

REPORT OF PROCEEDINGS OF HOUSE OF KEYS (QUESTIONS)

Douglas, Tuesday, 5th March 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); Hon D C Cretney and 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.

Questions for Oral Answer

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**Police – ‘Operation Safe’ – Costs –
Involvement of English QCs –
Question by Mr Singer**

Question 1. The hon. member for Ramsey (Mr Singer) to ask the Chief Minister:

In relation to ‘Operation Safe’:

- (1) *are English QCs involved on behalf of the prosecution or the defence; if so*
- (2) *how many are retained on each side and what are their fees;*
- (3) *how much public money has so far been expended on QC’s fees and what is their anticipated final bill; and*
- (4) *except in relation to the police, what costs borne by the public purse have so far been expended in relation to ‘Operation Safe’ and what is the anticipated final cost?*

The Speaker: Hon. members, we turn to the order paper and we move to the questions for oral answer. However, before I call on the hon. member for Ramsey, Mr Singer, to ask the first question, I wish to just clarify an issue in relation to this question and make a statement regarding it.

First of all I would like to say that I am satisfied that question number 1 on the order paper in the name of the hon. member for Ramsey, Mr Singer, is not *sub judice*. However, I would advise hon. members to act with caution and to take care in relation to this question, especially in relation to any supplementary questions that hon. members might feel that they wish to ask.

The question as written on the order paper which is to be put before the House by the hon. member for Ramsey, Mr Singer, in relation to the police ‘Operation Safe’ is straightforward, and I would ask all hon. members not to endeavour to ask questions or make statements which may be *sub judice* or which may substantially compromise any case that may go before the courts. I call upon the hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker. I beg leave to ask the question standing in my name.

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

Mr Corkill: Thank you, Mr Speaker. Hon. members, English QCs have been retained on behalf of the prosecution and on behalf of the defendants. There is one QC assisting with the prosecution and 17 QCs involved in representing the 35 defendants.

I am not prepared to be drawn at this stage on the fees to be paid and the total costs involved. Whilst these cases are awaiting trial and during proceedings, it would be very unwise for the House to be discussing and commenting on the costs in case anything were to be said which could in some way be used in court to challenge the proceedings. The *sub judice* nature of these proceedings has been stressed in relation to previous questions about ‘Operation Safe’ and the importance of not prejudicing these proceedings cannot be overstated. Obviously the costs involved will be very substantial, but the costs of the administration of justice are always substantial and the costs of dealing with the misuse of drugs are also substantial. We cannot shirk the responsibilities of dealing with alleged criminal offences and we cannot shirk the responsibility of providing access to justice to those accused of those offences.

Whilst it would not be appropriate to discuss fees and costs at this stage, the costs involved are, of course, a legitimate matter of public interest and I will be very content to provide particulars when, and only when, the legal proceedings have been concluded. Until that time, I intend to answer further questions by replying *sub judice* as I do not want to be the person who crosses the line into what is a judicial process.

Members: Hear, hear.

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

Mr Singer: Thank you. Can I thank the Chief Minister for his reply and I take note of your comments, Mr Speaker, but I am just wondering whether the Chief Minister would be able to tell me why it has actually been necessary to employ English QCs and why these cases cannot be conducted by Manx advocates?

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

Mr Corkill: As I stated in my initial answer, I do not intend to answer and I believe that I, as a minister, have the right to protect the Island’s interest in that way.

Mrs Crowe: Absolutely.

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

Mr Houghton: Thank you, Mr Speaker. May I ask the hon. Chief Minister, does this indeed set a precedent for the future whereby we have 18 QCs on the Isle of Man costing us an absolute fortune in a matter such as this? Does this not indeed set a precedent for the future?

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

Mr Corkill: The hon. member expresses an opinion and I neither confirm or deny that opinion, Mr Speaker.

Mr Cannan: Hear, hear.

Mrs Crowe: Quite right.

**Israeli Government –
Palestinians' Human Rights –
Question by Mr Karran**

Question 2. The hon. member for Onchan (Mr Karran) to ask the Chief Minister:

Is your government lending its weight to the condemnation of the tactics used by the Israeli Government in disregard of the human rights of Palestinians?

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

Mr Karran: Vainstyr Loayreyder, I beg to ask the question standing in my name.

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

Mr Corkill: Mr Speaker, the Isle of Man Government has made no statement about the situation in the Middle East. It has condemned neither the Israeli Government nor the Palestinians. No doubt there are legitimate grievances and faults on both sides and it would, I think, be invidious for us at this distance, and acting purely on media reports, to pass judgement on what is a most complex situation, a situation which has been fraught for many generations and to which the combined efforts of the international community has as yet found no solution.

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

Mr Karran: Vainstyr Loayreyder, would the Chief Minister not agree that no-one wants to take away from Holocaust Day in this House? In fact, as an hon. member who has now passed on was talking to me many years ago about the fact that 40 years on he still had nightmares about having to break into one of these camps, would the Chief Minister not agree that maybe what we should be doing is turning it into a Holocaust and Human Rights Day, and will his government look into the situation of combining the two issues, as I think it would be a good move to show

that these atrocities are happening now as they happened under the regime of the Nazis, and I just feel that the government should be looking at whether it should be broadening – ?

The Speaker: Could I have a question, hon. member?

Mr Karran: The question is, Vainstyr Loayreyder, would the Chief Minister not agree that maybe we should change Holocaust Day to Holocaust and Human Rights Day as well?

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

Mr Corkill: Well, the hon. member has expressed a view which I have noted, sir.

**Capital Projects – Design Teams –
Value for Money –
Question by Mr Karran**

Question 3. The hon. member for Onchan (Mr Karran) to ask the Minister for the Treasury:

Will you set up a working party to examine ways in which better value for money may be obtained when retaining the services of professional design teams for capital projects and report its findings to Tynwald by July 2002?

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

Mr Karran: Vainstyr Loayreyder, I beg to ask the question standing in my name.

The Speaker: I call on the hon. member for Ramsey, Mr Bell, Minister for Treasury.

Mr Bell: Mr Speaker, as the hon. member is already aware, the answer to the first part is yes. He has already discussed the matter with Treasury officials and has already received an assurance that this is an area that is reviewed on a periodic basis and that it was to be reviewed during the forthcoming financial year. I propose a review to be undertaken by the Capital Projects Unit in conjunction with the Value for Money Committee reporting initially to me. I will then send the report and any comments I may have on it to the Standing Committee on Expenditure and Public Accounts by July 2002.

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

Mr Karran: Vainstyr Loayreyder, would the Treasury minister consider making sure that the findings from any recommendations are made public to every member of this hon. House, and would he not consider that it may be better to ask for evidence from outside this hon. House? Would he also not consider whether we should be looking outside government and this hon. House for persons to be on such a working party? And would he also not agree that what we have got to get away from is the more these capital design teams spend, the more they get, and we will never control our capital budget projects before we start going down that line?

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

Mr Bell: Mr Speaker, I am disappointed to hear the reaction from the hon. member for Onchan if he believes that the concerns he expressed about a potential overspending on the part of consultants is only a matter of concern for those outside. I can assure the hon. member it also has a high priority in our concerns in Treasury and it is something we watch very carefully. It is my intention, if possible, to include someone from the private sector on this committee which will be reviewing the situation and then, dependent on the outcome of that review, I shall decide what to do but I have indicated to the hon. member it will ultimately go to the Public Accounts Committee.

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

Mr Houghton: Thank you, Mr Speaker. May I ask if the hon. Treasury minister would pay particular attention to minor schemes and, more in particular, those that have a simple regard for in-house design rather than going out to consultation or design professionals, sir?

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

Mr Bell: That will be included in the brief.

Mr Houghton: Thank you.

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

Mr Karran: Vainstyr Loayreyder, would the Treasury Minister not agree that this hon. member did not say that the Treasury did not have any concerns over this issue, but would he not agree that it would be better in open government and transparency to try and make sure that you have a broader base when you do a review? And would he not agree that, whilst I want to compliment him on his initiative as far as this is concerned, it is important that we have more

transparency and have people from different walks of life, and would he not agree it would improve the finds of any recommendations if you have it from a broader scope as far as your investigations are concerned?

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

Mr Bell: Mr Speaker, I have already said that there will be at least one representative from the private sector on this working party, and the hon. member himself if a member of the Public Accounts Committee and will be in receipt of the report as well.

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

Mrs Cannell: Thank you, Mr Speaker. Would the hon. Treasury minister agree with me that if the findings of his working party are placed in the hands of the Public Accounts Committee, not only we as hon. members of this House and another place but the public at large will be privy to the findings of the Public Accounts Committee as it is transparent and it does report for the population?

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

Mr Bell: I am sure that will be the case, Mr Speaker.

Local Government Reform – Priority for DoLGE – Question by Mr Singer

Question 4. The hon. member for Ramsey (Mr Singer) to ask the Minister for Local Government and the Environment:

Where does local government reform take a place in your department's priorities?

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

Mr Singer: Thank you, Mr Speaker. I beg leave to ask the question standing in my name.

The Speaker: I call on the hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr Speaker. The policy of my department in relation to local government issues was stated in the annual policy review for 2001 in the following terms: 'to encourage the effective, efficient and economic provisions of appropriate

public services by local authorities to meet the needs of local communities and to bring about a more equitable distribution of the costs of providing public services.' Now, since my appointment as minister, I have delegated the responsibility to the hon. member for Onchan, Mr Earnshaw, to work with the local authorities in seeking to address these two strands of policy. However, I have also met with representatives of all the local authorities and have attended several meetings of commissioners, as has Mr Earnshaw.

I have already made it clear that I believe there is a need for local government reform to take place but it would be premature at this stage to say how that should be achieved. I approach it from the point of view of seeking to work with local authorities to encourage them to enter into constructive dialogue which will result hopefully in a meeting of minds as to the future economic structure of local government.

I do hope it will be possible to reach a consensus view, although I do appreciate that previous attempts have not been too successful.

As far as priorities are concerned I regard my priorities within the department to be that of housing (**Mr Cannan:** Hear, hear.) and waste management at this particular time.

Mr Cannan: Hear, hear.

The Speaker: Member for Ramsey, Mr Singer.

Mr Singer: I thank the minister for her answer, certainly the last comment which made it quite clear where her priorities lie, but does the minister agree with me that the original plan for six authorities called 'Time for a Change' was in fact the best way of successfully achieving workable local government and that subsequent proposals have watered down the likelihood of success? If so, will she be requesting her member, Mr Earnshaw, who has undertaken the portfolio, to critically and constructively study and reopen the discussions on the basis of that first proposal of six local authorities?

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: As I have already stated, Mr Speaker, I have delegated these responsibilities to the hon. member for Onchan, Mr Earnshaw and I will rely on his knowledge and working with the local authorities as to whether he wishes to re-open the time for change document or he wishes to proceed in a different manner. That will be entirely for him and he will discuss that with me in due course.

Members: Hear, hear.

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

Mr Singer: Could I ask the minister whether she personally believes that local government reform is important? Does she believe that local government reform at the right level will be advantageous in returning power and responsibility to local authorities? Does she believe that should be the case? It would not only speed up local decisions but it would leave decisions in the hands of the people who have a direct interest and knowledge of their area and this can only be to the advantage of the Island.

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: I have on many occasions stated personally that I do believe there is a need for local authorities to join together in some way to further progress their aims to be more involved in the rôles of planning and many of the other issues that are being dealt with, and at this time we have a number of joint authorities throughout the Island that are dealing with these matters in a very efficient manner. So yes, I do believe that there is a need for change and I will await Mr Earnshaw's proposals as to how he has proceeded with the local authorities in consultation for perhaps a more economic and realistic way of dealing with the problems that local authorities are facing at the present time.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. I wonder, could I ask the minister if she recognises that different areas have different views of changes for the future in the comments, and would she not agree that the comments made in the House today have been more from town-centred areas as opposed to other areas? Would she not agree also that it is getting the agreement of everyone with regard to the changes? Would she also recognise that there is an aspect of democracy within local authorities? And would she also not agree with me that the joint local authorities are not democratically elected by the people and are not responsible to anyone at this time?

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Yes, I think a number of the questions could just be answered with a straight and simple 'yes' but I would not agree that the debate at the present time in the House is about town constituencies; indeed, I am always accused of representing rural issues. So I would suggest that this is an all-Island initiative and we need to be talking with the local authorities and exchanging views with them in the way they see as the best possible way

forward for their areas, whether it be town or rural areas within the Isle of Man.

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

Mr Rodan: Mr Speaker, does the hon. minister welcome the fact that a number of individual rural local authorities are at this moment talking together about ways of progressing shared interests which may or may not lead to voluntary amalgamation, but would she welcome the fact that they are acting positively in this matter and that this should be encouraged?

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Yes, thank you very much. Yes, indeed, I am. I do welcome and I know Mr Earnshaw is talking with the local authorities and it is, of course, something that we would not wish to impose; we are hoping it will be by joint consideration that some authorities will agree to amalgamate and see that as a more progressive way forward than at present.

The Speaker: Hon. member for Michael, Mr Cannan.

Mr Cannan: Will the minister accept my congratulations that she recognises her absolute priority is housing (**Members:** Hear, hear.) and in particular the provision of housing on government land at Jurby? (*Laughter*)

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Yes, as we know, the hon. colleague and my dear friend from Kirk Michael is indeed quite aware that I am very busy progressing at the present time my priority, which is housing Jurby and all over the Isle of Man.

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

Mr Karran: Vainstyr Loayreyder, would the minister not agree that until you address the issues of how local authorities do not pay for services from your department, you will never address the issue of local government reform as it does not pay them to be proactive as far as local authorities are concerned? And will the minister introduce the legislation that I tried to get introduced in the previous House as regards this anomaly, which actually goes against progressive local authorities by providing their own services, not getting them free from your department?

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Some local authorities choose to provide their own services; that is entirely for them to choose. Other local authorities are too small and it would not be economic for them to employ specific –

Mr Karran: Charge them.

Mrs Hannan: Charge them then.

Mrs Crowe: Well, indeed we may well consider doing so, but at the present time we provide those services because that provision of service is very important for the Isle of Man, and we are talking about things like building regulation and environmental health standards, which are most important and they are carried out by the department free of charge at this time.

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

Mr Singer: Could the hon. minister then confirm to me that she expects Mr Earnshaw to come forward with some recommendations and that there is going to be time to get some recommendations through this House within this parliament?

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: The hon. member for Onchan, Mr Earnshaw, member of the department and I have on-going discussions as to the way forward for local authority reform and I am sure if proposals are forthcoming they will be progressed as soon as possible.

**Noble's Hospital –
Increase in Cancelled Operations –
Question by Mr Singer**

Question 5. The hon. member for Ramsey (Mr Singer) to ask a member of the Department of Health and Social Security:

Has there been an unexpected increase in the number of operations cancelled at Noble's Hospital during February 2001?

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

Mr Singer: Thank you, Mr Speaker. I beg leave to ask the question standing in my name.

The Speaker: I call on the hon. member for Glenfaba, Mr Anderson, member for the Department of Health and Social Security.

Mr Anderson: Thank you, Mr Speaker. Can I firstly state the hon. questioner does in fact mean February 2002 –

Mr Singer: A misprint.

Mr Anderson: - not 2001, as is on the question paper. As the hon. member will appreciate, planned operations in hospital are subject to cancellation for a variety of reasons, the most common of which being at the request of the patient. I can confirm that the date indicates that the number of operations cancelled during the month was broadly in line with what has been the average for the last two months, and so in conclusion I can state there was no increase in the cancellation of operations last month, as would be expected.

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

Mr Singer: Could the hon. member tell me about the beginning of this month? Were there not two weeks' operations, approximately, cancelled in the orthopaedic department because of the lack of a houseman? Is this in fact true? And can he also tell me: of those operations that were cancelled, how long will those particular patients have to wait for treatment?

The Speaker: Hon. member for Glenfaba, Mr Anderson, member for the Department of Health and Social Security.

Mr Anderson: Mr Speaker, I do not have a breakdown of the period in the month where these cancellations took place. What I can say is that where the operations were cancelled because of a problem within the hospital because of staffing, those patients would be fitted in as soon as possible into the programme in the next couple of months.

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

Mr Henderson: Thank you, Mr Speaker. Could the hon. member confirm for me that although he says many of the operations are cancelled due to patients themselves, there are also many operations cancelled due to his own department's operational difficulties?

The Speaker: Hon. member for Glenfaba, Mr Anderson, member for the Department of Health and Social Security.

Mr Anderson: Yes, I can confirm that over 60 per cent of operations that are cancelled are cancelled by the wish of the patient. Obviously the remaining percentage is made up of a variety of reasons. Some operations are cancelled because medically it is not suitable for the operation to go ahead and obviously, as the hon. member for Ramsey has brought up, sometimes it is a staffing problem and cancellations take place because of that. But I would like to point out that over the last nine months, the period from March till December last year, the number of operations compared with a comparable number of operations in the previous year has actually gone up from something like 5,600 to over 6,000, so the hospital activity has increased dramatically over the like period, so even though we are under pressure, we are actually seeing a much greater number of operations taking place.

Mrs Crowe: Excellent!

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

Mr Singer: Can I ask the hon. member, Mr Speaker, as he has got into numbers, can he actually tell me how many operations were cancelled in February due to staffing problems?

The Speaker: Hon. member for Glenfaba, Mr Anderson, member for the Department of Health and Social Security.

Mr Anderson: During February, Mr Speaker, the total of operations cancelled was 103. Sixty-four of those were at the request of the patient, and I do not have a breakdown of the remaining 40-odd cancellations, the greater number. There will be a small number in that deferred in the patients' interest and there will also be a number in there cancelled because of hospital consultants under pressure of work or because there is a lack of care available for after the operation. But what I can say, as I informed the hon. member in the original answer, is that people will be fitted in. The reason for that cancellation was because of hospital difficulties in the next two months.

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

Mrs Cannell: Thank you, Mr Speaker. Would the hon. member for the department agree with me that the problem with Noble's Hospital is the short supply of operating theatres and that in fact orthopaedic surgery has to share with accidental situations and they have to share the one theatre? Can he confirm whether or not there is going to be an improvement in that area when we relocate to the new hospital?

The Speaker: Hon. member for Glenfaba, Mr Anderson, member for the Department of Health and Social Security.

Mr Anderson: I think the staff at the hospital are doing amazingly well under the pressure that they are at the moment and, as can be borne out by the figures, they increased throughput compared with the previous year. I am sure that once we get into the new hospital we will have an extra theatre available and the throughput, therefore, as long as we can get the staff to do it - and we will obviously be applying to Treasury for extra staff - will increase.

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

Mr Singer: In consequence of that answer, could the hon. member then explain to me why one of the Medical Staff Committee's complaints was that whilst we are going to have seven operating theatres in the new hospital compared to those now in Noble's, the planned number of operating sessions they say was actually going to be reduced?

The Speaker: Hon. member for Glenfaba, Mr Anderson, member for the Department of Health and Social Security.

Mr Anderson: I do not have the answer to that question. All I can say is that it is envisaged that, once the new hospital comes on line, there will be increased numbers of patients going through.

The Speaker: Hon. members, that concludes the questions on the order paper for oral answer. There are no questions for written answer.
