

**REPORT OF PROCEEDINGS OF
TYNWALD COURT
(DEBATES AND OTHER MATTERS)
Douglas, Thursday, 11th July 2002
at 10.30 a.m.**

Present:

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

In the Keys: 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); 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, Clerk of Tynwald.

The Lord Bishop took the prayers.

War Pensions Committee – Members Appointed

Item 36. The Chief Minister to move -

That the following persons be appointed to the Isle of Man War Pensions Committee for the period ending 15th July 2007 -

*Mr J A Brindle
Brigadier N Butler CBE
Dr R P Christian
Mr A J Earnshaw MHK
Wing Commander M Felton
Mr A J Gunn
Rt Revd. N̄rel Jones CB Lord Bishop of Sodor and Man
Mr W H Kneale
Mrs L Leece
Mr T Lord
Mr P Moore
Mr G F Moughtin
Mr C Mylchreest
Mr R W Noble*

The President: Hon. members, we resume our way through the order paper at item 36 this morning, and I call on the Chief Minister to move.

Mr Corkill: Thank you, Mr President. Earlier in this sitting, at item 23, we approved the Isle of Man War Pensions Committee Regulations 2002. These regulations reform the War Pensions Committee, but they do not come into effect until 15th July. The existing War Pensions Committee's term of office expires also on 15th July. We are therefore required to appoint the committee under the existing regulations, although the Interpretation Act allows for those appointed to continue in office as though appointed under the new regulations when those new regulations take effect, sir.

It is one of the problems with the existing regulations that they require the appointment of nominees from various bodies and that a number of these bodies are no longer able to nominate people to represent them, for example, the Forces Help Society and the Foresters Friendly Society. So, we are not in a position to fill all the positions under the existing regulations. What we have done, therefore, is to invite nominations from all those bodies named in the existing regulations who are able to submit nominations and have appointed their nominees. We are not able to appoint the 18 required by the present regulations, but only 14. Mr President, under the new regulations approved at this sitting, the committee shall consist of not less than 12 and not more than 20 persons. Fourteen therefore falls comfortably within this range, and therefore the 14 appointees can serve under the new regulations. They are generally the people who are serving on the committee at present. They do a valuable but largely unsung job in helping ex-service personnel on the basis of funding provided from the United Kingdom Government. I have pleasure in thanking them for their ongoing work and inviting Tynwald to appoint those persons named to serve a further term of office. Mr President, I beg to move.

Mr Duggan: Pleased to second, sir.

The President: Hon. member for Malew and Santon.

Mr Gelling: Mr President, it is only a very small point, but I just was interested to see that it was for a period ending 15th July 2007 and all the persons listed are listed there by name but only one has a title, and that is our Lord Bishop. In the knowledge that our Lord Bishop will be retiring soon, I was rather interested as to whether that means the Lord Bishop of the day will be a member, or was the Lord Bishop on this particular committee because of his military connections? I was just interested, if that was the case, in why perhaps the member for Onchan, Mr Adrian Earnshaw MHK, is there. Is he there because he is on the DHSS? It was purely and simply the situation with regard to our Lord Bishop, and I do not want to embarrass him, but does the new Lord Bishop who comes in his place take the position, sir?

The President: Lord Bishop.

The Lord Bishop: Thank you, Mr President. I hope that the hon. member saying 'soon' does not mean tomorrow (*Laughter*); it will not be till 2003. My perception and that of the committee, Mr President, is that they seem to expect two members of Tynwald to sit on the committee, one normally to do with the DHSS and A N Other, probably from the Council. When I came in 1989, I was promptly put on the War Pensions Committee in my capacity here, as I understood it, and certainly as the committee understands it, not because of my military position, but of course that does make a considerable help. I would have to say, in my experience of being here since that time, that in my capacity as Bishop, one does meet pretty well all the ex-servicemen and women of the Island on a very considerable number of occasions, and I think that from the caring and welfare aspect of this rôle, the Bishop is in quite a good position, meeting them as he does, to be able to represent them at times on the committee, and I found that to be a considerable help. But I would not want to say, Mr President, that it is because of any background knowledge of the services; that was just a bonus, which I think was valuable, but not essential.

The President: Minister to reply.

Mr Corkill: I thank the hon. member for Malew and Santon for raising that. I had not picked up on it, and certainly I think the Lord Bishop has, to a large extent, explained the fact that it is really two members of Tynwald who are on the committee. By convention, the hon. member who is on the DHSS with that particular delegated responsibility in the area of pensions has historically been in that position, and that is the case with the hon. member, Mr Earnshaw. I thank the Lord Bishop for his explanation, and with regard to the actual way that this is worded, I

will have to come back to the hon. member and just check that it means what we all think it now means. I beg to move, sir.

The President: Hon. members, the motion I put is that the persons listed be appointed to the Isle of Man War Pensions Committee for the period ending 15th July 2007, and they are listed at item 36 on our order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Select Committee of Tynwald on Membership of the Committee on Expenditure and Public Accounts – Report Received – Recommendations Approved

Item 37. The chairman of the committee (Mr Speaker) to move -

That the report of the Select Committee of Tynwald on Membership of the Committee on Expenditure and Public Accounts and its Implications be received and its recommendations approved.

The President: Item 37. Chairman of the committee, Mr Speaker, to move.

The Speaker: Thank you, Mr President. At the sitting of Tynwald in January 2002, Tynwald resolved to set up a select committee to investigate and report on matters relating to the status of the chairman and vice-chairman of the Committee on Expenditure and Public Accounts, formerly known and referred to as the Public Accounts Committee. The members elected by Tynwald to serve on your committee were: the hon. member for Malew and Santon, Mr Gelling; the hon. member for Rushen, Mr Rimington; and myself. At the first meeting, I was elected chairman and undertook that duty on behalf of Tynwald Court.

We first determined a strategy to examine the issue before us, and that is laid out in part 2 of our report. We then undertook our inquiry, and in part 3 we lay out what we identified as the considerations for and against excluding the chairman and vice-chairman of the Public Accounts Committee from holding any position in government departments or on statutory boards. In undertaking our inquiry, we gave consideration to the existing standing order governing the PAC, that is standing order 5.7. A copy of that standing order is attached, for ease of reference, at appendix 1. In part 3 of our report, at paragraph 4.2, we lay out those members of Tynwald who are not eligible, under our standing orders, to serve on the Public Accounts Committee. In total, 12 out of the 35 members of Tynwald are not eligible. They are: Mr President, Mr Speaker and the 10 ministers who are, of course, the Council of Ministers. We also noted that, under our standing orders, a member of the Public Accounts Committee is not permitted to sit when matters relating to a department or body of which they are a member is being considered by that committee. All other members of Tynwald are eligible for membership, and that includes the Bishop and the Attorney-General. I will return to the matters in relation to those two hon. members later.

Your select committee wrote to all members of Tynwald inviting them to submit evidence in writing. Written submissions were received from the following hon. members and submitted in their personal capacity as a Member of the House of Keys or Legislative Council as appropriate: the hon. member for Onchan, Mr Corkill, MHK; the hon. member of the Legislative Council, Mr Crowe, MLC; the hon. member for Peel, Mrs Hannan, MHK; the hon. member for Douglas North, Mr Henderson, MHK; and the hon. member for Ayre, Mr Quine, MHK. All those members also gave oral evidence to your committee, as did the hon. member for Douglas West, Mr Shimmin, MHK. The correspondence in relation to the members is attached at appendix 2. The *Hansard* transcript of evidence is also attached at appendix 3 for ease of reference. Mr President, your committee also invited written submissions from the public, and three replies were received. The public notice and the submissions from those three members of the public are set out in appendix 4 of our report. In response to part 3 of the Tynwald resolution of January 2002, all

ministers and chairmen of government statutory boards were invited to submit evidence, and 10 written replies and one oral reply were received and are laid out in appendix 5 of our report.

Your committee also examined the composition of the Public Accounts Committee and similar committees in the United Kingdom Parliament, the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly, the Irish Parliament and the Channel Islands, and the basis of the different systems is set out in paragraphs 8.2 to 8.5 inclusive. A summary chart showing the various systems is also set out in appendix 6 of our report.

Your committee then went on to examine the overall system of financial control within the Isle of Man Government, from the initial planning stages to the final auditing of accounts, and how it relates to Tynwald. We have provided a diagrammatical illustration of the present overall financial control system in the Island, and it is set out in appendix 7 of our report. I am sure that hon. members will find that the charts, of which there are three, demonstrate the complexity of the structure which has been developed to oversee the expenditure of public moneys.

In part 4 of our report, we lay out our conclusions, that is in paragraphs 10.1 to 10.3.5 inclusive. The main points of our conclusions are as follows. The integrity of the chairman and vice-chairman of the Public Accounts Committee is not in question, and we are satisfied that the holders of those positions are able to carry out their responsibilities independently and impartially. We have taken into account the uniqueness of our parliamentary and governmental system, as well as the size of its membership and no party political structure. Your committee believes that it would be undesirable for additional members to be automatically debarred from having any rôle within government. If such a change was made, then the chairman and vice-chairman would have to have remuneration provisions readjusted to recognise the new rôle that they would then undertake. That would, of course, be a matter for the relevant committee. In our present system, there are a total of 45 government posts to be filled by 31 members of Tynwald, that is the 31 members of Tynwald who, of course, are eligible for serving in government. We have set out a table of all those in government and those present holders of positions in government, and hon. members will find that table in appendix 8. Mr President, the chairman and vice-chairman are, as are all members of the PAC, excluded from being eligible to hold ministerial posts. After considering all the evidence given, your committee has concluded that any suggestion that the ability of members to fulfil their parliamentary duties and responsibilities is compromised by membership of a government department or statutory board is unfounded. The view of your committee, after carefully considering this matter, is that the good and effective scrutiny of government is not hindered by the present structure of the Public Accounts Committee. We therefore recommend that no change at present be made to the status of the chairman and vice-chairman of the committee on Expenditure and Public Accounts.

Finally, in our considerations, we did identify what we believed to be deficiencies in our present standing orders in relation to the membership of the Committee on Expenditure and Public Accounts, in relation to the eligibility for membership of the Bishop and the Attorney-General, and also in relation to the involvement of a member of the committee where a matter before the committee for consideration relates to a department or statutory board at a time when they, that is those members, were a member of that department or board. We recommend that the matter be referred to the Standing Orders Committee of Tynwald for their consideration and report. Mr President, I beg to move the report and the motion standing in my name.

The President: Hon. member for Malew and Santon.

Mr Gelling: Mr President, I beg to second and reserve my remarks, sir.

The President: Hon. member for Ayre.

Mr Quine: Thank you, Mr President. I am afraid I cannot agree with the conclusions, or the principal conclusions, which the select committee has arrived at. Although I do recognise that

they have gone about it in a logical, structural fashion and done their best to adduce evidence, I would say that if you look at the evidence - and I will refer to some of it - I think the conclusions that they have arrived at are not necessarily supported by the evidence.

But at the outset, sir, I would just like to offer comment on paragraph 3.2(d), which I believe is inaccurate. The PAC - it is not the PAC these days, because it is the expenditure and public accounts committee, but I am sure members know which committee I am referring to - is not limited by its remit to expenditure and policies already implemented. That is not so because, of course - and I am sure the hon. member for Malew and Santon will recognise this, as deputy chairman - we have a responsibility in respect of estimates and the policies attached to those estimates, so that takes us much further along the line. But that is simply correcting a matter which is in the report.

I was pleased to have the opportunity, and I took it, to make my case, both in writing and by oral presentation to the committee, and I received a very good hearing from them. I set out my case, I think, fairly succinctly - anyway, succinctly for me - in my letter dated 10th March 2002, which is attached to the documentation that hon. members have before them, and similarly, I think, the record of the evidence taken by the committee also refers to my oral evidence. Although I perhaps could, from my own point of view, usefully refer back to those documents, I will resist that temptation, sir.

I did explain in my evidence that my concern that there should be some changes is founded on my belief that there is an unhealthy imbalance between Tynwald and government and that that detracts from the democratic legitimacy of the parliamentary structure. I started from that point, and in my letter of 10th March, sir, I went to some lengths to demonstrate that. Quite simply, the checks and balances which should be in place fall short of what is needed. And this is very helpful: the committee has attached these appendices at the back on the financial flow; appendix 7 is Isle of Man Government Financial Controls pre-budget, and then we go on the chart to what is the post-budget situation. You will see, indeed, that there is very little independent check - those checks are in-house - and perhaps the most fatal flaw, even accepting that they are in-house, is, of course, that the one element which could ordinarily be seen as being capable of delving and extracting errors or omissions as part of the broad audit process is the internal audit, and they are, in fact, part of Treasury. So who regulates the regulator? Just to give you but one example.

But I think the important point that I would ask members to look at is to look at appendix 7, look at chart 2, and you will see that, in terms of such checks, a great weight of the checks that are carried out are carried out by government on government through government agency. So, in producing my evidence, I started from that point, and I remain very, very unhappy about that situation. Indeed, sir, it had been my intention - and I have a paper prepared for this purpose - to seize the opportunity of seeing Lord Irvine, who was going to come here next week, actually, but that has now been cancelled, I am told, so I have lost that opportunity, but such is my concern about this imbalance and the attitude towards this imbalance that I had intended to seize the opportunity to make specific representation to him on this matter. That will have to be pursued in a different way now, but I believe there is a very serious and important point here (**Mr Karran:** Hear, hear.), and unfortunately I do not think that the message will get through to this hon. Court - or the majority of this hon. Court - until we have further major failings in the system, and then, no doubt, we will be up on our hind legs saying, 'We have got this very expensive commission; we can't possibly support this. We can do this in-house again'. But those are the sorts of situations which eventually will bring the focus onto the inadequacies and this unhealthy balance which does exist. (**Mr Karran:** Hear, hear.)

As far as the Public Accounts Committee is concerned, sir, our rôle is quite clear. The members who make up that Public Accounts Committee work together very well, and I think it is

true to say that we have a very happy, harmonious Public Accounts Committee. There is no problem with that at all, but what we do not have - and I would not stand here and try to claim otherwise is a Public Accounts Committee that has the capacity (**Mr Karran:** Hear, hear.) or indeed, in terms of support, the competence to carry out the duties which some people believe are being carried out by that committee. (**Mr Karran:** Hear, hear.) We have the problem that goes on, and indeed, while we have been sitting here at Tynwald, there has been a proforma circulating by the clerk to the Public Accounts Committee, going forward, I think it is, for two weeks, saying, 'Well, can we all get together within the next two weeks?' And this goes on time and time again, because the people who are on the Public Accounts Committee. . . I am only one example, but the others, for example hon. the member for Malew and Santon, have probably got even more commitments. Take my example: if you are expected to be running the Public Accounts Committee, if you are expected to have a busy portfolio in Transport, if you are expected to be running the Post Office, and if you are expected to be on three standing committees and on four select committees, you just cannot get the membership together. That is one, and the others - most of the others, at least - are in a similar situation, so it is somewhat mythical to think that we have a Public Accounts Committee that is discharging, in a meaningful way, the duties that this hon. Court clearly intended that we should discharge. I am not indicting the committee; I am indicting the system.

I will not contest the fact that what is proposed in my motion would not substantially change the situation. The fact that the chairman and the deputy chairman were free would not substantially change the situation, but it would undoubtedly help, because at least you would have two members that you would not need to be trying to fit in out of the other five. It would help to the extent that a great deal of the preparation and the research could at least be done by those members, but at the moment it is a shoestring organisation, and I make it quite clear that it is not placed to carry out the functions which it is supposed to be carrying out.

There is also a public perspective to this, and I apologise to Mr Speaker if I am going slightly off the motion - and to Mr President - but I think it is all part of the whole. The public perspective is that there is an element of independence within the Public Accounts Committee - and that I dispute - but if you look at the make-up of the Public Accounts Committee, I have already mentioned that you have this scenario where you have got a conflict between departmental responsibilities and the PAC responsibilities. We have this undermining of its credibility in the sense that we have internal audit being part of a department which is policing itself, but because of the way also that the membership of the Public Accounts Committee has come forward - and this is through no fault of the people who are there to serve - we now have three members of the Public Accounts Committee who are from Treasury: good members, but they are from Treasury. Now, all of this has to be . . . The point I am trying to make is that the motion refers to a proposition that would only marginally assist. Below that lie matters of greater concern and of greater substance, which this motion was not intended to address; it was intended to move us forward, at least to some extent, in enhancing the capacity and the efficiency of the Public Accounts Committee. And it is not myself, of course, who has drawn attention to the fact that we have these three Treasury members on the Public Accounts Committee; in fairness, the Chief Minister, when he gave his evidence, made this point as well. Like the rest of us, I do not think he had any particular solution to overcome it, but he did recognise that that was the situation.

Moving on to the specifics in the report, sir - I am turning to the conclusions there - I think there are three factors that I would just comment on there. It is asserted that the absence of a party political system - and I am no advocate of a party political system - in some way strengthens the case for effective checks on government. I cannot see that at all. Whatever the downside of the party political system, it is another check on the executive, so I do not think that that really stands scrutiny. I think the consensus would be that where you have a party political

system, it is probably viewed as being one of the more important checks on the executive of the day.

The second point that I would comment on, sir, specifically is that it is asserted, of course, that there would be insufficient members to carry out government duties if the chairman and vice-chairman were excluded from government. I do not think any case is made for that in this report at all. The report has accepted as a matter of fact, perhaps with some qualification, that there are 45 political posts needed for the Isle of Man Government. Quite honestly, I do not think, by any impartial assessment, that that could be supported: 45 political posts. The problem we have, of course - well, there is more than one problem - is firstly that it is practice born in part out of necessity to put all members into government, because the remuneration of members is structured on that basis. That is one factor; that is why they are drawn into government.

Another factor is that we have, in relation to politicians in posts - and this is bedded in history, I suppose - a failure to recognise what the rôle of a politician is in government. We have politicians running around carrying out the work of civil servants, and if they do not run around holding the hands of civil servants -

Mr Cannan: Nothing gets done.

Mr Quine: Well, that is a thought. If they do not scurry around, then what happens is that you get criticism here that political members are not pulling their weight. (**Mr Henderson:** Hear, hear.) I believe that this is an important philosophy; there is a need for us to come to terms with what the rôle of a politician is. (**Two Members:** Hear, hear.) For most of the people who have political rôles in government here, the legitimate political functions to be discharged - leaving aside the voting power which is always of benefit to the executive - the legitimate call is substantially less than 45. Now, that has not been contested in this report.

The third matter is that it is claimed - indeed, Mr Speaker reinforced this in his introduction - that, under our political system, parliamentary system or governmental system, the impartiality of members is more or less guaranteed, notwithstanding - it says - their government commitments. I am afraid that does not stack up. If you have got all members of government holding political positions, some holding two or three political positions in government, and if you have them working to what is now an all-embracing form of collective responsibility, quite clearly that is not an accurate reflection of the situation. It cannot be an accurate reflection of the situation.

I have only one thing further that I would comment on, sir, and that is this: it says here that it is open to any member who feels uncomfortable with the conflict of interest to forgo remuneration and do the task without remuneration. That would not be anything new to me; I did that for five years quite happily. I would be happy to do it now, but that is not the way that the present system works. If we were to gear, as a matter of our parliament and government structure, that certain posts were not to be remunerated, the next outcry would be, 'Only he can take that post because others would not get a chance because they need the remuneration.' I am quite happy to say to the Chief Minister that, from my own point of view, I have no problem at all in forgoing that remuneration. It is not a matter that impacts upon me -

Mr Corkill: It is not a matter for the Chief Minister.

Mr Quine: You are quite right; it is not a matter for the Chief Minister. It is a matter for parliament, but perhaps it is something we should be looking at.

I did, at the outset, say that it was interesting to look at the conclusions vis-à-vis the weight of evidence, and I would ask hon. members just to have a look at one particular document which is at the back here and which is a summary that has come in from various parties that were consulted. You will see - I cannot find it now. . . (*Interjections*) If you will just bear with me, sir. That is the one I want. Thank you. I beg your pardon. Yes, appendix 5. And this was an analysis

of departmental and statutory board replies regarding the impact, as they saw it, should the chairman and the deputy chairman not have other government departments. And you will see here, I think, that the weight of view here is that it would be of little if any impact. Now, those are just a selection of views; it does not cover all departments and it does not cover all boards. I accept that, but I think it is illuminating just to read the summation of the views from the few which have responded there.

Mr President, I do not wish to say any more on this. I have, I feel, done what I felt obligated to do, which was to put before this hon. Court a question, and I am quite happy for this Court to stand in judgement on that question, but my views have not changed and without entering into violent combat with the three members of the select committee, I would simply say that I will not be supporting this report.

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

Mr Rimington: Thank you, Mr President. Unfortunately, this is one of my unprepared speeches, so I will just have to take it steady as we go through some of the items. *(Laughter)* I would like to support the recommendations of the report - I obviously sat on that select committee - without reservation, and I do agree with all the deliberations and conclusions made.

I do have a few points that I would like to make. I will make the one that is really outwith this report first and get that out of the way and then focus in more closely. The hon. member for Ayre did raise the issue of public expectation and legitimacy, et cetera, and I believe in that area the Public Accounts Committee. . . I am not saying its work is not being done or anything like that, but the actual public knowledge of what work has taken place is very limited, so the outsider, the member of the public, does not see that that work has taken place. They cannot see that process of public scrutiny, and, in terms of legitimacy, I think that is important and an area for improvement.

The second issue which I think I will look at is the question of numbers and the 45 posts to be filled. Whether it is necessary to have those 45 posts or not was not within the remit of the committee, and we did not in any sense look at that. We just have to accept what was in front of us. Regarding this issue of insufficient members, I did do an analysis of those 45 posts and who is filling them. We have eligible members of 31; we have Council of Ministers members of 10, and they have a Whitley Council post; you have three Treasury members, who cannot sit on other areas except chairs of the Insurance Authority, the FSC and the Whitley Council, you have the chairman of planning, which is really a one-off job, and to sit on another department could easily bring him into conflicts, and it is quite an onerous job; you have the Chairman of the Civil Service Commission, who has obviously got the Whitley Council post; you have a health service member, which, I think, people accept is quite an onerous task in itself and should not necessarily expect that member to do other jobs; and then, in the current administration, you have eight members who currently are serving in one post only for whatever reason. I am not making any comment on why, but for whatever reason they are only serving in one post, and when you take those, that leaves seven members, and under the present structure that leaves 16 posts to be filled, so those seven members will have at least two posts. If you take out of those seven members the chairman and vice-chairman of the Public Accounts Committee, you are left with five to fill currently 16 posts, i.e. three per head. So, you are actually pushing in that direction where some are going to have three per head while you have those eight who are doing the one. Even if you restructured some of the posts that are out there at the moment - if you added in a new waste management board post, if you put another member into DAFF and had three, if you put a non-political chair in the Post Office, and if you took a member off DTL, DTI and DoT - you still have 14 posts to be filled by those five members. So, just on the numbers game as currently stands in this administration, with eight people serving for whatever reason in

one post only, then it does place a much bigger burden on those other five who are performing more in that respect. Although you can serve in as many posts as you like and do absolutely nothing - just turn up on the odd occasion, so it does not necessarily indicate levels of work - there is an indication there. So, there are complications in terms of actual numbers in the way that things are structured at the moment.

The second issue which I think is relevant - and the hon. member brought this up in the correction to 3.2(d) - is that the Public Accounts Committee can look at policies, not only policies past, but also policies attached to estimates, which is rather different from, as I understand it, elsewhere, and I actually think - and it was not within the remit of the committee to look at that, but it is pertinent to this discussion of scrutiny - that that is wrong. You should not really be having an institution of parliament encapsulated within standing orders which is focusing on policies and a future. It is right to have it there to scrutinise the government, its expenditure and what it has done in the past so it may draw the lessons from that, but in recent times that has actually been expanded to look at the wider brief. In fact, within that brief you could look at a whole range of issues and matters: you could look at the lime subsidy and how that is being operated or intended to be operated or whatever. The brief is wide. You are actually making a body and giving it these powers to look at all aspects of government: policies, finances the whole lot. My personal view is that when it did that in the past on an issue, I do not think it did a very good job, but that is neither here nor there. You are in danger by doing that, and if you say two people should not sit in a government department, et cetera, besides complications of when those people should be elected - before the Chief Minister, after the Chief Minister, before the ministers or wherever in the procedure they would be elected, which obviously we did not look at, because that did not come to that conclusion - that would create particular problems. I think you are encapsulating within the structure of parliament a policy opposition, and that is wrong. It is right to have the policy opposition, but it should not be within the official structure of the parliament. It is up to the individual members and their feelings whether they form a group or a party or just work as a collection of individuals. That is another matter, but it should not be within the body of parliament. Yes, there are needs to find those means of scrutiny, and that is very important, but I think there are better means of doing that than by this possible change in the Public Accounts Committee. Possibly the hon. member's other reforms in terms of the constitution might give greater powers of scrutiny, I believe, or there is potential anyhow.

Again, there is the question of checks and balances: where are you going to get those? Checks and balances are to do with what the executive has been doing and its scrutiny of what it has been doing, but it is not for the body of parliament - a committee of parliament - to be saying, 'We are the check and balance against you on your policies.' The policies are a different matter; that is the government of the day, and there is criticism for that.

The President: Hon. member, it might be an interesting argument, but I would like you to come a little bit closer to the actual report if you would, please. (*Interjections*)

Mr Rimington: Right. Okay, very briefly. Yes, there are problems with the Treasury members being on the Public Accounts Committee; it does not lend itself to legitimacy, and I do understand that. In relation to appendix 5, the hon. member said that we had not looked at or taken sufficient account of the weight of evidence, but in that appendix, most of the people who responded said that they had no concerns either way or did not wish to submit a comment or could see that it could be better but may not be practical. But, interestingly, the hon. member for Ayre, chairman of the postal authority, managed to. . . I do not know if he persuaded his board to come up with these views (*Interjection by Mr Quine*) or whether they are just his views -

Mr Cannan: We are getting bored.

Mr Rimington: Whether the chairman of the Water Authority likewise was able to persuade her board to make these views or whether she made them as an individual, I do not know.

Likewise the Minister for Education, whether that was a collective decision of the political members, or in the case of the question coming to DAFF, and I was sitting on the committee, how could I answer? So I said to my Chief Executive, 'You will have to consider that yourself', and in fact he obviously considered it so strongly that he did not send a response. It was actually very difficult, because when you write to a department, who you are writing to? In that sense, there was that lack of clarity. Are you writing to the minister? What is your view - and then you could give your view as the minister, the politician, and that would be quite clear - or is it the department, as some greater collective body, hence the rather distinct shortage of views?

Mr President, I do believe the report should be accepted. There are questions to do with by the Public Accounts Committee which were not addressed by that report. I do believe that the internal audit should be actually reporting directly and be a body of Tynwald and not the Treasury, and that would greatly enhance scrutiny.

The President: Hon. member of Council, Mr Crowe.

Mr Crowe: Thank you, Mr President. As has been stated, we have a Public Accounts Committee that was set up in 1983, and its rôle was refined and widened by Tynwald in April 1996, and both Mr Quine and I were on that committee in 1995 and 1996 when that recommendation was moved and proposed. I think we tend to forget that we do have a valuable Public Accounts Committee, unlike Jersey and Guernsey where they do not have a similar committee and under their latest constitutional proposals are going to create public accounts committees which would be similar in form to the one we have at present. So, in my opinion, we do have a Public Accounts Committee that works, and I believe that the Public Accounts Committee works effectively. We must remember also that government is scrutinised by external auditors and internal auditors as well as the Public Accounts Committee, and as a further way of ensuring value for money we have a Value for Money Committee too.

A Member: They do nothing.

Mr Crowe: That is why, in my oral evidence to the select committee considering the issue, I recommended that we retain the status quo, and this was based on my seven years' experience in the Public Accounts Committee with a series of chairmen, all with slightly different styles. But if we look at the new Welsh Assembly and the Scottish Parliament, they have included scrutiny committees with a similar rôle to our Public Accounts Committee, and we all agree that scrutiny of the executive is a very important part of Tynwald's function.

Although others have mentioned this, a point I would like to emphasise is that we are a small parliament, small in numbers, and the suggestion of having a full-time chairman and vice-chairman, whilst not impossible, would, in my view, take out of government the valuable contribution of those two members. Again, having a good background in departmental issues is, I believe, an important part of being on the Public Accounts Committee, and I can only speak as I have found it. I have never had any difficulty in separating out my Public Accounts Committee responsibilities from my departmental responsibilities, and I have served on a series of different departments, so I am supportive of the committee's recommendation.

The President: Hon. member of Council, Mrs Christian.

Mrs Christian: Yes, Mr President. My remarks will be brief. I do support the recommendations of the report, and, as my hon. colleague has said, in any small legislature there will always be difficulties in dividing rôles.

The one practical concern that the hon. member for Ayre illustrated is apparently - and I have experienced this in the past - difficulty in getting the Public Accounts Committee together, and I recognise that he has illustrated in his own situation how many other committees and responsibilities he has. It might be appropriate, given the significant and important rôle of the Public Accounts Committee, for a particular meeting day to be addressed, in the same way as

we have sitting days for Tynwald, for the other two chambers and for our various departments and the Council of Ministers. Indeed, it might be sensible to determine that the Public Committee Accounts should take priority over other things, but perhaps that is a matter which could be looked at.

Whilst it is not a matter of the substance of the report, I would take some issue with the hon. member for Ayre, who has commented that, whilst he felt no difficulty in standing down for a certain period of time in relation to remuneration, it might be difficult for other members. I feel that is rather a slight on the integrity of other members. I believe that we come into the Court knowing full well what the basic remuneration is and knowing that if, on a matter of integrity or principle, we do not wish to accept responsibilities in departments, then we are prepared to work for the basic remuneration. (*Interjection*) I do not accept that members come in on the basis of expecting to accept an additional remuneration, and that is a personal point of view, but I would expect that a number of other members of the Court would accept and support that view. The question the hon. member seems to have implied is that it is a part of the remuneration that everyone anticipates. He also made the comment that being in government is all-encompassing in supporting the executive. It is not; members of departments are expected to support their own departments, but they are in no way committed to the policies of other departments by virtue of the membership of one department, and I think that also needs to be restated.

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

Mr Karran: Eaghtyrane, I would just like to say to the previous speaker that if that is the case, then let us get the pension scheme back to what it was: a parliamentary pension scheme. The situation is that we are not just talking remuneration of the weekly wage; we are talking about the pension situation where members who can take an active part in scrutinising and putting the checks into the executive can do years more service and come out with a worse pension scheme. If the hon. member is saying what she is saying and we are only coming here to be paid for that, then let us get it on a level playing-field. As a member who has seen the new pension scheme and has complained that the new pension scheme was a charter for butt-kissing, I take exception to what the member says. The basic pay is regarded as being a member of a department, and let us stop deluding ourselves.

When I spoke to the hon. member for Ayre the other day about this subject, and he said he was not going to even bother speaking, I must say that I am applauding him for one of the best speeches I have heard in this Court for a long time (**Mrs Cannell:** Hear, hear.), one of the things that people outside this House are crying out for, and I find it exceptionally arrogant for the hon. member for Rushen, Mr Rimington, the Boy Wonder who has been in here for 18 months, to condemn an hon. member because he has actually done some preparation work for his speech in this hon. Court. I find it offensive. (**A Member:** Hear, hear.) What are the members supposed to do in this hon. Court? Nod like the nodding dogs that I have always been concerned about? I find it offensive, hon. members.

Mr Rimington: You have got the wrong end of the stick.

Mr Karran: It was done as a putdown, hon. member, nothing else, as I say (*Interjection*). I think it just reflects the lack of scrutiny in this hon. Court -

Mrs Crowe: Listen, Peter.

Mr Karran: - and I think that what the hon. member forgets is that people outside this Court are sick of the ever-increasing rip-offs that they see with their taxpayers' money.

I was not going to speak on this debate; I was quite happy to just vote against it, because the message in this hon. Court is 'shoot the messenger'. It will take people from outside this Court. . . I hope Mr Quine does not feel that he has got to go outside the Island in order to get

things done rightly in this hon. Court, because that is a sad reflection on me, never mind everybody else in this Court.

I think for the member of Council, who is a member of the Treasury, to be on about, 'You know. Oh, well, you know. . .' Why have we got this committee? The reason why we have got this committee is supposed to be to try to make sure that we can try and stop that ever-increasing number of, and bigger circle of, things that just do not add up. They just do not add up, and that is the problem.

The President: Hon. member, like the hon. member for Rushen, I would be grateful if you would come back now to the report.

Mr Karran: Eaghtyrane, the final thing I would just like to say to this hon. Court is that the problem - and we have too many in this Court today, and maybe as the member for Forestry - is that there are far too many, 'Can't see the wood for the trees', because they are too close to the executive. And I just remind this hon. Court that fine buildings for the parliament is not what this hon. Court needs; what this hon. Court needs is the right sort of structures and the right facilities to put the right scrutiny on government, because at the moment the executive is out of control and we have got it so wrong. This report does not surprise me, and all I can say is that I applaud the member for Ayre and I am glad that he changed his view from when I talked about this report, when he said to me, 'Oh, I am not even going to bother speaking.' I am glad he spoke and I am glad he had a prepared speech and I do not see any problem with a prepared speech. I just wish a few more people did a bit more preparation and they might find that we might cut down on the waste that is in this Island that has been turned into an art form because of the nepotism in this hon. Court.

The President: Hon. member of Council, Mr Waft.

Mr Waft: Thank you, Mr President. Getting back to the situation that we were asked to look at, or the committee was asked to look at, they were looking at the chairman and vice-chairman. (*Interjections*) They were not looking at anybody else, and yet we have a mathematical survey of who can go where and what and when, and I can understand that. It depends where your philosophy comes from and how you look at things in life, but I have been on the Public Accounts Committee for a number of years - and very enjoyable it was too - but I felt it was time to move after 10 years; I thought perhaps somebody else should have a turn. We have all been, in one way or another, members of departments. I know it is only a small legislature, as people have said. The only people I can think of at the moment who are 'above' government as such are yourself, Mr President, and Mr Speaker and, if you are talking about somebody to take chairmanship and vice-chairmanship, there are no more able people there to do so, but I do not know whether that is a possibility or not or whether people will go along with that.

There have been problems in the past, and I can understand where the Minister for Health, I think, mentioned that we have the Council of Ministers and we make the meetings through the year et cetera, but with the Public Accounts Committee it is not as easy as that. If you decide, as they have done - I presume they are still doing the same - to devolve the Public Accounts Committee into separate committees looking at different items or problems that come up or are referred to them over the period, you are on committee A, B, C, D. Then it is divided up and you say, 'Right, committee C will investigate. . . and then, right, we will make these times' and then, during the year, you tend to think, 'Hang on; when we look into this, we find that I was a member of that department at that time when this problem arose, and therefore I must absent myself from that situation', as they all do, as they have to do. Nevertheless, there is a difficulty with that, and then you are left with two or one.

From an external point of view, trying to look at how objective the Public Accounts Committee is, there is a problem there. I think we are getting somewhat into the internal politics

that we probably cannot get away from, but there was a sentence here in one of the letters, which probably puts it in a nutshell: 'I have also remained concerned that the Public Accounts Committee should not become an adversarial opposition political group whose main purpose is to oppose government policy.' Now, that is the nub of the problem that we are talking about here: who is going to be on the Public Accounts Committee? Are they going to be in opposition to the establishment? Now, I do not think, in all the committees that I have been on, that that has ever arisen. We have always looked at it objectively, but I can understand the thoughts about people from Treasury being on that and being in charge of the internal audit, et cetera; how are they going to be objective? Now, I am sure all members of the Public Accounts Committee, past and present, find themselves to be totally objective, but with the Public Accounts Committee you need to be seen as Caesar's wife, where no thread of any problem can be traced back to the Public Accounts Committee or the members. So, from an external point of view, it perhaps needs to be looked at again.

I will not be objecting to the report, but I would just like to put in perspective what we are actually doing here. The objectivity of the Public Accounts Committee is one of the most important things that we have in Tynwald Court, and that is the ability of people outside to be able to see that the Public Accounts Committee is going to look at this and we will agree that it has been looked at totally objectively. Not an easy thing to do in a small legislature, but I am sure there is some way around this. Thank you Mr President.

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

Mrs Cannell: Thank you, Mr President. I was quite surprised by the comments from the previous speaker. Bearing in mind that in appendix 5 the hon. member of the Legislative Council stated, 'Does not wish to submit any comment on those eligible to be chair or vice-chair of the PAC', I was quite surprised to actually hear his comments this morning, when there was no submission.

I am a little bit disappointed in the recommendations that have come forward in this report today, although in 10.3.5, which is included as part of the recommendation, it is suggesting - and it will possibly improve the situation, somewhat moderately, I would suggest - bringing forward a standing order 'to cover the case of a member of the PAC who has, *at a material time*, been connected with a body whose affairs are under examination but who no longer serves on that body.' Now, what concerns me with this is: what is the interpretation, and who will interpret what 'a material time' might be? Was it at the beginning - the conceptual stage, perhaps - of a capital project that the PAC is now considering looking at? Was it someone who was in the department at the time, if it is relevant to a department? Just the use of the terminology 'at a material time' gives me cause for concern. There is some comfort in this until you begin to analyse the interpretation aspect of that, and I do not think it is, in fact, going far enough.

Of course, the other part of the recommendation is clearly saying, 'Well, let us maintain the status quo.' Well, that is hardly surprising, because that is what we have had to face, some of you for longer than I, but this is the start of my second term in this hon. place, and this is something of the frustration that hon. members face: forever and a day, no matter how hard you try and change things for the better for the public good, the power of the status quo always prevails and brings you down again (*Interjections*), and that is part of what makes this job, to an extent, very frustrating at times for members. But, in addition, it is acknowledged that things in politics, and particularly in the Isle of Man, move very slowly.

Going back to the report, though, I was very interested to actually read the oral evidence which was collected by the committee. I was a little disappointed that - and this is just perhaps a typo - at the beginning of the oral evidence day, it gives you the date and the time of commencement, but it does not give you the date when oral evidence had finished. There is no date there, and there ought to have been a time there, and I think there should have been a time

indicated as to how long each member who was called to give evidence was actually in the hot seat.

Looking at the evidence, I wonder if hon. members have actually read any of the submission in that oral evidence which was given by the hon. member for Ayre, Mr Quine, because quite clearly in there there is the case for changing the make-up of the Public Accounts Committee, and I would refer hon. members to page 25. It was following a question put by the hon. member for Rushen, Mr Rimington, who said, 'If you can strengthen the impartiality, there is the suspicion of partiality.' And Mr Quine responded and said, 'Yes, from the point of view that if you are going to say in the future these two people are not going to have any other government obligations and are going to be solely dealing with this function, by implication that is going to strengthen their impartiality. If they were to remain with government or to take on other government functions, then of course I think the equation would have been quite different. So I believe that if you separate them, if you keep them away from government, you are strengthening the impartiality. . . .' Now, that is very important, because that is the perception of this hon. place, and the public perception is that the Public Accounts Committee is the all-powerful, the almighty, the all-impartial scrutiny of all sorts of things that government undertakes.

There were more questions asked of the hon. member for Ayre. Mr Gelling asked a question, and Mr Quine responded. This is on page 26, and I am just taking the middle paragraph. It is quite interesting; the hon. member for Ayre said, 'There is a quorum set for the Public Accounts Committee, it is a quorum of three and, in order to try and cover the ground better than we have in the past, for a number of years back now, three or four years back probably, we started to work, on a more regular basis, a committee system, so we divide into teams of three to do a lot of the work. . . .' Now, this is very important: a lot of the work. ' . . . not all the work, but for a lot of the work - and of course the full committee still sits and has the final decision on these matters. So if you recognise that that is the way that it works, if you have got your two team leaders available, then quite clearly the prospect of getting the smaller team together is going to be enhanced to that extent.' Now, what is important in the evidence here - and this is the evidence by someone who is working in this team or a number of these teams - is that they are working, and have been working, more effectively of late, that they are doing more work, and that they are splitting into teams to enable more scrutiny and more investigation on more things than perhaps just focusing on one, two or three. So, there is more flexibility there, and then when decisions are required to be taken, the way I read it is that the full committee sits and they deliberate. And surely, hon. members, Mr President, that is what we want: we want more effective scrutiny; we want more perceived impartiality.

I would have thought that the chairman and the vice-chair should be free of any government encumbrances, and that was the gist of my written submission to this committee looking at the issue. We have to move that way forward. I do not believe members should be just accepting the status quo with a little bit of comfort in there in terms of part of the recommendation, because it really is a fob. We are being fobbed off today, and I am sure Mr Speaker will be very good in his summing-up and will provide the explanations, but I really am most disappointed.

Finally, Mr President, I was rather interested, when reading towards the end of the oral evidence in *Hansard*, that we had a chief executive of a government department who sat listening to the cross-examination of those who came forward or were invited to come forward to give oral evidence. Towards the end, the chief executive, as I understand it -

Mr Rimington: No.

Mrs Cannell: It was not the chief executive . . . Ah, right, well I was quite intrigued about that, because, of course, it merely said on page 31 -

Mr Rimington: A member of the public.

Mrs Cannell: - that this individual wished to make a statement and Mr Speaker advised that it would not be appropriate but did invite him to submit some written evidence, but of course I went right the way through and there was no written evidence submitted by the individual. I apologise, Mr President; I assumed it was the chief executive of a government department, and I was merely going to say that I found that very interesting.

I would ask hon. members this morning to actually think very hard and long before just nodding this through. Of course, if the vote approves the recommendations, we will have lost the opportunity to strengthen the hand of the Public Accounts Committee and make it more publicly accountable in the eyes of the public whom we all represent and are responsible to. It will not interfere with the running of government or its departments, in my view, and it is a move that we should be supporting. We should be supporting the notion that was in the original motion moved by the hon. member for Ayre, and that is to enable this all-powerful committee to be better accountable and to work more effectively. If you approve the recommendations, as weak as they are -

The President: Hon. member, we are not arguing the duties of the committee; what we are arguing is this report.

Mrs Cannell: Yes, Mr President. We are also being asked to receive the implications and approve the recommendations. We are actually being asked, Mr President, to approve the findings of this report, which has two recommendations in it: one says keep everything as it is, and the other one is attempting to bring in a little bit of comfort by using the words 'at a material time'. All I am saying is that hon. members should be very cautious. Of course, if they go through and it is approved, it gets the vote, there is nothing stopping any other hon. member from coming forward in the future to try and correct this anomaly - because it is an anomaly - but I, for one, am not going to condone it, because I want to see change for the better and I want to see impartiality. I want to see the chairman and the vice-chair of the Public Accounts Committee totally free: free to move within the three or four teams established to investigate, free to hold meetings with those teams and free of any government encumbrances. But I also want the chairman and the vice-chair in that position to be remunerated accordingly. Thank you, Mr President.

The President: Hon. member for Malew and Santon, Mr Gelling.

Mr Gelling: Yes, thank you, Mr President. Purely and simply really to say to hon. members, before the chairman of this committee sums up: please read the remit and also read the recommendations. You will see that the remit was very narrow and we tried very hard to stick to that remit, but I can assure you there were many other discussions in other areas to be able to come back to the remit we had.

I would say to the hon. member who has just resumed her seat that she has actually described, in her contribution, how the PAC can be impartial and working away; there are no conflicts because of that very point that she described, whereby you operate in a sub-committee position. I can tell you right now that we are looking at a certain situation in a department and three of us are totally outwith that department, have never been on that department, and that is how it works.

So, I do not want to go into the ins and outs of how the PAC works, but what I am saying is that Tynwald Court elected a committee to look at that very, very small remit, and that was: should the chairman and vice-chairman be paid or otherwise? I am not going to repeat what has already been said about whether some members might be able to afford it or otherwise, but please look at the position that is said there in the recommendation - there should be no change *at present* - because that is firmly what the committee came down in favour of. At

present it is working well; if the wheel is not broken, why fix it? And I would appeal to my hon. colleague who is on the Public Accounts Committee, Mr Karran, -

Mr Karran: It is broken.

Mr Gelling: - that it does work, but I would again question what the PAC used to be and what it is today. (*Interjection*) It used to be that the threat of sending a department or someone to the PAC was something next to being hanged, but today we usually get all the information through about which we enquire from the internal audit. It gives the internal audit teeth, because what we want at the end of the day is to make sure that the actual department we are talking about and recommending to actually does something about it.

I would say also, just in finishing, Mr President, that I think some members are really underselling themselves when they say that they cannot be impartial and their colleagues cannot be impartial. I am quite sure every hon. member of this Court is in a position to be able to put themselves aside; if there is a conflict, they will excuse themselves. And we say quite clearly that at present that is the situation, but other things in government are moving forward, and so has the PAC moved forward. They are looking at things now that never would have been looked at, and I believe that scrutiny is right, Mr President.

The President: Member for Garff.

Mr Rodan: Just very briefly, Mr President. I must say, on having read the report, I still have some difficulty in accepting the conclusion that there is absolutely no case for removing from government rôles the chairman and vice-chairman of this committee. It does seem to me that there is a basic principle here, whereby it is critically important that a committee which serves as a watchdog on behalf of the public over the expenditure of government should have, in the driving seats of that committee, persons who are not themselves concerned within government as a point of principle.

Now, on reading the report, there are a couple of points that have come out, which are quite interesting, from the results of various people's submissions. It is the smallness of the parliament, first of all, which seems to be an insuperable difficulty. Secondly - the hon. member of Council, Mr Waft, also touched upon it and it is also in some of the written evidence - one of the fundamental objections is that there will be the potential for the Public Accounts Committee, having a non-member of government as its chairman, to become a focus for an adversarial political grouping with the purpose of opposing government policy. Now, it would seem to me that one answer to both of these problems - the smallness of the parliament and that latter concern - was actually touched upon in the written evidence of the hon. member for Peel, Mrs Hannan, where she raised the thought that we would deliberately cast the rôle of chairman, and possibly vice-chairman, to members of the Legislative Council. Certainly, in the event of a reform of the Legislative Council, where we were looking for specific parliamentary rôles to be attributed, I would have thought that it would merit examination at least, Mr President.

My final point is that I was a little bit disappointed to hear the hon. member for Ayre regretting the opportunity to make a complaint to the visiting Lord Chancellor over the lack of checks and balances within the Manx parliamentary system, because I would have thought, of all people to complain to, that someone who is a political appointment to the British cabinet (*Interjection*) and is also a senior member of the judiciary (*Interjection*) is a particularly good example of what we have achieved over the years, which is to have a complete separation of judiciary and legislative functions. (**A Member:** Yes.) To make the complaint to the embodiment of what is a very medieval system, the Lord Chancellor, I did think somewhat ironic and, on reflection, Mr Quine would have perhaps reconsidered that point. Thank you, Mr President.

The President: Mr Speaker to reply.

The Speaker: Yes, thank you, Mr President. I think it has been an interesting debate by those who contributed to it, and I think really the debate itself, to some degree, reflects the difficulties that we all have with dealing with this issue. In fact, the last member, the hon. member for Garff, who spoke, said he had difficulty in accepting there is no case for removing the chairman and vice-chairman from government, and I think my answer to that - and this is the problem we had in looking at this - can only be that you have to look at the structure the Isle of Man has. You cannot get away from the system of government and parliament that we have and just ignore bits of it and say, 'Well, that's that.' If you look at what is in our report from all the other different parliamentary areas we looked at within the British Isles, even they have difficulty separating the rôle of members of parliament, party members, government members and so on from the rôle of their equivalents to our Public Accounts Committee. And I think we should not forget - and we have to be quite plain about this, quite blunt about it, I suppose - that the government of the Isle of Man is the executive, it is the ministers. Members of departments are not the government; they are members of departments with delegated authority, but ultimately those responsible are the ministers of the Isle of Man Government. Therefore, in reality, every member is not a member of the executive. So, clearly we need to keep that in mind. Yes, they are involved in the work of departments, and we can all understand that, but I have to say, in my experience in this hon. Court, Mr President, and certainly since the ministerial system has come into play, I have never really seen any member having any difficulty whatsoever in arguing a case they believe in against the government and voting against the government. At the end of the day, the will of Tynwald does take power, because if Tynwald decides it will use its authority to stop the government of the Isle of Man, it does it, and it has done it on many occasions, sometimes on some issues that have been of considerable importance to the government. So, ultimately, Tynwald - that is us - can determine the future of the Isle of Man by not supporting the government.

Now, we can go on and on all the time about these arguments as to the pros and cons; I think the important thing is we tried to look at this and we endeavoured to provide a report, which is why the report was late coming to Tynwald Court, and we apologise for that. We tried to look at this as logically as we could within what is really a continual melting-pot of how this structure works, which is hard sometimes for people to understand, especially those who do not work within it. They just find it quite strange to understand how such a system can work. It does not have party politics. The people do not elect the government. The people do not elect the Chief Minister; they elect individual members of the House of Keys, who are, in the main, independent. And yet somehow this thing gels together and works, and I come back to something I have said on many occasions, and I do not apologise for saying it again: it comes down to trust and the integrity of members. Now, there will be conflicts, but we do, and I think most members do, acknowledge that where those conflicts arise and they are conflicts that they feel are too great, the members do, regardless of what it is, step back from that conflict, because most members understand clearly how they feel they should undertake their duties. And all of that somehow - and I do not suppose you could actually explain it - makes the system work. It is not perfect, but it works.

Now, a number of points were raised by hon. members, and I will not spend too long, but some are important. The hon. member for Douglas East, Mrs Cannell, referred to 10.3.5 and the 'material time', and I think that that clearly is a judgement. 'Material time', in my view, would be that the member who was on the Public Accounts Committee was, in fact, a member of the department when the matter that is under investigation happened. I think that is pretty straightforward, and I am sure that what will happen if this report is accepted is that 'material time' will develop in its own right by the Public Accounts Committee saying, 'Well, I am sorry. You were a member of that department five years ago or eight years ago; it would be improper, under the standing order, for you to actually be a party to the considerations.' So, I think we have to accept that whilst we can lay something down, it will evolve, it will set its own style and it will

develop. If there is a need for change, I am sure, as we are recommending in this report, picking something up which I suspect none of us had even thought about before - or if we had, it certainly has not been raised - we identify it in our considerations: for example, that the Bishop and the Attorney-General are still eligible to be on the Public Accounts Committee. We know, by convention, they have never been put on it. Therefore, let us make it clear that Tynwald says that the Lord Bishop and the Attorney-General are not eligible to be on it, because our intention is they should not be. We have picked that up; that is a movement of the thing going forward.

The hon. member for Onchan, Mr Karran, really was arguing a different case. I understand where he was coming from, but I do have to say that the payment of members is an issue that, at some time, Tynwald has to grasp. You cannot continue to pretend on the one hand we are well-paid but on the other hand our payment is restricted from our responsibilities and duties. To be quite honest, if you look at what members of Tynwald are paid - and members of the House of Keys, especially, and I have to say that because that is my view - and you look at other jurisdictions, even the new ones - the Scottish Parliament, the Welsh Assembly - who do not have anything like the responsibilities and powers and authority that members here have, their pay scales are way ahead. Now, it is a difficult issue to grasp, because whenever members make a change, publicly they are criticised, because 'Oh, you know, they are looking after themselves' and so on. In fact, they are not; what they are doing is ensuring that the people can elect people to represent them and that those people who are elected are, in fact, free, through their remuneration, to do what they feel is right to represent the people of the Isle of Man. I have to say that, to some degree, I have a sympathy with Mr Karran in that I think it is restrictive and I think the present system does create a problem, and it is something that has got to be grasped at some time in the future - and when I say the future, I believe the near future, not the long future. It needs sorting out. So, that is what I would say on that.

I think it is also important that we need to recognise the level of interest that was created in this subject. I have to say we were somewhat disappointed, and I come back to what I said in my opening speech. We had Mr Corkill, the hon. member for Onchan, Mr Crowe, Member of the Legislative Council, Mrs Hannan, the hon. member for Peel, Mr Henderson, the hon. member for Douglas North, and Mr Quine, the hon. member for Ayre, who all wrote into the committee and gave evidence, and then, in addition to that, the hon. member for Douglas West, Mr Shimmin, who attended to give oral evidence. That was it, and on top of that we only had three members of the public who actually gave evidence. Now, that is not an excuse for not doing anything, and I am not trying to say that -

Mrs Cannell: Point of order, Mr President. I submitted written evidence, which is included in the report, and certain members of this hon. place did put in written evidence, and they are being excluded from Mr Speaker's presentation here.

The Speaker: I have to say, Mr President, in that capacity I am talking about members individually, not members as chairmen of boards and not members as ministers. I said specifically members who wrote in in their capacity, and I made that point in my introduction. I would say to the hon. member for Douglas East that I made that point that these were individual members in their own capacity, not as positions held. With respect, your contribution was as Chairman of the Water Authority, (*Interjection by Mrs Cannell*) and I stand to be corrected, so it is not in the report that I know of. Anyway, Mr President, if that is right, then I would certainly apologise to the hon. member, but it is not as an individual member, because we wrote to the hon. member as Chairman of the Water Authority.

The other thing is, I would say, that Mrs Christian talked about the practical problems - and Mr Quine did as well - of getting the committee together. I have to say - and we all know this - that that is not unique. Every committee of Tynwald and the Keys often has considerable difficulty in getting its membership together, because members are so busy in their government rôle as

well as their parliamentary rôles. To be honest, it does not matter whether we are in parliamentary recess or not; there is still a difficulty getting members together, because, as we all know, the fact that we go into parliamentary recess does not mean that we all go on holiday for two months. We actually have a lot of work to do right throughout that period until we get to October, so it is not as if we suddenly have a big low and we can suddenly all get together. We cannot, so there are difficulties in that, and I think we all recognise that.

I thank the hon. member of Council, Mr Crowe, for his contribution in terms that he has been a member of the PAC for seven years, as I thank the hon. member of Council, Mr Waft, who had been a member for 10 years, because they give an insight into how they see that rôle and whether or not there is any conflict, and I think we have to acknowledge that there is a difference of opinion and philosophy, and I think that is really the main issue. It is not a difference of opinion as such; it is the philosophy and principles of how a body should be structured to oversee the rôle of government and to ensure, as far as possible, transparency to ensure the public is advised. But I have to say that it is important to keep in mind that those members who are elected to the Public Accounts Committee by this Court have a duty first and foremost to Tynwald Court, not to the government.

The hon. member for Rushen, Mr Crowe, of course, was a member of the committee. He explained some of the issues that he looked at and we discussed which are not in our report, and clearly they are not in the report because - (*Interjections*) Sorry, I must be getting carried away. It must be the sunshine. Mr Rimington covered the issue of membership and that was not in our remit, but it was something that I think may help give some explanation to it. Again, we must remember - and there was some criticism that there are Treasury members on the PAC and so on that, in fact, Tynwald Court elects the members of the PAC, and they certainly knew at the time they were electing them that those members were on the Treasury. Now, again I make the point I have just made: their responsibility first and foremost as a member of the PAC is to Tynwald Court and not to the government, and if there is a conflict, then I am clear that issue would be taken up not only by members of the committee, but I am sure if it was seen that they were being unreasonable in carrying out their responsibilities, it is an issue that would come on the floor of this hon. Court.

Now, Mr Quine was the first to speak but the one I wish to cover in my wind-up, because clearly Mr Quine's philosophy and the basic principles he comes from are quite clear, and I do not think we can argue that, as we all have at times seen a subject and said, 'That is how I think it should be.' What we have tried to do, in taking that on board, is consider the whole issue and say, 'Is that relevant with the structure we have?', and we endeavoured to look at this, I think, in quite some considerable depth, taking on the points that are there, accepting that most views were that it would not be a problem, and I think we all accept that. I mean, if ministers wanted to run a department on their own, they could do that. What you would have, of course, is less political influence on the department, because the ministers would have to delegate more to civil servants, because that is how it would work, and whether that is good or bad for the Island would be something that could only be measured if it happened. Clearly the hon. member says there should be this separation. We have looked at it and said, 'At present, because of our structure, we find it difficult to say 'yes', because it is not that black and white.' You can make it black and white, but the structure is not that black and white. It does tend to gel together, it does overlap a bit and what we rely on is the - again I come back to the word which I think is very important - integrity of members individually to fight and defend and do whatever they believe is right for the Isle of Man, regardless of their link with the department, their link with their colleagues or whatever. We all have to balance that up, because ultimately our rôle is to represent the people of the Isle of Man, and specifically our constituents.

I think it is also worth just making the point that we did make in our report the comment that if the chairman and vice-chairman at some stage did have this change made, clearly there has

to be an alteration to the remuneration package. It would be unreasonable to say to two members of this hon. Court, 'You can become chairman and vice-chairman, but you will only get the basic pay of a member', because that just is not realistic. We all have to live and we all have families the same as anybody else out in the world, so to have a situation where members may say, 'I could not do that because, in fact, there is a financial problem' would be unreasonable. So we just pick that up and say, 'Yes, you would have to make a change there', and I think that is a reasonable comment.

I think the other point worth making, Mr President, is that one of the things that has happened at some pace in recent years has been the change in development of government. I think it is fair to say that that has not been reflected in the parliamentary system, and I think that is an issue - and members who know me know it is an issue I have mentioned, discussed, raised over many years - where I believe the parliamentary system has some catching up to do. It has some restructuring to do to enable members to be more effective in the scrutiny or overseeing of government. For example, we now know what the Public Accounts Committee is up to, because I moved a motion in here, when I could not find out what they were up to, that said the Public Accounts Committee had to lay a report before Tynwald on an annual basis to advise members of what they were investigating and who had raised issues with them. Again, one of the things that is important - because there is a view that you can only raise an issue with the Public Accounts Committee if you actually come to Tynwald Court with a motion, but that is not so - is that anybody can write to the Public Accounts Committee on any matter relating to a body whose accounts are laid before Tynwald; that includes a local authority or any public body at all whose accounts are laid here. You do not have to have a motion in this Court. So, the Public Accounts Committee has a very broad remit and it is very easy to get them to investigate a matter, and -

The President: Mr Speaker, you are also becoming very broad in your remarks.

The Speaker: I am, Mr President, but I am trying to just cover the issue of why we did not feel the change was necessary. (**The President:** Right.) So, I will just finish off (*Interjections*), because I have to say that my view is to try and explain as best we can why we believe that we do not think a change is necessary. Mr President, all I can say is that we looked at this as fairly as we could, we examined other systems and we believe we should be proud that we have a Public Accounts Committee system, as the hon. member of Council, Mr Waft, said, because there are some parliaments which do not. I would say that we should not undervalue it, because it does seem to work, and I would just finally say that we had no evidence that the Committee on Expenditure and Public Accounts is inhibited in undertaking its responsibilities on behalf of Tynwald Court. I beg to move the motion in my name.

The President: Hon. members, the motion I put to you is printed at 37 on your order paper. Those in favour please say aye; against, no. The ayes have it.

A division was called and voting resulted as follows:

In the Keys -

For: Messrs Anderson, Quayle, Rimington, Gill, Mrs Crowe, Messrs Houghton, Braidwood, Downie, Shimmin, Mrs Hannan, Messrs Bell, Corkill, Earnshaw, Gelling and the Speaker - 15

Against: Messrs Cannan, Quine, Rodan, Henderson, Duggan, Mrs Cannell, Messrs Singer and Karran - 8

The Speaker: Mr President, the motion carries in the House of Keys, with 15 votes for and 8 votes against.

In the Council -

For: The Lord Bishop, Messrs Lowey, Waft, Kniveton, Radcliffe, Mrs Christian and Mr Crowe - 7
Against: Dr Mann - 1

The President: With 7 votes for and 1 against in the Council, the motion therefore carries, hon. members.

Nunnery Estate – Public Use – Debate Commenced

Item 38. Mr Lowey to move:

That Tynwald invites the Council of Ministers to actively pursue the retention of the Nunnery estate and grounds as a 'green belt' for the recreational use of the Manx public in perpetuity.

The President: We turn, then, to item 38, and I call on the hon. member, Mr Lowey, to move.

Mr Lowey: Thank you, Mr President. As a student of history, it never ceases to amaze me how often life repeats itself. I am here today talking on a subject on which I made my maiden speech in Tynwald Court on my very first day in office in December 1976. We owned the Nunnery then, with the surrounding land, and at that time the proposition was to sell on to Mr Robert Sangster the whole estate, with the land, for £105,000. Needless to say, I was against selling off this national asset then. However, times, and I recognise them even on reflection, were different then; we were very short of money, as you well remember, sir, and £105,000 tied up in real estate seemed too good a chance to pass, so we took it, much to my chagrin. However, 30 years later, an agency of government purchased it for £5.5 million, some would say doing what governments do best: selling cheap and buying dear. Now, that might sound cynical to some, but I am hopeful that history will not be repeated today with the rejection of my motion.

Those of us who were privileged to attend, Mr President, your Tynwald Garden Party at the Nunnery last week could not but be impressed by the beauty, the tranquility, the ambience and the air of history of the Nunnery. I am firmly of the opinion that the estate, including the meadowlands and the land south-west, should be singled out for protection from would-be developers, either private or governmental. It is small comfort to me to be told that there is a sub-committee of two ministers already looking at the estate. I am told - I hope I am right - that it is the Department of Education and DoLGE. If my information is correct, I have great respect for both those ministers and the jobs that they do - I really do - but both come with a specific agenda. Both have an interest in development, and perfectly understandable too: a perfectly correct interest from their departmental standpoints, legitimate, reasonable and, many would say, sustainable. The Minister for Education has to have regard to realising the best financial assets he can to run his department and to keep education to the forefront, and my good friend, the Minister for Local Government and the Environment has to look out for space for very preferential and desirable development and projects in her portfolio. However, the long-term implementation of development could lead to the detriment and spoiling of that space, the quiet oasis that this historic site is.

It is rare, in this Court, for us members, dealing as we do with policy and especially financial matters, to speak from the heart without reference all the time to letting our heads rule. Now, I believe that this motion allows members the rare chance to speak from the heart. I wrote the resolution and I kept it to 2¹/₂ lines to keep it very simple and uncomplicated: 'That Tynwald invites the Council of Ministers to actively pursue the retention of the Nunnery estate and grounds as a 'green belt' for the recreational use of the Manx public in perpetuity.'

The Nunnery is, in my view, already under siege. I am also led to believe that, for example, the site is looked at as an ideal venue for an indoor tennis arena. The two departments that I have mentioned are already looking at the site because it has planning permissions on it. There is the letter from the chief executive from the business school three months ago seeking uses

or needs for the departments of government to be considered. All of these are legitimate - I have got to say that, and I do not have any difficulty with that - but surely future generations will not thank us for bequeathing them a truncated and mini-enclosure surrounded by development. And then we would say we passed on the Nunnery and the estate for perpetuity; I would think that would be a little ironic. Already the signs of encroachment, as I said, are there; they are not spreading out from the Douglas end of the estate, but they are creeping back from the White Hoe end. You have only got to go and look, use your eyes, and I am sure members who were there last week would have seen it, so I do not intend to labour that point. Mr President, in short, storm clouds are already being hoisted. Let us please invite the Chief Minister and the Council of Ministers - and here I venture to suggest again to the Chief Minister that he could include on that committee some backbenchers from this Court or others - to report back with a blueprint for the estate in its entirety.

Now, I think it is right, Mr President, in saying what I am saying, that I should give my own personal preferences, and it will be brief, you will be relieved to hear. My views are simple and uncluttered: leave well alone, do not fence me in, do not crowd me out, do not allow encroachment on this last piece of real open space on the fringe of Douglas, a green lung for the capital, a centre of calm, a place of immense character, a feel for history - and it is reeked and steeped in history - and in a world which has become frantic and will continue to become even more frantic in the future, it will become even more priceless, in my view. Let us opt consciously today for an oasis of peace and rest, a place for the Manx people to recharge their proverbial batteries. That is my hope and wish for the Nunnery estate, and there must be a way of achieving that.

I have said, hon. members, that it is hard, in this Court, to keep money out of the equation, but I do think the government is very well equipped: we have an excellent forestry division of the Department of Agriculture and Fisheries, who have a standard of upkeep of woodlands and open spaces second to none, and I also think the Douglas Corporation have an excellent reputation in the upkeep of parks. As far as I am concerned, we do have the wherewithal, but how do you quantify in pounds and pence the Nunnery and how it appeared to the 1000-odd people who were there last week in that setting? I do not think you can. Hon. members will no doubt have their own views on the Nunnery and its future, but today we start that journey - and we only start that journey - and I am asking for your support for the motion standing in my name. I beg to move, sir.

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

Mr Karran: Eaghtyrane, I beg to second. I think it would be a great benefit for us to have a park in this area. It makes no difference to me as far as my constituency is concerned, but it is about adding quality to the area, and it has given more green lungs that are needed, in my opinion. This area is green belt and I would hate it to be seen as a device to allow the taxpayers, who have already paid £5.5 million for this land, to be then told that we are going to pay out another £6 million to buy the surrounding land and it is then going to become developable land. I think that would be a great shame for the Island. It will not fool the people outside this Court; they will not be fooled if we try and do some sort of accountancy exercise over the issue of the Nunnery. I think we have to be honest and forthright, and we must support this motion. It was recognised how important it was for this area to be green belt, and it must stay as green belt, in my opinion. I think it would be a great benefit and inheritance for future generations if it stays that way and is not be allowed to be enclosed like the hon. mover says. I am happy to second.

The President: Hon. member for Garff.

Mr Rodan: Thank you, Mr President. I think many will have a great deal of sympathy with the spirit of the hon. mover of the resolution and what he has told us about the Nunnery estate and its importance, and I think I would very much agree with him that those of us who attended the

Tynwald Garden Party last week cannot fail to have appreciated the magnificent parkland setting in which the Nunnery mansion house sits, as the backdrop to that building and the estate looked at as an entity. I wish to move an amendment, Mr President, which in no way is intended to counter the spirit of the intent of the resolution but is really to reflect the present situation on a perhaps more accurate factual basis and perhaps on a more practical basis.

I would make two points, initially, which I would like to bring to the attention of members. First of all, the term 'green belt' is not used in the Isle of Man; it is a fairly specific planning term used in the United Kingdom in the context of urban areas and protection, within an urban setting, of existing open space. The terms that we use in the Isle of Man are 'countryside', 'woodland' and 'parkland', and in fact the present land-use designation of the Nunnery estate - the legal definition which is in the Douglas Town Plan - is one of 'woodland'. That is the present situation and it is the context for any future use of the estate which might be part of any future planning applications. That is the present context: private woodland, the word 'private' merely reflecting historical rights of rambleage and access to the public. That would be the first point.

Secondly, I feel we must remember that the whole estate has been acquired for educational purposes first and foremost, and the amendment that has been circulated, I think, is to reflect that there is already an exercise under way within government, not by the Council of Ministers, because it has not yet got to the stage of the Council of Ministers, but this is an exercise by a working group which is called the Nunnery Estate Working Group and which has on it planning officers, the Estates Officer of the Department of Local Government and the Environment and two members of the board of directors of the International Business School, one of whom is the director of the business school. The remit of this working group, which was set up after the purchase - and there is no secret about that - is to identify how the future needs of the International Business School can be met by the estate within this woodland/parkland context over the coming years. Its remit is also to identify land within the estate that the business school will strategically hold for the possible long-term needs of a future university of Mann, but that decision is yet to be taken. An overall plan for the estate is thus being worked up, but it will also identify land which will be surplus to the needs of the International Business School and which has the potential to be taken into government's own land bank for whatever purpose government, and ultimately Tynwald Court, see fit. So, there is a process going on here already, and I would like to remind the Court that any proposals to do something with the estate will require Treasury approval, because that is a condition - there is a debenture attaching to the whole estate which will require Treasury approval if there is to be any change of purpose - and ultimately that will be for the Council of Ministers' scrutiny and Tynwald scrutiny.

Now, I listened carefully to the hon. member when he made reference to the Nunnery estate and the fact that government, in 1976, sold the estate to a private owner, but I would wish to just make this point: I listened but the hon. mover did not define the extent of the estate, because since 1976, of course, there were some 12 acres of fields at the south end of the area now in the business school's ownership which were bought by Mr Sangster and which had not been in government ownership but subsequently do form part of the area we are talking about. Now, it is possible - and I will say no more than it is possible - it now attaches to what we think of as the original Nunnery estate, but it may be that that land will be surplus to the requirements of the International Business School and that the future of that land is yet to be decided upon, but we are at an early stage.

What I would say, Mr President, is that the development of the estate will have to be consistent with its existing land-use designation as 'woodland' before there can be any question of any planning processes coming into play, but I and those who have seen the ideas emanating within this overall plan do see that what is emerging is a green university campus setting which is intended to be open to the general public, with elements for public use, showing buildings being grouped together to allow retention of the overall parkland, woodland

or, in Mr Lowey's phrase, 'green belt' character but with elements of recreational use. What we are talking about are the sorts of economically useful buildings one would expect to see in a campus-type setting open to the public: we are talking about the recycling of existing disused stable buildings as buildings for, let us say, postgraduate study; we are talking about a refurbishment of an indoor swimming pool to be attached to a fitness centre, for example; we are talking about areas of car parking; and we are talking about the conversion of derelict outbuildings to possible student accommodation and the possible creation of halls of residence within the parkland setting, taking advantage of the treescape that is there as screening and as enhancement of those buildings. And I would remind the Court, of course, as we know, that there is already an outline planning approval still in existence for a country club, golf course, an aparthotel, a club house and some residential buildings, which were similarly grouped, when planning approval was being given, within the context of the woodland setting.

So, Mr President, this working group's task is to identify how the existing estate, which is seen as a valuable green space, can be developed sensitively to give it an economic lease of life, and I can assure members that the working group is very conscious of the considerable constraints in the sort of development that perhaps Mr Lowey fears when it looks at such matters as ecological factors, the fact that there are habitats for birds and wildflowers to be taken into account, the fact that there are archeological features, the fact that there is a restored chapel currently on the site of what is believed to be the original convent, and the fact that there are wooded areas and there are wetland areas and there are riverbanks; all this has to be taken into account. Also to be acknowledged is that on the 11-acre government field where we all parked our cars last week, covenants exist restricting the use of that land only to such things as putting greens, lawns, croquet lawns, tennis courts or things of this sort, and only Tynwald ultimately can remove those covenants.

An overall estate plan is therefore being worked up, and I will state here and now that it would be my intention, when that overall plan has come into being and has gone before the Council of Ministers, to give a presentation to members of the Court with the intent of inviting Tynwald approval to that overall plan before the matter goes any further. I hope I can, by that assurance, demonstrate that there is no intention of seeing piecemeal selling off of parts of the estate or the losing of the overall character of the parkland setting that exists, but there is an intent to ensure that the use for which the estate has been purchased, which is for educational use, is maximised, that the development of a university campus-type of setting is promoted, but that it is also a realistic feature of that exercise that those elements of the the estate as originally defined, or as now defined, surplus to the immediate or long-term needs of the business school or a university of Mann are identified and dealt with appropriately. I do give emphasis to the word 'appropriately', and I would hope that the overall plan would demonstrate that, but ultimately it will be for Tynwald to express an opinion on it. I beg to move:

Delete all words after "That" and insert the following -

"Tynwald directs that the Nunnery Estate Working Group should, in formulating an overall long-term plan for the Nunnery estate, have particular regard to retaining the parkland setting of the estate for the future educational and recreational use of the Manx public."

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. I rise to second the amendment in the hon. name of Mr Rodan, member for Garff. I am sure that we all appreciate that the Nunnery estate is a wonderful asset. (**A Member:** Hear, hear.) In whichever way you look at it, it is a wonderful asset that the Island has, and it is sad that for so many years people have been excluded from enjoying that wonderful asset. I certainly was listening to many of the people - members of the public - who were there at the President's and Tynwald members' garden party, and nearly everyone I spoke

to said, 'I have never been in here.' I think that, to me, actually spoke volumes, because they were beginning to soak up the ambience of the estate for the first time, and I am sure, as a member of the Tynwald ceremony's arrangements committee, that the thinking behind the President's suggestion that we should go to the Nunnery was very much to see the public accessing the estate to show them what was there, and I think it has been a very useful exercise.

Just by way of background, when the International Business School - and the hon. member for Garff has mentioned this - did purchase the Nunnery with the loan guaranteed by government, part of the price that was extracted from the International Business School by myself as Treasury minister at that time and supported by Treasury was the issue of the debenture. Because there was taxpayers' money involved with the guarantee, there was a price to that, and that was that they could not just deal with the estate the way they wanted to, that there was a government involvement here and that government, which is provided obviously by Tynwald Court, wanted to know and would have a say in the future of the estate. That is what we are debating today, and it is very rightful that we do that, and so I just wanted to make it clear to hon. members that that protection is there. Couple that with the amendment and the statement that the hon. member for Garff has made about Tynwald approval, and I hope hon. members will feel assured that when this working group comes up with an overall strategy, every single member of Tynwald will have input and at the end of the day Tynwald will decided what happens.

The hon. member who moved the initial motion said that this was a motion straight from the heart. I am quite happy to put on record today how I personally feel about the Nunnery estate, and that is that I think there should be general public access to the parkland areas. It is hard to actually define where they quite begin and end; there is the river, there are the paths leading down to the river, and there is also the issue of the business school building itself, and of course that is the educational establishment that is growing. So certainly, from a public access point of view, I would hope that, perhaps, in future, we can see a parkland setting which many cities in the United Kingdom enjoy, London obviously being an example, where you have these parkland settings and everybody from around that area and from far afield can have some quality of life - however you determine that - by accessing those areas.

So I hope hon. members will feel that the amendment is constructive and supportive of what the hon. member of Council is attempting to achieve. I think it does acknowledge more accurately the estate and, as the hon. member for Garff has said, there is a little bit of the estate which has been added subsequent to what we all regard as the Nunnery estate, which will have to be taken into account by the working group. I think the mover's motion ties down the complete estate, and that may be what the intention is. I would ask members to think that there may need to be a slight amount of flexibility in the way this subject is approached, but at the end of the day members will have the last say. I support the amendment and would ask hon. members to do so, sir.

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

Mr Downie: Thank you, Mr President. I rise in support of the amendment, and I sincerely hope that the mover will support the amendment also, because I think it actually strengthens -

A Member: No, it doesn't.

Mr Downie: - what the hon. mover of the original motion has got to say. Firstly, he said he was looking at this issue straight from the heart. I accept that, but I wish he was looking at it straight from his head, and the reason I say this is because if he was writing a planning consent, the way this particular motion is worded - 'green belt', as my hon. colleague, the hon.

member for Garff said, is not terminology that we use in the Isle of Man, and 'recreational use' could mean a caravan park - there are a lot of areas that could be unclear.

Now, I think that this whole issue of the long-term use and viability of the Nunnery needs to be looked at 'in-house' as it were. We need to identify exactly what it is we want to do down there. I would dearly love to see the grounds open to the public. I would like to see the chapel used again and go back to the days when we had the scouts' jamboree, the highland games, agricultural shows and all sorts of other uses, not at the grace and favour of the Goldie-Taubman family but under the control of the Isle of Man Government. It is a very historic estate and one of great importance to the Isle of Man, and I am sure that, in coming to its deliberations and recommendations, there can be a special identity given to it. However, there are certain lands which were always outwith the estate. One of those was the land to the north which fronts the riverbank, that is the land that runs between Baxendale's Mill, the Dolls' House and up as far as what was called the Hermitage. That land was always the old Douglas Corporation tip. The corporation owned that land for many years, and when the lands changed hands in the late 1950s / early 1960s, that was included, but it has been in and out. Now, my view is quite simple: you cannot even see that land from the Nunnery; you cannot even see it from the main Peel Road; there may be an opportunity, at some stage, to put something in there that will benefit the house for educational purposes, so let us not tie ourselves down too restrictively at this particular time. Let us have a look at the big picture and let us come up with something that we are all going to be very, very proud of and something that we will leave for generations to come in perpetuity, if the hon. mover wishes, because in what we are doing today we should be thinking of those who are following on from us tomorrow. Thank you, Mr President.

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

Mr Henderson: Thank you, Mr President. I have quite a few observations to make on this matter before us today. I am certainly pleased that the hon. Member of the Legislative Council, Mr Lowey, has brought it here, and what an excellent idea I think his point is.

Now, as the hon. member, Mr Lowey, pointed out, we lost the Nunnery in 1976, and now we have been lucky enough to get it back. I know people here have mentioned that it is a national asset and so on, but I do not think - or I am not sure - that I have heard mentioned just how much of a national asset the Nunnery is and the parkland it sits in is also. It is of absolutely incredibly immense value to this Island for many reasons, some of which we have heard about: it provides the stately home setting, it provides the parkland setting, and everyone here knows of the ambience and the scenery from the garden party and how much all our visitors enjoyed being there and what a success the garden party was in that setting. It was absolutely fantastic, and that is the gem that we are talking about here, Mr President, and we must be very careful with this gem and how we manage it for the future. I, too, am conscious of the development that scooted along behind the Nunnery and up towards the White Hoe and, as the hon. member, Mr Lowey, put to us, has come from the White Hoe backwards towards the Nunnery. The estate is under pressure now, and as the Island's economy develops further, which I have absolute confidence that it will do, that estate is going to come under even more immense and incredible pressure for a variety of reasons: industrial uses, homes, developers wanting to put their own fashions of buildings on there and so on. We have already seen those kinds of moves before with the various plans and planning permissions (*Interjection*) that we have heard of from the hon. member for Garff, Mr Rodan.

Now, contrary to the interjections from West Douglas, I would just like to draw on a few other points too. The ecological importance of the Nunnery at the minute has not really been spelt out. The conservation importance of the Nunnery has not been spelt out. The hon. member for Garff touched upon it, which I am grateful for, but the fact is that that area of parkland at the minute enshrines such a fantastic amount of wildlife in there, it provides a green corridor and it

provides a haven for wildlife, and as the town develops, that is going to become a sanctuary, which is another point. The place is full of 150-year-old trees; we have got elm trees in there, we have got oak trees, sycamore trees and a variety of other things, and it has taken 150 years or so for that parkland to develop. And that is what we are talking about: for something to grow for nearly 200 years to get to that is incredibly valuable. The bird-life alone in there and the different varieties of birds and species that live there are incredibly valuable to the town. The wetland that the Minister for Education talked about is very important.

So, how are we going to manage this? That is what worries me, and that is why I was so pleased to see Mr Lowey's resolution here today, because it recognises that some sort of future planning needs to take effect with regard to this estate and that we need to be careful. The town will develop in time, and it is a place I see as useful to the public and where the public should be allowed to come and picnic and so forth, as the Chief Minister pointed out. There is nowhere else in Douglas that you can really do that. The biggest green lung at the minute is Noble's Park, but due to all the variety of uses and so on in the park, it is not really somewhere that the family can come and enjoy, and I think that is something that we need to be very aware of. With regard to the development of the estate and the management committee that is looking at it, which the hon. Minister for Education spoke of, I agree that to conserve something you have to bring it alive and you have to give it a use, revitalise it and invigorate it. I have got no problem with that, but I think we need to be very, very careful how we deal with that. I am very comforted to hear from the Education minister about using redundant buildings and so on, and I think that the way forward in this particular aspect is to bring alive the original building and utilise it to its full extent. I noticed the big area of disused stables behind it at the garden party too, and there are areas where developments could take place and be done sympathetically to the main buildings and in keeping and in character with the area. I am a little concerned with 'campus' ideas, because that gives me an impression, possibly, of blocks of things in parkland settings with interconnecting roads and things, and that I think is a dangerous road to go down. I think we want to make use of the curtilage, effective use of what is there now.

I would also point out that there has been some talk of what constitutes the estate and what does not constitute the estate. Now, I want to make it clear to hon. members and flag up a word of caution here: really, you should not be drawn with those arguments. The estate is what it is and inclusive of all the land about it, and if you are going to not just preserve somewhere but *conserve* it - which is something completely different, bringing it alive and utilising it - and keep all those special things, what you need are buffer zones. That is well-recognised terminology both in planning and in conservation terms, whereby if we are going to hive off chunks of that estate and we say, 'Oh, well, that was not originally part of it; we can do without that. Move that to one side', what you could end up with in time is that the pressure for development and so on could well bring everything right up to the edges of the inner estate, and then you will have lost it. You will have lost the nice ambience and so on. So, I think it is vital that he keep the green areas that the hon. member for West Douglas mentioned by the riverside and so on and also to the White Hoe side as well. You need to have those buffers to preserve and conserve the central point that is under discussion here as well, otherwise you are going to lose some of its magnificence, and that is plain and simple.

So, I would also like to say that I think it was well worthwhile bringing it back into government ownership. It is a national asset; I think the taxpayer will recognise that in time, and I think it is something that we need to take very careful consideration of this morning. We have got it back; now let us be careful with it and how we move forward. I will be directed by the hon. Member of the Legislative Council as to the amendment, because that does, to my way of reading it, shift the position somewhat, and I will be interested to hear your comments, sir, on that to direct us as to what we should be about when you come to summing-up. Thank you, Mr President.

The President: Now, hon. members, I would be grateful if I could have some indication of who still wishes to speak to this subject.

In that case, hon. members, I think it is an appropriate time at which to adjourn. The Court will restart at 2.30 p.m., the first to speak being Mrs Hannan.

The Court adjourned at 1.00 p.m. and resumed its sitting at 2.30 p.m.

Nunnery Estate – Public Use – Debate Concluded – Amended Motion Carried

The President: We continue with item 38, hon. members, and as indicated before lunch, the first to speak is the hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Eaghtyrane. I am surprised, really, that the Council of Ministers has come forward with an amendment when Mr Lowey's motion invites the Council of Ministers to actively pursue the retention of the Nunnery estate and grounds as a green belt. I would have thought that that could have been accepted first by the House - the actual principle of that - and then the Council of Ministers, who have got the ministers from all the departments, could have had their input into it as to what should happen. I notice from the Minister for Education that there are a number of officers who can be involved but nobody else from government, and I just wonder why, if government does not own it, government has underwritten that. To all intents and purposes, it is only in being because of the taxpayer of the Isle of Man (**Mr Karran:** Hear, hear.), and therefore I would have thought that the Council of Ministers could have accepted the motion as it is down on the paper and resolved that they would look at it. They could then come back when they have taken advice from all of the other departments - because that is what the Council of Ministers is, government and all the departments - and they could have looked at their responsibilities with regard to this particular area.

I would accept the comments made by the member for Douglas North, who suggested it is more than just development land or more than just recreational land. There are reasons for preserving this land because of where it is and because of the type of land that it is, and I would hope that members will support the motion that is on the paper and not hive it off to a Nunnery estate working group because, as we have already heard before this Court, it is a group outside of government, and I would like to support the motion as on the paper, suggesting that the Council of Ministers actively pursue the retention. If that means we have to come back and say that we have to buy it back, as we did with our rights in the Irish Sea, our territorial waters, so be it. We buy back those rights if we want it retained in perpetuity for our people. That is for the Council of Ministers to come back with a motion on, but I would hope that members will support the motion that is on the table, and I thank Mr Lowey for raising it.

The President: Hon. member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr President. I support the principle of having certain areas around our town preserved as areas where the public can enjoy the grounds, such as those at the Nunnery. I was minded to support, originally, the motion put forward by Mr Lowey, and I acknowledge the amendment that has now been put forward. I will be waiting, in the summing-up from Mr Lowey, to see how he is considering the amendment. Could I also say that, in particular with regard to the Nunnery, I would hope that consideration could be given to the registration of the chapel, and indeed the buildings at the Nunnery, to make sure that our Manx national heritage is preserved for generations to come. So, in conclusion, I look forward to hearing from Mr Lowey as to what his view is on the helpful amendment, I think, that has been put forward, and I will leave it at that, sir.

The President: Hon. member of Council, Dr Mann.

Dr Mann: Thank you, Mr President. I find the debate this afternoon very interesting, and certainly I appreciate what the hon. member of Council is attempting to do. Although I did not

enter this chamber until, I think, a year after he made his first move, everybody at that time was well aware of the ebb and flow as to who should own the Nunnery. I think we need to look very seriously at the present position before we go wildly into a generalisation that we all feel emotionally is the right thing to do. Unfortunately, I have lived with the problem of the Nunnery for some years, and I am only too conscious of the planning and legal minefield that this estate represents at this moment. Although the emotional pull is to do something dramatic, we have to be sensible and realise that certain parts of this estate are covered by certain covenants, certain parts of the estate are leased from government and so on, and there is still a valid planning permission in general - in principle - to a significant development on this site. In particular, we have got to be extremely careful in the wording we use here this afternoon in our final decision, because the wording, particularly the planning wording, is immensely significant, and that decision will be taken into account almost invariably in further planning considerations. In particular, although it has been referred to once or twice already, the reference to 'green belt' is very unfortunate. I do not mean that in any way to debase what you are trying to do; I am trying to get it right in legal terms and in planning terms. I must say that I am more than interested in the support there is for the preservation of what appears to be a perfect setting. It has immense historical importance, it has considerable ecological importance, and we have got to be extremely careful how this matter is handled.

Before I refer to various points that have been raised by individual members, can I just look at this situation from the present Department of Education, the present company which runs the International Business School. This whole property, this house, was bought with one aim in view at the time, and that is to create here in the Isle of Man, for the very first time, a university college in which our young people can learn and be taught to degree standards entirely in the Isle of Man, full-time. It would, in due course, become a very significant institution in this Island. In fact, although it would probably be some time after I move on from this world, at some time in the future this Court will be offered the opportunity of granting a charter to a university. It would also be in a position to grant degrees in the right of a University of Mann. That could be as early as 10 years; it may be a bit longer.

So what is happening in that building at this moment? I know a lot of people love to decry it. What is happening at this moment is a creation of something which is of immense value and will be of immense value to everybody in this Island. The hon. member for North Douglas very rightly pointed out that there are some very precious and unique things in those grounds. There is certainly a lot of wildlife, there are bats and there are almost certainly an incredible number of wild flowers, many of which are quite rare. They are vulnerable. The reason they have survived up to today is because the public actually have not had access. (**A Member:** Hear, hear.) I think one has got to seriously think about that: if the population has free access, very rapidly those vulnerable species are going to be under threat. But most importantly of all, from my point of view and from the point of view of, I think, just three members of this Court, who, through sheer determination against all odds - and I say that very carefully - have got to the point where we actually own it; we are planting in that estate a flower that is just as vulnerable, just as precious, as anything that exists there at the moment. Yes, we have to preserve the past. Yes, we have to appreciate everything that has gone on there - and by God, everything almost that is connected with the Isle of Man has gone on there at one time or another - but we are planting a new and very vulnerable flower, and that flower is going to need every bit of encouragement from this Court, every bit of stimulation and also protection.

That flower is not going to be small forever. At the moment, it occupies the ground floor and the lower floor of the house. Within the next year or two, it is bound to extend into the upper floor, because more than twice as many young people are wanting to come this September as there were last; we have already got three applications from jurisdictions outside the Isle of Man. If we are going to have a university college in that location, at some point we have to have buildings

around it. Those buildings do not have to be modern skyscrapers, they do not have to be anything that is obtrusive, but it is naïve in the extreme to imagine that that college is going to remain in that building alone, and this is where I have difficulty. We set out to do a job. I know what you, Mr Lowey, want to do. We all want to see this wonderful area of land preserved, but we cannot have an absolute situation where it is either a national park forever or it is going to be a university forever, and there must be a way through this.

We have spent a considerable sum of money, guaranteed, as has been said many times over, by this government. We appreciate everything that has been done, but I think the way forward has to be the careful planning of such buildings as we know ultimately are going to have to be there within the overall site itself. This group that at the moment is looking at the whole problem does contain people who are interested in the wildlife, the ecologist, the preservationists, the archeologists and everybody else, and that involves, as anybody who has done these various sector examinations on other buildings, a considerable amount of time and energy. At the end of that time, we can come to this Court and say, 'This is what is consistent with what we set out to do and what is consistent with the preservation of the entire area and its accessibility', and I think this is where the use of the amendment would be the correct one, not in any way to attempt to block what you are doing; I know what you want to achieve and it can be achieved, but it cannot be one thing at the expense of the other. The two have got to come together, and if there are areas that are shown to have wildlife that can be disturbed or damaged, then a certain amount of protection of those factors is going to be necessary. Most of all, the very building itself is vulnerable. It is precious as an old building, and if that is standing there alone in an empty area, accessible to all, we do have some hazards, so the whole thing has got to be very carefully thought out.

Ultimately, nothing will happen without the consent of the Council of Ministers in any case; certainly, nothing can happen without the consent of the Treasury; and, in our view, nothing should happen without the consent of this Court. So, for several good reasons, I would suggest that the amendment is the right way forward, and it is not an amendment that happens to have come from the Council of Ministers either; it has come from those of us who actually appreciate and have experienced, over a considerable number of years now, the extreme hazards of dealing with this estate. So, yes, let us preserve everything. Let us concentrate on the public having the right to go and see what is theirs, but also let us make sure that the new flower that we have planted is not strangled or damaged. Both are important to the Manx nation; the past is important, but by God, the future is also, and to damage one against the other is going to be something that we will not be forgiven.

The President: Hon. member for Douglas South, Mr Duggan.

Mr Duggan: Thank you, Mr President. I support Mr Lowey's resolution. I can remember the Nunnery many years ago when Goldie-Taubman was down there and Mr Wranger was in charge of the estate - no doubt you would know those gentlemen too, possibly - and Caesar the chauffeur; I remember them all very well. I used to repair the car for them in Finch Hill Motors at the time. The right of way through the Nunnery that used to lead to Pulrose has been diverted, Mr President, but it was always a nice walk through the Nunnery. I do not know whether they actually got permission to alter that right of way; I would like Mr Shimmin, possibly, to look into that. The last time I went through, it was in an awful state. I think the member for West Douglas, Mr Downie, went through too, one time. There were tree roots and everything and trees cut down; it was in a terrible state. Incidentally, as for access, there used to be a church service in the Nunnery chapel, up to about four or five years ago, every Thursday after lunch and - I think it was - on the last Sunday of the month. It was taken by Duncan Whitworth, the rural Dean of St Matthews, but that all stopped in Ferguson-Lacey's time for some reason. Overall, I think it is a very nice estate, and I think we should do whatever we can to retain, as Mr Henderson says, all

the bird-life. It is a very nice rural setting, and I would not like to see too much building going on there.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. First, I would like to congratulate the hon. member of Council, Mr Lowey, for actually putting this matter before the Court. It has, in fact, generated quite an interesting debate and made, I think, members think a little bit more about the asset we have. Clearly, what we have is something that the Island, and certainly this hon. Court, has been trying to get back for a very long time, and now, through different means, the estate is able to be influenced by government with its involvement.

It seems to me, in listening to the debate, that basically what we have is a motion that members can agree with and an amendment that members can agree with, but in fact there are some bits missing. It seems to me that members just feel they want a little bit more comfort, security or whatever it is in terms of what is going on, and therefore I would like to move an amendment to the motion which really builds on the one put forward by the hon. member for Garff. What I would propose is an amendment that reads:

Delete all words after 'That' and insert the following -

'Tynwald directs the Council of Ministers to formulate an overall long-term plan for the Nunnery estate, having particular regard to retaining the parkland setting of the estate for the future educational and recreational use of the Manx public and report'.

I have to say that I was surprised even the hon. member's motion did not have 'and report'. I understand what the hon. member is doing, but in fact it was left a little bit in the air, and I believe that the amendment that I put forward to the Court now makes it clear that we expect government to come back with the report. It does not in any way stop the Nunnery Estate Working Group still being the main body formulating, with the Department of Education, a way forward to deal with this, but what it clearly will mean is that the Minister of Education and the Council of Ministers will have to be, as they would anyway, content with the report. The Minister for Education has already firmly indicated his intention to bring the report here to Tynwald anyway, but it seems to me that members seem to have a bit of a concern that maybe it will or will not happen, and I have no doubt at all that if the minister makes it clear he will bring it here, then it will come here. But I do get a feeling, even after the minister has spoken, that there is still some unease amongst a number of members who may not support the amendment, and I think the amendment does help and build on the motion put forward by the hon. member of Council. I do not think either takes anything away, and I hope that my amendment will at least help take away that unease from those members who still feel a bit uneasy. I beg to move the amendment in my name.

The President: Hon. member for Glenfaba.

Mr Anderson: I rise, Mr President, to second Mr Speaker's amendment.

The President: Mr Lowey to reply.

Mr Lowey: Thank you, Mr President. Can I thank all members for taking part in what I had said was a debate from the heart, and I am very pleased that it has generated what I would call a debate from the heart. I do not take exception to anything that has been said by any member. I invited members to put their view, as I did in my opening remarks, of the vision for the grounds as I saw it, and I said there would be other different views, but I would urge members. . . And it was lovely to hear Dr Mann being passionate, from the heart, because he is always best when he is passionate and from the heart, but he missed the motion, and the motion, of course, was not defining the use of the Nunnery grounds at all. It says 'that Tynwald invites the Council of Ministers to actively pursue the retention of the Nunnery estate and grounds as a 'green belt' for

the recreational use of the Manx public in perpetuity.' So, all it is doing is giving the broad outlines, and I, in my opening address, invited the Chief Minister maybe to . . . The Chief Minister and the Council of Ministers can pick the two ministers that they have got on this working party now. I did suggest in my opening remarks - and I am sure the members were listening when I said it - that I would suggest maybe an input from members of this Court - the backbench group or anybody - or outside if needs be. Now, I knew there was a committee of two ministers, but I did not know that officials were included in that meeting, and I am quite sure that is the way with government; we do not know everything and perhaps we should ask more, but we have not and we did not, and we are all a little bit wiser now that that has been going on.

There *is* an input here. This *is* a historic site and - I just forget which member said it - in just about everything in Manx history, from the storming and the seige of Castle Rushen when the people stayed there to the mutiny on the Bounty, you name it, something has happened at the Nunnery. As far as I am concerned, it also has that added advantage of being a beautiful spot, and it is at any season of the year. I wish to see it in the vision that I have that does not preclude what was brought forward by the business school, and, as was said by the member for North Douglas, it could be the restoration - and I hope it would be - and I think even the school would be forced to . . . Now, I am not going to get into an argument with the Minister for Education today on whether 'green belt' is a term that is used in Manx law or not. There is no-one in this Court today who does not know what I was expressing when I used the phrase.

When I came to draw this up, I did it very consciously. I kept it brief. I kept it short and uncluttered even to the extent, as Mr Speaker rightly said, that I did not put a report, on the assumption that it was going to the Council of Ministers and they would report. I have got more confidence, having been there. I know they would report back to this House at the appropriate time, after consulting as widely as they will, and I am sure if either of the amendments are passed, it will come back to this Court eventually. I just think that my resolution, as printed, would be the best of the resolutions, and if I have to categorise the others, I would put Mr Speaker a very, very close second, because I think it is a little bit . . . and I would have Mr Rodan's in third position for no other reason than I cannot see that my resolution could not have achieved what Mr Rodan wanted in the first place, because it would be up to the Council of Ministers then, after this Court had its say, and the main reason for the debate was to assist the Council of Ministers on the views of this Court. Now, the Council of Ministers can individually glean from us a variety of individual views, but it is in this Court, this forum, where we make policy, and I thought it was right and proper that this is the place where we should debate it. So, as I said, I have got no difficulty at all with any of the comments made by members, but I would draw members' attention to the fact that the resolution before you is not setting a final agenda and does not propose to set an agenda; it is inviting the Council of Ministers to do what they have already started, and I cannot believe or construe why they would want to have amended it. I really cannot, and I am not going to go back and say that it is amendment for amendment's sake. However, be that as it may, could I thank Mr Karran for seconding it.

Could I also thank Mr Rodan for his contribution, which I found encouraging. I do not want to stymie any of the good work that the department is doing. My only other thing is that I used the phrase 'storm clouds are hoisted'. I have to say that when I listened to the hon. minister, there was another storm cloud hoisted, because he used the phrase 'we have current planning consents on the land', and I think that was used by Dr Mann as well. Now, current planning consents only last for so long and they are only important if you intend to utilise them. The present planning consents, I believe, are for luxury houses, and if there is one thing the Nunnery estate - I do not care how you define it in size - does not require, in my view, it is bigger country houses.

The Chief Minister was very informative and he gave us a view on the tripartite committee that was brought up. His view was very welcome to me, because if you put our views on top of

each other, there was not much between us. The only thing that I do say is that again we have heard that there used to be a service, and I cannot believe that it is in public ownership and we have excluded the public. I would have thought that there would have been more regular services. That is a sadness, and I hope the chairman of the business school will see that if the church requires the chapel for a service, it perhaps might be accommodated. And the fishing and the ramble along the river: I think we should be opening up these places to the public.

Mr Downie, again, was perfectly justified in what he said, but his justification for an amendment was when he talked about the land further up which had been acquired and would be not noticed if it was not in the estate. Again, that is not what the resolution is about, and I would imagine that whoever looks at these things - even whatever amendment is amended - would look into that, and if it can be a similar -

Mr Corkill: Can I just raise a point of order, please, Mr President?

The President: Sorry?

Mr Corkill: I am sorry to interrupt. I wish to raise a point of order -

The President: Yes, sir.

Mr Corkill: - just with regard to the second amendment that has been put forward in the name of Mr Speaker and whether it might be circulated. (**Two Members:** Hear, hear.) As the hon. member winds up, it will give members the ability to see what it actually says. We have not got the exact wording, and I am only going from the memory of what Mr Speaker . . . Sorry to interrupt.

Mr Lowey: Not at all.

The President: Continue.

Mr Lowey: Thank you, Mr President. My big worry, of course - and it is a worry, and I am sure it came through throughout - is that we will . . . Whoever looks at it must not look at the Nunnery estate as an asset. And when I say an 'asset', there are assets that can be stripped, that can be utilised and that can, if you like, be hived off in short chunks - and for very good reasons; I think the modern word that is about is to 'maximise potential'. Now, I want to maximise potential for the estate in general but not in financial terms, and I have got a feeling we may drift into that by accident and that would be equally as criminal as selling it off for a developer to develop however.

Now, I thank Mr Henderson for his full support and I again thank him for his contribution regarding what I would call a development on the footprint of the buildings that are already existing, perhaps to accommodate, in a modern way, the modern facilities for the expansion of that school in the future. But again, I repeat: this resolution is not about that; it is about getting people to look at it and come back with a blueprint.

Mr Quayle I thank for his general support, and Dr Mann, as I have said, is always best when he is passionate, but I think he got the feeling that because we were debating this, we were actually coming to a definitive decision on the future use of the Nunnery, and this is not what this resolution is about; it is about making sure that we get the message right. And I believe it is the Council of Ministers' responsibility to do that. They do lead the government, they do lead the executive, they will be in what I would call the 'formative business', and I believe they need guidance from the Court along those lines.

I would like to thank Mrs Hannan, because she was absolutely right: the principle is what my resolution was about - the question. The Nunnery is more than an asset. I am reminded, to a lesser degree, of my local commissioners buying another asset at Rushen Abbey. They had to buy the car park at a huge price - I think it was about £¹/₄ million if it was not £300,000 -

because we, in our wisdom, had allowed planning permission to go on it. So, we had to buy it at building prices to be used as a car park, and it seems to me that what we may have to do in this case is to forget the planning applications that have been put on this site for other reasons and preserve it in its proper state for the nation and for future generations that come after us.

Can I say, Mr President, that I would like to thank Mr Speaker. As I said, it does not worry me if the Court does not decide to go with the original proposition but will support the amendment of the Speaker. I will oppose Mr Rodan's, not on a narrow point, but because I think my own resolution will achieve exactly the same thing as Mr Rodan wants, and I think his amendment is duplication. I beg to move, sir.

The President: Now, hon. members, the motion is that printed at 38 on the order paper, and I think very shortly you will have the second amendment in your hands, so I am content to leave it until you have the amendment. Whilst it is being distributed, hon. members, can I tell you that it is my intention to take Mr Rodan's amendment first and then Mr Speaker's amendment.

Right, hon. members, dealing, then, with item 38, to that we have the amendment as moved by Mr Rodan and circulated to you this morning. Those in favour of Mr Rodan's amendment, please say aye; against, no. the noes have it.

A division was called and voting resulted as follows:

In the Keys -

For: Messrs Cannan, Rodan, Rimington, Gill, Mrs Crowe, Messrs Houghton, Henderson, Cretney, Braidwood, Downie, Shimmin, Bell, Singer, Corkill, Gelling and the Speaker - 16

Against: Messrs Anderson, Quine, Quayle, Duggan, Mrs Cannell, Mrs Hannan, Messrs Karran and Earnshaw - 8

The Speaker: Mr President, the amendment carries in the House of Keys, with 16 votes for and 8 votes against.

In the Council -

For: The Lord Bishop, Dr Mann, Mr Radcliffe, Mrs Christian and Mr Crowe - 5

Against: Messrs Lowey and Kniveton - 2

The President: With 5 votes for and 2 against in the Council, hon. members, the amendment moved by Mr Rodan therefore carries. That, hon. members, becomes a substantive motion, and to that I put to you the amendment in the name of Mr Speaker. Mr Speaker's amendment, which, for purposes of clarity, builds on Mr Rodan's by deleting the words 'that the Nunnery Estate Working Group should, in formulating' and replacing that with 'the Council of Ministers to formulate' and adds the words at the end 'and report', has been circulated to you, hon. members. Those in favour of Mr Speaker's amendment, please say aye; against, no. The ayes have it.

A division was called and voting resulted as follows:

In the Keys -

For: Messrs Anderson, Quine, Quayle, Houghton, Henderson, Cretney, Duggan, Mrs Cannell, Messrs Downie, Shimmin, Mrs Hannan, Messrs Karran, Earnshaw, Gelling and the Speaker - 15

Against: Messrs Cannan, Rodan, Rimington, Gill, Mrs Crowe, Messrs Braidwood, Bell, Singer and Corkill - 9

The Speaker: Mr President, the amendment carries in the House of Keys, with 15 votes for and 9 votes against.

In the Council -

For: The Lord Bishop, Messrs Lowey, Kniveton, Radcliffe, Mrs Christian and Mr Crowe - 6

Against: Dr Mann - 1

The President: With 6 for and 1 against in the Council, hon. members, the amendment carries. I now put to you the amended motion in totality. Hon. members, those in favour please say aye; against, no. The ayes have it.

A division was called and voting resulted as follows:

In the Keys -

For: Messrs Anderson, Cannan, Quine, Rodan, Quayle, Rimington, Gill, Mrs Crowe, Messrs Houghton, Henderson, Cretney, Duggan, Braidwood, Mrs Cannell, Messrs Downie, Shimmin, Mrs Hannan, Messrs Bell, Singer, Karran, Corkill, Earnshaw, Gelling and the Speaker - 24

Against: None

The Speaker: Mr President, the motion as amended carries, with 20 votes for and no votes against.

In the Council -

For: The Lord Bishop, Mr Lowey, Dr Mann, Messrs Kniveton, Radcliffe, Mrs Christian and Mr Crowe - 7

Against: None

The President: With unanimity in the Council, hon. members, the motion therefore carries. We now turn to item 39.

Mr Cretney: Mr President, I think the result of the ballot in the lower House (**A Member:** Yes.) was not indicated properly by Mr Speaker. *(Interjections)*

The President: Apologies, hon. members. *(Interjections)*

Mr Cretney: He said 20 for and none against. *(Interjections and laughter)*

The Speaker: For clarity, Mr President, 24 for and none against. It sounds like tennis!

The President: Hon. members, with the clarification of that by Mr Speaker, we turn to 39.

Tynwald Policy Decisions – Annual Report – Amended Motion Carried

Item 39. Mr Karran to move:

That the Chief Minister shall lay before the Court an annual ‘Tynwald Policy Decisions Report’ for the approval of Tynwald at each July sitting of the Court, such report to include -

- (a) a list of all policy decisions agreed by Tynwald during the preceding 12 months, including recommendations of Tynwald committees;*
- (b) details of whether each decision recommendation has been fully implemented, and how;*
- (c) in the case of decisions/recommendations not fully implemented, the proposals for such implementation; and any decisions/recommendations not fully implemented must be carried forward to the next annual report.*

The President: Mr Karran to move.

Mr Karran: Hon. members, once a year we come to this hon. Court and we debate the government Policy Review document. At first glance, this document seems detailed enough:

there are plenty of details as to the general policy objectives and as to the specific policy proposals. Then we all go away again, pleased that we know that government policy is going ahead for the year that is coming. But, hon. members, the reality of what Tynwald actually decides in a given year often bears little resemblance at all to this Policy Review document, and trying to extract the information from government as to what has been decided is, at times, like pulling teeth. This means that members of the public often have little sense of which decisions actually have been taken in by Tynwald and how they relate to the supposed government policy. It is often very difficult to pin down precisely whether Tynwald has agreed to certain policy decisions or not. To take just one example, there was a waste minimisation strategy report at the October 2001 sitting, which was approved by Tynwald, and the report recommended a policy that the department reports should be contained in the findings to it at the July 2002 sitting of Tynwald. Has this happened? Is it on the July order paper? What has Tynwald decided?

So, hon. members, an annual Tynwald Policy Decisions Report would therefore be a tremendous benefit. In fact, the current absence of such a report makes it harder for members to perform their proper parliamentary rôle of scrutinising the activities of the executive, so it is most important that we have a proper end-of-year report that says what Tynwald has actually decided on over the past 12 months. This would then allow both the public and members of Tynwald to be clear about what decisions have been made by Tynwald and whether they have been fully implemented. We all have examples of Tynwald motions which have been forgotten or overlooked, and this is not good enough. So, hon. members, I am proposing that the Chief Minister should lay before Tynwald a Tynwald Policy Decisions Report at the July sitting and that this report has to be approved by Tynwald. The report should contain a list of all policy decisions agreed by Tynwald over the previous 12 months, and this would include the recommendations of the Tynwald committees. In addition, it should contain details of whether each decision or recommendation has been fully implemented. Finally, if any decisions or recommendations have not been fully implemented, it should contain the proposals of why such implementation has not happened. Any decisions or recommendations not fully implemented can be carried forward to the next annual report. Hon. members, let us have an annual Tynwald Policy Decisions Report. I would welcome a full debate on this subject, and I hope that this hon. Court will look into this issue.

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

Mrs Hannan: Thank you, Eaghtyrane. Yes, I will support the motion that is on the order paper. I had a similar experience with my air quality motion that I had down last year: it was amended by the minister to report back in April, and this did not happen for whatever reason. We all know that we are on committees and we are in various departments, and if something does not happen when we say it should be reported back, usually a statement is made to that effect and it satisfies. But on the issue that has been raised by the member, I also have one, and I am sure there are many others that are forgotten, not just not reported back but passed by the House and then nothing happens, and so I would hope that this hon. Court can support the member for Onchan this afternoon. Thank you, Eaghtyrane.

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

Mrs Cannell: Thank you, Mr President. I rise in support of the motion, because I am taking cognisance of what the previous speaker has said and I would agree with her. There are those occasions where motions are moved in this hon. place, and if we are not vigilant ourselves in monitoring when that should be reported back by whatever department, whatever minister or whatever division, then they can very well get lost, but more particularly what I am concerned about, looking at the motion at number 39, is paragraph (a), where it says 'including recommendations of Tynwald committees.' Now, I am sure the hon. mover will clarify the situation when he sums up, but the way I read that or interpret that is that it will affect Tynwald

select committees. Now, very often select committee reports are moved in this hon. place, recommendations are approved and then we are waiting, forever and a day in some circumstances, for those recommendations to become a reality in whatever area they have been moved in, and so I would hope that this does include the recommendations of select committees, whether or not they have been implemented, where they are in the overall thinking or the overall agenda of that particular department and what is happening, and I think a progress report on those is very welcome.

But the way I read this really is that what the hon. member is seeking is an action list which shows what has been activated, what is still waiting to be activated and advice or guidance on why it might still be in the wings and not active in terms of a policy so that we can monitor ourselves and the progress of each government department, each parliamentary select committee and each Tynwald standing committee to see how we are progressing. Now, as a parliament and as divisions, we insist, in our own departments within the civil service - the managers insist and the chief executives insist - on staff being monitored for progress and for update. All of this is changing. All the values, the family point system and everything else are all in the midst of change within the civil service. We expect it of officers, so I do not think we should expect anything less from ourselves as a parliament to be able to have the opportunity of having an action list. Indeed, Mr President, Mr Speaker, who currently presides as chairman on the Chronically Sick and Disabled Persons' Committee, together with myself and other very, very valuable folk, has done such a thing. We have an action list so that we do not forget those points of principles of policy or issues which we have been asked to consider and address in the very busyness of the committee and the busyness of our lives generally as parliamentarians and so that we are able to monitor that action list every time we meet to see what progress is being made.

I see this as a similar sort of situation, and I think it would help the parliament and it would certainly help hon. members and it might also, I would suggest, help the hon. ministers who are responsible for the workings of their departments in ensuring that progress, policy implementation and recommendations are monitored on an ongoing basis and they do become reality for the people that we represent, Mr President. So, I support the motion.

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

Mr Houghton: Yes, thank you, Mr President. I would like to associate my remarks with those speakers who have already given their points of view. I just feel, many times, working in departments more specifically, that we simply appear to be talking to ourselves. Many times when the press are not here in the gallery - and most of the time they are - and certainly in the public gallery there is nobody here to listen to us, only ourselves. There have been a number of occasions during my time working in various departments when I have found that officers may slightly be aware of something that was brought up - these are senior officers - but they certainly have not read *Hansard*. People who are the servants of this hon. Court certainly have not bothered to acquaint themselves because of a lack of interest, and I feel that this motion here may possibly concentrate minds, so I am supportive, sir.

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

Mr Corkill: Thank you, Mr President. I would like to make it clear early on in the debate that the Council of Ministers has no objection to reporting annually to the Court as, indeed, this motion proposes. It will be, to an extent, an additional burden - there will be some bureaucracy and cost involved - but if this is what Tynwald wants, then obviously we have no objection to complying with the request. I do have an amendment in my name to the motion, Mr President, which seeks to do two things, but I would underline that we would like to make it clear that we have no objection to reporting annually.

As regards the amendment which is being circulated, the first proposed change to the motion concerns the timing of the proposal and the vehicle to be used for the report. The hon. mover mentioned the annual policy document. As members who attended the presentation on 3rd July will know, we are, as the Council of Ministers, proposing to make some changes in the way in which we present government's overall policies to Tynwald in future, and as part of those changes, hon. members may recall that we propose to present an annual report to Tynwald each October, which will set out what has been done by government in the previous financial year. That would seem to be a very suitable vehicle in which to include the sort of report which is proposed by the motion, sir. Government's response to Tynwald's resolutions from the previous year would fit within that template very well. Tynwald could then review the totality of government's performance, including its response to Tynwald resolutions, and I would propose that the first annual Tynwald Policy Decisions Report might be included in government's annual report in October next year.

The second proposed change - and I am perhaps dealing with semantics here rather than substance, Mr President - is because I do question the expression 'approval of Tynwald'. Quite clearly, the Tynwald Policy Decisions Report referred to would be a factual report. As a statement of fact, it would not be a proposition which required approval or rejection. Indeed, if the main point of this amendment is accepted, the Tynwald Policy Decisions Report would be dealt with as part of the motion which deals with government's annual report as a whole, and separate approval then, I would suggest, becomes unnecessary.

I hope that the amendment will be seen as helpful. It is providing a logical framework in which government could respond positively to this overall proposal, and I beg to move the amendment in my name, sir:

For the first paragraph, substitute the following -

"That the Chief Minister include, as an appendix to government's annual report presented to Tynwald each October, an annual Tynwald Policy Decisions Report, such report to include -

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

Mrs Crowe: I beg to second, Mr President. I think the ministers here will all know that we have been working for many months towards this kind of reporting system and, indeed, all the hon. members who attended the recent conference that we had that was presenting the way forward for reporting and reporting on the achievements or otherwise of the departments through their business plans would have known that this process was actually under way. So, I am delighted to support the amendment and hope that we go forward that way.

The President: Hon. member for Douglas North.

Mr Henderson: Thank you, Mr President. I rise because I have not heard anyone actually say they seconded the motion yet. I have heard people say they support it, but -

The President: It was seconded by the hon. member for Peel, Mrs Hannan.

Mr Henderson: I beg your pardon, Mr President. I heard that the hon. member supported it. *(Interjections)*

The President: Hon. member of Council, Mrs Christian.

Mrs Christian: Mr President, I rise to speak in support of the amendment and, indeed, to argue that I believe that including this as an appendix to the government's report in October will perhaps better enable us to consider in the round those decisions which have come about as a result of overall government policy and those which have come in during the course of the year as a result, perhaps, of select committee decisions or, indeed, Tynwald Court decisions which

have been taken at any particular point in the year. I say that because I think it is important in the Court that we have an appreciation of the way in which these things can then be brought into the work of various departments. We clearly set out at budget time what it is we intend to do within the year, and obviously, if Tynwald decisions are made during the course of the year which impact on those departmental proposals, it can perhaps (a) take some time to incorporate them into the department's programme or (b) require a reversal or change in departmental programmes and, I think, if these issues are considered at the time when we are looking at the government's annual report, it will give us a better opportunity to see how the two programmes can be integrated. For that reason, I believe that the October proposal represents a more unified approach to these decisions.

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

Mr Quine: Thank you, Mr President. I am pleased to support the motion and, indeed, the amendment that has been proposed. Clearly, there are going to be issues of definition and form to which some considerable thought is going to have to be given, but that is not beyond the ingenuity of those who would be tasked to do this. I do not see any problem with that, but I am just putting a marker down that it will need a bit of depth of thought.

The second point which I was going to make, in fact, Mrs Christian has made for me, and that is: I think a document such as this, if it is properly constructed, would show how government's policies have been built up incrementally from within the executive and also from contributions and initiatives from members of Tynwald, and I think it will be able to show more clearly how that has built up and how that evolves to give us the totality of our policy statement.

The only other point that I would make here is this: this document should, I believe, be drawn up having regard to *public* consumption. It could, given the right degree of thought, become a very useful digest for the public. If, at the present time, you want to get an understanding of government's policy, you have got the very weighty documents that we are now producing in two volumes and at a cost - and I think that in itself is off-putting, both the cost and the fact that there is so much in these documents - whereas if this document could be done as an attachment, as a separate 'booklet' that could be detached, then I think the public would make considerable use of that, because it would be a digest that pulled out from all of that the bones of the thing which would be of interest to the man in the street. So, I think, if we are going to get value for money from this exercise - and I support what is proposed here - then I believe we should bear in mind that it is not just something that is going to provide an easy means of audit for members of Tynwald vis-à-vis government; it has got to be something that is drawn up to meet a public need and be so designed as to provide a digest for them. It will help them, I think, have a better understanding of what government's policies are and how well we are progressing with the implementation of them, sir.

The President: Mr Karran to reply.

Mr Karran: Eaghtyrane, I thank my seconder, who pointed out another one of the issues that has not been implemented. There are quite a lot actually, hon. members.

I would just like to say to Mrs Cannell, the member for East Douglas, that I would take it that the select committees' recommendations would be included as well.

With regard to the hon. member for North Douglas, the situation is that I appreciate his support on this subject, but it is a bit like what we were discussing at item 37 on this agenda paper with the Public Accounts Committee: when people have so many different things to do, there is a danger that things get overlooked by hon. members.

As far as the amendment from the Council of Ministers is concerned, I believe that the only concerns I have are the information overload issue and the issue that the hon. member for Ayre expressed over making sure that it is legible enough and easily accessible so that the public -

never mind hon. members - can understand what is in the report. I hope that that will be taken on board with the amendment, because that is the important thing: it has to be. I still think that it should be separated by a time period in July so that we get it in July and people can look at it before the October debate, but I realise that one will just have to wait and see whether it works under the amendment that has been put as far as this House is concerned. So, one has to accept the situation and just see, whether it is by trial and error, whether the Council of Ministers' amendment will work. I beg to move, and I wait to see how it comes out in October, and if it does not come out very well, we will be back in this hon. Court at a later date and the situation will have to be raised again. I beg to move.

The President: Hon. members, the motion I put to you is printed at 39 on your order paper, our final item. To that we have the amendment circulated to you on the white paper, an amendment moved by the Chief Minister. Those in favour of the amendment, hon. members, please say aye; against, no. The ayes have it. The ayes have it.

That therefore becomes a substantive motion, hon. members, and I put it to you in totality. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Procedural

The President: Now, hon. members, we have reached the end of our order paper, but before we do adjourn, I would wish to take the opportunity to remind you that, in line with our deliberations last evening, the next sitting of the Court will be on 15th October. The confusion, hon. members, which was raised in our standing orders will be raised on your behalf with the Standing Orders Committee.

I am very well aware that, during the summer recess, departmental duties and departmental work still go ahead at full steam; however, I would wish you all to take the opportunity to find time to relax and return refreshed in the autumn, hon. members. (**Several Members:** Hear, hear.) The Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may place before you, hon. members.

The Council withdrew.

HOUSE OF KEYS

The Speaker: Hon. members, the House will now stand adjourned until 4.00 p.m. in our own chamber. A cup of tea, hopefully, has been arranged.

The House adjourned at 3.40 p.m. and resumed its sitting at 4.00 p.m.