

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

**Douglas, Tuesday, 12th March 2002
at 11.25 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); Hon D C Cretney and Mr A C Duggan (Douglas South); Hon R P Braidwood and Mrs B J Cannell (Douglas East); Hon J P Shimmin (Douglas West); 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.

Tribute to the Late Frank Joughin MBE, Senior Messenger

The Speaker: Hon. members, as you are aware, our senior messenger, Mr Frank Joughin MBE, died on Friday, 8th March 2002, after a period of illness.

Frank had been a messenger with the House of Keys and Tynwald since 1st June 1970, resulting in over 31 years of service being given. Frank was always a friendly, cheerful person, and took a great pride and care in his work and especially in his rôle as our senior messenger. Since that time, all of us who have become members of the House of Keys have experienced the warm and friendly welcome given by Frank Joughin when you first enter the House. He was well-respected and liked by members over the 31 years that he was a messenger. I can well remember my first day, when, with some trepidation, I entered the House of Keys for the first time, in November 1981; there I was, stepping into the unknown, and there to put me at ease was Frank. Within minutes you felt you had known him all your life. Frank had a unique skill: a skill to make anyone feel welcome and at ease very quickly. It is a skill that only a few are blessed with. Frank Joughin was always there to do what he could for members; he was always helpful, he was always cheerful and he was always courteous, and, importantly, he was good for a chat and he was always friendly and full of humour.

In Her Majesty the Queen's 1999 New Year's Honours, he deservedly received the MBE from Her Majesty, and Frank shared this tremendous honour, and the joy of receiving such an honour, with his wife Beryl, his family and friends. Beryl and the family were so proud of Frank's achievement and recognition, as we all were. He was very proud of receiving the award and yet very humble.

Frank Joughin, the youngest of five brothers, was a true Manxman, who loved his life, his family, his Island and his work. Frank had served his country in the armed forces during the Second World War, serving in the Parachute Regiment. When he left the forces, he worked for 20 years with the Isle of Man Steam Packet Company, before starting his work with the government and the legislature. During his life, he had been an active person and had worked hard and was dedicated to his family. He was well known for taking visitors around the legislative chambers and its precincts, and will be remembered well by many individuals, including many children from our schools, and by organisations. He was always good to tell a good story, to tell about the legislature and its members, as well as explaining, of course, the serious history of our parliamentary system and its work.

On Monday, 4th March, I visited Frank in Noble's Hospital, and he was his usual, cheerful self, full of chat, eager to catch up on the 'skeet', and he was looking forward to going home later

in the week which, of course, he did. Unfortunately, he took a turn for the worse and passed away on Friday morning, 8th March. Hon. members, I know that many people will miss Frank Joughin; he was a true friend, associate and a great character. We will miss his friendly welcome and our regular chats with him. Frank was a loyal, hardworking and dedicated officer of the House of Keys, and he will be sadly missed by his work colleagues and by all of us. To his wife Beryl, son David and family, we extend our sincerest sympathy in their time of loss.

Hon. members, let us now stand for a moment, in tribute, and to remember our friend and loyal and dedicated servant to the House, Mr Frank Hampton Joughin MBE.

Members stood in silence.

The Speaker: Thank you, hon. members.

Apologies for Absence

The Speaker: Hon. members, I have granted leave of absence to the hon. member for Douglas West, Mr Downie, and the hon. member for Malew and Santon, Mr Gelling.

Commonwealth Day Message

The Speaker: The first item on our order paper is the Commonwealth Day Message from Her Majesty the Queen.

‘A message for Commonwealth Day 2002 from Her Majesty the Queen, Head of the Commonwealth.

‘Over the last fifty years the Commonwealth has undergone a remarkable transformation from an association defined by its history into the modern, multicultural organisation we know today. Across those years, it has been the privilege of many of us to witness that evolution; to see at first hand the contribution made by the Commonwealth’s leaders, as evident in Australia last week; and to share in the enthusiasm and warmth of its peoples.

‘Today, the Commonwealth is a meeting place for North and South, East and West. It is built on diversity - which is why this year’s theme, ‘Celebrating Diversity’, goes to the heart of the association.

‘Politically, the Commonwealth sees its diversity as a strength. That was certainly true of its invaluable contribution to the ending of apartheid in South Africa. The practical assistance it was able to offer in such crucial areas reflects the kaleidoscope of its membership and its expertise. As a result, the Commonwealth was able to work with all the different communities of what is now proudly called ‘the rainbow nation.’ Bridging social and political divides has also been a feature of the Commonwealth’s continuing work in seeking to encourage democracy, good governance, the rule of law, and respect for human rights.

‘In all this, we recognise that promoting diversity is not just tolerating difference. Living together as neighbours needs more than that. The true celebration of diversity involves reaching out, recognising and embracing difference, and in so doing enriching our lives. It requires respect for others and a readiness to learn from them; recognising that we have duties as well as rights; and seeking to leave the world a better place than the one we inherited.

‘As each of the last fifty years has passed, so too has our appreciation of the contribution made by the Commonwealth, an association of peoples as much as it is of government, bound together by ideals as well as interests. If the Commonwealth is to remain a force for good, we must ensure that those ideals are carried forward by the millions of young people across the world who are its future - so that they too can celebrate and build on the diversity of this unique organisation.

Elizabeth R.

11th March 2002.’

Procedural

The Speaker: Hon. members, before we move on to the next item on the order paper, the Chief Minister has asked if he could make a statement in relation to an answer to a question which he responded to in the last sitting of the House. I feel this is an appropriate time, so I therefore call on the hon. member for Onchan, Mr Corkill, the Chief Minister.

Police — ‘Operation Safe’ — Costs — Involvement of English QCs — Clarification by the Chief Minister

Mr Corkill: Thank you, Mr Speaker. I would like to make a small, but I think, perhaps, significant, correction to an answer which I gave in the House last week. In answering question number 1, which asked about English QCs appointed in relation to Operation Safe cases, I described all those retained by the defence as QCs; I should have described them as English Counsel, rather than Queen’s Counsel. Mr Speaker, I do not think that the error actually affects the sense of the answer I gave, but I do apologise if it has caused any misunderstanding.

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

Mr Singer: Can I just ask the hon. minister: in that case, does that make any difference to him declaring how much it is actually costing?

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

Mr Corkill: As we know, Mr Speaker, there is a cost to this representation, but I do not believe that the statement affected what I said in relation to costs; it was the terminology I used that I have now corrected.

Bill to Amend Human Tissues Act 1986 — Leave to Introduce — Motion Carried

The Speaker: Hon. members, we move on to item 2: leave to introduce. I call on the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, there are few people who would see another human being living in misery or suffering and who would refuse to help. We are fortunate in our national history and culture and traditions that we hold dear our responsibilities to do unto others as we would like to be done unto ourselves. We behave to others in distress with a compassion and practical understanding, and, in the helping of others, we hope that, in turn, they would help ourselves. This hon. House is the embodiment of all good men and women who have laboured within it and have intended to enact, for the good of the people of this Island and nation.

I am seeking leave to introduce a Bill to amend the Human Tissues Act of 1986. In doing this, I believe we have an opportunity to further the work of this hon. House and mankind, bringing to people who are suffering with chronic illness the possibility of hope and relief from such suffering. Under the scope of this bill, every single man and woman in the Island over the age of 18, being registered with a doctor or on an electoral roll, could save the life of another human being or be the person who contributes to the ending of the suffering of another. Each and every one of us can be the most important person in the relief of another’s suffering. Under the proposed Bill, each of us has to do nothing to be so important: no forms to fill in and no costly administration by government. It is simple: you and I, each and every one of us, agree that we allow another human being to have a chance of a better life, a life free from chronic sickness, by giving of ourselves after we are dead. It is a fundamental part of civilised society; it allows us, no matter what our religious beliefs or political differences, to make a contribution to the betterment of another’s life. Essentially, all that we have to do is not to object to the proposal as far as this legislation is concerned.

Under this proposed Bill, if anyone feels strongly that they do not wish to help another, in the event of their own death, to live a pain free and healthy life, it will be noted in their doctor’s records. Anyone who refuses to be a donor should and will, in every case, have their wishes

respected. For those who do wish to make a contribution to our small nation's progress in the relief of suffering and illness: do nothing on the face of it. This is potentially the wonderful thing that can happen as far as these poor people who have their lives blighted are concerned. The wonderful thing is that, if we are confirming our belief in the importance of life by helping to give another human being the opportunity to live free of debilitating illness, such a gift, freely given from one individual to another, is an affirmation of our common humanity and our confirmation of the values that we hold dear. I beg leave that this hon. Court gives the people of the Isle of Man the opportunity to make this significant contribution to the common good. Vainstyr Loayreyder, I do hope that someone in this hon. House will support my proposal.

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

Mrs Hannan: I beg to second, Vainstyr Loayreyder, and in doing so would say it is not relevant just to kidneys and hearts - and I do not think anybody would want our brains - but also to corneas and things like that. I am not sure whether, after we have served time in here, we would be of any use to anybody else, but I know there are a lot of people whose lives would be different if they received an organ. We are far away from a unit which would receive these tissues, but I am sure we have ways now of getting tissues to these centres, so I would hope that at least members would give the member the right to introduce a Bill. It is really a positive, as opposed to negative, and I would hope that at least the member can be given the right to bring forward a Bill so it can receive further discussion. Thank you, Vainstyr Loayreyder.

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

Mr Shimmin: Thank you, Mr Speaker. I shall be supporting the member's leave to introduce. I am grateful to the Chief Minister for re-circulating the report by the Council of Ministers on organ transplants from deceased donors, which was laid before Tynwald last month. This stemmed from a report of the Social Issues Committee, which I had the privilege to be serving on for some time whilst this was being debated, and I would give the hon. mover my indication that I am unlikely, having been on that committee, to actually support the Bill when it comes forward, unless he can satisfy many of the concerns that were brought up to that committee. We did have a public consultation process and, certainly, it was not one which was greeted with - by any means - unanimous support, although I understand the reasons for the attempt.

I am brought to my feet particularly also for members who would look at that report concerning the issue of driving licences. It is timely that we are currently renewing the 10-year driving licences and I apologise to the Court that I was neglectful in introducing the proposed amendments prior to those renewals going out, but I endeavour to progress that today. This is the means by which people who apply for a driving licence can make it clear on the form that they wish to have their organs donated in the event of their demise; I believe that anybody who completes that form - and the latest figures in this report refer to over 4,000 people who have - intimates an intention that it is their desire that their organs are donated. The difficulty examined by the committee was that this was never actually passed on to the organ donation register, and that appears to be contrary to the wishes being expressed by the individual. There are some administrative problems in order to try and make that link, but I believe that the intention of the people who fill it in is genuine and I believe that would go a long way to actually increasing the number of people on the Island who find themselves on the organ donation lists.

It is an emotive matter; it is something that people feel strongly about. I think, certainly, at a minimum, we should be doing everything to endeavour to allow those people who have expressed their wishes, through whatever form, to be able to have their views reflected at the time of arrival in hospital. It is also a contradiction, in many ways, that the views of the medical staff will always be giving primacy to the members of the family of the person departed: before getting approval for donations of organs, they have to ask the next of kin, and that means that the next of kin can actually override the request of the individual person, which does seem to be an

anomaly. So, much work has been done, I look forward to the member bringing something forward and I would welcome the opportunity of discussing that with him, in the process, in order to see if there is anything the department can facilitate, sir.

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

Mr Singer: Thank you, Mr Speaker. I must at the start of this declare, I suppose, an interest, in that I have an older son in England whose kidneys failed seven years ago; both kidneys failed seven years ago and he went onto dialysis. He had a transplant about two years after he went onto dialysis and, after a year, that transplant failed, so he is now on dialysis again. He is working full-time, but he is on dialysis three times a week, and he is waiting patiently for another kidney.

The problem at the moment is that there are fewer and fewer organs coming forward. One of the reasons, I understand, is because of the increased safety factors of protecting persons in vehicle accidents and people, fortunately, are not dying in accidents where they used to die before. So, that is a problem in getting any kind of organ, not only kidneys, but I also appreciate that persons have genuine reasons not to wish to donate their or their relatives' organs - religious, moral reasons - and I believe that we also have to show respect to those people. So, to presume that a person wishes to donate an organ if they have not opted out, I think, is a little presumptuous: it disregards possible moral issues. One of the questions I would put to the mover is: what happens in regard to a person who dies on the Island but is not resident on the Island? If his Bill is passed, would they automatically have their organs go for donation or not? I think it is probably not a person's priority, particularly for a young person, to opt out of the system and make that known. We also do have to remember the effect on the family of the deceased at a traumatic time. I think the priority should be to encourage voluntary opting-in - and I mean *voluntary* - and that can be done in many ways: I think, perhaps, we could ask those people who have actually received donated organs to take part in major publicity action to show people how they have benefited and show the fact that people who have died can contribute to those people who are living. I think the stories of the success of transplantation from these people could stimulate the public to wish to donate their organs at their death.

So, as I say, I do have a direct involvement and a bias, possibly, in the need for the greater availability of organs for transplant, but on balance, Mr Speaker, I think that the report from the Council of Ministers' committee is correct; I think it is right. I do not think that you can impose a decision on a deceased person - or imagine that this is what they wanted - or on their family, but I think we should do everything to encourage them to see the great service that they can give to the living. The hon. mover talked about the people of the Isle of Man making the contribution and I think they can make that contribution by being convinced that opting in is the right decision. So, that is my particular view, but I will take the opportunity of supporting the member in his right to introduce this and to present his case, and I will make a final judgement having listened to that case. (**A Member:** Hear, hear.) Thank you.

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

Mr Rimington: Thank you, Mr Speaker. Yes, I would be happy to support the introduction of this Bill, so that the issues can be discussed in depth. I would ask the hon. member if he, in pursuit of his objective, could also do some research or bring some information together - with which, I am sure, the Director of Public Health would be only too happy to assist - on the efficacy of the use of organs in medical science. I am sure that there are many areas where that is a valid and acceptable and efficient use of resources or whatever and that that, as a programme, should continue, but my personal experience was fifteen years ago, in Manchester, when I was involved with a health authority, and the cardiac unit wanted to become a centre for heart transplants. At that time, and in that particular situation, I felt that there was no medical justification for what they were trying to do, in terms of the amount of resources that would go in to do that and the actual

improvement in peoples' lives that would come from the utilisation of those resources, knowing that, as then and as now, there is always a limited amount of resources for healthcare and there are unlimited demands on those resources in different ways. So, I think you have to bear that in mind and, on that particular occasion, it was more for the status of that cardiac unit and of that particular health authority that the decision was a positive one, and it was not based on sound medical evidence. Now, I am not saying, by any means, that we should then cast aspersions on the whole idea of donors and organ transplant; I would not want to do that, but there has to be some rational look at that use of resources, and I hope that the hon. member will seek to achieve and bring some of those views and information to this House.

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

Mr Henderson: Thank you, Mr Speaker. I fully agree that we have a moral obligation to help to improve the quality of life of any person or people in our community in whatever way we can, although I have to say the proposal before us makes me feel uncomfortable, to say the least. The hon. member talks of a gift for an individual who is suffering; or are we talking about what could be seen as enforced harvesting, which is the technical term used in the circles that we are talking about? As far as I am concerned, gifts should be freely given with the consent of the donor and not by default, thereby making that special donation really special. I feel people have the right to make their own determination as far as this is concerned and I think a slab of legislation which is going to be superimposed on every person within our community is something that we all need to be careful of.

I come from the angle that: why do we need to be here at a legislative juncture when it is my firm belief that no real proper public promotion programme that I have seen in the last two or three years has ever been undertaken by the hon. member's former department and the section which he headed up? I have written, on several occasions, to the Department of Health, and to the relevant officers within that department, over my grave concerns over the lack of organs for various transplants, including corneal grafts and so on: corneal replacements for eye operations. There is a national shortage and I kept asking the question: why can we not have a public promotional exercise? We are quite right: we have a person called the Director of Public Health, who, I understand, is on a salary in the region of somewhere between £30,000 and £40,000 a year. Now, what on earth is going on here, Mr Speaker? As the hon. member for Ramsey pointed out, if people who were the recipients of successful transplants did promotional drives in the Island with the help of the health service, so it was presented professionally and in a way that the community felt comfortable with, I am sure this would produce results, as it would in the UK. I firmly believe that we should be trying this first stage in the ladder of this process, and it is alluded to in the document from the Social Issues Committee, as circulated by the Chief Minister. I think we should use up that stage first before we go down the legislative route, whereby everyone is considered as opting in and they do not have any rights as regards that unless they find out that they can actually opt out.

So, those are my points, Mr Speaker. I feel that the intentions are honest and there is a national shortage of organs - I am well aware of that - but I think, first off, that the hon. member would have been better coming with a motion, to either this House or another place, to cause some further research for the Isle of Man to be undertaken and also cause proper health promotion. As I say, at the end of the day, I have tried that route and I got a couple of responses back, which, I have to say, were bland: 'Oh, yes, your points are taken on, but . . .' and I have not heard anymore and that was quite some time ago. So, I think, if there is any message to come out this morning - and no disrespect to the department - the hon. member in charge of health must bring back the concerns that a proper public health promotional drive, on the lines as illustrated in the Council of Ministers' book and as the hon. member for Ramsey has indicated, must be undertaken, at the very minimum.

The Speaker: Hon. members, I call on the hon. member for Onchan, Mr Karran, to reply.

Mr Karran: Vainstyr Loayreyder, I think this is more than just a points scoring exercise and I think that, regarding the comments made by the member for Douglas North, the issue of this is about whether you opt out or you opt in. That is all my legislation is about: it means you actually change the emphasis. As has already been put in this hon. House, the situation at the moment is that you can opt in and your next of kin can opt you out, and their wishes are respected over my wishes as the deceased person: that is the crazy situation. I think that the hon. member needs to realise that many things happen within a department that do not actually come to this hon. House as far as the health service is concerned. So, I do hope that he will reconsider because the law is fundamentally flawed at the present time: you have got the driving licence scheme, which is farcical; the donor scheme is farcical, in the fact that your next of kin can overrule it. We really do need to bite the bullet on this subject and I believe that what we saw in this report was the mainland mentality of, 'Oh well, they have not done it in the UK, so we are not doing it.' I proposed this Bill as the member for health and, as I had gone off and done the cannabis Bill, there was a certain amount of debate within my department about embarrassment. That was the reason why the hon. member for West Douglas ended up sitting on that committee: it was a sop to me as the member for health.

I would just like to thank my seconder for having the decency to get up and second the proposal to get these issues debated. This is what this House is for.

I would also say that I had already discussed in detail with the transplant team in the United Kingdom, on at least two occasions, the practicalities of the transplant of organs on the Island, which does happen on an occasional basis now, but this would mean that it would be able to be done on a more regular basis and we would get a far more formal basis for doing so. I think members need to realise that, if we bring this legislation in, it does not mean that we are going to end up with the likes of our good friend, who is not here at the moment - Mr Duggan - feeling a bit lighter as far as the coffins are concerned, on a regular basis; that will not be the case. The situation is that we will be talking about the criterion of two, three or four individuals every year who would be harvested, as far as the facilities are concerned, on that basis. I believe that this piece of legislation would have no effect at all on the vast number of people who die every year; it would affect a very, very small number. It has to be a death under certain circumstances, as far as certain organs are concerned: some are so precise that we are not talking in hundreds, or even twenties, but we are talking of a number of three or four people at most, as far as this legislation is concerned. But the thing will be that that will mean that eight people who are in misery, on dialysis, will have kidneys. I understand that people find this subject awkward, but I believe that we have a social responsibility to debate these issues, even if they are awkward and even if we have a large amount of the members absent somewhere else as far as this important debate is concerned.

I would go on to the hon. member for West Douglas and I thank him for saying that he will support the leave to introduce, because I do believe that this issue should be debated in this hon. House, especially with the dearth of legislation here. I believe that we can have a reasoned debate on the subject and I appreciate that he has his preconceived ideas, but at least that is where we start from when we debate an issue: that we all have preconceived ideas on many subjects. I understand that there will be many people who are concerned about the fact that they will not even allow themselves to be cremated because of their religious beliefs, and I recognise that, and in a free society we must honour those requirements. All I am saying is that the issue would be that you opt out instead of opting in.

I would say also that I am glad the minister recognises the issue as far as the driving licences are concerned, but he also has to recognise the issue that the medical staff, at the present time, would have to take the opinion of the next of kin, not the deceased person's rights, and I think that is *fundamentally wrong*; if nothing else happens with my piece of legislation, then I believe that maybe we can get that nonsense out of the way, with this taboo subject of death.

In this hon. House, I wonder how many of you have actually made a will (*Interjections and laughter*). Maybe in the case of my good friend from Ayre behind me, he is trying to get his into a burglar-proof vault (*Mr Quine interjecting*). But the point is: how many of us really think about what is going to happen after our demise? I believe that what we need is a public campaign, telling people that the law will be changed on a certain day and saying that you *must* register with your GP and make your wishes known. We could put a piece on the likes of the voting list if people are really concerned about opting out as far as organ transplant is concerned. Maybe the reason why I am so keen on this piece of legislation is that I remember, that when I first came into this House, seat belts were so *persona non grata*, and now they are the norm. I think of the abuse that we took over trying to bring in seat belt legislation, and this is one of the reasons why we have the lack of donors nowadays, but the issue is whether we are a progressive, forward-thinking and humanitarian parliament, or a reactive pseudo-council, following the United Kingdom in saying, 'Oh well, we will wait until they have brought the legislation in.'

Hon. members, I hope this hon. House will support the proposals. I appreciate, with five years - and five years previously in the late 1980s - as a member of the Department of Health and Social Security, the concerns of the hon. member for Rushen about the issues of a heart team and how expensive it is, but it is very difficult to say to somebody who is dying from a failing heart that we will just let them die. I hope this House will support this issue. The fundamental principle is that they opt out instead of opting in and that we stop this nonsense of the issue of where your next of kin can overrule your wishes. It will not mean that hundreds of bodies will end up losing organs: that is rubbish, and we have had this explained in detail by the transplant team in the United Kingdom. We will not be talking about loads of organs; there will be some, but, for those lucky few, hopefully it will blossom their lives back into dignity and good health. I beg to move.

The Speaker: Hon. members, the matter before us is down as item 2 on the order paper: leave to introduce, in the name of Mr Karran. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Bill for First Reading

The Speaker: I call on the Secretary of the House to announce first readings.

The Secretary: Mr Speaker, the Data Protection Bill 2002, introduced by the hon. member for Ramsey, Mr Allan Bell, the Minister for the Treasury.

Ronaldsway Airport — Select Committee to Investigate Route Licensing System — Amended Motion Carried — Members Elected

Item 4. Mr Singer to move:

That a select committee of three members be established to investigate the feasibility and merit of the Isle of Man Government operating a route licensing system for passenger carrying aircraft using Ronaldsway Airport and to report not later than December 2002.

The Speaker: I call on the hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker. In moving this motion, I am asking hon. members to support an investigation into the current system of control which operates in regard to air travel and air routes off the Island to the UK and the Channel Islands. A select committee would make any recommendations, if necessary, to enable the government to have influence and control over routes and potential new routes and who operates those routes.

At present, any airline can operate a route from the Isle of Man, subject to Civil Aviation Authority approval, which only is concerned with financial and operational fitness. Our government has no input into that approval: we have no control; there is no 'stick and carrot' to encourage airlines to fly to specific areas or airports in the UK or the Channel Islands; we cannot

prevent them abandoning routes, nor can we prevent them pirating routes that have been established and well serviced with hard work by another airline. The licensing of our routes was discussed in another place in January 2000, when the former Minister of Transport, now Mr Speaker, told the Court that he had the power to intervene in circumstances which threatened our air services; I disagreed with his view, and the events of recent weeks, culminating in the recent changes by British Airways and the demise of Manx Airlines, which took place without consultation with the government, have proved me right, in that we have neither control or influence.

I am not, at this stage, suggesting that we must have a change; a select committee would, I hope, weigh up the position and the desirability of a shift in our present position. However, I will outline briefly where I see the problems and how they could be remedied to the advantage of the travelling public. There are two extremes to the present scenario: the utopian position, where the Isle of Man Government decides which airlines use our airport, where our airlines should fly, the frequency of the flights, and the fares - the nearest one would get to that is to have a national airline run by the government; then there is the diametrically opposite position, where any airline could run on any route off the Island, at any frequency, at any ticket-pricing structure, and the government lets it be a free-for-all and has no influence. The current position is much nearer that latter statement, and a select committee would, no doubt, wish to determine where we should be between the two positions.

We have an open skies policy, which I support: I support competition, as long as it is fair competition, that is: if a licensing scheme were introduced, the best service is licensed for route and poor service is not rewarded by permitting an exclusive right to a route. But here, I suppose, I am getting a little ahead of the game. A select committee would, no doubt, determine any change that is required to ensure good, efficient, reasonably-priced services to a good range of destinations. These qualities of service can be determined in many ways, and I am sure every hon. member will have their own idea of how they can be achieved. The select committee would, no doubt, make its recommendations after eliciting the views not only of hon. members but also of the airlines, the travel agents, the airline users and the public in general.

The Channel Islands have gone down this route. The European Union policy of 1995 created a situation where an airline was free to fly anywhere within the EU, and did not distinguish between good and bad services and regular or haphazard scheduling. The Channel Islands recognised this threat to their services when they first proposed their licensing system to protect their regular services, and, not being a member of the EU, they decided they could take this action. At that time, they had the support of British Airways and British Midland, who were both concerned that airlines might go cherry-picking their established routes. The UK Government accepted the Channel Islands' licensing proposal. Is this the route we should be taking? A select committee could look at it in depth and make an informed comment on such a strategy.

In the former debate in another place, hon. members said they did not have adequate information to vote for a licensing system, and that is probably still a valid comment, but, two weeks ago, in this hon. House, the Chief Minister, in a reply to a question on the licensing of air routes from the hon. member for Ayre, said, 'If there is a requirement to look at a licensing system, then I do not have a problem with that.' I welcome that attitude of an open mind on the subject and, hopefully, support for this motion.

I do not intend to go any further into the pros and cons of an air route licensing system today, as I am aware that a select committee would be taking on those responsibilities. I would ask hon. members to support this resolution, to enable an in-depth study of both the present situation and the potential of an air route licensing system, to take place so that we can be assured that the Island has the opportunity to determine the most advantageous position, for those travelling to and from this country and for the government. The select committee may well

determine that the present position is the best, and we would be reassured, but, whatever the outcome, we would be working proactively and not trying, as is often the case, to retrieve a position when it is too late. I would therefore say to hon. members that, in supporting this motion, we have everything to gain and nothing to lose, and I therefore seek your support. I beg to move, Mr Speaker.

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

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

Mr Shimmin: Thank you, Mr Speaker. I feel an amendment coming on; only a friendly one, however. Hopefully the hon. mover will be pleased to know that the amendment is one which is designed to try and curtail the length of study necessary on this issue, but one which will focus the attention of it. As hon. members know, I am new to the post and I am therefore not an expert on the open skies policy operated by the government for some years. As such, I believe it would be useful, as the mover has mentioned, for this to be put to independent examination and for me to be a member of that select committee, if so approved, but that would be up to the House.

We are all aware of the well-publicised changes in airline operations throughout the world in recent times. We are currently having much on-going dialogue with existing and future operators. It is mainly for that reason that any period of extended uncertainty will actually be unhelpful and reduce the opportunity for us to achieve the same goals that the hon. mover and, indeed, all members of the House, I believe, are after. The amendment that should be in people's hands now, therefore, is merely to bring forward the date by which the select committee is to report, from December to June 25th, which is the last sitting of the House this year. The arguments for and against such a licensing operation are, I believe, well-rehearsed, and, therefore, I believe it is achievable that we move within that timescale.

Like the hon. mover, I do not intend to go into too much detail; however, he has raised the issue about the Channel Islands, and this is one which the House ought to be aware of before determining their vote today. A little bit of background about the Channel Islands' situation; Channel Islands air routes are totally different from the set-up on the Isle of Man. They have recently commissioned and published a report - in January of this year - which includes a number of recommendations, but also observations about the success of their current operation. That report refers to a decline in passenger numbers of an average of 2 per cent per year from 1998, which is expected to continue until 2005. They currently operate with 1.65 million passengers per annum, in comparison to ours of just below 700,000, but the main fundamental difference is that, of those 1.65 million, 60 per cent of the annual travellers travel during a 60-day peak season - that is approximately 500,000 passengers per month for two months - and the remainder of the year is reduced down to a figure in the region of 66,000, which is not too dissimilar from our own. The reason why they went down the licensing route was to avoid exactly what the hon. member has mentioned, which is the cherry-picking of operators coming in, operating for a short period of time, maximising profit and then leaving a poorer service for the Island for the remaining 10 months. Jersey's overall charges have increased by 60 per cent in the last five years; we have only increased the rates of fees and charges in one of those years, and then only by 3 per cent - that is a tenth of the Jersey increase in fees - and, indeed, our total annual income has decreased slightly, as we have rebated landing fees in order to make the routes more attractive.

The report is recommending an increase in fees and charges, spread over the next two years, of £3 per passenger; yet they are currently averaging £8.55 per passenger, whereas on the Isle of Man it is only £7. Therefore, we can already see that some of the incentives that might appear to be beneficial in Jersey are actually not being recognised by the fees charged to the airlines. They are facing falling numbers; we are encouraging increased numbers. Our new proposals for fees and charges will give positive incentives, and hon. members should be aware

that this has nothing to do with the current situation with regard to the licensing of routes and the Heathrow slots; indeed, it is well known that the Channel Islands lost their slots in advance of ourselves.

The current airline licensing régime conforms to the EU open skies system, where regulation is kept to a minimum and carriers are free to fly anywhere and charge any fare in an open-market, free-competition system. This is what the Island has operated and that is what the select committee will have to evaluate as to the way forward. The committee will have to ask some questions, such as: why would we create something which will be a barrier to competition? Why create a bureaucratic procedure that will discourage air carriers from considering providing their services to the Island? If the Isle of Man were to duplicate the Channel Islands' system, then all existing airlines serving the Island would automatically be granted permits; not to do so would result in legal action from those carriers who suddenly found themselves excluded. So, effectively, any permit system would only apply to new carriers, or new routes flown by existing carriers. Why should we make it more difficult, when that is exactly what the department is already trying to achieve? Also, in practice, any permit system would inevitably be subject to strong influence by the existing airlines: they might seek to use this system to exclude potential competitors; if nothing else, they might force a new application through every stage of the procedure as a delaying tactic. The committee will have to look at whether there are actual benefits, such as whether permits could be granted in return for promises, such as: they would retain Heathrow, or charge low fares, or maintain a certain number of schedules. This harks back to the 1960s and 1970s, when the monopolistic state airlines agreed to this or that, but ended up making large losses. Therefore, the issue is not one for which it appears, because we have difficulties at the moment, along with all other air operators in the world, that this will be the panacea.

Reference is often made to 'low-fare airlines' and the benefit to the Island, and, indeed, these are the most obvious product of the liberalisation which has taken place. The continued absence of low-fare airlines from the Isle of Man is not due to any restrictions or access to competition, because we have none; rather, their absence is due to a combination of factors, such as our short runway length, our inability to substantially waive airport charges - because we would have to do that to have a level playing-field for other operators - the limited size of our home market, and, perhaps most importantly, because there have been plenty of other airports and markets in Europe where deals can be struck in the absence of established full-fare airlines. We will always be considered as a potential place for low-fare airlines, but not a particularly attractive place for them, and, therefore, we are well down their list of options.

I do believe that the airline situation is currently so mobile that hon. members have a lack of information, and therefore I will support, and encourage others to support, the motion today. I would express some surprise that it has come to the House of Keys rather than Tynwald, which I believe would have been a more appropriate place (**A Member:** Hear, hear.) however, that is the individual member's right. I do believe that we can move quickly on this issue, and I believe it is imperative for all the travelling public, on and off the Isle of Man, that we do exactly that. I would therefore urge members, please, to support the amendment and make this committee respond quickly to the challenges ahead and report back to this House. We hopefully will have more information to confirm the current policy, or, if there are reasons to change, we will be well advanced to do so. Thank you, Mr Speaker.

The Speaker: Hon. member for Garff, Mr Rodan.

Mr Rodan: Thank you, Mr Speaker. I am happy to second this amendment. Perhaps just a word or two as to why the amendment is in the form it is, in that we are asking for 25th June to be the date, rather than December, to report: it is not intended to be obstructive or to prevent detailed inquiry, but, in fact, to acknowledge the commercial situation that, where we operate currently in a fluid, open skies, liberalised air travel environment, there are operators who might well be

discouraged at the notion of a protracted inquiry which may end up recommending restrictions to competition via a licensing system. It may well be, therefore, that potential entrance into the Isle of Man air travel market might be discouraged if there were, in fact, to be a long, drawn-out inquiry, and it is simply for that reason that this particular date has been advanced as being preferable.

I would, I think, congratulate the mover on the spirit with which he has moved the motion, in that he has clearly indicated to us that this investigation is intended to be impartial, to weigh up the evidence. Had he not presented it in this fashion, I certainly would have had some difficulty in supporting, because I do not believe, myself, that a licensing system for passenger aircraft does anything but fly in the face of the liberalised system of air transport that has been introduced over recent years in the EU and the UK, with the resultant product of low-fare airlines as the clear result of this liberalised policy. Were the starting point to be that that was wrong and a licensing system for the Isle of Man was appropriate, I would certainly be against that, but, in a spirit of parliamentary objective investigation, which is how the mover is clearly considering it, I think it is appropriate for government to respond positively to that. No doubt, government and individual members will want to give particular evidence, and the select committee will determine what the appropriate public policy for the Isle of Man should be; the purpose of the amendment is simply to ensure that that public policy, properly defined, is arrived at sooner rather than later.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. The member who has just resumed his seat spoke about parliamentary objectivity, and that is an area which I would like to cover, because the mover of this motion is quite clearly looking at a particular issue to be examined by three members. That was amended by the Minister for Transport, who has given us a history of what has happened in the past, and the minister also said that he would like to be on the committee: and well, it is up to this House who is on the committee. I would have thought that, from a government point of view, it would not be the best position, because, if there are three members, I would have thought that, if the minister did not agree with what the other two members were saying, he would have to come forward with a minority report. So, it actually causes me some concern, with the government trying to restrict the amount of time that this particular issue is being looked at, and by also suggesting that the minister should be on. The minister has a different position when it comes to this, and I would have thought that, if the parliament is to be objective - and that is the House of Keys - then I would have thought, if it is the wish of the House of Keys, that it should be three members who would look at it from a parliamentary objectivity position, to see if it is in the best interests. Then, of course, it is up to government whether government accepts that advice or not. I think we get the two mixed up: I am not saying that ministers should never be on a select committee, and I think when it is the policy of a department, quite clearly spelt out today by the minister, the reasons why and how it all came about, well, I am quite happy to accept that, but I think if a select committee is to be looked at, it should be looked at in parliamentary objectivity terms, and that would then be three members who really do not have any connection.

I have no strong feelings either way, Vainstyr Loayreyder, because I have been in the Department of Transport and I know that consideration was given at that particular time, especially by yourself and by the member of Council, to this particular issue. I think it has been clearly looked at, but I think that if the House of Keys recognises that it would, too, like to understand more of the issues, as spelt out this morning by the minister, the minister appearing before a parliamentary select committee would be the way forward to outline the feelings of the department, instead of being in there, pointing the parliamentary committee in a particular direction.

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

Mr Quine: Sir, I certainly do not intend to speak to the substance of the argument, because that is, of course, for the select committee, if it is approved here today, but I just want to speak to two points: firstly, to say that I do share, to a large extent, the concerns expressed by the hon. member for Peel, but that is a matter for the House to take a decision on, and I do not wish to elaborate upon that; but what really causes me concern is the possibility - or the impracticality, I would suggest - of an exercise of this nature being conducted between now and 25th June. Now, I do not think it is critical whether we have in this motion a December date or a June date, from the point of view that, in common with any select committee, they can come back with an interim report and continue with the exercise, but I just want to put a marker down to say that if it is being held out by government that this whole exercise can be wrapped up within a couple of months - because that is essentially what we are left with now, if you think about what lies ahead of us - and that that select committee is going to take on board the collation of the data that it needs and to call upon, no doubt, expert advice - we are into a very complicated area in terms of air routing, air licensing legislation and parallels to be drawn with other places - I do not think this date of June is achievable.

In so far as a select committee could come back with an interim report, I do not think it is critical, but I put the marker down, because, you see, we have to bear in mind that there is a public perception to this. We had a debate in . . . well, I forget, June 2000 or whenever it was, basically on this subject, and that debate was resisted strenuously by government, and I do not think their position has changed, having heard the Minister of Transport here this morning.

Coming forward here today and saying, 'Yes, now we are going to go along with a further look at this, but (a) we suggest the minister should be on the select committee and (b) you should meet our deadline, come what may, of June', which is essentially what has been put across to us - although that is not the bottom line - I think is not perceived as being what the hon. member for Peel has suggested should be, and that is: an objective parliamentary investigation. The real point I am making is: I would not expect this committee, myself, to look at all these matters and come back by 25th June.

The Speaker: Hon. member for Douglas South, Mr Cretney.

Mr Cretney: Yes, just briefly, Mr Speaker, in terms of parliamentary objectivity and of predetermined positions, it is quite clear that there is more than one predetermined position -

A Member: Oh yes.

Mr Cretney: - which is being discussed here. The hon. member who has just resumed his seat did initiate a debate in the year 2000 in relation to this matter; his group has a predetermined position with regard to this matter, so there is a little bit of game playing going on here. It may well be that the minister has outlined what the current government policy is with regard to this, but the same applies on the other side, and so let us just get on with the job.

The Speaker: Hon. member for Onchan, Mr Corkill.

Mr Corkill: Thank you, Mr Speaker. It has been an interesting debate, so far, about this motion. The hon. member who moved it actually said in his comments that he supports open skies and fair competition, and I made a note of that, and I have underlined it, because, certainly, that is government's position on this, and that, I think, is probably where we are having, as the hon. member who has just resumed his seat said, a bit of game playing going on here as to what people's actual positions really are in respect of this motion. He also went on to say, 'If there is a requirement'. Now, the Council of Ministers, obviously, looked at this motion and we are quite happy for a select committee to have a look at this issue, but I think the Minister for Transport, Mr Shimmin, has made it quite clear what the government's point of view is at this stage. If the select committee can come up with something new that we have not considered, certainly, in terms of the Department of Transport and the Council of Ministers, none of us believes that we are the fount of all knowledge and we are willing to be open about this issue,

but we do have a lot of information about all of this potential for a licensing system already available. The first day that the committee sits, it can have a tremendous amount of information provided from the Department of Transport and, of course, that select committee, if agreed upon, can also look for information elsewhere.

The hon. member who moved the motion also talked about a 'stick and carrot', and that is the sort of metaphor which we use from time to time. I have to say that my view on this type of régime is that it is all stick: I do not see where the carrots are actually going to be surfacing, in terms of encouraging airlines to come to the Island. That brings me to the point the hon. member for Ayre has made: perhaps there is no rush about this (*Mr Quine interjecting*); the parliamentary privilege is that they can bring an interim report. Obviously Council knows all of that and this select committee can take as long as it wants; we know that. What we are trying to impress on the House this morning is that we have had a disappointment in recent times; we do have an open skies policy; we do hope that operators will look at the Isle of Man and see it as a profitable route and actually come here; we do not want to have any barrier in the way of commercial decisions; and we feel that, if this situation is to drag on, in the public eye there will be this headline: 'Will the Isle of Man have a licensing régime or will it not? There is a committee which has not reported back yet and we do not know the outcome.' That concerns us, because it is an economic issue which affects business decisions which, potentially, involve investors in the Island. So, that is where we are coming from. The easiest way for government would be to just vote against this motion -

Mrs Crowe: It should.

Mr Corkill: - as has been stated once before, and I know there are ministers who think that would be a good thing to do, but we have said this morning that we are happy for a select committee to be established, subject to the hon. Minister for Transport's amendment to actually speed the process up.

The hon. member for Ayre talked about public perception as well, and this is an issue I want to make clear this morning. We have had disappointments recently, with the announcements that Manx Airlines and British Airways have made, and I am sure that it is not a coincidence that this motion is on the paper before us today. I would not want the general public to think that, by setting up a licensing régime or setting up a committee to look at a licensing régime, somehow we are going to have a miracle cure for the Heathrow situation, because -

Mr Karran: We are not.

Mr Corkill: - as the minister said, Jersey and Guernsey have had this in place for some time, and they lost their slots as well. I think we are in danger of kidding ourselves, and kidding the general public, if we think a licensing system will, in fact, be a big enough stick to use on airlines to actually operate in the way that we want them to, in and out of the Island. I think we are all after the same endgame and the question is how we achieve it, because the backdrop that we are operating in is an EU open skies policy, and that is what this Island's policy also reflects at the moment. We have spoken of the Channel Islands, and they actually operate in that environment as well, except for the fact that, when there are twenty-odd carriers all trying to cream off the business, then, in fact, there is regulation brought in, to try and create a better all-year-round service for the community of Jersey. I acknowledge that, as an Island, that is probably a good thing that they have done for themselves, under their circumstances; but our circumstances are different. I have not heard anything from the hon. member who is moving this motion to actually change my mind at this stage, but I am prepared to listen to what a select committee may come up with regarding new ideas that may well encourage operators to the Island. Without a doubt, if this had been a concrete proposal - because it is not: the motion is to investigate the proposal, and we do not have a problem with that - I would definitely see it as interventionist: it is another layer of bureaucracy which private companies - airlines - would have to overcome, and it

might just be the straw that breaks the camel's back in what is a very competitive and fluid marketplace, as we have all come to learn.

I take on board what the hon. member for Peel said with regard to how this House selects the committee: it *is* a matter for this House as to who is on that committee. Certainly, I would see it as useful, from government's point of view, to have one of the Council of Ministers on that committee. Why not the Minister for Transport? That is his area. I think it would be useful to the committee, to facilitate the information that they would require, but he is not going to be the majority of that committee, and so I think it is a bit of the red herring to say that that should not be the case.

So, all in all, we have a motion which is to investigate a particular situation. It is, actually, not in line with government policy, but we are being open enough, and we are often accused of not being transparent enough: as the hon. member to my left often says, 'We are not transparent enough'. We are trying to be transparent, in order to find solutions, and we do not say that we have got all those answers; in fact, we are willing for a select committee to come up with its suggestions. But please, hon. members, support the amendment, because the one thing that business does not like is uncertainty. (**Mrs Crowe:** Hear, hear.) The private sector can cope with good news and they can cope with bad news; what they do not cope very well with is uncertainty, and I think, at this time, it would be wrong to be flagging it up in this particular way for too long.

The Speaker: Hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. Well, I think we have heard a number of red herrings being floated around today, and I think it is important to state, right from the outset of my small contribution, that I do not believe there is any game being played here by backbenchers or any other group than the Council of Ministers, in my view. There is no game whatsoever. It is a well-known fact that some hon. members have stated in the past that the issue of licensing ought to be looked at; it ought to be considered; it ought to be evaluated; we ought to be focusing on travel for the public, so that we can ensure that we get the best deal for travel for the travelling public (**A Member:** Hear, hear.), both through our skies and our seas. I do not see any wrong whatsoever in terms of looking at this: I think it should be looked at. The Chief Minister, in his contribution, said all sorts of things, but one thing that he did say a week or two ago, in answer to a question which was submitted to him on this issue, was that he would not have any objection to a select committee being established to actually look at it.

Mr Corkill: Instituting enquiries is what I said it was for.

Mrs Cannell: Well, nevertheless, the Chief Minister did say he would not have an objection in looking at it. (*Mr Corkill interjecting*)

The motion by the hon. member for Ramsey, Mr Singer, today, is quite clear: that a select committee of three members be established to investigate the feasibility and merit - that is all: to investigate the feasibility and merit - of the Isle of Man Government operating a route licensing system. I am not going to prejudge what such a select committee will consider and what they will not consider and what they will come back to this House and say, but one possible scenario is that they will come back and say that it is not feasible and there is very little merit in changing the present situation. It is a possibility; equally, of course, they could come back and say, 'Well, there is another way of improving the service which is currently provided to the public which does not necessitate licensing.' There are all sorts of possible scenarios that a select committee could come back with. I think the fundamental principle of three members being established to look at it is a good one, and I welcome it, and I am sure the general public and the business community at large will welcome it.

I know that business does not like uncertainty; business anywhere, in any nation, likes stability. It has often been said in the past that the Isle of Man provides stability and it has a stable government and a stable régime, and I believe that we still have that stability and that it will

remain throughout the consideration by a select committee of this particular issue, because the motion does not say to change it; it merely says to investigate the feasibility and merit: that is all. On the other hand, my dealings with the business community indicate that anything that we could look at which will provide an improved service for them, their businesses and their business contacts, and which will possibly make pricing and costs of passenger transport more economical for them, would be welcome, because a lot of business is conducted off-Island and a lot of engagements take place through a normal working week between the business community and their colleagues from off-Island and around the world. There are a lot of comings and goings and a lot of business traffic goes through the airport, so, if we can look at an area which may throw up, through investigation, an improved situation for the travelling public, business and tourist, then I think they would welcome it and they would certainly, I think, from the feedback I have had, welcome us actually looking at it.

I am a little troubled by the amendment and also the keenness expressed by the Minister for Transport in stating he would wish to be a member of the committee, and I share all the observations that were submitted by my hon. colleague for Peel, Mrs Hannan. I would have thought that, as the member stated, it would be far more appropriate for the Minister of Transport - and any other minister - to actually go to such a select committee and offer evidence, both oral and written, and that is the most impartial way, I would think, of conducting such a select committee. I think that, if a minister from this particular department were to be appointed, perhaps with other ministers or other backbenchers, then, when they come back, we are hardly going to be reasonable, I would suggest, in considering what they have to say, because we will be thinking, 'Oh well, they have intervened in this and it is perhaps not as transparent and not as free and as open as we would like.' Equally, I do not believe that a member of the Department of Transport, as I am, should be on a select committee like this either, so we would have to be very careful in weighing up the suitability of candidates for such a committee. I would not like to be put in that position, because I would feel like I was between a rock and a hard place. It has to be a totally impartial look; it has to be a fresh look with fresh eyes (**Mr Cretney:** Hear, hear.)

I am concerned with the cut-off date of 25th June and yes, I agree that, possibly, it would lend itself to such a committee coming back with an interim report; of course, the original motion says 'and to report not later than December 2002'. I do not support the amendment, because I believe that, if such a select committee is established following debate and submissions today during debate, such a committee may well, if they are prudent, come back with an interim report at the sitting of the House of Keys on 25th June, which, incidentally, is 15 weeks today. You take out this week; you have to take out next week, because we have a Tynwald session which could run - it will run at least two days, and possibly three; and then you have got, of course, Easter holidays. It is not just the availability of members - I am sure members make themselves as available as possible to service these committees, and I know that they do - but you also have to consider the officers who have to service these committees, and they are entitled to holidays at Easter like everybody else. So, you have to be practical in terms of how such a committee could be adequately serviced to not only consider oral evidence from anybody who wants to submit it, but, first of all, written evidence, which is the usual format, and as the hon. member for Ayre, Mr Quine, said, any expertise they wish to bring in and listen to. All of that is going to take a little bit of time, I am afraid, but I would have hoped that such a committee, if supported by the House today, would come back with an interim report of sorts at the sitting of the Keys on 25th June - a progress report, to see how they are getting on - and I do not think any future chairperson of a committee would do it any other way, following debate. I have not heard a case being made, to be honest, for the amendment, and I was hoping, when the seconder of the amendment got to his feet, that I would hear a good argument being put forward in terms of why it should be 25th June, but I really do not feel the urgency that is trying to be perpetuated during this debate today.

I support the motion; I support a select committee of three members being appointed; I do not support the amendment. Thank you.

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

Mrs Crowe: Well, just a very short intervention, hopefully to enable an enlightenment of why the amendment is there. There was mention in the last speech of an improving service for business and tourists, as if an extra layer of bureaucratic regulation would naturally encourage low-cost operators to come to the Isle of Man; Whilst this committee procrastinates, how many low-cost operators *may* be put off from approaching the Isle of Man to form a service? So, I think what most people realise is that competition does generally aid the consumer, and what we need to be making sure of is that we are not putting off people from approaching us to operate low-cost services from the Isle of Man. (**Two Members:** Hear, hear.) That is the reason for the amendment, because, whilst this committee is deliberating on introducing an extra layer of bureaucratic regulation, namely a Manx licence, what we are doing is saying to those so-called operators, 'Well, just hang on a minute; we may or may not want you to operate a low-cost service.' So, before an initial approach, there is that obstacle being put in place; we should be looking to encourage low-cost operators servicing our airport, and I really do urge the House to support the amendment, so that this committee reports in good time and so that negotiations can take place with anyone that approaches to operate such a service.

The Speaker: Hon. member for Douglas West, Mr Shimmin, to respond to the amendment.

Mr Shimmin: Mr Speaker, the reason why I believed, as I believe I said in the introduction, that I might benefit from being on it is because I do not have the preconceived idea that some would bless me with. It is well known that the mover of the motion has a stated position on this; it is known that many people within this House, as much as they may argue, are independent, free-minded spirits. The reality is that, when we have a select committee of only three members, to get that balance right is critical, not just on this issue but on every issue. I will leave it up the House to determine, and we could have any combination, but the timing of this motion is one where we have serious considerations about the ability of my department to work with current and future operators if we extend this procedure. (**Mrs Crowe:** Absolutely.) We are in weekly, if not daily, contact with airline operators looking at the Isle of Man as being a prospective destination; if we allow this to run on too long, we are in serious danger of those airline operators looking elsewhere. Please support the amendment.

The Speaker: Hon. member for Ramsey, Mr Singer, to reply to the debate.

Mr Singer: Thank you, Mr Speaker. First of all, can I thank all the members who have contributed this morning. I think it has been a lively debate and I welcome that. I think it is very important that although we are only looking for a select committee to investigate it, obviously views have been expressed on both sides.

I would like to thank Mr Karran first of all for seconding the motion; this was an amendment he actually put to the original motion in another place two years ago, which, at that time, was not accepted.

I have listened very carefully to what Mr Shimmin said and I do not disagree with a lot of the items that he has put forward, but, certainly, a lot of the items that he has mentioned, after moving his amendment, are right, and I think we do need an in-depth study to make sure that we get it right. Mr Shimmin made various comments about the Channel Islands and the way they are going about things now, having had the experience of this licensing system, and I think this is exactly what we need to be looking at. It would be excellent if we could consult them and say, 'You have gone down this way: were you in fact right or were you in fact wrong, and, if you were wrong, how are you going to make it right?'. Surely, on that and the fees et cetera, we could then make a judgement as to whether it is right for us, having talked to them.

If I can just come to a comment of the Chief Minister's about open skies and fair competition: yes, I do support open skies, *but with fair competition*, and there is a possibility that one would get *unfair* competition. For example, if an airline was only to come in for part of the

year on a route which is well serviced now, just coming through in the popular times of the year and leaving the other service to run during the quieter times of the year, I would not really look at that as fair competition. I think recently of Keen Air of Blackpool, a small company who have taken the bull by the horns - literally - to open a route from here to Blackpool.

Mrs Crowe: Without a licence.

Mr Singer: Without a licence. Of course, they do not have to get a licence; they only need Civil Aviation Authority approval, which I have explained. But they are now offering a service - and I have spoken to them - starting from £99 and they are doing two trips each day to Blackpool. Now, would it be right that they have to be looking over their shoulder all the time, worrying about developing that route, if they think that, once they have developed the route, somebody else will come in and try to carpetbag that route? I think that is one of the examples where I would say that was probably unfair competition - and members could well make a judgement on that - but, in the end, you could end up with nobody running that route because nobody can make a profit from it.

Issuing licences to people who already run routes was also mentioned. That is not a problem: I am sure that the committee would decide whether they would give them a licence. But after that one has got to decide, once they have got the licence: would there be control over that licence to ensure that they are actually running the route correctly and as we would wish them to run it for the benefit of the people, or should somebody else be given an opportunity?

This resolution has not appeared because of the present position of airlines since 11th September. I think members are well aware of that, but I do think that there are many, many items to determine. A lot of them have been outlined by various hon. members today, and we have got to say, 'Is three months too short a time, other than to take a quick scan of the situation and come back without any real recommendations, and the Council of Ministers turn round and say, 'Well, we can't accept that; there is no depth in that?' Surely, if we are going to do it, let us do it properly. The Council of Ministers have accepted and I am grateful to the Chief Minister for saying, 'Yes, okay, there is no problem with a select committee'. If we are going to do it, let us do it properly.

Mr Rodan referred to a protracted inquiry and the liberalised system in the EU: that will not necessarily bring cheap flights here, because there are not enough people here for people like Ryanair and EasyJet to run regular services. If there were, would they not be running them by now? But the fact is that they have not, because it would not pay them.

I thank Mrs Hannan for her contribution. I know what she said about having a minister on the committee, and I think that is a valid point, and she was also the first person to pick up the point about restricting the time. Mr Quine also referred to the practicality of doing this all within three months. It is very difficult to agree the report and have it written and approved by members and back here in three months, and I do not think the public would accept enforcing such a quick response and a quick answer and having such a short-term deadline as being the right way. As I say, if we do it, then we have to do it properly.

Now, this has got nothing to do with the Heathrow situation, as was mentioned by the Chief Minister; nothing at all. An airline cannot ever be forced to use a route; what we can do, when they want to run a new route, is make sure that they run it in the way that the licensing committee feels they should run it for the good of the Island. The select committee would surely, as I have said, in talking to Jersey, determine what is different between us and Jersey and would compare the two and decide whether, in fact, we should be going down the route Jersey went down or whether we should be looking at our own route - if that is the word to use - or whether we should be doing anything at all.

Mrs Cannell talked about uncertainty, and I would say, perhaps, that in regard to the Isle of Man, the uncertainty is that we do not know what airlines are going to do. The uncertainty is that

we had a Heathrow route; we were asking them for two or three years to keep that route; we were going to take legal advice et cetera; and, in the end, they pulled the route and there was nothing we could do about it. Now they are talking about pulling other routes, are they not? That is where the uncertainty is to the business people of the Island.

We should be looking at the 'feasibility and merit' - and those words are deliberately in this resolution: the merit; the levels of service. We want to ensure that the committee speak to the right people, and putting a very narrow window of time onto that cannot ensure that you are going to speak to all the right people, because the people you want to speak with and who are the right people are busy people.

Mrs Crowe quite obviously has made up her mind, but this resolution is not aimed at cutting out low-cost operators or bringing in low-cost operators. As I said, I think that if there was enough business for low-cost operators, operating to and from the Isle of Man, they would already be here (*Interjections*). It is no good, I would say to members, having a low-cost service on popular routes when it is not a regular service, it is not for the whole of the year and it would be chasing away other services. So, this is part of what the licensing regulations, if approved, would be.

To finish off, Mr Speaker, can I say that I do not believe that three months is enough time to speak to the people you need to speak to, look at the item in depth and have the report written and approved by members; to write the report and have it approved by members is probably going to take six weeks. The Council of Ministers, as has been said by the Chief Minister, support the select committee; hopefully they would support a job being properly done, and, honestly, I do not believe it can be done in three months. I do not think that things should pass us by and I believe that we should be investigating any need to have control over an important section of our economy and the future growth of that economy. So, Mr Speaker, I move the resolution as on the agenda, and I hope that members, having listened to that, will understand my argument that three months is not long enough and will, in fact, not vote for the amendment but vote for the resolution.

The Speaker: Hon. members, the matter before us is down as item 4, in the name of Mr Singer. To that we have an amendment in the name of the hon. member for Douglas West, Mr Shimmin, Minister for Transport.

I put the amendment before the House first. All those in favour say aye; against, no. They ayes have it.

A division was called for and voting resulted as follows:

For: Messrs Anderson, Cannan, Rodan, Quayle, Rimington, Gill, Mrs Crowe, Messrs Houghton, Cretney, Braidwood, Shimmin, Bell, Karran and Corkill - 14

Against: Messrs Quine, Henderson, Duggan, Mrs Cannell, Mrs Hannan, Messrs Singer, Earnshaw and the Speaker - 8

The Speaker: Hon. members, the amendment carries, with 14 votes for and 8 votes against.

I now put the motion, as amended, at item 4. All those in favour, say aye; against, no.

A division was called for and voting resulted as follows:

For: Messrs Anderson, Cannan, Quine, Rodan, Quayle, Rimington, Gill, Mrs Crowe, Messrs Houghton, Henderson, Cretney, Duggan, Braidwood, Mrs Cannell, Mr Shimmin, Mrs Hannan, Messrs Bell, Singer, Karran and Corkill - 20

Against: Mr Earnshaw and the Speaker - 2

The Speaker: Hon. members, the motion, as amended, carries, with 20 votes for and 2 votes against.

We now move to electing a committee of three members, and they will be elected under standing order 111. I therefore ask for nominations and then for seconders, please. The hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. May I propose the hon. member for Ayre, Mr Quine, sir?

A Member: I would second that, sir.

The Speaker: Hon. member for Douglas East, Mr Braidwood.

Mr Braidwood: Mr Speaker, I propose the hon. member for Onchan, Mr Earnshaw.

Mrs Crowe: I would like to second that, please, Mr Speaker.

The Speaker: Hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you. I would like to propose the hon. member for Ramsey, Mr Singer.

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

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

Mr Anderson: I would like to propose the hon. member for Rushen, Mr Gill.

A Member: I second that, sir.

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

Mr Bell: Could I nominate the hon. member for West Douglas, Mr Shimmin?

Mr Houghton: I beg to second, sir.

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

Mr Quine: If I could propose the hon. member for Peel, Mrs Hannan, sir?

Mrs Cannell: I second that, Mr Speaker.

Mr Cannan: I propose nominations be closed, Mr Speaker, sir. (*Interjections*)

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

Mr Karran: I would like to propose the hon. member for North Douglas, Mr Houghton.

Mr Quine: I beg to second, sir.

A Member: I beg to second that nominations close, Mr Speaker.

The Speaker: Hon. members, we have 7 names. If we can pass ballot papers, I will read out the names of the members who have been proposed.

Have all hon. members got ballot papers? Right, hon. members, the names of the members who have been put forward for the committee are: Mr Earnshaw, Mr Gill, Mrs Hannan, Mr Houghton, Mr Quine, Mr Shimmin and Mr Singer. Hon. members, members are required to vote for three people, as the committee requires three persons. If anybody does not vote for three members, their paper is spoilt.

Hon. member for Douglas East, Mrs Cannell, and the hon. member for Ramsey, Mr Bell, to be tellers, please.

A first ballot took place.

Right, hon. members, to be elected to the committee, members require a majority of the votes of those present and voting; the majority in this case is anybody with 12 or more votes. The voting is as follows: Mr Earnshaw, 12 votes; Mr Gill, 6 votes; Mrs Hannan, 5 votes; Mr Houghton, 8 votes; Mr Quine, 8 votes; Mr Shimmin, 16 votes; and Mr Singer, 11 votes. So we need to issue

new ballot papers, please. Members will be required to vote for one person. The names before hon. members are as follows: Mr Gill, Mrs Hannan, Mr Houghton, Mr Quine and Mr Singer, and you are required to vote for one person. The same tellers to act, please.

A second ballot took place.

Hon. members, the voting is as follows: we have one spoiled paper; Mr Houghton, 2 votes; Mr Singer, 14 votes; Mr Gill, 5 votes; no votes for Mr Quine (*Laughter and interjections*) and no votes for Mrs Hannan. Sorry, hon. members, it is important: it is a vote of the House and I just want to be clear that there were no votes for Mrs Hannan and no votes for Mr Quine.

The Secretary: Mr Speaker, that is correct.

The Speaker: Therefore the result of the ballot - and I will repeat that for the record so it is absolutely clear - is Mr Houghton, 2 votes; Mr Singer, 14 votes; Mr Gill, 5 votes; Mr Quine, no votes; Mrs Hannan, no votes. Therefore Mr Singer is elected to the committee, and the committee shall consist of Mr Earnshaw, Mr Shimmin and Mr Singer.

Right, hon. members, that concludes the business of the House. The House shall now stand adjourned until 19th March at 10.30 a.m. in Tynwald Court.

The House adjourned at 1.05 p.m.