

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS
(LEGISLATION AND OTHER MATTERS)**

**Douglas, Tuesday, 5th February 2002
at 10.00 a.m.**

Present:

The Speaker (the Hon J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon A R Bell and Mr L I Singer (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon S C Rodan (Garff); Mr P Karran, Hon R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Messrs J R Houghton and R W Henderson (Douglas North); Mr A C Duggan (Douglas South); Hon R P Braidwood and Mrs B J Cannell (Douglas East); Hon A F Downie and Hon J P Shimmin (Douglas West); Mr D J Gelling (Malew and Santon); Hon J Rimington, Mr Q B Gill and Hon Mrs P M Crowe (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

The Chaplain took the prayers.

Welcome Back to Chaplain

The Speaker: Hon. members, may I first welcome back our Chaplain and hope he is in good health. It is nice to see him recovering so well from his recent illness, (**Members:** Hear, hear.) and we wish him well in the future.

Apologies for Absence

The Speaker: The hon. member for Douglas South, Mr Cretney has leave of absence from the House today.

Hyperbaric Chamber — Motion to Suspend Standing Order Lost

The Speaker: Now hon. members, I have notice of a matter to be moved by the hon. member for Douglas North, Mr Houghton. The hon. member wishes to move under standing order 37(4) that business be considered by the House. Just so hon. members are aware, standing order 37(4) states 'No business, except that mentioned in the Order Paper, shall be considered unless by permission of a resolution of the House, supported by a quorum.' Hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker, and I am very grateful for the indulgence of this hon. House this morning on a matter that I consider of national importance. What I would like to raise this morning, if the hon. House does indulge in my doing so, is the latest circumstances to do with the imminent closure of the hyperbaric chamber, sir, and I would beg to move:

That under standing order 37(4) the following business be considered -

That this House is of the opinion that the Department of Health and Social Security should provide sufficient financial resources, after allowance of charitable receipts, to operate the hyperbaric chamber. This will include provision for the employment of:

- (a) a qualified medical officer;*
- (b) a chamber operator;*
- (c) an assistant chamber operator who has nursing qualifications;*

and that every department review the financial provision for this facility every financial year.

The Speaker: The hon. member for Douglas North, Mr Henderson.

Mr Henderson: I beg to second, sir, and would reiterate the importance of this issue and that it at least be subject to a debate at the very least, sir.

The Speaker: The hon. member for Douglas West, Mr Downie.

Mr Downie: Yes, thank you, Mr Speaker. This is an issue that appeared, I think, for the first time in the local newspapers yesterday and I have no problem at all debating the issue, but I think, in fairness to hon. members, nobody has any information. In fairness, there is a brand new member here with responsibility for health. I think this is an issue that perhaps should be on the Tynwald agenda on 19th February for discussion (*Interjection*) where it will give members an opportunity to get the relevant information from both sides. If the House decides to discuss this today I have not got any paperwork or information before me. I did make enquiries last night and I was reliably informed that the chamber is not in imminent danger of closing. It is an issue that can be sorted out and I would like very much to see it resolved. There is no doubt in my mind that the facility is one which is very, very valuable and necessary to the people of the Isle of Man, but I do not honestly think that if we move into a situation today we have got the relevant information to discuss this issue just like that. It would be totally unfair on members and my view, rightly or wrongly, is that we should try and get a debate organised for the Tynwald agenda where people can be properly informed, we can have reasoned argument and we can look at the implications which are referred to in the mover's motion. Some of these involve finance and they involve staffing implications, which we cannot at this time control in this hon. House. Thank you, Mr Speaker.

The Speaker: The hon. member for Onchan, Mr Corkill, the Chief Minister.

Mr Corkill: Yes, thank you, Mr Speaker. Obviously I think all hon. members appreciate the member for North Douglas's concern expressed many times about the operation of the hyperbaric chamber.

There are a few points I would like to make, following on from the previous speaker, and I certainly have no problem in asking the DHSS to come forward with an explanation of the current situation, but I would like to make the point that the Minister for the Department of Health and Social Security in another place, on more than one occasion in answering questions and in debate, has made it quite clear that the DHSS will continue to have funds available for the operation of the hyperbaric chamber.

I think the hon. member's words about imminent closure are, at the very least, likely to create another headline which I think will be negative from the point of view of perhaps what the hon. member is trying to achieve, which is to ensure the longer term security of the chamber. I think the headline may well have the negative impact and I have to say I am very concerned about the negative impact on morale in terms of the committee which operates it and the patients who use it, and I would ask the hon. member whether he is actually speaking on behalf of the charity or whether it is his own views -

The Speaker: Mr Corkill, could I just intervene and say that we are discussing whether or not we should allow the debate to take place under standing order 37(4), not the actual debate.

Mr Corkill: Thank you, Mr Speaker, and I am concerned that we might arbitrarily decide things when there is a budgetary process underway at the moment, so I would like to say to hon. members that the information that they do not have at the moment will be readily made available and then perhaps hon. members can consider it rather than on the floor of this House in a snapshot decision.

The Speaker: There are a number of members wishing to speak. Before members do, I would ask members to be focused; this is not an opportunity to debate the issue of the hyperbaric chamber unless you agree under standing order 37(4) to allow that debate to take

place. So this is whether or not we allow the debate to take place. The hon. member for Michael, Mr Cannan.

Mr Cannan: Mr Speaker, I would just like to draw the attention of the House in respect of this motion that it has been suggested it should be on the order paper for Tynwald of 19th of this month. Well, that is impossible because under standing orders all motions had to be in by five o'clock last night. It cannot be on the order paper for the House of Keys next week; again, motions had to be on the order paper by five o'clock last night, so the earliest it could possibly be debated in this House is 26th February.

There is one other point about the motion: it is a declaratory motion 'That this House is of the opinion that the Department of Health and Social Security should provide sufficient financial resources, after allowance of charitable receipts, to operate the hyperbaric chamber. This will include provision for the employment of . . .' It is a declaratory resolution; it is a resolution stating a policy that the mover hopes the House will adopt. On that basis, you either delay any debate on this matter until the end of the month and possibly March or you have a debate now. It is not binding on the department, but it is an indication of the will of the policy of this House, the elected representatives of the people.

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

Mr Singer: Thank you, very brief, Mr Speaker. I think there are two things, sir: the Chief Minister has just stood up and he has spoken, but I was not quite sure what he was trying to say to us. Was he himself giving a personal guarantee that there is no immediate closure of the hyperbaric chamber and he will ensure that treatment will continue until a full debate can be held on the circumstances? If so, then there is no urgency for the debate as such, if he is giving us that guarantee; he personally will vouch that the treatment will continue as until further decisions are made. If he is not giving that personal guarantee or he cannot give that personal guarantee, then I think that we should be discussing this motion today.

The Speaker: I think the only answer I can give to hon. members on that issue is one that the hon. member for Onchan, the Chief Minister, is not in a position to respond, and secondly members will have to interpret what he said in their own way of interpreting what was said. The hon. member for Douglas East, Mrs Cannell,

Mr Singer: Can he not?

Mrs Cannell: Thank you, Mr Speaker. I would agree and concur with the expressions and the advice given by the hon. member for Michael, Mr Cannan, in that it is an expression of opinion that this House is being asked to consider. It is not saying that the department will, because we cannot and we are not in a position to be able to say that. We are merely saying that the House is of this opinion, and I think it is an apt time to be actually taking this debate and I think that the hon. mover should be congratulated for bringing it forward with all due haste and that hon. members should be supporting him, Mr Speaker.

The Speaker: The hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. Except for expressing indignation at what has supposedly happened, I do not think there is very much that any of us can express an opinion on here. We do not know what has happened. All we know is what is in the paper and we know there was a response from the minister, who said that she was supportive of the charity and the continuation of the hyperbaric chamber and, except for being upset about it, I do not see what else we can do.

If it is a declaratory resolution, as has been said by members, we are just voicing our concerns and expressing, you could say, a wish, but this is along with other issues, and if the member who is moving this wants full information, then I do not think any of us here have that

information to hand about how much the actual declaratory resolution is going to cost, how much is actually put in at the moment to this establishment, how it operates and why it is going to close. So I would have thought that it is premature. While we all understand the concerns expressed by the member for Douglas North, all we are going to get this morning, Vainstyr Loayreyder, I would suggest, is indignation.

The Speaker: The hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr Speaker. Yes, I would agree with my hon. colleague, the member for Peel, Mrs Hannan. How can we possibly debate an issue without any information?

Mr Houghton: I will give it to you.

Mrs Crowe: We may be provided with one-sided information, but what we need is a balanced view on the whole issue. It is just impossible to have a debate without any information. It may be a wish; it may be that the inflammatory statements that have been made may or may not be true, but does the director of the trust hold an opinion on this? I would like to know, does he even know that this motion is being forwarded today? I think it is very much premature without any information whatsoever from either the director of the trust or the Department of Health and Social Security, and I know from the short time I was in that department how closely they were trying to work with the directors of the hyperbaric chamber. So I would just like to have a balanced view and I cannot possibly see how we can have any debate with such a lack of information, and certainly we could not form an opinion, if it is an opinion we are looking for, when we have no information on which to base that opinion.

The Speaker: The hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr Speaker. We are, of course, with these contributions, interesting as they have been perhaps, falling into the trap that you have pointed out: we are trying to debate the substantive issue (**Mr Houghton:** Hear, hear.) when indeed we are discussing the procedural issue, and I will just confine myself to the procedural issue.

Firstly, we are talking about a declaratory motion, sir; that has been said and I just wish to make that quite clear. This motion does not impose upon any department a requirement to do anything; it is an expression of the will of the House. Secondly, sir, if you look at the body of the motion, again we are dealing with what you might call a suggested formula or a principle. It does not go into detail, so it is not as if we are going to be arguing about the mechanics, so I do not see an obstacle there from that point of view. Thirdly, it has been held out that we do not know what has happened, what the situation is. The motion is coming forward from a member of this hon. house and I would suggest that it is up to him to make the running in that respect. It is up to him to provide us with the information that he has got. When we have that information, if we reach that point - that is why I am suggesting that we should be supporting this procedural move today - we then have the options available to us either to reject the motion or to seek to adjourn the motion if we want further information, but we have to first of all get over this procedural matter. Are we going to debate? Are we going to have it on the agenda? Are we going to debate it? Are we not? And from that point of view, given that there is no other business before this hon. House today and that this is a matter, by whatever judgement, of importance, very great importance, then surely the House could usefully be looking at this matter accepting, as I say, the decision will come later as to whether we would accept the substantive motion or reject it or adjourn it.

The Speaker: Hon. member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. I do not believe we should be supporting the suspension of standing orders to discuss this debate today. I received yesterday, as Minister for Transport, a letter from the Medical Officer outlining that the facility, in his opinion, would close on 12th March and forewarning me that diving operations in my department would have to be

seeking alternative arrangements. Following that, like, I am sure, many other members, I contacted the department. I spoke to the minister twice yesterday and she was seeking to gain information, because it was the first that she had heard about it. She was attempting to seek information from the charity in order to identify what the real circumstances were.

The declaratory motion is one which often comes back to haunt us at a later date. It is one where it gives an impression of support and I do not believe we can justifiably do that until we have all the information available. The previous speaker, my friend and colleague from Ayre, said we have the option of rejecting the motion if we do not like it after the debate and information made available. I find that would be very regrettable. I have always been, as many members have been, supportive of this facility and I certainly do not want it to be a position that I am rejecting a motion for a facility that I and others have supported because of a failure to have the information. I do believe that either a withdrawal of this, an adjournment of this or potentially an emergency debate in Tynwald, if this matter is not resolved. . . I do believe that in the next week or so far more information is going to be available and quite possibly the matter will have been resolved satisfactorily and there will be no need for an emergency debate. I do believe that the House would support such a motion in Tynwald because it is important. I do not believe today it would be meaningful or worthwhile and I would prefer therefore to vote against the standing orders that we debate this, sir.

The Speaker: Now before calling on the next member who wishes to speak, just to clarify, the hon. member for Ramsey, Mr Singer, indicated that he wanted an assurance from the hon. member for Onchan, Mr Corkill, the Chief Minister, about what he had said. There is provision under standing orders, clearly, with my leave for a matter to be explained in more detail. I am quite happy to do that, if the hon. member for Onchan, Mr Corkill, feels it is necessary for him to do that. However, he cannot introduce any new information or new material into the debate. So it would purely be a clarification sought by the hon. member for Ramsey if, hon. member for Onchan, you wished to do that.

Mr Corkill: I think there were two points that I wanted to put across, Mr Speaker. One was that the Minister for the DHSS on more than one occasion has stated the support that her department will continue to give to the hyperbaric chamber; I also made the point that we are in the middle of a budgetary round, therefore the issue of resources will be under review at this time of year; and thirdly, I think the hon. member for Ramsey asked me for an unequivocal statement that the chamber will not close. Clearly I cannot give that, because that is a matter for the charity and I do not represent the charity or speak for that charity, neither does the Department of Health and Social Security, and I think this is something that should be borne in mind by hon. members. I think I also said that I would instruct, if that is what hon. members would like to hear, the Department of Health and Social Security to present all the facts to hon. members. I think that was a round-up of what I said, Mr Speaker.

The Speaker: Thank you, hon. member. I now call on the hon. member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker. I think, in the light of what we have heard today, I would be quite happy to receive the information at another time rather than go ahead and consider this particular issue now, when I certainly am not fully aware of all the details, and I think it would be counter-productive to go ahead with it in the light of what I have just said. However, I would conclude by saying that the hyperbaric chamber has my strong support and I do hope that everything possible can be done (**Mr Houghton:** Hear, hear.) to keep this facility open. Thank you, Mr Speaker.

The Speaker: The hon. member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr Speaker. This is purely in terms of a constitutional issue involved here. If a matter is of national emergency and that is so pressing that we need to discuss it in this hon. House, then yes, I agree that this hon. House should do that, but from what we have heard, although the matter is pressing, it is not pressing so it has to be discussed today and as it has been brought forward today as an emergency issue, it can also be brought forward as an emergency issue at Tynwald in a couple of weeks' time should that be necessary and that would, in my mind, be the appropriate body for discussing those issues, because we are looking here at matters to do with finance, resources, policy which, as I understand the constitution written or unwritten of the Isle of Man, lie within the remit of Tynwald and primarily this House itself's function is as a legislative chamber; that is its primary role and the appropriate place for discussing this as the emergency is not there that it needs to be discussed without information, except from possibly one side. The information is not there; it should be left to the appropriate occasion, which would be in a couple of weeks' time when we can all discuss that with a range of information and have a proper and reasoned debate, which I do not think we will be able to do today.

The Speaker: The hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I think that it is quite concerning when people say that if we allow this debate they can just ignore the opinion of this House. I think that is wrong. The ministerial system would be very, very concerning if they were allowed to do that, so I think that is wrong, but I think it is also wrong that we hear from the previous speaker about this issue 'Oh, we can hold it off to Tynwald' and then, when Tynwald comes, we can hold it off to some other time, and that is what concerns me, the fact that it seems to be crocodile tears for some in this hon. House.

I believe that we should allow the hon. member to debate the issue. I think most of us agree with basically the principles of the issue that are in front of us. The concern I have as one of the most newly nominated persons for the charity is that I do not believe that it is all the department's fault and I think, to be perfectly honest with you, the sooner we get some transparency about this affair and everybody hedging their bets over this hyperbaric chamber, the better, because I have spent two days trying to get hold of the chairman of the charity to no avail. As a newly elected member to the charity of only a matter of a month or so, I am very concerned what is going on. I believe, Vainstyr Loayreyder, there are problems within my previous department. There are certain staff who are not in favour of this establishment (**Mr Houghton:** Hear, hear.) and I believe that we should support the hon. member having the opportunity to debate the issue. I believe that what we need to do is to try and get this whole affair away from different agendas, the charity agenda, the DHSS agenda, different hon. members' political agendas, and let us try and get this thing out, transparent, so we can sort this problem out, because it horrifies me that I get these problems every so often, with desperately sick people who keep on being used by one side or the other -

The Speaker: Hon. member, could I just interrupt? The debate before us is about whether or not we allow the debate to happen. I would suggest you are drifting into the debate.

Mr Karran: Certainly, sir. I just feel that we should allow the opportunity to the hon. member and I think it would be wrong if we do not let the hon. member have the issue debated, because we seem to be going around in ever-decreasing circles and we cannot get any transparency in this whole affair. I believe that we should support it.

The Speaker: The hon. member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr Speaker. Can I just respond to a point that the hon. member for Onchan has just made in saying that he wanted to see everything transparent. Until we have

all the information I do not think things can be transparent, and for that reason I would ask that we suspend this until we have the information, to come back at another time.

The Speaker: Right, hon. members, I call on the hon. member for Douglas North, Mr Houghton, to respond to the motion, which is that under standing order 37(4) the following business be considered.

Mr Houghton: Thank you, Mr Speaker, and simply sticking as best as possible to that motion, I would like to start by thanking my hon. colleague, Mr Henderson, for seconding this motion. Dealing with a query that the hon. member for West Douglas, Mr Downie, had, where he suggested it go on the Tynwald agenda, I have actually put this motion down on the Tynwald agenda also, but the reason why I have brought it forward for today is simply a matter of timing. There is going to be an announcement of an intention tomorrow and I am purely seeking the House's opinion today as clearly put by those statesmen who have much more time in than I have as to the direction perhaps the department should take or advisory insofar as how the charity must go. We have a member of the charity sitting within this hon. House. I do appreciate that he has not been made aware of the intentions of the charity before tomorrow afternoon's announcement, but no doubt he would be speaking with the charity and would be able to relate the facts of such a debate today.

So that was the purpose of national importance, if we leave it until the February sitting of Tynwald before we are all factually informed of the conjured up answers that the DHSS will have thought of by then and overcome with bureaucracy, then of course the whole thing will have already sunk, because the situation here really surrounds one particular person and that person is the anchor person in the charity, which of course I would like to explain if I have the opportunity, sir.

I thank the hon. member, Mr Corkill, for the points that he gave, of course, on behalf of the government and which I do understand, and I do understand the circumstances which also again were related by Mr Cannan.

I also thank the hon. member, Mr Corkill, too for pointing out in certain clarification that he cannot speak on the circumstances of the actual charity because he is unaware, like virtually the rest of us, what their actual intention is tomorrow, although there is a definition behind that as the way it comes.

Dealing with the resources - and he made quite clear a point of order on the resources circumstance - the resources and the motion as set out on the agenda here deals with money, not head counts; it does not deal with personnel resources at all.

I thank the hon. member, Mr Cannan, from Michael, for his supportive comments and the fact that of course the timing of this declaratory resolution today may be too late by the Tynwald agenda.

I thank the hon. member, Mr Singer, for his input, as I do Mrs Cannell, the hon. member for East Douglas, where she made it quite clear that all we are looking for today is an expression of opinion. Now, it is a very serious issue. Very few know more about this and the goings on behind the circular scenes than I do, and that is the reason why I feel so strongly today to try and get a debate so that I can be given the opportunity to explain to the hon. House the background knowledge that I have and relate that to hon. members.

The hon. member Mrs Crowe talks of having a balanced view. Well, I can only assure the hon. member that nobody has more balance in this than me. (*Laughter*) I have no dealings whatsoever in the Kevin Gray Memorial Charity or the hyperbaric chamber, (*Interjections*) and I, like all other members in this hon. House should be representing the people and the patients who go there, not their departmental interests!

Mr Corkill: What about the trust?

Mr Houghton: I do not speak, hon. member, on behalf of the trust.

Mr Corkill: So they do not know about this. That is fine.

Mr Houghton: Well, we do not know about what they are doing.

The Speaker: Hon. member!

Mr Houghton: Thank you. My apologies, Mr Speaker. I thank the hon. member for Ayre, Mr Quine, for also expanding on the expressions of opinion and the explanation of that and the simple, clear procedural matters that we have before us today, as indeed the hon. member for East Douglas, Mrs Cannell, had already stated, so I thank the hon. member for that.

I thank the hon. member, Mr Shimmin for providing a little bit further information which can be elaborated on, with effect that from 12th March divers will not be able to dive - no chamber, no diving, but as I say, that is not for this particular part of the debate.

I thank the hon. member Mr Quayle and the hon. member Mr Rimington for their points of view and I thank also the hon. member Mr Karran for his support in the debate. The hon. member Mr Karran has similar knowledge, as indeed I have, to the background of the hyperbaric chamber circumstances and the Kevin Gray Memorial Charity, and indeed the hon. member Mr Karran is a member of that charity although he indeed has not been informed of the latest circumstances.

I also thank the hon. member, now the new member for health, Mr Anderson, who of course it is appreciated, has been thrown in at the deep end with a circumstance like this. He cannot be expected to know anything in a massive portfolio, and I would like to congratulate him for the work he has done thus far in that position, so I have no problem with accepting his comments in that regard.

I would like to close. I think this hon. House, Mr Speaker, would be worthy of a debate this morning just so that I could go into a few further details to enlighten this hon. House, but in the particular circumstances of advising those who will make the decisions for financial intervention into there - that being the Department of Health and Social Security - could simply get an indication from this House, bang up to date here, the day before an important announcement is made tomorrow for the future of the hyperbaric chamber and I think that that would be very greatly appreciated, sir. I beg to move.

The Speaker: Right, can I just remind hon. members that standing order 37(4) states 'No business, except that mentioned in the Order Paper, shall be considered unless by permission of a resolution of the House supported by a quorum.' The motion before hon. members which you have circulated on the paper is the first part of the motion, which is: 'That under standing order 37(4) the following business be considered', and the following business is laid out in the second part, which is a motion to be moved by Mr Houghton. All those in favour say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

For: Messrs Cannan, Quine, Houghton, Henderson, Duggan, Mrs Cannell, Messrs Singer and Karran - 8

Against: Messrs Anderson, Rodan, Quayle, Rimington, Gill, Mrs Crowe, Messrs Braidwood, Downie, Shimmin, Mrs Hannan, Messrs Bell, Corkill, Earnshaw and Gelling - 14

Abstained: The Speaker - 1

The Speaker: Hon. members, the motion before the House fails, with 14 votes against and 8 votes for.

Mr Quine: And one abstention.

The Speaker: Right, hon. members, that concludes the business of the House. The House will now stand adjourned until Tuesday 12th February in our own chamber at 10 a.m. Thank you, hon. members.

The House adjourned at 11.09 a.m.