. We had far more robust politics than we have here today. So I am glad that those who

are weak-willed or do not have the stomach for it were not with us then because no doubt they would have passed away long before now.

If I could just now turn to two issues on the report itself and the recommendations, two items dealing with the substance of the report. I think I will take as my starting point the recommendation that collective responsibility should attach to members of departments and boards. I am supportive of the principle. I have no problem with that at all. I have advocated that before, very strongly in debates, but I think if we are going to have it in the form which is proposed in this report, which is a formal and a disciplined tie-in of members of departments with government, then that arrangement does have implications for the checks and balances between parliament and government. I think if we are going to have that tie-in, we have to recognise that that is tipping the scale the wrong way, I would suggest.

I think it is one thing for ministers and their members to sing from one song sheet as a consequence of departmental allegiance, and that exists very broadly throughout government as matters now stand. So it is one thing to get together and for a minister to have with him and to cultivate a working relationship and if that relationship is productive, then I am sure he will get the support that the minister merits. I do not think that is an issue, and I think there is a broad conformity of view, I believe, in this hon. Court to that effect. But it is another matter if you move beyond that to a position where you are saying that you are going to demand the support of members at penalty of removal from the department. That is an entirely different situation, and I think that is a point worth making as just part of this debate. I know we are not working towards a definitive conclusion tonight, but I think that is a point I would wish to make.

I would just add to that and I would say this, that in terms of my acceptance of the principle of collective responsibility, as far as that goes, no problem, but I would say that we have to recognise three qualifications to that; there are three possible qualifications. The first one is that if you are going to tie members in to the government machinery through a formal and disciplined mechanism, then there is a greater need than ever before for a number of members not to be a part of government at all and perhaps the starting point to bring that about and not to open up the scenario to group influences would be to look at the position of the committee of expenditure and public accounts and remove that membership, ensure that the membership of that committee does not have departmental responsibilities. That would provide within that framework, if it was working in a slightly different fashion to which it now works, a structured form of scrutiny and I think that would be a big step forward.

The second qualification that I would mention is this, that if you are going to have this formal and disciplined tie-in with government through collective responsibility for departments, then I think we have to take on board that department decisions can no longer be a decision for the minister. They should be decisions on a majority vote. That is what in fact once existed within the old boards. But you cannot have it both ways. You cannot say, 'Yes, I will listen to you, but it is my vote and you three will follow me.' So that is the second qualification or reservation, if you wish, that I have about the imposition of collective responsibility in this form.

The third I have is this. You can have a department that takes a decision and we can have a unanimous decision taken within a department, indeed my experience is that departments very rarely indeed ever have a decision that is not unanimous, and that is great, but if you have a development from that, where the Council of Ministers reverse that decision or change that decision, then it would be manifestly unreasonable to then hold that department to a collective responsibility against a decision which the department had in fact not taken.

So I would just offer those comments in terms of collective responsibility, and I think it is not brought out directly in this report, but it is there and I recognise it is there, that along with this matter of whether or not collectively responsibility should be applied - as I say, the principle causes no concern for me - I think along with that we have to look at how, who or what is going to stand in judgement as to whether or not there has been a breach of collective responsibility.

Now, in terms of the Council of Ministers, the position there of course, I think, is quite clear. The Chief Minister is the one who stands in judgement. Basically he is the one that stands in judgement over whether or not there has been a breach of collective responsibility within his team, but I think most of us would recognise that there have been numerous breaches of collective responsibility in that scenario which have not even been recognised.

Now, if you have got that scenario on the left hand, then what would happen if we were to apply the recommendation here which is on the right hand? What we are saying here is that, so far as members are concerned, if we have this new form of collective responsibility attached to departmental membership, in their case the Council of Ministers are going to stand in judgement, in their case. Well, quite clearly that is unacceptable. You cannot have that situation because again you are putting the government in the whip hand and you are asking people to submit themselves to that judgement. That judgement will be influenced by the decision and the interests of the government as represented by the Council of Ministers.

The second issue, again sticking with the recommendations, though there are other matters I would be very happy to debate on another occasion, another time, is of course the recommendation that members should be appointed to departments either by the Lieutenant-Governor on the advice and with the concurrence of the Council of Ministers or by the Council of Ministers. As a choice between the two, unlike Sir Miles, for different reasons, I would be happier to have a system where we have an independent element; however marginally involved he may be, I would be happier to have that in place.

But that does not alter my view and my view is this. I believe that ministers should be subject to Tynwald approval and I believe chairmen of statutory boards - indeed this is more or less the case - should be subject to Tynwald approval and I believe members of departments should be subject to Tynwald approval because otherwise members are being placed in a subservient position and you are not going to get any sort of faith in that system.

There are too few checks and balances within our political structure at this time and although we have made some movement over recent years to try to improve the strengths of the checks and balances, I do not think we have got anywhere near the right balance at this point in time. Indeed, with no disrespect to this hon. Court, if you start analysing the de facto, the practical situation, in many instances, in practical terms, the supremacy of Tynwald is somewhat illusory because of the way that the votes stack up when it comes to the bottom line.

So if we are going to move into a situation where you are going to move members of departments and subject them to collective responsibility of a more formal and structured nature, fine, as long as you take into account the other qualifications which are going to keep that balance within proper margins.

I have no great conflict with what is in the report. It does not represent my own view. My views are different and I will hopefully have an opportunity to express them when we come to voting on it by way of individual items. But I do feel that before we move into this it would be beneficial not only for the Council of Ministers to have a look at these provisions, and that of course is essentially what the Chief Minister is proposing, I think it may be beneficial also for a parliamentary element to have a look at this. Perhaps this committee represents that parliamentary element, but personally I find that I am not aligned with all the recommendations in this report, although I can accept the principles that lie behind the actual recommendations themselves. Thank you, sir.

**The President:** Hon. member for Council, Mrs Christian.

**Mrs Christian:** Thank you, Mr President. The proposal moved by the Chief Minister that all the recommendations of the report be considered by the Council of Ministers is one which I think should be given some consideration.

The first recommendation has in it options, either/or, and by voting on it today we do not determine which is the view of the Court in that particular instance and I think it would be

appropriate there, where consideration has been given to the recommendations, that something definitive be proposed at the end of the day after the Council of Ministers have come forward, as is recommended in paragraph 12, in October.

If we go on to look at further recommendations in the report, such as that in paragraph 6.5, a recommendation that consideration be given to including within the statutory procedure formal requests and formal considerations of a view, there is not any clear indication in the report as to just what precisely that means, what form it should take, and I do think too that that particular issue is worthy consideration by the Council of Ministers in considering the report.

There is much in the earlier paragraphs which precede paragraph 6.5 which I think already happens by way of consideration of the position of ministers and members and who they would be prepared to work with in their teams, and the Chief Minister goes out of his way to discuss with people where they feel they could usefully contribute. There is not a recommendation in relation to that, but I think much of what is said in the report is actually what happens in practice at this time.

Now we go on further to paragraph 7.2 where it is suggested that the delegation of responsibilities be examined and the Chief Minister has already alluded to the fact that there has been an earlier consideration of this report and it is, I think, important again that the Council of Ministers, as recommended here, do look at that because I think there may be differences of view to what extent and in what form delegation should take place, given the current structures under which we work.

Now, I think we probably come more to the crux of the matter when we get to paragraph 8. Now, the hon. member Sir Miles referred to the fact that there is not a recommendation in relation to this particular paragraph, but it does seem to me to embody the difficulties that have arisen which have caused this report to be put together, and that is to do with the relationships and the formal understanding of the responsibilities of members of departments, to departments and between departments, and I think by and large people have an innate understanding of what their responsibilities are, but it would seem that there may be differences of opinion as to where those responsibilities lie, and whilst some members have interpreted the brief of the committee as being to consider the wider responsibilities of members in government departments and perhaps the extent of the load which different members bear, it is clear that the committee have considered not that aspect of their work but focused more on the responsibilities to departments, not in departments, but to their departments and to the interdepartmental working and with the Council of Ministers.

I think that, so far as these issues are concerned, they do need clarification if members do not all understand them. I feel certain that it is generally accepted that where members of departments work with other departments or have difficulties or disagreements or problems with other departments, if they cannot be resolved between members at departmental delegated level, then they should be referred through the ministers for clarification as between departments, and if members have a delegated authority, they also have a delegated responsibility and where that responsibility is a reflection of what the minister's responsibility is, then the minister's responsibility and political stance and policy of the department should be accepted by that member. (**Mrs Hannan:** Hear, hear.)

Now, these questions are all covered in the other recommendations and I find myself echoing the 'Hear, hear' of the hon. member for Peel in much of what is stated here, in particular in paragraph 10 where it says if problems cannot be resolved within the department or between the ministers of the departments, the Council of Ministers should resolve the public expression of contrary views.

Now, much talk has gone on today about the function of people in opposition to government and this question of scrutiny and all the rest of it. I think that those issues would become clearer in terms of where scrutiny and opposition is appropriate in relation to departmental functions.

I note, and it is interesting to note, that those members on the committee who have actually referred to the work of the committee have indeed expressed perhaps different views about the subject of this investigation. Whilst they have agreed on the recommendations of the report, the tenor of their comments has indicated, to me at least, rather different opinions as to what went on which brought about the necessity for the report, and the hon. member for Rushen, Mrs Crowe, has referred to the fact that evidence refers to certain issues which have not been pursued by the committee.

Now, we have, I think, essentially to focus on the recommendations and how we go forward from here, but I would say that so far as I am concerned, in terms of evidence which has been presented, a quotation from Mrs Cannell in respect of my own conversation with her at the oak-wood does hardly reflect what was said and does not accord, certainly, with my views of the conversation which was essentially about interdepartmental responsibilities and the way in which members should be willing to function between departments where there are matters of concern between departments. It is not for, in my view anyway, members to operate in separate compartments, but the objective of government should be for working together, particularly when they perceive difficulties, that we should be working together to iron out those difficulties and not setting up in camps which make that working together more difficult.

Now, in terms of the general responses and comments in the debate about the role of government and the role of opposition and so on, it has always been the case and always will be that the Council of Ministers cannot of themselves put anything through this Court. The Council of Ministers can formulate policies and indeed must take with them the majority of the rest of the membership of the Court if they are to achieve anything. Nor, indeed, can the APG achieve anything on their own, although they may claim to do so. They also, if they need to influence matters, have to swing with them those members of the Court who are not part of the Council of Ministers, and I would take issue too with the hon. member Mr Quine who has referred to the fact that government can always win. It does not have an obligation placed on all members of departments to vote with government, except in those departments where the issue of the motion is their responsibility. So I do not accept the view that government can automatically win. It cannot. It has to persuade the members of the Court to support its policies, and so it should be.

No-one has ever expected that we come here just to agree with one another. Certainly we work for the best services and best provision for the public of the Isle of Man, and I do think too that any suggestion that somehow, if you are elected as a member to a branch or to the Court, your responsibility there to the public is any different from your responsibility as an elected member or an appointed member of the Council of Ministers. All of us have a responsibility, whatever the office, to look after the interests of the public of the Island.

Now, where we differ perhaps is the way in which that is achieved and I do think that more could be achieved to the benefit of the taxpayer and the public at large if we did clarify some of these issues in relation to how members function within departments.

We will all make our minds up, we will all have our views about what happened in the past and whether the actions were justified or not and there is no point in going over it because I suspect that members have made their minds up. They will know whether they agreed or not with the steps that were taken.

But if it needs clarification for the future, certainly the Council of Ministers can give consideration, I believe, to all the recommendations in here and come forward with some proposals in the autumn. Suffice to say, though, that I do believe that we should be cautious about getting unduly tied up with codes of practice or legislation or rules and regulations which will so constrict future manoeuvrability that one circumstance turns over a situation which otherwise has worked reasonably well.

**The President:** Now, hon. members, we indicated before that in fact we would reconsider at 7 o'clock. I think it is unwise to reconsider at 7 o'clock. I already have three members still on my list

who wish to speak, plus the winding-up. I propose, hon. members, that we should adjourn and reconvene tomorrow morning at 10.30. Thank you hon. members. The first to speak will be the hon. member Mr Henderson.

*The Court adjourned at 6.50 p.m.*