

**REPORT OF PROCEEDINGS OF
TYNWALD COURT
(DEBATES AND OTHER MATTERS)**

**Douglas, Thursday, 21st March 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, 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); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon S C Rodan (Garff); Mr P Karran, Hon R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Messrs J R Houghton and R W Henderson (Douglas North); Hon D C Cretney and Mr A C Duggan (Douglas South); Hon R P Braidwood and Mrs B J Cannell (Douglas East); Hon A F Downie and Hon J P Shimmin (Douglas West); Mr D J Gelling (Malew and Santon); Hon J Rimington, Mr Q B Gill and Hon Mrs P M Crowe (Rushen); with Mr M Cornwell-Kelly, Clerk of Tynwald.

The Lord Bishop took the prayers.

**Territorial, Auxiliary and Volunteer Reserve Association for the
North-West of England and the Isle of Man — Member Appointed**

Item 46. The Chief Minister to move:

That Mr D F K Delaney MLC be appointed to the Territorial, Auxiliary and Volunteer Reserve Association for the North-West of England and the Isle of Man for the term of office expiring on 31st March 2005.

The President: Hon. members, when we concluded our business yesterday evening we had reached and completed item 45, so we start this morning with item 46 on the order paper. I call on the Chief Minister to move.

Mr Corkill: Thank you, Mr President. The Territorial, Auxiliary and Volunteer Reserve Association for the North-West of England and the Isle of Man is constituted under the Reserve Forces Act 1980 of the United Kingdom. At its sitting in March 1999, Tynwald appointed Mr Dominic Delaney for the three-year period expiring 31st March 2002. Under the terms of the association's constitution, it is considered desirable that the representative should be an ex-member of the regular army and that the person concerned should not be over the age of 65. By way of background, I can advise hon. members that Mr Delaney saw regular army service in the Parachute Regiment, which included tours of the Middle East, Far East, South America, Australia, Canada and British Guyana. Mr Delaney has served on the Territorial, Auxiliary and Volunteer Reserve Association since February 1997, and I have no hesitation in recommending him for a further term of office. Mr President, I beg to move the motion standing in my name.

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

Mr Henderson: Thank you, Mr President. I beg to second, sir.

The President: Hon. members, the motion is that printed at 46 on the order paper. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Petitions of Grievance — Establishment of Grievance Committee — Motion Lost

Item 47. Dr Mann to move:

That Tynwald is of the opinion that the Standing Orders Committee should establish a standing committee (a Grievance Committee) of five members to investigate and report on each petition presented on Tynwald Hill and subsequently found to be in order.

The President: I call on the hon. member of Council, Dr Mann to move.

Dr Mann: Thank you, Mr President. I know that members would like to finish by lunchtime, so I will not go into long screeds. First of all, this type of resolution is not new: initially, some years ago - in fact, I think, many years ago - the hon. member for Onchan, Mr Peter Karran, put forward a similar motion and, needless to say, ran into considerable opposition. I also introduced a similar resolution two years and one month ago, and that resolution was amended by the then Chief Minister and referred to the Standing Orders Committee. Now, the Standing Orders Committee, as far as I know. . . I have no record or consultation of them ever then having looked at this resolution. Certainly, nobody ever communicated with me; nobody invited me to the Standing Orders Committee to talk about it; as far as I know, I never understood that anything further ever happened. So, in fact, I have a grievance, and I have a grievance here this morning, because this resolution, I would have thought, should have either been considered seriously or perhaps the Standing Orders Committee of the day could well have invited me to at least talk on the subject, but we have a new Standing Orders Committee today, since the election, so I am back here again. Now, I did put this resolution down for last month, but had to withdraw it for other reasons.

If I can just come, therefore, to the way in which this resolution is worded, because I realise that the wording could be seen to be imperfect. It is imperfect for a good reason: that is, it actually mentions the Standing Orders Committee and that the Standing Orders Committee should, in the opinion of the Court, do something. Now, this is something that possibly the Standing Orders Committee may well feel is out of order. It certainly would be quite incorrect for me to say that the Standing Orders Committee should do something, but it is quite obvious that the Standing Orders Committee themselves, being a small group, could not themselves create a standing committee. I am trying to ensure that the Standing Orders Committee considers the setting up of such a committee, constituted by members of this Court: that is, if the Standing Orders Committee agrees, then it presumably could come back here and seek five members to create a standing committee. So, I have to admit - and quite deliberately admit - that the wording may be considered to be imperfect. I am trying to achieve an end to something that I did not achieve an end to last time.

I think, first of all, in considering whether you will or will not support this idea, we have to consider the public perception of the present system. It is very difficult for us, sitting here, to consider the public perception. The public perception, which I know is of more recent origin than is thought, is that people can come within the enclosure of the Court on Tynwald Day and present a petition that will be considered. Now, most ordinary people find it a terrifying and very frightening thing to attempt to do; in fact, if you look on Tynwald Day, you will find that frequently they are in groups or huddled together. It is not a simple thing, the same as any one of us coming into Tynwald Court. The perception is that those petitions will be looked at, but of course we all know that, first of all, they go to the Standing Orders Committee to see if they are in order - and the majority are in order, because most have sought the advice of the Clerk of Tynwald's Office anyway before they do so - and at that point their petitions rest, and unless a majority of this Court decides to look into it, nothing ever happens again.

Now, there could be all kinds of arguments why this situation should continue to exist, but, first of all, I think the public perception does not match up with reality, and secondly, however

ancient this right may or may not have been, in current modern terms of individual rights there is no other way of petitions being heard except this mechanism, and to somebody outside it appears that government is deciding whether or not they will hear a complaint against government, and, in human rights terms, that is not acceptable.

Now, in other jurisdictions there are all kinds of other gateways or avenues of complaint. There are some already in existence in the Isle of Man, but there is no guaranteed way. Now, a lot of people will say - a lot of members will say - that we will be submerged with a whole lot of people who are crackpots and who are trying to . . . and, to a certain extent, that may be right, but this type of grievance or complaint exists. Now, who are we to determine who are the crackpots? One way is, of course, to make the 'in order' definition a bit tighter, but unless there is some other mechanism, this is the traditional mechanism and right of an individual of this Island. Now, I know that the present system probably dates back to about 1957, and there are very few records of it being used very much before that, but obviously the right did, and still does, exist. So, I think, before we go over the top in saying that we are going to be submerged, I do not think we are going to be submerged, and let us try it anyway.

Now, it could be argued that we have not the time to set up a standing committee which may have to look at, say, 10 petitions over a period of 12 months; I think we have got to make the time. The hon. member for Rushen, I think, said a few months ago when one was being considered before us that we should not be bothered, that we have got far more important things to do and that the time of this Court should not be taken up establishing the right or wrong of any particular petition. That is another view. We set up Public Accounts Committees as a standing committee to consider things that are going wrong; to set up a standing committee of this sort is really not much different.

So, there are other arguments - there are considerable arguments for or against - but first of all, the last time this was considered, the majority of members decided that the Standing Orders Committee should look at this possibility. All I am asking, perhaps a little more definitely and positively, is that something is now done about it. So I, this morning, am putting *my* grievance before you, because I thought I had persuaded the majority of members that this was something that should be done. At this point, Mr President, I will not continue. There is a whole list of things one could add, but I do not want to go over and over the same things again. I beg to move.

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

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

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

Mr Downie: Yes. I listened, with some interest, to the hon. mover and I have no doubt that his intentions may be perfectly honourable, but, like it or not, we have a system in place at the moment where any member of this Court has a right to pick up any petition of grievance which comes before us, and, if they deem it appropriate, they have a very good opportunity of making a particular case to this Court and establishing a committee to look into the situation. In the last 18 months to two years, government has started to take another route to deal with grievances, and we indeed have in place, through the trading standards, a system of ombudsmen, mostly dealing with insurance complaints; there has been a health services procedure set up, one which I think really needs to be developed to be more independent and perhaps overseen by a health services ombudsman, as is the situation in the United Kingdom at the moment; I actually chair a group that the Council of Ministers - or the Chief Minister - set up to look at the feasibility of having a proper system of ombudsmen in the Island or a panel of expertise that we could draw from to deal with certain issues or certain complaints or grievances that various members of the public may have.

Now, I honestly think, in my own mind, that one of the areas that gives me cause for concern is that, with a lot of the grievances that do come along today, people do not bother to try and explore enough routes to try and get a settlement; it is just too easy to come up on Tynwald Day and plonk a petition down. And really, we are not talking about grievances, we are talking about protests and I think we have got to be very, very careful.

Now, I think that if we do, as a parliament or as a government, go down a route where we have ombudsmen, that should be it; it should be finished at that. We should not get into the situation where we are going to allow another committee maybe to come in, or another bite of the cherry, or another opportunity for people to pick petitions up on the floor of this Court. I think we are just over-egging the situation. Of course, what has not been mentioned by the hon. member is the fact that, if people feel aggrieved, there is an opportunity to go to the courts, and I am sure that if a person has a very severe grievance and they think that they have not been able to get somewhere, there are enough resources available to get some form of aid or assistance to bring a petition of dolence to the courts where the people feel that government has perhaps acted wrongly. But I think we are in danger here: if we do go down the route as has been suggested by the hon. member, I think we are just inviting a lot more work and a lot more people will see this as an opportunity of making a particular protest. I think we should just bide our time and we should see how the present system of setting up the ombudsmen evolves over the next year to 18 months. But in the meantime, any member of this Court is free to pick up a number of petitions of grievance which are actually lying on this table at the present time.

So, members, do not please just go down this route and pursue what I think will bring a lot of problems; just let us see if the existing system can address the situation and we can have a proper system, very similar what they are trying to introduce in Scotland at the moment, and modelled on one which works in the UK and in other jurisdictions as well. Thank you.

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

Mr Karran: Eaghtyrane, I have to say that I believe that we should support the hon. mover as far as this is concerned. There are great dangers, in a small parliamentary assembly of almost being a one-party state; in the most gentlemanly way possible, as you know, I have said that an awful lot of members are 'in the club' so to speak. I think that we have to be careful because of our size, the extent of the executive over the parliament, and the way that it affects the wage structure of members and the new pension scheme: the way in which, if you are not prepared to be part of the executive club, you can do many more years' service and still end up with a pension worse than a member who is part of the executive, which I do think is wrong. So, I think there are great pressures within this Court.

I think that the hon. member who has spoken alarms me when he says, 'We can go to the courts.' Well, let us be perfectly honest with you: the problem we have is the fact that you can go to the courts if you are very, very rich (**Mr Henderson:** Hear, hear.) or you can go to the courts if you are very, very poor. I had a woman on this morning about problems with legal aid, who had to jump through hoops backwards, and if you are versatile enough to be able to do it, fair enough as they say, but not everybody, even when they are poor enough, can go through the rigmarole that I have had to do. I was talking to the AG about this particular case only yesterday in the members' room. So, I think this is a sham that we see here about 'Oh, well, everything is bright and wonderful.'

I have to admit that I have no knowledge of the ombudsman for the Office of Fair Trading over financial issues, but, as a person who was not prepared to compromise over the health services complaints procedure, I have to say that you do find it very difficult when the executive wants to put the odd mine down to make sure that you clean them all away. The first rôle of the complaints officer is to safeguard the assets of the hospital, not resolve the problem or make sure that the problem never exists again so that somebody else does not lose their leg or

something like that; that is not the priority. The priority, as far as the complaints officer is concerned, is the issue that she must minimise the fact that she -

Mrs Christian: Not so.

Mr Karran: I am sorry, Eaghtyrane. The minister is wrong. I think the minister should go back and find out, because that is the case as far as it is concerned and this is the sort of -

Mr Downie: You set it up.

Mr Karran: Maybe it is not intentional, but it is done, and consequently, when we hear the hon. member for West Douglas saying 'We have got this complaints procedure. . .' -

Mr Downie: You set it up.

Mr Karran: - yes, we thought we had that complaints procedure, but when we find out that there are certain other things that have been done, it is not always as white and as black as some members put out.

I think it is unfair for the hon. member to talk about crackpots, because I think the problem is that someone's crackpot is somebody's hero -

Mr Downie: Probably his wife's.

Mr Karran: - and vice versa, and I know within this hon. Court . . . I laughed the other day when I heard about the sort of derogatory remarks made about the local authorities and how they. . . some people say the same about us, and that is what you talk about freedom (*Interjections*) That is what . . . yes, and I am big enough and strong enough to be able to stand up and have the backbone to be able to take criticism, and I am big enough and strong enough to be able to admit when I am wrong. I just think that, in this hon. Court, it is a shame that it is something that is lacking. But I think the point is that it is very, very easy to talk about crackpots and extremists and protestors. We live in a democracy, something that we should all cherish, and the price for a democracy is the fact that you have people with different views that you do not agree with, but it does not mean that you have some intolerance and that they should not be allowed to express their legitimate concerns. (*Interjection*) I know, as a member of this Court, how difficult it is to stand up against the majority in this Court, and I pride myself on being without fear or favour as far as that is concerned. I have seen, in this sitting alone, the way that they have craftily tried to change things so that when reports come out -

Mr Corkill: Who is 'they'?

Mr Karran: Members in this hon. Court, as I say, have tried to -

Mr Downie: The Russians.

Mr Karran: - cloud the issue.

I must say that I am a long-serving member of this hon. Court, and quite an experienced member of this hon. Court, but what about the man out in the street? The person who is not *au fait* with the legal system and has not got pots of money in his hip pocket: as far as something that he believes is a legitimate grievance is concerned, that about those sorts of people? And I think that is what we have got to think about. I got a letter the other day - in fact, our Clerk to the Legislative Council has seen a copy of the first thing - and I have looked at it, and it would be too easy, because it was written in red ink and blue ink and was all in very hard-to-follow language, just to throw it in the bin. That is arrogance, in my opinion, and I think that what the hon. member of Council, the mover of this, is after is to show that we *are* a democracy. We are the longest-serving parliamentary assembly in the world, and we should be proud of that. It might not be the same as the hon. member for West Douglas's proposal about Scotland, but we are not Scottish, no more than we are English.

And I do get rather concerned when I hear in the 'club' here about how people should not be allowed to have another bite of the cherry. Where do you finish? They bit the cherry last November to have the hon. member for West Douglas. Just in case they want to bite another cherry in five years' time and they want to have a different member in West Douglas, where do we stop? Just because a thing we do not agree with is wrong today, it could, with enlightenment, be seen not to be wrong in a few years. We have only got to look at history; we were talking in a meeting yesterday about the Honours Committee and talking about a certain individual who made an awful lot of money out of slavery, and there was a question mark over that individual as far as that is concerned. Now, today, everybody would be mortified at that situation -

Mrs Hannan: Absolutely.

Mr Karran: - but in its time that issue . . . some of the greatest, wealthiest, most important people in the adjacent isle - and here - made all their money out of slavery -

Mrs Crowe: Because it was a commodity.

Mr Karran: - but today we would be appalled at that proposal and those people would be pariahs as far as most people in this Court are concerned.

The situation (*Interjection*) has changed, and I do get concerned about this arrogance that we have in this Court, that if we do not agree with somebody then they are a crank, a crackpot or whatever. I think it is very, very dangerous, and I hope this hon. Court will support the hon. member of Council, because I think it is important that we have something there to cherish and something to be proud of. I think we have a new phenomenon. as one of the few members who was a 'BC' member - 'Before the Council of Ministers' (*Laughter*) - I have seen the difference within the parliamentary assembly and in this Court, and I have to be honest with you: what some of the members come out with alarms me at times. (**Mr Corkill:** Hear, hear.) It frightens me. Yes, it is all right the Chief Minister saying 'Hear, hear', but I am talking about the other side of the spectrum, and not the dinner parties and the likes; I am talking about the ordinary people that are outside this Court as well. I just hope hon. members reflect on that, because the point is: a standing committee to look at these without fear or favour is the important thing.

I just would like to say, finally, Eaghtyrane, that my priority as an MHK - my first rôle - is as a member of parliament. It is as a member of parliament, and it is about doing the laws of the land and making sure that that is looked after. I think that what we have a problem with is the fact that many members in this hon. Court get confused between being a member of parliament -

Mrs Crowe: Yes.

Mr Karran: - and a member of the executive. What we must not allow is a situation where, because we are part of the executive and something comes along that goes against executive policy, we must not allow that issue . . . our first rôle is as parliamentarians, and I believe that we would be wrong not to support the hon. member of Council as far as this proposal is concerned. It is not revolutionary; it actually might one day safeguard the hon. member for West Douglas, heaven forbid that he would ever be in the minority and be in the situation where he could be an underdog, but it could happen, by the grace of God. So, I do hope that hon. members just remember that and support the hon. member of Council.

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

Mr Cretney: Thank you, Mr President. The club I joined 17 years ago was the club which works for the best benefit of the Isle of Man.

Mrs Crowe: Quite right.

Mr Cretney: I happen, for the last six years, to have been a member of the executive, but my first rôle is as a parliamentarian. That is why I am going to vote for this today, because it is quite

clearly a parliamentary matter, and it is for members of parliament to decide how they vote on it. (Mr Cannan: Hear, hear.)

I am voting for this resolution on the basis that there are protections in the procedures, which the hon. member has outlined here and which are going to be little different from that which exists presently, in as much as the petitions will have to be in order before any committee looks at them anyway, and I think that is a pretty good . . . Because we all know what petitions are supposed to be about: they are supposed to be used after people have looked at all the normal redresses and the normal channels. If they are getting nowhere, then they have this ultimate right, which I think is very important and should be cherished. It is very important that people should have this right, and I think people think very seriously - or it has usually been the case that people think very seriously - before walking down the rushes to present a petition. I have no problem whatsoever with the procedure which is outlined by the hon. member of Council today. I think it is quite a sensible way forward, because, for whatever reason, some people present petitions and they lie on the table because members do not wish to pick them up, and we know some of the reasons why that happens. I do believe it would be more helpful if this procedure were put in place. It may be, when these petitions are examined, that they are found not worthy of further action, but at least those people who have taken the time to present them will have the satisfaction of knowing they have been properly looked at.

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

Mrs Christian: Yes, Mr President. First of all, can I refute *entirely* the statement made by the hon. member for Onchan that the complaints officer is anything other than impartial in her handling of complaints. (A Member: Hear, hear.)

Mr Karran: Can she clarify the point, Eaghtyrane -

Mrs Christian: I refute that entirely and I would suggest that the hon. member, who says he will admit he is wrong occasionally, would stand up and do so on that point, Mr President.

With regard to the resolution before us, I wonder if any members of the Standing Orders Committee would feel it opportune to express their opinion about a responsibility which this particular resolution would impose upon them? It does read as though they would be establishing a committee from within their own number. It does not actually say that, but -

Dr Mann: Well, they could not do that because there are not enough of them.

Mrs Christian: Well, in that case I am not sure that I would feel it appropriate for the Standing Orders Committee to be appointing this committee which is going to vet all the petitions; I would have thought that if there were to be a standing committee to look at this, it should be appointed by this hon. Court. (Two Members: Hear, hear.)

Apart from that, Mr President, I do think that changes in the last . . . I am not sure how many years, but probably over the last decade, to the parameters which apply to petitions of grievance have been extended to the point that sometimes petitions now are simply presenting *opinion* for consideration - and political opinion, which should be pursued in other ways. I think that if we were to revert to a much tighter control over what petitions are about, there might have been some merit in having a standing committee to look at them, but until that is done, I think that the present procedure is appropriate. The hon. member for South Douglas, Mr Cretney, has indicated that if every member has a right at the moment to pick up a petition, if they think that it is worthy of consideration, the fact that some are not picked up either means that members are not reading them or do not believe that they are worthy of being picked up. Now, we can all make our own judgements about that. I suspect that most of us do read the petitions and the standing orders view on them. So, at this point, Mr President, with the parameters that currently apply, I believe that the present procedure is the appropriate one.

The President: Mr Speaker.

The Speaker: Thank you, Mr President. As a Manxman, and somebody like all the other members in this part of the Court, I hold the petition of grievance very dear to our structure. I think it is an important part of ability for the general public, who have a dissatisfaction which falls within standing orders, to actually go directly to the parliament at Tynwald Hill and present a petition. Now, I have known directly of two people who have done that, one of whom had been a commissioner for many years - a local authority commissioner - and who said that the hardest decision he ever made was to walk to Tynwald Hill and present a petition. That is fine, and I think that that in itself makes people think very hard before they present such a petition.

I have no problem in the people having the right to present their petition directly to the parliament, and I would fight to retain that right, but the hon. member of Council, in my opinion, takes it one step further. What he to some degree does is impinge on our rights, I believe, as members of this hon. Court, to decide whether or not we should consider individually supporting a petition, because what his motion will do is say that somebody has the right to present a petition at Tynwald Hill and we, as members, have no right to consider that petition. It will automatically go, if it is in order, to a standing committee, and that standing committee will automatically consider the grievance, and that standing committee will then report, and only at that stage will we, as hon. members, have a say. Surely it is important for this hon. Court, as the parliament and as members individually within this Court - and especially the elected ones - to have a say as to whether or not a petition of grievance should, in fact, go further. What the hon. member of Council wants, if you take it to its ultimate conclusion, is not a parliamentary structure, but an ombudsman, because it then would automatically go to somebody outside the parliament to consider a grievance from a member of the public and report whether or not that grievance has merit. When you come to parliament, you step it up a level; it comes to the most important part of the Isle of Man's structure; it comes to the elected representatives of the people of the Isle of Man. I cannot understand why it is felt necessary to remove *our* rights to consider a petition in this Court, and that is what this motion will do: it will remove our right to consider a person's petition of grievance. Why do we want to take that away?

If a member of the public - and let us be honest about this, Mr President - goes to the trouble of presenting a petition, which all of us, I know from conversations members have, see as the ultimate and the most important, and they still cannot get one of 33 members of this Court to actually pick up that petition and do something that is very easy to us - move a motion that there be a select committee - then surely that must indicate that there is a concern that the petition is not of merit to consider in further detail. At the last sitting of this hon. Court the hon. member of Council's wife's petition was picked up by the hon. member for Garff, who is the constituency member for that area, and he presented a case, and this Court rejected sending it to a committee. Why should we want to take that right away from this hon. Court? The Court might well have supported the hon. member for Garff and said 'Yes, we will agree to that petition and set up a select committee.'

Now, the hon. member for Onchan, Mr Karran, in his presentation, started to give the inference that - and I am trying to find it - by doing this, by rejecting things from the public, we are undemocratic. I am sorry; we are not undemocratic because we make a decision that somebody does not agree with. The point is that we are here to make decisions; that is the democracy. Whether or not we make the right decision in the eyes of the public is a matter for the public to deal with at the appropriate time, but whilst we represent the people of the Isle of Man, we are here to consider anything that comes before this Court on behalf of the people we represent. We may or may not reject that matter, but that is why Tynwald Court is here. So, to say that because we do not agree with something we are undemocratic, I think does a disservice to the Court and to the members of this Court.

In giving this matter consideration, Mr President, my view is: what is the purpose, firstly, of a petition of grievance? Now, my understanding is that you look at standing orders, which are clear and lay down certain guidelines, and that what we are being asked to do is to consider a grievance from a member of the public and whether or not we should take it further. The purpose of a petition is to give it publicity; in other words, to give the opportunity for a person in our society, who is aggrieved at something that is going on, to present a petition to the parliament. And that is what they do. The grievance is expressed in their petition, so they have made their grievance public anyway. If Tynwald Court decides not to send it to a select committee, then that is a decision that we are responsible for. It does not mean that the member of the public who presented the petition cannot continue to lobby because their petition did not go, and they might well lobby their own individual member or, in the case of all but eight, constituency members, because most of the constituencies in here are multi-seat. If somebody who lives in an area cannot get one of their members to pick up a concern they have, then I think that tells us something, because we are not slow in coming forward and putting motions on the floor in areas where we believe there is a matter to be dealt with.

I would also challenge the hon. member for Onchan, who, again, threw his usual in: that he was 'BC'. Well, so was I, but what members seem to forget, in these glossy glasses they have, is that, whilst there is now a Council of Ministers and you know who the Chief Minister is and you know who the ministers are, in the old system - in the 'good old days' up to 1986 - you did not know who the clique were, but they were there (**Mr Cretney**: Hear, hear.) and, worse, they had no direct responsibility to this Court as a group. And they were a bigger group. So do not pretend, because the Council of Ministers has appeared, that you suddenly have this situation where you cannot get anything done, because I have to say, Mr President, that, minister or not, when they look at a petition of grievance, members take their rôle seriously as parliamentarians and put aside their rôle as a minister or a Chief Minister. I am one who has done that on two occasions, in terms of petitions, and if you go back on the record of petitions - and I know this because the information was undertaken about three or four years ago - you will find that most of the petitions are, in fact, supported by government when they are lifted up for consideration by a select committee. So, it is not true to say things do not get dealt with; things do get dealt with. The majority of petitions tend to get brought to a select committee and tend to get considered in detail.

What has been proposed here is a major change, in the procedures and the effectiveness, if you like, of Tynwald Court. I would suggest to hon. members that the system we have works. There is a good reason for Tynwald to retain its rights to consider a petition and not have those taken away from members individually, which is what this will do if it is an automatic procedure. Furthermore, if you want an automatic procedure, hon. members, for the public to have their grievances considered in detail, then the way forward is not to deal with it at parliamentary level; the way forward is to set up an ombudsman and to set up a proper system so that the public do not have to go to court, which is one of the concerns expressed because of the cost. An independent ombudsman can then consider the grievance and report on that, and, if the powers are given, can deal with the issues, as happens in other jurisdictions outside the Isle of Man. So, all I would say to hon. members is: be very careful with this because it sounds very innocent. One thing I have found out about the hon. member of Council, Dr Mann, over the years - and he has been in here slightly longer than me - is that he is very good at making it sound nice and soft and easy and 'Do not worry now; I am only trying to be helpful, and by the way, I have got this motion. . . ' 'I accept,' he says 'that they could not really do it out of this', but what he expects is that the Standing Orders Committee cannot do it and will come back and report that we need to set up something different. So it is tactics, and I do not blame him, because that is what this is about, being in here.

Now, I cannot speak on behalf of the Standing Orders Committee of Tynwald - although I am a member - because it has not been before them and, clearly, if Tynwald decides this motion is the way forward it will go before them. But you are talking about setting up a standing committee, ultimately - because I do not see any other way forward - and then you are saying, hon. members, that every petition of grievance that is coming to this hon. Court during the life of the House will be considered by that standing committee and no other members will have the opportunity - because they may have an interest, or whatever it is, constituency-wise - to be appointed to a select committee to take an interest in a petition of grievance, because that will have been taken away. It will be going straight to a standing committee. I just think that the procedure that is being suggested is flawed, I believe it is impractical and I believe that the public's rights are protected because they have and will retain the right to present their petition, but I believe that the right of Tynwald Court to decide whether or not to go further with that petition is also important to this hon. House and the Court. So therefore, Mr President, I will not be supporting the motion.

The President: Mr Attorney.

The Attorney-General: Yes, Mr President, thank you very much. I do not wish to comment on the merits of the motion before this hon. Court, but I thought that I ought to make just one or two comments, briefly, in relation to the point made by the hon. mover that, in some way, the Island's legal system was defective, in that it did not provide the full panoply of remedies which are available in other mature jurisdictions. I do think that it is worthwhile to recall that our petition of doleance is a very ancient (**A Member:** Hear, hear.) Manx remedy, certainly going back to the 18th century, and the deemsters of this Isle have not been afraid, from time to time - and, indeed, frequently - to uphold the rights of the citizen when an allegation is made that the government and ministers of government and those who are exercising administrative discretion have exceeded their powers. I do, of course, accept that there is a criticism that the courts are not open to everyone and that it is a very expensive thing to do -

Mr Henderson: Hear, hear. That is right.

The Attorney-General: - to embark on litigation. Of course, that is why the whole system of legal aid is being reviewed by judicial inquiry, and I do hope that legal aid will become more readily available. (**Mr Cretney:** Hear, hear.) I also hope, Mr President, that the system of ombudsmen will be improved and will be extended. We have a very useful precedent in the Office of Fair Trading embarking on examinations of matters concerning financial services, and I do hope that that will be the first of many interventions by qualified ombudsmen into our administrative and financial world.

The petition of grievance is, of course, a very valuable remedy, and one which I see running alongside the petition of doleance. The petition of doleance, though, in my respectful view, will always provide the first port of call for those persons in our Isle who complain that they have suffered an abuse by ministerial action or by those who are entrusted with enforcing administrative discretion. Certainly, the petition of grievance was referred to when the Island was being examined by the United Nations Committee in New York. They were fascinated to know about our ancient remedy for those who could go to the Hill and present a petition. It is certainly not a remedy which one would like to see disappear, but I do, as I say, feel that it is worthwhile putting it into context, a context where the Isle of Man provides the full panoply of judicial review of discretion. The deemsters have been entrusted by this hon. Court to look after the Island's human rights - the individual human rights under the Human Rights Act - and I have no doubt that they will continue to do that. Mr President, I hope those comments will be of help.

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

Mr Rimington: Thank you, Mr President. I am brought to my feet for a variety of reasons. One is that I was referred to in the mover's opening speech, and I felt that was not quite accurate as reflecting my feelings on the issue.

I have a problem both voting for the motion and actually voting against the motion.

A Member: You will go far. (*Laughter*)

Mr Rimington: Sit on many fences.

Mr Quine: It sounds like as a cop-out.

Mr Rimington: It is a serious issue. The hon. Speaker has referred to these as 'procedures', and they are; they are there in standing orders, and very clearly, and I was having a look at those in a rather outdated version yesterday. But I would actually raise them up a little higher than procedures; I would raise them up as constitutional rights, because, even if we might consider them as part of our standing orders and part of our procedures, the people outside consider the petition of grievance as their constitutional right, and we should not tamper with that system lightly. I am not saying that that system should not be tampered with, because I see imperfections in the present, and I see imperfections in what is proposed.

These standard procedure, when you are looking at a complaint, is for somebody to determine whether that complaint is frivolous or vexatious, and if they determine that that is so, then that complaint is dismissed. Now, obviously if that is dismissed, you would hope that the person who felt that their complaint was not frivolous or vexatious could then actually challenge that particular decision. I opposed one of the grievances that came to this Court because I felt it was in that category, and that was the reason, and there was another one, which I felt particularly nonplussed about, which I felt should have been dealt with by an ombudsman.

Mr Quine: We have not got one.

Mr Rimington: We have not got one, I know, but it should have been dealt with by a procedure elsewhere, and not through that petition of grievance.

Then there are other issues in my short time - my 'just here five minutes, wet behind the ears' period (*Laughter*) - in this Court which are of greater significance. Now, I was placed on the Sulby select committee -

Mr Quine: A good job you did, John.

Mr Rimington: - and that actually created a great deal of work. Just for the record, actually, (*Interjection*) to the hon. member who made the point, in criticism of the office, that I *had* to write it - the report - because the office could not do it: I *offered* to do that, because I felt that was the appropriate and best way forward to get a meaningful result, given the resources that were available at the time and the intense pressures that people were under at that time.

Now, I felt if there was a standing committee of this Court, or the Standing Orders Committee, or however it was established, which was looking at everything that came forward, that poor old standing committee would be in permanent log-jam, because it would not have been able to have done justice to, say, the Sulby issue, to have considered the issues that I considered not really within the remit - but that was my personal opinion, and they would have gone through there as well - and to have considered the grievance on the pilling, which was quite a complex issue. And there are others which are there and which are of quite a lumpy, serious nature. We would actually be telling one particular group of people 'This is your life.' All you are, in fact, going to be doing, if you are going to do this job properly - and if this Court believes that a petition of grievance should be taken up, then we want that job done properly - is have five people who should be working 60 hours a week or whatever, considering those

issues in the depth, and with the integrity, that this Court would expect. And that is the problem there that I consider.

Just for the record, of the ones that are lying on the table at the moment, I have it in my mind to actually bring one of those forward, because it represents issues and principles which I think need to be addressed. I am not saying that I actually particularly agree with these principles that are expressed there, but they are principles which, I think, need to be addressed and clarified.

So, I do believe that we should not push ourselves one way or the other today, because there are problems with the current system and I believe there are problems with what is proposed. I think this is a constitutional matter and, okay, the outside world might say we are discussing ourselves yet again, but we are not; we are discussing the people's rights. We are discussing their rights of redress. I have a small amendment to the motion, which might be helpful - but the Court will decide - and which is:

*That the word 'establish' should be replaced by the words -
'consider the merit of establishing'*

The Standing Orders Committee - and I have only just reminded myself of who is on that, so it was not with any idea of the membership of it - should give some consideration to how this issue should be properly addressed, and then, obviously, that will have to come back to this Court, and we will discuss it again - and probably at length - but, on a matter of this importance, of the constitutional right of the people for their redress of grievance, I do not see a problem with that.

The President: Hon. member, have you got your amendment, which you are proposing, written out, so that we know exactly what it is, and signed, please?

Mr Rimington: Yes.

The President: Until it is . . .

I think I take it that what the hon. member was meaning is that after the would 'should', you should insert 'consider the merits of establishing.' Thank you. Hon. members, the amendment which is moved by the hon. member for Rushen says 'To replace 'establish' with 'consider the merits of establishing'.

Now, the hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Eaghtyrane. As someone in this Court who has presented two petitions in my time - it goes back some years. . . but if one feels very strongly about a petition and puts a petition together, which is going to be accepted by the Standing Orders Committee as being satisfactory, I do not think it takes an awful lot of effort at all, except making sure that the petition is written correctly, walking down the processional way and presenting that petition. And there it is.

This particular issue was looked at with regard to whether petitions of grievance should continue, because I think there was, at one time, a suggestion that they should stop. I think it was looked at by a select committee, who considered that the petition for redress of grievance should continue, because, from time to time, there are issues which need to be brought to the attention of parliament by the public. I have no problem with that at all, but it is not saying that every avenue has been considered. I do feel that some of the issues, which have been approved by the committee which looks at petitions for redress of grievance and decides that they are in order have sometimes been looked at from a very broad brush approach and they do not have it within the petition to prove that other areas have been satisfied before they present a petition.

Now, I know for a fact that I have sat on a select committee where the whole of the issues had not expired prior to the select committee actually looking at an issue. Therefore, I do think that even the suggestion to look at whether a Standing Orders Committee should be established - a grievance committee - is actually rather flawed. There are some issues which are brought to this Court and are either supported, and go to a committee, or are not, and I would have thought that in the same way you could be saying in the future that any one of us in the House of Keys or in the Legislative Council could bring to those bodies a Bill and say 'You have to discuss this. You have to take it through the three readings and vote on it,' because that is our right within the parliamentary set-up. I think that we do have to look at it from an overall point of view first of all and say yes or no for it to go to a select committee.

Now, when I presented petitions, the first one was not found in order, but the second one was, and I approached a member of this Court and asked them if they would steer it through the Court and raise it, and it was raised and part of the petition was actually satisfied - the whole of it was not, but part of it was - and I think, from the grievance point of view, that I was not necessarily satisfied, but at least it had a hearing and the people were able to put their case.

In the same way, I believe that Dr Mann, when people involved with him have put forward petitions, some have been accepted and some have not, but there are petitions that I can think of, which are lying at the table, that I would not want to see proceed, and I would not want to see proceed simply for the reason that it is not for the good of all, and I think you have to look at it for the good of all. It is one person who feels aggrieved about something, but not necessarily for the good of all, and therefore the amount of work that would have to be put in under this particular motion that is before us today would be a considerable amount of work. I am not talking about the petition in relation to the mover of this, but other petitions that are lying on the table. We would have to put forward a considerable amount of work to the detriment of a number of people and a number of organisations, and I am sure that, if the grievance was a reasonable one, that would have been picked up before now. What concerns me is that somebody does have a grievance, but it is *their* grievance, and it is not looking at the overall good of a number of other people, who would be disadvantaged because of what is being suggested.

I think the process that we have at the moment - the ability to present at the Hill - should continue. The ability to have this filter system - do they conform, so that they can be placed on the table - is correct, but I also think that some rights should be left to members of the Court as to whether they pick up the petitions or not. The only reason that I have spoken on this today is because of some of the comments that have been made with regard to grievances - that they are merited in every case - and I would say that sometimes they are not. You have only got to look at the number of petitions that are presented now, as opposed to in the mid-seventies, when I believe the grievances were real and genuine. You might say that the ministerial system has encouraged more grievances, but I think for many different reasons. Thank you, Eaghtyrane.

The President: Hon. member for Garff.

Mr Rodan: Mr President, the trouble with the present system is that it is a lottery, and I do not think the public realise that it is a lottery. As the hon. mover has said, there is a danger of deceiving the public that, in some way, the grievance procedure is a meaningful procedure, but it is clearly *not* meaningful.

The first flaw in the present system is that it depends on whether the petition is picked up and the second flaw is that, even if it is picked up, there is no guarantee that the Court will agree to setting up a committee. To this point, of course, members will say - and members have already said in the debate - 'Oh, yes. That does not matter; it is up to the member picking up the grievance to make the case, and if that member can make the case to this hon. Court, Tynwald Court will consider the grievance and whether it is appropriate to set up a committee.' But I believe that that argument is highly flawed, because, in making the case to this Court that there

is a grievance warranting investigation, one is forced, to some extent, to prejudge the issue and to do the work of the committee, to determine if, in fact, there is a grievance that merits investigation. But the merits of the grievance are a matter that should properly rest with the committee.

The third flaw in the system is that, I am afraid, it is all too easy for this Court to conclude that, if it does not particularly like the subject matter or is tired of seeing the same petitioner on Tynwald Hill, it will not even agree to look at the matter, even if the grievance is a genuine one. As recently as last month, I brought to this hon. Court a petition, as Mr Speaker has already mentioned. Now, I was very careful not to argue the merits or otherwise of the subject matter, which happened to be about regulations governing the slaughter of poultry. I was very careful not to prejudge the issue or to make the case on the subject matter on behalf of the petitioner; I simply tried to persuade this Court that here was a genuine grievance, genuine in that it had already twice been taken to Tynwald Hill, had not been properly considered and therefore there was a grievance that here was an unresolved issue. On that basis, there was an obligation, in this place, to at least hear the case and have the case investigated. Now, what happened? After moving this resolution, it was formally seconded and no-one spoke. *No-one spoke*. Now, the Speaker, in his contribution, has said that he objects to this motion because, as he says, it will remove our rights - parliamentary rights - to consider a grievance, but that petition was not considered. How can no debate whatsoever be called 'considering a grievance'?

So, Mr President, in my opinion, the only way to avoid this situation is, in fact, to set up a standing committee, which will very quickly establish whether a grievance is a vexatious one. It will very quickly come back to this Court and say that the petition did not warrant investigation, but at least there would have been some meaningful consideration of the matter. Now, one or two speakers will have said that the standing committee is objectionable, and I do not think there is necessarily an understanding of what the motion is calling for. It is calling for the Standing Orders Committee to consider the matter and come back to this Court to set up the committee. The committee itself is not to be constituted from the body of the Standing Orders Committee. The motion, perhaps, has implied that, but I think the mover was very careful to say that the Standing Orders Committee would consider the matter and constitute a committee for investigating grievances from within this Court.

Now, I appreciate that the amendment has been moved, but not seconded. I will second the amendment.

Mrs Crowe: Oh, good.

Mr Rodan: However, I do have to say that it is my understanding that we have already been down this route -

Dr Mann: Yes.

Mr Rodan: - and why the hon. mover is moving this motion today is that the matter had already been referred to the Standing Orders Committee to consider and they have done nothing, which is why the mover is back today. Nonetheless, it is right that that particular issue be tested this morning, so I will second the amendment. Thank you, Mr President.

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

Mr Waft: Thank you, Mr President. I am of the opinion, with the last speaker, that we are misleading the public to a degree. However, having said that, it is up to us to redress that in some way. I will tell you why I think we are misleading them. They have gone through quite a number of hoops before they ever get to Tynwald Hill: they have been to lawyers, local authorities, their MHK or different areas, and usually, for the genuine ones, they have been through the hoops. They have had a big problem and it is of great concern to them. Then it goes to Tynwald Hill and it gets accepted, and then it has to go to the Clerk of the Court, who

examines it and gives an opinion whether it is fit to be circulated. At that stage, once it has achieved those hurdles, it comes before members. Now, I know I have heard some members in the past say, 'Well, that seems a reasonable sort of thing. That will probably go ahead', and yet others seem to think, 'Well, maybe it should be the MHK from the area who would put that forward for that petitioner.' This is not always the case, and I myself have seen petitions that have lain there for a considerable length of time, which I would have thought somebody might have picked up for one reason or another, but they are not picked up and so they do not see the light of day.

Now, that is really letting the public down to a certain degree, when petitions are not even looked at by the committee in any great depth, not because they are not a valid subject for members to examine, but because of the fact that somebody thinks that somebody else is going to pick it up, and at the end of the day it does not get picked up by anybody. Now, if, after the circulation to members of the petitions that are valid, we all look at them and then some people decide to pick some up and others are not picked up, the ones which are not picked up, for whatever reason, are not re-circulated to say that we have now got 10 petitions still not picked up. So, although they are lying on the table, members are not actually aware that they are still there and they have not been picked up, so it might be worth redressing over a period of time that this really has not been picked up and maybe somebody else would like to pick it up.

Another concern of mine is: who picks it up? Well, over the years, I have often seen that the person who picks it up and puts forward the motion is often not even on the select committee. Now, the reason I mention that is because we tend to get a little bit political on certain subjects: we see government's side and other sides, and we say, 'Well, I do not want one of his side on it' and the other side says, 'Well, I do not want one of *his* side on it', and so it goes on and on and on until half-a-dozen people are left as a choice, and they tend to be reconsidered all the time for members of the committee. I know because I have been on loads of select committees, and you think, 'Oh, no, not another select committee. I will go and have a cup of coffee and hope I do not get missed.' I do not think that should be the case; I think everybody should be made aware that, if there are people on select committees, there is sometimes great difficulty in managing two, or sometimes three, select committees, and some of the committees can go on for a couple of years. They just go on and on and on, and there does not seem to be any end of it.

So, I just feel that Dr Mann's motion here today does give some credence to the ones who get lost on the wayside of observation. Although we all know when they are there originally (*Interjection*), nobody at all picks them up, and I would just like somebody to have a look at those and make sure we are not missing anything important. Thank you, Mr President.

The President: Hon. member for Ayre.

Mr Quine: Thank you, Mr President. I think that holding out that the petition of grievance procedure operates now as it did before the ministerial system came into being is not really accepting the facts as they are. I am not saying that there is any conscious decision taken by ministers to take this position on that petition, or another position on another petition, but simply - and perhaps I am being charitable, because it would not normally be my view, I hold that out - from the point of view that, by and large, and indeed the great majority of, these matters impact upon government policy. The Council of Ministers has responsibility for government policy, and I think it is asking too much to expect that, consciously or unconsciously, an issue is going to come before this Court and the Council of Ministers is going to sit back and say 'I am going to specifically address myself to disregard all that I know about this policy issue or the implications of this *vis-à-vis* the Council of Ministers, and I am going to stand up here and trumpet the cause of parliament.' It does not happen. It is not human nature, sir -

The Speaker: The record showed it did.

Mr Quine: - so I do believe that we have to acknowledge there has been a change, as my hon. friend from Onchan said, on the basis of 'BC' I think it was he referred to.

But also I think another weakness that does impact upon this - and I think if there is any objectivity in our views we would admit this - is that quite often there are issues that come here and the substantive issue is placed secondary to 'who'; it becomes not 'what', but 'who' (**Dr Mann:** Hear, hear.). If we are going to be honest and objective in our views. . . and we may all be guilty of this, but I am saying that that is inherent in the system to some extent.

The second point I would like to comment on, or just make a reference to, because I think it is very relevant, is that it has been suggested to us that the ombudsman system and, indeed, the petition of doleance system in some way would compensate, or be a substitution, for the petition of grievance. I do not think that is so, but I will just stay with the ombudsman system, *vis-à-vis* the petition not of grievance procedure. With the ombudsman system as operated - the parliamentary ombudsman system - it is directly referred to the putting right of maladministration. In terms of our petition of grievance procedure, quite often the issue is one of trying to move government policy and motivate legislation to change course. Now, that is not built into the ombudsman system in that direct form, so I think there is that important difference. While I am talking about the ombudsman system, I would just mention this too: if you want to take . . . I am saying they are not equivalent, but, just to demonstrate this, if you want to exercise your right under the ombudsman system, the only barrier you have to the hearing of your case is to get a member of parliament to refer it to the ombudsman. You do not have to come before parliament and say, 'I have now to persuade parliament that my case should be heard.'

I know it has been commented on, but I must stress this: 'go the courts' and 'seek remedy through the petition of doleance' are hollow words, because, whether we want to admit it or not, we have different standards of justice. It would work if you had legal aid, if you had the money you could do these things or if we had an ombudsman system. We do not have either, so these really do not impact upon the merit of the proposition that is before us today. Perhaps, in the future, we will have these remedies available to us - and I sincerely hope we will; I have tried to get both - but at the moment we do not have them, and therefore I am afraid we should set them aside in considering the matter that is on our agenda.

Yes, we have a new health complaints procedure, and I was pleased to see it, but the minister, I am sure, will readily admit that it does not cover all aspects of the health service; we are still waiting for the other part of this to be progressed. And in terms of the impartiality of the complaints officer - and I am not in any way impugning the lady concerned - if we have a system where the complaints officer is a member of the department which is actually complained about, and her future rests within the civil service, we put her in a position of contradiction where she is also expected by the order to advise complainants. That is not a tenable position. But we have moved forward and I support many of the underlying principles embodied in the new health complaints procedure.

I was going to speak on these issue of human rights, but I think that has already been covered.

There seems to be some concern abroad here that, if we introduced the system that is proposed by the hon. member of Council, it would be unworkable by virtue of the workload. I really do not see that at all, and there are two points I would make here. If we are to stay with the present system, we can say, 'You have the right to go to Tynwald Hill; you have the right to have your grievance laid on the table and somebody might condescend to pick it up and move it.' That is an incomplete remedy; it really is an incomplete remedy. It is like saying, 'Yes, you can come to Court and you can even get your toe in the door, but you cannot put your case to the jury.' The essence of moving these petitions is not there and then to argue the full merits of the case; the evidence flows and comes at a later juncture, so who are we to prejudge these issues (**A**

Member: Hear, hear.) on a member of this hon. Court being on his feet for 10 minutes, and a written petition, which is normally about a page or a page and a half? That is not justice. Would, in fact, a committee be overrun with work because of this proposed approach? I would suggest not. The different steps you have got to go through before you can get your petition on to the table, apart from the personal commitment you have got to make to get it on to the table, have already been demonstrated to us today. But if it was a real concern, I would rather have a situation where everything went to the committee and they had the right to come back to this hon. Court and say, 'Look, we seek your nod not to spend time and money on this case, because it is vexatious and frivolous, and this is why we say so.' At least that petitioner would know that we had considered it and that we had taken that decision. Surely that must be a fairer system, and we can regulate that through standing orders, so I do not see any merit in that at all.

If we are going to provide, for the citizens of this Island, a credible right to redress their grievances, then I think what is being proposed here is a logical and sensible proposal, and we can build into that any checks and counter balances necessary to make sure that the system works and is administratively and practically in order. That is not an insurmountable problem, but the idea that 'Father knows best' and we, at the drop of hat, are going to say whether or not you can have your petition for redress of grievance heard: I think we have gone beyond that, the community has gone beyond that and this Island has gone beyond that, and we now must accept that there should be a full hearing of these matters - a proper hearing of these matters - subject to the constraint which I mentioned about matters being adjudged by this Court as being frivolous or vexatious, sir.

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. I rise to my feet having listened to a number of points made in this debate so far; a number of very plausible points. Now, I would just like to share with the members of this Court my experience of dealing with petitions of grievance presented to Tynwald Hill. I have been directly involved with two and have been on select committees which have considered others. My first experience of the petition procedure was with a gentleman in my constituency who wanted some help in presenting a petition. I met with him on a number of occasions and together we sat down and produced a petition that he was comfortable with. And it was not a long legal process that . . . I was a bit concerned with the hon. member of Council, Mr Waft, who said you need lawyers, you need this . . . The petition process to Tynwald Hill can be quite simple for people, and that is a good thing. I think that is one of the beneficial aspects of the process that is there and that the people have the right to do. And this gentleman, myself and the then Deputy Clerk, Mr Bawden, all sat down on a number of occasions and we worded the petition so that it complied with standing orders. I also said to this gentleman that, on the fundamental issues in this petition, I could not agree with him. I did not agree with the policy issue that he was including in that petition, but I left it with him. As a citizen, he was ready to petition Tynwald Hill. The particular individual forgot to sign it. It went to the Standing Orders Committee, as they do, and it was refused on that basis. I was blamed big time for not having done my job as a constituency MHK. The following year, the petition reappeared - it reappeared signed - and it was picked up by a colleague of mine in my constituency - because that is the joy of a multi-seat constituency - and that member of the public, that gentleman who wanted to petition the Hill, was able to do it the following year through a different member. Now, somewhere in all of this, individuals do have responsibilities in what they do when they petition Tynwald Hill, and I was very disappointed at that particular situation, because I felt, as a member of the area, that I had done all I could for this person, although I disagreed with his point of view. And we all represent people who we do not always agree with.

What concerns me on the policy issue of the whole process is that I think, increasingly, petitions do make protests about policy. I do not have a problem with people making protests - I think it is a good thing and it is a healthy thing in a democracy - but, because there is that

inherent, disagreement people get frustrated and they petition the Hill. And I suppose I do not have a problem at all with people doing that, but what happens next is the issue, because that then involves the members of this hon. Court. If members of the public disagree with government policy

. . . which is also Tynwald policy, because there is no government policy without Tynwald approval, and one or two speakers have tried to create this separation of the Council of Ministers from the process of Tynwald. The Council of Ministers is only one arm of the Court of Tynwald; it is an executive function which has to happen. There is a way to change policy if you are a member of the public, and that is to lobby your member. And we all get lobbied: 'I do not agree with this'; 'You should be doing that'. Well, we *should* all be getting lobbied. It does not have to happen through the petition process, in my view.

The second petition that I was involved with was a tragic situation - I will not go into the details - and I picked that petition up because it was dear to me and it was dear to the people. I was very pleased to be able to represent them in the way that I did, because I picked it up as a parliamentarian - I was a minister at the time, just as Mr Rodan is a member of the Council of Ministers as things stand, and he had a petition before the Court that he picked up last month. So there is not this bar - this block - because we have an executive government function; there is nothing changed, in my view, with the advent of a ministerial system. I am in my third term now, but I had no involvement in the previous system in terms of the board system, although I do know people criticised it to the nth degree because government was so slow in the way it responded to things, and the new system has streamlined things. So, I do not believe that there is this void created by the fact that we have an executive. I think the hon. member for Douglas South, Mr Cretney, said straightforwardly that he was going to support this motion, so on this whole process there is no government line; there is no government block on it. I just want to make that clear; we are all here as individuals.

But on this second petition that I was involved with, it was important to me, as a member, to be able to pick it up and air the issues. And the Court agreed with the way that I presented it, and the issues were actioned, and, to my mind, some good came of it because of the tragic circumstances that had occurred and the fact that these people wanted something good to come out of what had been a tragic situation. And it did, through this process.

So, I am a great defender of the right to petition, but I have always understood the process to be an issue where everything else has been exhausted and you have tried all the legitimate channels to get your grievance put right, and I do not equate grievance with a disagreement on policy. We disagree in this House on policies all the time. . . members of the public. . . it is part of being in an open, free society. We discuss our opinions; we are not frightened, as in some other jurisdictions, to say what we all feel and think. So, if the grievance procedure is used for that purpose, I do not have a problem with that, but there should not be the expectation created that that disagreement on policy then has to be carried forward in some way.

I would say to the hon. members who have made comments such as, 'Some of these petitions do not see the light of day and they lie on the table and perhaps they should not': when I get my report from the Standing Orders Committee on the petitions each year, I go through them carefully. First of all, I see the people who process to the Hill - you tend to know some of them, obviously, but not all of them - you go through the petitions and you see whether they have complied with standing orders, and, as a parliamentarian, you decide whether there is any merit in them. Now, I hope all hon. members do that. Maybe there is an argument, after six months, to recirculate that list if they have not been picked up, but I do not believe that they should automatically have to be picked up by hon. members, because I come back to the point about policy: members of this Court actually determine policy at the end of the day, and this seems to me to be a structural change, which will allow policy - or differences of opinion on policy - to circumnavigate the normal Tynwald process and to come in from the top end, when, in fact,

policies float up through the members and become agreed through various motions in this Court.

Coming to the actual motion, I am concerned about the wording of it, despite the assurances by the mover that, perhaps, the wording was not quite in line with his thoughts. I have been in here long enough to appreciate that, when a motion is approved by this Court, it has to be clear to all those who read it subsequently as to what it means. And it does say that the Standing Orders Committee should establish a standing committee. My view is that Tynwald Court establishes standing committees, and I am confused in terms of the explanations that have been put forward, in terms of trying to put over the real meaning of what the motion means, because it could have been worded differently from when it was put down. So, I feel a bit uneasy about the changes.

We have had a lot of talk about democracy, and there have been issues of intolerance, but I would just leave one thought with hon. members as I resume my seat, and that is that if these petitions that are not picked up are such a big issue for members, then why do they not pick them up, Mr President? (**A Member:** Hear, hear.) Whether they are crackpots or not, every member has the ability to pick up a petition, even if they do not agree with it, in order to have it aired - and the hon. member for Garff picked up a petition - but, at the end of the day, members of this Court decide whether it then goes forward.

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

Mrs Crowe: Thank you, Mr President. I would agree with a great deal of what the hon. member who has just resumed his seat has said, but my reason for rising at this particular time is the reference to the lack of an ombudsman scheme on the Isle of Man as a reason, or one of the justifications, for going further forward with this petition of doleance scheme. Now, I do know a little about ombudsman schemes after having established the financial services ombudsman scheme for all Manx companies providing services to persons both on and off the Isle of Man. The linchpin of any ombudsman scheme is to arbitrate on a complaint (*Interjection*) when all avenues available relating to that complaint have been explored. All avenues have been explored before any ombudsman scheme would start to consider a complaint. That is the whole basis of that kind of scheme; it is a final arbitration system.

I cannot see, from some of the petitions that arrive upon our desks. . . and I, too, examine some of these petitions and, indeed, have sat on select committees dealing with them, but I would say that many of these petitions have *not* gone through every avenue available to resolve that complaint and, in fact, they do relate to issues of policy and of opinion, and indeed, in some cases, *no* system has been attached to these petitions to tell us how far these petitioners have taken their complaint. So, I think it would be valid that we should have, when we are considering whether we wish to pick these petitions up, perhaps more knowledge of how far a petitioner has gone to try and resolve these complaints, because I do know that the likes of the Office of Fair Trading deals with . . . I think it is something around 6,500 complaints a year. They direct people to the right organisations if they cannot handle the complaint that is being dealt with. There are many complaints that are dealt with very, very successfully, but I do find, with some of the petitions that we have received, that they have not gone one step along that road to resolving the complaint.

So, whilst there was a comment made that there is not an ombudsman system operating on the Isle of Man, there is indeed a very successful ombudsman system operating at this present time. Indeed, I think that if the rules which are applied to the presentation of a complaint to an ombudsman were applied to a petition of grievance, a great deal many of them would not reach the floor of this House.

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

Mrs Cannell: Thank you, Mr President. Well, if ever I heard of a case being made to establish a standing committee to consider such petitions, I have just heard it. The previous speaker said that a lot of the petitions that she has had involvement with, or considered along with many of us, have proved to have not gone through every avenue to resolve the grievance, but I would have thought that, in that case, such a standing committee could then direct a petitioner to go down that particular avenue, in order to exhaust all of the remedies available to them. At the moment, everything is incumbent upon the member standing up in this hon. place and making a case for a petitioner, and then it is at the will of the Court if you are successful or you are not. Now, that could involve a matter which has not exhausted every avenue, but the system that we have, of course, is that if a member is successful, a select committee is established, irrespective of whether every avenue has been exhausted or not. The committee is there and it has to consider, and we are stuck with that under the present system.

I, personally, have picked up three petitions in the last six years and have served on two of those and on an additional one which ran through the general election and subsequently was re-established during a new term. I have to say that, with the first one, I made the case and was successful in getting the select committee established and had a great deal of knowledge on the subject, but, because of the will of this hon. Court, was not seen fit to be a member on that select committee, which was a great disappointment to me. However, that was the case.

The second one was involving equalisation of retirement pension payments; equalisation of age, bringing the female age up from 60 to 65. Now, I, along with the hon. Chief Minister, sat with a constituent and helped to put that petition together, and at the last minute the petitioner was so nervous at the idea of having to carry that up to Tynwald Hill that I myself was being prepared to come off the Hill and take the petition myself. And I was quite happy to do that. So, to belittle and to say it is too easy to plonk a petition at Tynwald Hill, or to say there is no effort at all in walking up to Tynwald Hill, I would say is rather discourteous to a great many petitioners who - and it has been said - think long and hard before considering that course of action. For them, physically, on the day - the big day for us, when we celebrate the history of the parliament, with hundreds and thousands of people present - it is quite a formidable task to actually walk up, sometimes with TV cameras on them and being asked to do interviews with radio, newspapers et cetera. It is quite formidable for a lot of people, and I know that that is the case, because they have expressed that to me. Those that do go along are either budding politicians, as the hon. member for Peel, was in her situation, so she would be able to do that, as any budding politician would, but for an ordinary member of the public it can be very formidable. I do not think we should forget about that.

It is an ancient right, and I want to see that ancient right considered, but I would like to see us move on, so that every cause is looked at or redirected appropriately to where it can be looked at properly. We have heard today, during the debate, from the hon. Speaker, that members would have no right to consider a grievance if we were to support the motion on the agenda, but I would suggest that there are lots of petitions of redress of grievance where, because they do not get picked up, we are deprived of our right to look at them. I know the old adage will be 'Well, if you are interested in it, you pick it up' and I have to say that, in some of the petitions, the issues are very, very complicated, and that can be quite forbidding for a member to pick up. At least, with such a committee, the committee could bring in expertise as and when; okay, a select committee can too.

The other aspect of things, though, is the problem of establishing select committees. We, all of us, in this hon. place, have a position - some have more - within government, and we have various responsibilities. Trying to get a select committee together, usually of five members - sometimes three, but usually five - is very difficult, because members have other commitments. It is vexing and frustrating for members of staff, I would suggest, who run around, trying to make appropriate appointments so that members can meet and consider. I have a problem with that,

because I think that, when a member of the public, who has exhausted all of the avenues, often at a legal level also, comes to us with a serious issue for us to consider, we should consider it comprehensively, and that is not, in my view, always done as well as it could be, let me put it that way. Sometimes, select committees can run for two years. The last select committee that I was involved in did run for two years. A lot of that was due to the fact that it was a very complicated issue and we did give it a thorough and comprehensive look, but it was difficult, on occasions, to get all members together at any one time to consider the submissions and evidence et cetera. It takes time.

I would take exception to the fact that often, as quoted by the hon. Chief Minister before, it is a disagreement with government policy. I would say that sometimes it is a disagreement with government policy, but sometimes such a petition can present to this hon. place an omission in policy, or an anomaly in existing legislation, as was the case in the Jean Noreen Thompson select committee. Therefore, sometimes we can be enlightened by the petitions that come forward, because they may express or present something that we had not thought of, or policy or legislation may have impacted upon somebody in such a way that we had never thought possible, and so it can be enlightening, and it is important that all of them are looked at.

I am conscious of the time, Mr President, and I will finish there. I fully support the intention from the hon. member of Council, Dr Mann. His intentions are good and they are honorable, and I think that members should support him.

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

Mr Crowe: Thank you, Mr President. The issue I would like to raise with the hon. mover is the mechanics of how such a grievance committee would work, and perhaps he could respond in his reply. We have at present a system where petitions of redress of grievance. . . and I respect and would support anybody who wished to do such a petition; I would like to see that continued, and I do not think that there is any question that it would not be continued. But once it goes to the standing committee, they rule on whether it is in order with the procedures, so that is the first step.

The next step: if we have a grievance committee, we seem to be setting up another hurdle which is only going to add further complication to the process. If the standing committee looks at all. . . I am talking about the grievance committee now: if they take all of the petitions delivered on Tynwald Day, are they going to come back to Tynwald with a report saying that these are the five or ten petitions? Is there going to be one report, which is going to be voted on by Tynwald, and if the report is turned down you lose all your good petitions with your, shall we say, less good petitions, or the ones with less merit? If the grievance committee is going to come back with each individual one, reporting on it individually - and, again, we had debate from Mr Rimington as to whether the review process would be lengthy; Mr Quine felt it would be less lengthy - you are going to have, again, a subjective view and an objective view by the grievance committee to say this that individual petition has merit. Is it then going to go for vote by Tynwald? You still then have that hurdle of having a vote by the full Tynwald. Or are you saying the grievance committee would be the arbiter of the petition and, once the grievance committee feel it is appropriate, Tynwald have to accept it and set up a committee to look at each one? So, I would like some clarification on how the grievance committee would actually work in practice.

The President: I call on the hon. member of Council, Dr Mann, to reply.

Dr Mann: Thank you, Mr President. I must apologise that this issue has taken so long, but equally well, I think it is a matter of some significance. (**A Member:** Hear, hear.)

If I might just answer the last speaker first, as the wording of the resolution is that the grievance committee should investigate and report on each petition. I do not intend to go

through every point that has been raised. I must thank members for all of their contributions, but there are one or two issues that I must address.

The first one is personal. In the last goodness knows how many years that I have sat in this Court, I have never heard the issue being made personal. This is not a personal issue, and I have a relationship within my own home which allows the absolute freedom of my consort - my wife - (**A Member:** Hear, hear.) to take any position she wishes (**Several Members:** Hear, hear.) and to pursue any occupation she wishes. That does not mean that she involves me in it or that she is involved in anything I am doing, and if you need any evidence of that at all, those of you who are old enough and long enough in the tooth in this Court will know that, in spite of all the positions my wife has held, I succeeded - and I think, Mr President, you will confirm that I succeeded - in supporting, as Chairman of the Board of Agriculture and Fisheries, with a certain degree of success, and at no point did my wife's position and my position ever cross. So, please do not think that I am standing here as the mouthpiece of somebody else. (**Several Members:** Hear, hear.) That does not mean that I do not have some sympathies, but I will pursue what I want to pursue myself and I was at pains to point out that this resolution actually was down before the hon. member for Garff decided to pick up my wife's petition. I had to withdraw it for obvious reasons - because I was not here - but this is not in consequence of what happened last month.

I think what happened last month, to a certain extent, is what has occurred so often and is now a characteristic of this Court, because the business of government in the Isle of Man is now becoming so complicated and so all-embracing that, when the issue of a petition comes, it comes right at the end of an agenda, when everybody is dead tired, at nine o'clock at night. And I would say that *any* petition coming on at that time of night is likely to have a pretty rough reception.

But turning to the resolution itself: I did explain the imperfections; I did explain the reason for the imperfections; and although I appreciate what the hon. member for Rushen is attempting, this was done once before, almost word for word with your amendment. If the Court wishes to accept that, then we are back to square one, two years and one month ago. If that is the wish of the Court, so be it, but the reason for this resolution - imperfection - imperfect as it may be, is that it will initiate something happening. Now, I would dearly have loved to have invited every petitioner who went to the base of Tynwald Hill last July to sit on those benches and listen to what you had to say, because, almost without exception, I would have thought they assumed, when they stood at the base of Tynwald Hill, that something would happen. Out of those that were presented last year, I think two have so far come before this Court. We are just a month or two away - not very long - before we come again to Tynwald Day. This time, we shall have the King and Queen of Norway here, and so many visitors come here and get shown all the heritage and all the history, but most of all they are shown the fact that the individual can come crossing over the rushes and present their petition.

I appreciate many of the comments that have been made, in particular the question of whether there is not enough time. There has to be time; I cannot believe for one moment that we could not have coped, during the year, with considering those petitions that were presented last year. A lot of the petitions are complicated, but a lot are not, and it is not a matter, as some members have said, of yet another screening; it is actually doing what the petitioner wants.

Now, we have had arguments over what a grievance is, but a grievance, to the person who is grieving, is quite different from what we may think. The fact is that it has moved them to go and do something about it, and I really am completely taken aback by the contribution of the hon. Speaker. If those people who presented those petitions were sitting there this morning to hear that to have their petition listened to and looked at somehow was taking rights away from you and I. . . (*Laughter*) (**A Member:** Ludicrous.) What sort of chamber are we?

Mr Cannan: Hear, hear. What sort are we?

Dr Mann: We set up all kinds of committees. We have standing committees on public accounts; we give that committee the authority and responsibility to look into something and come back and report to this Court. How on earth can we say that that is taking away the rights of you and I? We give the Public Accounts Committee the right to look - and on our behalf - and when they come back, we have to decide whether or not to accept or deny. The Speaker of the House of Keys has, in the public eye, not only the responsibility of ensuring the rights of every parliamentarian, but, in this Isle of Man, they are looking for their rights to be supported by the chair. So, can we please consider the implications in the setting-up of this committee.

I am sure that a large amount of the response - and I say this very carefully - a large amount of the response from members here is based on fear; fear that, somehow, looking into a grievance is damaging. Looking into a grievance is *not* damaging. This Tynwald Court, as we all know, goes back in time; it is a mature assembly - possibly the maturest assembly - and yet, within this mature Court, we are showing all the signs of individual immaturity. As a mature person - and the hon. member for Onchan describes himself as a mature person, and he is; he has been in this Court possibly as long as most of us - you do not fear when people criticise; you ask the question 'Why?' When you get the answer, you still may not accept it, and, in fact, when many petitions have been investigated, the committee ends up by saying, 'In all honesty, we cannot do anything about it; we do not agree.' It still comes back to this Court, and you as individuals then make your own decision. It does not mean because you are investigating it that you are accepting it. So members, let us show that we are mature members of a mature assembly, and just give the people what they actually think they have got at this moment, but have not.

Several Members: Hear, hear.

The President: Hon. members, the motion I put to the Court is printed at 47 on the order paper, and to that I have an amendment, which I appreciate has not been circulated, so I will read it to you yet again. The amendment is moved by the hon. member for Rushen, Mr Rimington. The amendment, hon. members, is to replace the word 'establish', on the second line of the motion, with the wording 'consider the merit of establishing', so that 'Tynwald is of the opinion that the Standing Orders Committee should consider the merit of establishing a standing committee' of grievance. That is the amendment, hon. members. Those in favour of the amendment please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Rimington, Gill, Mrs Crowe, Messrs Braidwood, Downie, Shimmin, Bell, Corkill, Earnshaw and the Speaker - 10

Against: Messrs Anderson, Cannan, Quine, Rodan, Quayle, Houghton, Henderson, Cretney, Duggan, Mrs Cannell, Mrs Hannan, Messrs Singer, Karran and Gelling - 14

The Speaker: Mr President, in relation to item 47 on the order paper, the House of Keys have voted 10 votes for and 14 votes against; therefore the amendment fails.

In the Council -

For: Mrs Christian and Mr Crowe - 2

Against: The Lord Bishop, Messrs Lowey, Waft, Dr Mann and Mr Kniveton - 5

The President: With 5 against and 2 for in the Council, hon. members, the amendment therefore fails to carry.

I will now put the motion as printed on the order paper, hon. members. Those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Cannan, Quine, Rodan, Houghton, Henderson, Cretney, Duggan, Mrs Cannell, Messrs Singer and Karran - 10

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

The Speaker: Mr President, the motion standing at item 47 fails, with 10 votes for and 14 votes against.

In the Council -

For: Mr Lowey and Dr Mann - 2

Against: The Lord Bishop, Messrs Waft and Kniveton, Mrs Christian and Mr Crowe - 5

The President: With 5 against and 2 for in the Council, hon. members, the motion therefore fails to carry.

Private Sector Rent Subsidy Scheme — Introduction — Assessment by Department of Local Government and the Environment — Debate Commenced

Item 48. Mr Quine to move:

That Tynwald is of the opinion that a private sector rent subsidy scheme should be introduced to assist persons qualifying for public housing who are unable to obtain such accommodation within one year from acceptance onto a public housing waiting list.

The President: We now continue with our order paper at item 48, hon. members, and I call upon the hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr President. We are all aware of the high demand for housing, the effect this has on the availability of accommodation and the impact on price. There was no short term solution in 1987-89, at the time of the last period of high demand, when the median house price increased by 18.9 per cent, 60.6 per cent and 22.6 per cent per annum; neither is there is a short-term solution now. However, there is one important difference: during the period 1987-89, just four public housing units were built; we now have a programme to complete 80 public housing units per annum. Of course, I wish the new administration well in seeking to improve on that construction programme.

I accept that this motion will inevitably lead to a fully-fledged debate on housing; it would be very unusual if it did not. However, I will defer any contribution I may need to make on the general housing scenario until my summing-up. For the time being, I will concentrate on the primary objective of this motion, which is to provide some financial relief for those persons who qualify for public housing and are statutorily entitled to public housing, have waited a year for public housing and have little prospect of obtaining such accommodation in the immediate future. I accept that there are other deserving cases who do not qualify for public housing, for example some who do not have a residential qualification and who would not be covered by the scheme which I shall be outlining today. I will simply say that the local-born and long-established residents do deserve some degree of priority.

There are presently, in round figures, 6,000 public housing units, including 600 elderly persons' housing units, and this figure is programmed to increase by - as I mentioned - 80 per annum over the next five years. Any additional build over and above this figure is unlikely to kick in for a further two years, such is the lead time for public housing. The waiting-list for public

housing, including elderly persons' housing, stands at just over 1,400. This figure is founded very largely on waiting-list criteria limited to applicants of 40 to 45 years of age. The waiting list criteria have now been adjusted to include persons of 18 years of age and above. It is expected that, over the next year, the waiting-lists will increase dramatically, as the age catchment has been doubled. The best in-house guesstimate is that the waiting-lists will increase to a figure of around 2,500. Current allocations are in the order of 130 a year. Without indulging ourselves in complicated calculations, I think it is abundantly clear that, in the short to medium term, a large number of persons qualifying for public housing have little, if any, prospect of obtaining relief from their present housing problems. A high percentage of persons on the waiting-lists cannot afford accommodation in the private sector, or have accommodation in the private sector but cannot afford to retain it because of the rent levels, which continue to increase.

This developing scenario was recognised by the Department of Local Government and the Environment some time ago, and a private sector rent subsidy scheme was devised. It was drawn up by senior professional housing officers, in consultation with the Economic Adviser, the DHSS and, indeed, local authorities. It was approved by the then Department of Local Government and the Environment, and it is, in essence, that same scheme which I would commend to this hon. Court today.

If now I may turn to some of the fundamental aspects of the scheme. The purpose is to provide rent assistance to persons qualifying for public housing, who have been on the waiting-list for 12 months, until such time as they are offered a public housing unit or they cease to qualify for assistance under the scheme. The assistance on offer would have regard to the applicant's ability to pay the rent in question. To take benefit from the scheme, the applicant would have to have an offer: a tenancy agreement arranged through an approved letting agent. The maximum duration of any lease would be six months, subject, of course, to possible renewals; this is a standard period of lease. The scheme would apply only to unfurnished residential premises comprising not more than two bedrooms. The limitation to two bedrooms is on the assumption that a family with children qualifying for public housing, who are inadequately housed, could be accommodated in public housing within 12 months of acceptance onto the list. I state that simply as an assumption. A qualifying premise under the proposed scheme would be subject to a qualifying maximum rent: at the time this scheme was worked up, a ceiling rent of £600 per calendar month was envisaged.

The scheme embodied a definition of 'eligible applicant', which required prior registration with the Department of Local Government and the Environment. This registration process would entail verification of income and other qualifying criteria. An applicant with an existing lease could qualify, but no assistance would be forthcoming until the current lease expired. It was envisaged that, on the initial introduction of the scheme, it would be limited to persons living alone of 25 years or over, subject to an additional occupant being sanctioned by the department. It is not, I would suggest, unreasonable that persons of 25 years of age and over should be able to live independently. It would extend to divorced persons with temporary residence of children.

Grant assistance would be in accordance with a table constructed on the basis of graduated levels of rent, calculated in £50 increments and extending over a span going from £200 to £600. It would cover gross annual income from £10,000 to £18,000, in £1,000 increments. By way of example, a person earning just under £300 a week - call it £280 - in respect of a rent of £100 a week could receive financial assistance of about £25 a week - hardly extravagant. However, there is nothing magic in the figures and, with the passage of time, they would need some adjustment; it is the formula that I am promoting. As outlined earlier, tenancies would be for a six-month period and any renewal of tenancy would take the retail price index for housing as a benchmark.

As to habitability, it would be for the letting agent to certify that any flat met schedule 1 of the Housing Flats Regulations, and there would be a similar certification required for houses.

The previous administration objected to this scheme on the basis that it would be inflationary; I do not agree. I say this because the scheme is subject to a number of fairly obvious restraints: the scheme embodies a ceiling rent; the assistance available would be limited and related to the applicant's means and level of contributions; lease renewals would be related to the RPI for housing costs and assessed against a database maintained by the department; only properties of an approved standard, let through an approved letting agent, would be embraced by the scheme; the lower age limit could be set to impact upon demand; the scheme would be time limited; and last, but not least, the scheme would obviously be limited by the number of properties which are available below that ceiling rent and which are on the market at this time. Given the size of the rental market as a whole, and these constraints, it is difficult to see how such a scheme could have any significant inflationary affect. I can, of course, point to other inflationary factors outwith the scheme, but they are not a matter for consideration in relation to this scheme. Did we not hear the same siren voices when working up the house purchase financial assistance scheme? Indeed we did, but it is now accepted that it has not been inflationary; it has worked to contain prices at the lower end of the market. Again, I will revert and expand upon that if hon. members so wish.

Cost has not been raised in any significant way as a serious objection to this proposed scheme, and, having regard to the Island's current financial position, which we have debated, of course, during the course of this sitting, it would surely have a hollow ring if it were to be raised. However, to provide an indicative measure to assist: 200 applicants, who have been on the waiting-list for more than a year, to the tune of £150 a month - that is £35 a week, just taking the midpoint in the table which is in this order - would cost in the order of £350,000 a year. Socially, practically and, I would suggest, politically, this would be money well spent, and I think we should bear in mind that a capital programme, or let us say 400 houses - even if they could be produced - would cost in the order of £50 million plus. The accompanying maintenance costs would be present for another 50 years, of course, on top of that. But I am not suggesting that this scheme would negate the need for an enhanced capital programme; this scheme is designed, and was designed, to ease the pain while those unfortunate people who are waiting for public houses bide their time until they can obtain public housing. That said, and having regard to the volatility of the housing market over a period of years, it could to some extent be a viable alternative to part of a larger capital programme, but not a substitution for it.

What is the alternative to supporting the introduction of a rent subsidy scheme to assist these people? At this point in time, I would suggest, there is no viable alternative; certainly none has been identified.

The motion itself does not relate to the specific scheme which I have outlined to hon. members, although that scheme has been worked up by professionals to the point where, in fact, the order has been drafted and cleared by the Attorney-General's department. It is there; it is sitting, waiting to go, if it is the will of this hon. Court to set that scheme in motion. The only obstacle to the introduction of that scheme is the approval of this hon. Court. Mr President, I beg to move the motion standing in my name, sir.

The President: Hon. members, I think it is an appropriate time for us to take a break. However, in order that members will be aware that the motion will be properly before the Court, I would advise the hon. member for Douglas North, who has indicated that he wishes to second, that he can second, and if he wishes to reserve his remarks he can, or if he wishes to speak first after lunch, let me know now, sir.

Mr Houghton: Yes, sir, I do formally beg to second and reserve my remarks, sir. Thank you.

The President: You will be reserving your remarks. Thank you. Hon. members, the Court will resume its deliberations on this motion at 2.30 p.m. Thank you.

The Court adjourned at 1.02 p.m.

Private Sector Rent Subsidy Scheme — Introduction — Assessment by Department of Local Government and the Environment — Debate Concluded — Amended Motion Carried

The President: Hon. members, when we broke for lunch we were on item 48 on the order paper, which had been moved, and seconded by Mr Houghton, who had reserved his remarks. The floor is yours, open for debate, hon. members. Hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. In November 1999, the Department of Local Government and the Environment published a policy housing review report. Now, I am fully aware that the hon. member for Ayre was the department member with responsibility for housing matters and was, in fact, instrumental in the publication of that report and its recommendations. Indeed, I think it is quite appropriate here for me to acknowledge that, because of the hon. member's hard work and commitment during his time in the department, he put the foundations of the strategy in place. Now, one particular recommendation in the housing policy report was in relation to the introduction of uniform criteria for acceptance of persons onto public sector housing waiting lists, and this has recently been implemented across all housing authorities on the Island. I am aware that, during the consultation process, in seeking agreement to the draft criteria, it was proposed that single people under the age of 40 should be excluded. The department then proposed a private sector rent assistance scheme to provide a level of financial assistance for those people who would not be eligible for inclusion on public sector housing waiting lists and would have insufficient income to obtain a mortgage because of property prices. This was because the proposed scheme at that time was aimed at single people between the ages of 25 and 39, with an income of less than £18,000 per annum. The then-suggested parameters of assistance for the proposed scheme were to provide maximum assistance of £300 per month against a private sector property rental costing £600 per month, with lettings only eligible through approved letting agents for tenancies of six months.

Now, a similar scheme to the one now being proposed was presented on two occasions to the Council of Ministers between June and September 2001 but was not approved. The Treasury was also unwilling to give its concurrence to such a scheme. I believe the main reasons for not accepting the proposals were because the government subsidy was likely to inflate further private sector rents, which would be rather counterproductive at this time, and I believe that Treasury was right in that view. The scheme would be difficult to time-limit and could establish a financial commitment for an indeterminate number of years. I think it would be almost impossible for us to withdraw a subsidy and then, perhaps, leave someone homeless; if we were paying a subsidy, we would have to carry on paying that subsidy to provide a home. We felt that the scheme would be difficult to administer and indeed, in this new scheme, which has further opened up the boundaries, I think it would be almost impossible to police such a scheme.

Mr President, the mover of the motion did say that in essence this scheme is the same, but I think it is unfortunate that members of this hon. Court have not got the scheme before them. In fact, I knew nothing of the scheme until, indeed, I found the papers relating to it and was able to view it for myself, but there are a number of members in this Court who really have no idea what this scheme encompasses.

I also would like to say, Mr President, in review of a number of the issues mentioned by the hon. mover, that my department maintains a register of first-time buyers, and we have just currently undertaken a full review of that register. We are just currently reviewing the whole of

public sector waiting lists to establish the figures. We have no idea of what these figures relate to at the present time, but shortly we will do. We will know who the applicants are; whether they are single; whether they are couples; whether they are parents. This information is most important. We have to have this information to make a balanced view on what this scheme would entail for the public purse, and until I can quantify the demand in those areas, I feel it would be premature to introduce such a scheme.

There are a number of items which the hon. mover mentioned that I have got here. With regard to the inflationary aspects of the scheme, the hon. mover felt that there would be no inflationary aspects, but I would maintain that that is not true. The moment we start setting a level at which we will introduce the subsidy towards helping someone with a rental scheme, rents will be maintained at that level. They will never go below the level at which we are subsidising them. The scheme proposed by the hon. member, as I said, would be impossible to time-limit. We could not possibly withdraw subsidy and leave someone homeless. It just could not happen. Now, the inclusion of single persons over the age of 18 on the public sector housing lists will give us an indication of the numbers of people in all categories that we need to be providing houses for, but at this present moment I do not have that information.

What I would suggest, Mr President, is that I would like to put forward an amendment to the motion that is on the order paper, and the motion would read that, in effect, we will bring back to you the information. I would wish that the motion is referred back to the department for information and that we report back to this hon. Court by July. Mr President, the amendment is being typed for me at this present time and should be with us within a minute or two. I hope that will be in order.

The President: I will await the amendment.

Mrs Crowe: The essence of the amendment is that DoLGE will report back to this hon. Court in July, providing all the statistics which will measure exactly how much this scheme would cost the public purse, if indeed it was to be introduced, and what figures we have now and for future need for housing. And I must stress that these housing lists are volatile. I was delighted to find, even this morning, when I checked the housing lists, as I do regularly, that our monthly waiting list had gone down by 30 persons, so our waiting list was reduced from 130 to 100 persons today. Now, I am not suggesting that that might not change by tomorrow in any way, but what I am suggesting is that the figures that have been quoted are not accurate figures; they may have been given some time ago, but I would like to be able to provide this Court with accurate figures of what is actually needed for the housing market. This is what is going to plan my provision for affordable housing and also the department's provision for public sector housing, and I think it is most important that this hon. Court not only has that information but has the information about how this scheme will work and how it will be introduced. I know that previous administrations have seen this scheme, but certainly this administration and members of this Court are not party to the scheme that is being proposed at the present time.

Mr President, I would like to move the amendment, as I say, which will be with us in a minute, and I hope that the members of this Court will give the department the opportunity to provide them with the information that I think is required before a decision of this type is made.

The President: Now, hon. members, I think what we will do is we will accept Mrs Crowe's comment that the amendment is on its way to us, and when it reaches my desk I will certainly read the amendment to you so that you are very well aware of what is being proposed. Having said that, I call on the hon. member Mr Shimmin.

Mr Shimmin: Thank you, Mr President. I think the mover of the amendment and myself regret and apologise to the Court for the way in which this has developed. It is one where, until such time as the comments of the -

The President: Sorry, Mr Shimmin. Do I take it from that that you would be seconding the amendment? You are aware of the amendment?

Mr Shimmin: I am, sir, and that is what I am hoping to explain now, sir.

The President: Thank you.

Mr Shimmin: It is far from ideal, talking to an amendment which is not before members, and we apologise for that. However, the comments that were made in moving this motion before lunch, by the hon. member for Ayre, gave an indication that it was not, indeed, the scheme which previous members of Council or the department have had before them and that some of the goalposts had changed. It was therefore in response that that the amendment was to be amended to satisfy some of the concerns.

Now, I was not party to the previous departmental proposals and, not being a member of Council at that time, was unaware of the reasons why it was turned down. So, I look open-mindedly at a problem that we have had for many years, of housing, and I look at this motion before us today and it is attractive. It is one which is attractive until one looks below, at the clever political mechanism which is being utilised, and, by reading the motion as stated - 'is of the opinion that a private sector rent subsidy scheme should be introduced' - that is the critical part of the motion. If the House today were to approve a scheme which is not directly visible to us and is the one which has been explained by the member for Ayre, I certainly, without *Hansard*, cannot recall every detail that he has put forward in his comments. He has used figures such as 'those persons over the age of 25'; he has quantified it as being 200 persons; he has projected that it would be a cost of £350,000. Now, when listening to those simple facts, it sounds quite attractive and certainly it might be argued that the government could afford that after such a windfall in the budget of only this week. However, I require, before committing myself to a motion which compels a government department to introduce a scheme, to understand what I am voting for. (**Several Members:** Hear, hear.) The need to actually have the information, rather than in just an opening debate, is one where I believe it would be worthy of this House to await more information.

Now, it is quite easy and straightforward for those members, who have either been in the department previously or are members of the group that Mr Quine represents, and who may indeed have all the information - and it is certainly a popular sounding one, in these days of difficulty of getting accommodation - to say, 'Well, why not? Why doesn't the government introduce something along these lines?' And it is one where, to look at it from a popular point of view with constituents, I certainly would say, 'Yes, let's do it'. But what is lacking from the argument is any quantification of the implications. The introduction of estate agents and their rôle within this scheme is one which is, as yet, unclear. The percentage of properties that might come into this category would be a considerable benefit to those estate agents who engaged upon it. But what happens about those persons living at home? Would they be eligible? A 27-year-old person living at home with parents would equally qualify under Mr Quine's groupings, yet are they to be encompassed within this? Because the biggest problem I have with my constituents is those persons of that age or older, still living at home, who are unable to get into the private sector, but I am not clear yet, from what has been said this morning, as to whether they would have any entitlement. The scheme could be attractive. The scheme could be inflationary. The scheme can now, because of the further information available to the department, become more easily quantified, and the implications then are the ones that the House should vote upon.

So, I would urge hon. members to give consideration to the amendment, when it arrives, which is not the delaying tactic (*Interjection*) which we will be accused of. A number of people will turn around and state that this is merely trying to defer or delay a decision. This housing crisis has not developed overnight. The problem of persons in the private sector rent position

has not occurred overnight; indeed, as the member moving the amendment pointed out, it was Mr Quine's area of responsibility during the last House, (*Mr Quine interjecting*) so obviously he has a greater knowledge and understanding than the rest of us of the implications of this scheme. He sees it has merit. What I believe is that we need the new departmental members to evaluate what the member actually means rather than what he has just stated, either in the previous House or indeed on the floor today. So, I look forward to getting the *Hansard* comments from the member's speech.

I would urge people to say, 'Attractive as this may sound, it does require - something of this significance - a greater level of information in front of us before we can make a sound decision.' And we are not, indeed, today voting upon something which is a principle and expressing a view that this sounds like a good idea, we are compelling the department, by the will of Tynwald, that they shall introduce a scheme. It might not be the exact scheme put forward by the member, because we have not seen that, but make no mistake: when one votes for a motion such as this, it is the highest Court in the land, Tynwald, that is giving a clear indication to executive government that it is their opinion that a private sector rent subsidy scheme should be introduced to those persons, and it continues. Therefore, we are not talking about 'It sounds like a good idea, let's look at it further'; we are saying that they will introduce it, and it is then up to the department to come back and satisfy that motion. I believe we need further time, sir, and I hope that people will support the minister and the amendment.

The President: Hon. members, I think it is unfortunate that, in fact, the amendment has not been brought to us earlier, and I say that I am disappointed also that, in fact, we tend to drift into starting sessions. If we start at half-past-two, hon. members, I expect members to be here at half-past-two (**Several Members:** Hear, hear.) and ready to debate the topic which we had already started this morning. Now, I understand that the amendment is now in the Court, and I will wait until the amendment has been circulated before I call the next speaker.

I will read the amendment moved by the Minister for Local Government and the Environment:

That the words 'should be introduced' be deleted;

And that after the words 'the opinion that' the following words be inserted -

'the Department of Local Government and the Environment should assess and report to Tynwald by July 2002 on the introduction of'.

Now, hon. members, I call on the hon. member for Douglas North, Mr Houghton.

Mr Houghton: I thank you, Mr President. Just very briefly, before I begin: I make this support towards the hon. member for Ayre, Mr Quine, without discourtesy to my department and my minister, sir, simply because I was in the previous department when this was looked at in detail.

Mr Quine: And approved.

Mr Houghton: And I do appreciate the previous speaker, the hon. member for West Douglas, Mr Shimmin's point that the documentation is not in front of hon. members today, and I think Mr Quine made that quite clear, simply because he was talking about a scheme, not necessarily the total scheme in its entirety as worked up by the department. The point, I would say, is that there was an enormous amount of work that went on with this particular scheme in the department. It was spearheaded by the hon. member for Ayre, who spent many hours developing policy, which is what we are all about, of course, in our respective departments. That work made its way through; it was not supported at the time by the Council of Ministers, as the hon. minister of today has made quite clear.

But what I would like to underline here is that this scheme - or the want of a scheme here - is *vital* for those people who are in premises costing anything up to £600 per calendar month,

which works out at £150 on average a week, many a time for a flat which is a dump, in my opinion - and I have been into many of these places to see for myself - when people in council houses are paying the equivalent of only £40 a week. So that is £40 a week, as against £150 a week. I do appreciate there lies another argument as to how much council house rent should be et cetera, but there is a major gap here, and there is a major gap that concerns people who are on -

Mr Cretney: Council house rents.

Mr Houghton: Council house rents are about £40-odd a week.

Mr Cretney: What is wrong with that?

Mr Houghton: Nothing wrong at all. I support it 100 per cent, but the point for consideration here is the disparity of £110, Mr President, a week for this, and the hon. member for Ayre is just trying to work up a scheme that helps towards closing that gap until those people are properly housed in council house properties or, indeed, in a new first-time buyer's house. Now, I would ask all hon. members to simply consider this: he is dealing with a forgotten element of society here -

Mr Bell: Nonsense.

Mr Houghton: - and there are fallback measures in the scheme that the hon. member worked up when he was in the department to deal with circumstances that he has made quite clear today, to deal with, of course, those Rachmans who would simply increase the rent by the amount of subsidy given in that particular case.

And, of course, if this is the duty of this hon. Court to send this back to the department, I have no problem at all in supporting my department, whereby further measures can be brought in in order to be able to make this scheme a little bit more palatable to the Council of Ministers. I have no problem at all about that, but the point I would make - and the point I would make quite firmly - is that something needs to be done. There *is* a huge disparity in rent.

A Member: Houses need to be built.

Mr Houghton: Most certainly they do, but something needs to be done to cover these people who are stuck in this particular trap, and that is where I think this particular scheme requires to be supported, sir. Thank you.

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

Mrs Christian: Mr President, I think that, as a general feeling, people will have sympathy and concern for people who are trying to find private sector accommodation - and the rents are very demanding - but I also would echo the sentiment that we need to have some statistical data here to know exactly what the essence of the problem is.

Now, in listening to the hon. mover of the resolution, I find myself in some difficulty as between what he was saying and what the resolution says, because there is no doubt that what we are voting on is the resolution -

Mr Quine: That is right.

Mrs Christian: - and the resolution requires that there be a private sector rent subsidy scheme introduced 'to assist persons qualifying for public housing who are unable to obtain such accommodation within one year from acceptance onto a public housing waiting list'. No reference at all to age or status -

Mr Quine: That is quite right.

Mrs Christian: - whether it is single or married or anything else. Now, that is a fairly open-ended structure, and against that I think we need to bear in mind that there would need to be, if

that resolution were accepted, certainly some examination of the relationship between such a scheme and the benefit structures -

Mr Quine: It has already been done.

Mrs Christian: - which currently exist -

Mr Quine: It has already been done.

Mrs Christian: - to provide for certain categories of people who can get assistance, whether or not they are on a public housing waiting list, with the exception, I have to say, of single people who are not entitled to family income supplement. There is a category of people there who are not covered by the family income supplement scheme.

Now, the hon. member says it has already been done. I accept that that has already been done. What I do think, though, is that it is very difficult for members who have not seen the previous scheme (**Mrs Crowe:** Absolutely.) to cope with all the information that the hon. member delivered in terms of detail and expect us to try to evaluate that 'on the hoof', as it were. Against that, I would have grave concerns about it being a pilot scheme with a limited period of implementation. I do not know how the Court could accept such a scheme, which would leave people, at the end of the day, coming back at the end of their lease and having no assistance to continue, and I do not think that many people would find that acceptable. So, I do think that the appropriate measure is to support the amendment and allow the hon. member to take his proposal to the department, where it can be explored, and the Court can have, at the end of the day, the detail of all of this set before them in a way where they can properly consider it.

So, whilst there *are* I would suggest, some gaps at the moment in provision, I think we have to be very careful how we set about repairing those gaps. There is a school of thought which might say that the prime concern is to build more houses. (**Several Members:** Hear, hear.) and then the issue of these people will be on the way to being resolved, rather than diverting the focus in different directions. I am not saying whether one is right or wrong, but there is a view that that might be a more appropriate way of proceeding. I am also not clear from what has been said how, indeed, this structure would prevent any property owner from taking, in the marketplace, a higher rent from somebody else anyway who does not qualify for the scheme. I do not think that you will find particularly many property owners who are going to say, 'Oh, yes, I will hold onto this one at that level of rent' if someone from the private sector comes along, who does not need a subsidy and who says, 'I will pay you more'. It is the number of properties which is the fundamental issue (**Mrs Crowe:** Absolutely.) causing the problem so I think, Mr President, that we really need to review carefully any suggestions along these lines so that we can evaluate them more thoroughly.

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

Mr Downie: Thank you, Mr President. There is no doubt in my mind that the hon. member for Ayre has done a tremendous amount of work in this particular area. Now, I had the privilege of working with him two or three years ago, when he was trying to progress this scheme, and things have moved on since we parted company and went our respective ways, but at that time a lot of the work done on this scheme was to deal with single people. That was the prime motive: to try and put a package together that would provide for single people, because there were lots of questions being asked, and I know the hon. member for Ramsey, Mr Bell, raised it on a number of occasions. And, in fairness, the Minister of DoLGE at the time, the hon. member Mr Quine, did make some very, very positive inroads into bringing together such a scheme.

Now, I do not have a problem progressing a scheme; where I have a problem is that I honestly think that if we accept the amendment that has been moved today, we do give an opportunity for the hon. member and the department to get together and by the appropriate time - by the time indicated, July - we should have a scheme that should come to this hon. Court, and

we should all then be very, very clear what it is we are voting for. And there is no doubt about it: there are plusses and minuses out there, there will be pitfalls and there will be a lot of avenues that will need to be pursued before we can get a scheme worked up that is going to be acceptable to this hon. Court.

Now, the other thing that has changed dramatically in the last few months is that we have had a complete review of our housing policy. We now have people on our lists at 18 years of age, and there is no doubt that this scheme is going to be successful. We need to explore every avenue to make sure that there is proper funding in place and that the scheme can really be applied in the best interests of some of the people who are out there suffering at this particular time. I do not have any local authority houses at all, and neither does my colleague, Mr Shimmin, in West Douglas, but we do have a lot of people who are paying excessively high rents and who, in my opinion, are living in accommodation which you could really class, in some areas, as being sub-standard, and I think the right sort of scheme will address some of their problems. Now, I would suggest that the waiting lists in Douglas for local authority housing are probably much greater than any other area in the Isle of Man - no doubt about that - so I would like to recommend today to the Court that we support the amendment that has been moved by the hon. member for Rushen, the Minister for Local Government and the Environment, Mrs Crowe, and we let the two of them get on with it and come back to us with the scheme to see what can be produced to overcome this problem that we are having with housing. *(Laughter)*

The President: Hon. member Mr Karran.

Mr Karran: Eaghtyrane, I was prepared to second this proposal, not because I particularly feel that it is the right approach to go down the road of the mover, but out of sheer frustration at seeing the present situation - the present cancer - that we have within our society, as far as this cornerstone of society is concerned. And I believe that we have seen, as we saw in the previous debate today, where, basically, with the exception of the member for South Douglas, the lines are drawn as far where people are going vote over this issue is concerned. But this is an issue where I believe that what we have to do is support the original intention because, quite frankly, I believe most of us are tired of listening to the excuses and the 'dog in the manger' attitude that we have seen from the executive. We have seen it. I have two places where we could go and start building houses within the near future, but at the end of the day the situation is: we were told that the government's present legislation can work as well as my private member's Bill, but when you talk to them -

Mrs Crowe: Wait till next month.

Mr Karran: - they do not really want to know, and that is what, I think, is coming out from outside this hon. House.

I have to be honest with you: I have had a change of heart over the proposal by the hon. member for Ayre, because my concern is that, at the moment, the speculators and the developers have had it too good for too long because of this House's intransigence in sorting out the supply and demand ratio, which has been crying out, not just in this administration, (**Mrs Crowe:** Exactly.) but for the last seven or eight years. And I feel, Eaghtyrane, that this House would be far better supporting the original proposal and saying, 'Right, we want some action on this point.'

I was rather alarmed when I heard the member for Douglas West telling us about this review and that we allow 18-year-olds on the list -

Mr Downie: That is you policy.

Mr Karran: - but we know, realistically, that a single 18-year-old will more than likely have to be reincarnated twice -

Mr Downie: You voted for it.

Mr Karran: - in order to have a look-in for any sort of accommodation on the council waiting list. And rightly so. I say that as a bachelor; I believe that children are the priority. They do not ask to be born into this world, whether in wedlock or out of wedlock, and we have a responsibility, as a society, for that section of the community. But what we really have seen with the £22,000 is, again, this inconsistency with what is actually happening in reality. I think that is the politest parliamentary way of saying it. It is the fact that we have seen the new criteria that the hon. member for West Douglas has mentioned, where, I am told by one of my former housing authorities, Braddan, that there is no flexibility, and in Onchan, if you are on the list and you earn more than £22,000, you are winged off the list. What annoys me is: by all means, executive, wing, but wing fairly. And what concerns me is that we will be told, 'Oh, we have cut all these people off the list and we have done all these things' and we want a little bit more action -

Mrs Crowe: How many?

Mr Karran: - and a little less spin as far as the housing situation is concerned.

I defended the Treasury minister to somebody the other day who said to me, 'Look at them; they are spending £25 million on the film industry and only £20 million on houses.' And I said, 'Well, you have got to appreciate you do need to try to generate income', and I understand that issue: you cannot spend it in this House unless you generate it. But the fact of the matter is that it does seem, outside this hon. House, again, that the priority is: we would rather get you on the stage than put a roof over your head. And that is the sort of thing that comes out outside this hon. Court, from the man in the street. (*Interjections*)

I believe, Eaghtyrane, that we are *forced* to support the hon. member (*Mr Quine interjecting*) because there is nothing else on offer at the present time (**Mrs Crowe:** Statistics.) and I believe that it is wrong to see that they are doing the very same thing that they did with my private member's Bill, where they killed it off and they put nothing in its place, because, no matter how much spin you put on it, 80 local authority houses and 80 first-time buyers' houses are not going to do anything as far as the present housing crisis is concerned (*Mrs Crowe interjecting*) I could take that allocation, and I am sure, in this hon. House, my friends in Douglas could more than likely do the same, given the people who are banging on their doors as well. So, let us try to remember that we are a parliamentary assembly, and let us try and remember that the situation is: is this just another move, by another amendment, by the executive for the 'dog in the manger'? They do not seem to want to solve the problem, and they are making sure that no-one else solves the problem either.

A Member: Rubbish!

The Speaker: Hon. member for Peel.

Mrs Hannan: Oh, thank you, Eaghtyrane. The reason why I am speaking during this debate is because of something that the former speaker has said, Mr Karran, who has just resumed his seat: he is taking on the executive in calling the executive 'dog in a manger'. Can I remind this Court that the mover of this motion before us today was the executive (**Several Members:** Hear, hear.) -

Mrs Crowe: In charge of housing.

Mrs Hannan: - in charge of housing, (**A Member:** Hear, hear.) both as minister and again on the department as being in charge of housing. No action was taken on housing during that time.

It is very easy to be on the outside and criticise - I am there now, so I can - but bringing forward proposals to seek motions and the action that is proposed before us today is really the easy way of doing it. But it does fuel prices: we all know that, should the Minister for Local

Government come forward with another scheme to support housing, the prices of housing have gone up. (*Mrs Crowe interjecting*) The developers have told my constituents that it is up to government to catch up with them, and this is the difficulty that we are up against: we are fuelling them all the time. They are ruthless, these people, and my concern is the stranglehold that these developers have over us and over the people out there that need good-quality, affordable housing. (**A Member:** Hear, hear.) (*Interjection*) And that is what we should be aiming at, and that is what we should be getting at, and I do take exception at my hon. friend from Onchan attacking the executive, when it is not just the executive: we pass through the executive from time to time; I was there and I know that action was tried to be taken by the executive of a government department of which the mover of this motion today was the minister, and there was not any action. We had to wait for a report, and while that report was being written, nothing was happening.

I will support the amendment to this, not because it is going to help people in the short term, because it is not. I think there is a problem out there because the private sector does not want families and it does not want children -

Mr Downie: Or pets.

Mrs Hannan: We had a debate yesterday - an emergency debate - about the difficulty with children. They do not want them; the private sector does not want them; nobody wants them. I was contacted by somebody before - and I phoned them back at lunchtime - and it was because a house in the country was being used as a care home. This is mind-boggling. Nobody wants children, and we all pontificate in here about how awful they are; well, maybe that is why they are: because nobody wants them. People do not want pets in private properties; local authorities also object.

Eaghtyrane, we are living in a society where there are the people who have and the people who have not, and I would hope that the department can come forward with proposals that will not fuel these particular areas and that they are in a position in the future to help people with low incomes. They are people who are in real difficulties: quite often families with many children are unable to afford the prices that are being asked for out there. The only type of housing that can be available to them is local authority housing, which is paid for totally - right across the board - by government, and this is an area which does concern me. It concerns me that local authorities really have the monopoly on providing housing in some areas, and yet they treat the people living in these houses, or people on the waiting list, with quite a good deal of contempt, (**Several Members:** Hear, hear.) and I think it is to be deplored, because these are people who are actually in need. I would hope that some plans can come before us very soon, trying to build more local authority housing maybe administered by government in areas and not handing them over to local authorities, so the people get a better deal. (**A Member:** Hear, hear.)

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

Mr Crowe: Thank you, Mr President. I just want to make something clear. Every time we have a housing debate, we hear Mr Quine pilloried for not providing houses. Now, I worked in DoLGE for about three years, and I would just like to impress upon people that Mr Quine was responsible for housing estates during that time and he was also responsible for waste management, two of the most difficult areas in government, often criticised without any basis of fact. Every month Mr Quine would bring forward proposals to buy land and to develop houses and he worked tirelessly (**Mr Houghton:** Hear, hear.) at that job, and I do get a little bit tired when there is damning criticism. Houses do not appear overnight (**Mr Houghton:** Hear, hear.); there is about a two-year cycle (**Mr Houghton:** Hear, hear.) from planning, to organising it, to the houses being finished and lived in. Now, there are no quick fixes. I know this is slightly outside the debate, Mr President, on what we are talking about today, but I think the only difficulty I have with this motion is, again, the lack of current statistics. And I am going to go for the amendment,

because I think we do need to have all the statistics that we can make a measured judgement on. I would not like it to be an emotive decision on people feeling that this is a problem and we can solve it with an immediate agreement to this resolution; I think we need the facts on which we can base our judgement, and then we make a true and fair judgement on what we should do. So, that was all I wished to say, Mr President.

The President: I call upon the hon. member Mr Bell.

Mr Bell: Thank you, Mr President. I think, as other members have said, that on the face of it this resolution is very seductive. It is very tempting to rush in to support what is, in effect, an extremely loosely-worded resolution, in the aspiration that the public outside will think we are being dynamic and doing something positive about tackling what we all accept in here as being the most pressing social problem facing the Island at the moment. The housing situation, as it has developed over the last few years, has left Tynwald very much on the back foot from the point of view that, in the mid-1990s in particular, we lost five years of housing development: Virtually no local authority housing units were developed anywhere on the Island during that period, as a matter of government policy in those days. It was not just something that had not happened; it was a matter of government policy, because there was a failure to recognise that there was a housing crisis looming, in spite of the many warnings which were given by members during that period. We are now trying to make up for that deficiency, hence the regular feature of the housing problem on the various order papers which we have to deal with.

To my mind though, Mr President, there is - and can only be - one solution to this problem, and that is getting houses out of the ground, otherwise everything else is tinkering; it is playing on the margins. (**Mrs Crowe:** Absolutely.) We have to ensure that there are more first-time buyer houses available; we have to ensure that there is more rental accommodation available. Whether that is directly developed by government or in partnership with the private sector is irrelevant; the only way we can tackle the housing problem is to get more housing units available for people to take the pressure off the market.

As I say, Mr President, this is a very seductive resolution, and it is tempting to go for it, as I say, to give the impression we are doing something, but what we need to avoid is tokenism: doing something just to be seen to be doing something. The hon. member for Onchan never ceases to surprise me when he says that we have to accept this resolution at face value because there is nothing else on offer; it is only two days since we had a debate on the budget (**Mrs Crowe:** Yes.) (**A Member:** Hear, hear.) and I thought I made it very clear then that the housing reserve fund which I have introduced is £20 million worth of new money coming into the housing equation. The amount of money which government - central government and local government combined - is going to put into local authority and first-time buyer housing and refurbishment over the next five years amounts to, on average, £23 million a year for a five-year spell. Nearly £120 million, at various levels, has been earmarked for housing on the Island. Now, for the hon. member to turn round and say, 'Nothing is being done; there is nothing else on offer' is absolute patent nonsense. It is clearly going to take time for houses to come out of the ground: they cannot be magicked up overnight. I accept that, and I am sure most other right-thinking members do as well, but it is absolutely wrong to give the public the impression that nothing is being done and that the hon. member himself is the only one with a social conscience and the only one who has identified that there is a housing problem. Many people, in various aspects of government, have worked tirelessly over the years to try and bring a resolution to this situation.

We do have a resolution in sight now: we have a new department committed, energetically, to developing new houses - new houses for rent and new houses for first-time buyers - (**Mr Houghton:** Hear, hear.) and we have the funding here to do it. All we need now is the time to actually get the buildings out of the ground, and that will come within the next two years. I am

confident that, in many aspects, the current problem will have its back broken by then, and we will be able to go some way to alleviate the current difficulties.

Now, I am aware that this scheme has been kicking around now for quite some time: it has been to the Council of Ministers and been rejected; it has been to the previous Treasury and was rejected; and I understand there have even been doubts in the Department of Local Government itself, primarily from the point of view of the inflationary impact this is going to have and, if we look at it, the very narrow area of individuals who will actually benefit from this. I am confused to begin with - and perhaps I misunderstood the hon. mover when he mentioned it - and this is the huge difficulty we all have by not having details of the scheme in front of us at the moment to refer to. But the resolution quite clearly says that a private sector rent subsidy scheme should be introduced to assist persons qualifying for public housing. Now, we have just changed the criteria for qualifying for local authority housing to 18 and yet I am sure I heard reference during the hon. member's presentation that this would only apply for people over 25. I may have misheard him, but if that is the case, there is clearly a deficiency in presentation already, in understanding what, in fact, this scheme is targeted at. Is it everybody on the housing list? Is it over-25s? Is it families? What is it that we are targeting?

The concern I have, Mr President, amongst others, is that although I have no doubt at all that this scheme is well-intentioned - and I do not criticise it from that point of view - we are proposing in this scheme a qualifying rent of £600 a month. That is £150 a week. If this scheme is adopted - and members in here are cute enough to know how some of our landlords operate outside - we will be sending out a clear message from government that £600 a month is an acceptable norm, and I urge hon. members to think of the large number of people out on this Island who are seriously struggling, who are going to be hit by this, who will not qualify for a rent subsidy and who will suddenly find, in the next few months, their rents going up to meet what is now the government norm of £150 a week. We will be able to help a number of (*Interjection*) It is *not* the norm. We have heard from the hon. Minister of Health and Social Security yesterday on the survey that the department has done, which shows that there are a large number of people not paying £150 - (**Mr Henderson:** Dosshouses.) They are dosshouses, and I will come to that in a minute.

Mr Henderson: They are.

Mr Bell: They are doss-houses, (*Interjections*) but they are still currently paying that figure. We will be endorsing those dosshouses' rents to go up to £150 a week (**Mrs Crowe:** Absolutely.) if we do this. (*Interjections*)

Mr Houghton: They are there now. That is what they are paying now.

A Member: No, they are not.

Mr Bell: Not all of them, according to our statistics.

Mr Houghton: Do you want me to take you to one?

Mr Quine: There are 120 of them. (*Interjections*)

Mr Bell: I know perfectly well, and the hon. member can curse all he wants there: I have the same problem in Ramsey as anyone else does in extortionate rents. I have two families I am currently trying to deal with in Ramsey, living in cars: a couple who have been living in a car, (*Interjection*) and a mother and a daughter living in a car. So I know what the housing problem is. If we -

Mr Cretney: It did not happen since November.

Mr Bell: Exactly.

Mr Quine: No. It was 1989, to be precise.

Mr Bell: We have to ensure that, whatever steps we take, with best intentions, to try and help the situation, we do not drive other people into even deeper despair than some of them are in at the moment.

Mr Karran: I do not think it is possible.

Mr Bell: There will only be a limited number of people who will benefit from this scheme, and I am all for helping these people if we can possibly find an effective way of doing it, but it must not be to the detriment of everybody else in rented accommodation at the same time. We have to have a cross-society approach to make sure that we are not, as I say, pushing people deeper into the mire because of what appears to be our accepted level of £150 a week.

The other area of concern I have, Mr President - and I have not been aware that this has been, to my mind anyway, fully explained - is that the flats, which we are coming to give support to, have to be approved by a recognised letting agent. Now, it strikes me that one of the reasons why we are in such a mess at the moment is because these qualified letting agents - some of the more ruthless estate agents we have had to deal with - have done their very best to raise the market price for rents and for houses, and here we are, coming forward with a rental support scheme now, and giving it to them to administer for us. Is that the best way of doing it? Perhaps it is, but it has not been explained.

There is another question, simply about administration: once again, the letting agents, as I understand it - and forgive me, I may have misunderstood it - will be able to vet the habitability of properties. Now, first of all, are they prepared to do that? Have we had any indications (**A Members:** Yes.)

Mrs Crowe: Environment Health.

Mr Bell: that they are prepared to do it? Who sets the standards in the first place? (**Mrs Crowe:** Yes.) We have surely got to give the criteria to the letting agent in the first place for them to know which flats qualify or not. Now, government tries exceptionally hard to raise the standards of flats, but we recognise that there are dosshouses on the Island, we have our own local Rachmans, and not every flat is going to come up to the standard that the letting agent is asked to approve. What is going to happen to all these occupants of the flats that do not come up to standard? Are they going to be excluded from the scheme? Any scheme that government draws up surely has to be targeted more than ever at these areas. The very poor in our society; those who are forced into Rachman situations; those who are forced into sub-standard properties: those are the ones, first and foremost, that we have to target our help for, to help them to escape from these debilitating conditions which, in many respects, help to foster the very problem we were debating yesterday with young people. It is the way they live. It seems to me that, if we are not careful unless we have a very clear understanding of what we are doing about this, we will actually be excluding the very section of the community most of all which I am sure every single one of us would wish to help first and foremost. And we are leaving the assessment of suitability or otherwise - habitability of otherwise - to the very people who frequently have let these flats in the first place. There is no explanation being given as to how that would happen.

Perhaps it will happen anyway, but the other issue which is clearly going to occur is that if the only way, or the direct way, of getting access to government subsidy is to get on the local authority waiting list, everybody - even people now who are quite comfortable in the private sector - is going to sign up to be on the local authority waiting list simply as a mechanism of gaining the £35 a week or whatever the figure is that the hon. member is considering. I appreciate that, because of the change in criteria, the length of waiting lists is going to increase anyway, but I believe that, by constructing it in this particular way, we are going to enhance that still further. (**Mrs Crowe:** Yes.) The only way people will be able to qualify is by getting on the

waiting list, and therefore they will all be advised by the landlords, who are putting up the rents in the first place, to get on the housing list, and 12 months later they will get whatever the subsidy is going to be.

Mr President, I know, as I have said before, that this is a very attractive scheme. I, along with everyone else in this hon. Court, am totally committed to removing the stigma of homelessness - of exploitation - of those who are desperate for what I believe is a basic human right: a roof over their head. We are all committed to eradicating that, but I would urge hon. members: before we go in and support a scheme of which very few of us, if any, in this hon. Court have a full grasp of all the detail and the implications, please, let us be presented with those details; let the department assess it; let them come back with a report so we then can study the whole scheme in an objective manner. And it may well be, at that point, once it has all been explained, that we will find a way forward. I have a fear that, if we are not careful on this, Mr President, whilst we will end up supporting a group of very needy people - and, as I say, I am 100 per cent behind that - we are going to introduce a scheme into the Island which is going to be seriously divisive between those few people who are lucky to get in the scheme and the great majority of others who cannot qualify, for whatever reason, and will find their rent going up in the process because of the signals we have sent out.

Mr President, I would urge hon. members: please, do not get carried away with the emotion of this one; it needs some hard-headed thought to make sure that we are targeting the right people and that the scheme will actually work. And I would urge hon. members: please, bear in mind the commitment that has been given by the Minister for Local Government and the Environment that she will look at it. I know the enthusiasm of her officers, because they initially constructed this scheme, and that it will be dealt with sympathetically. Hopefully then we can come back and have some real meat on the scheme to be able to debate objectively, and I am sure that, if the scheme can be proven to be workable - that we are not simply feeding the Rachmans of the Isle of Man, but that we are genuinely helping the people that we wish to help - then I have no doubt at all that this hon. chamber will support the scheme. But let us have the information first.

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

Mr Waft: Thank you, Mr President. I have just been brought to my feet, really, because of the situation that members have given with regard to their districts and the emergency situations which appear to have been arising around the Island. I did put a question down last month with regard to the Bill that is going through the United Kingdom and the interest that Shelter has over there with the situation that they have in the London-based area. We have our own problems and they should be seeking to be addressed as well. I hope somebody is looking at that Bill and taking notice of what is happening today and the debate that is taking place.

One of my concerns is that this motion has been put forward by probably the member best able to know exactly what is going on in the housing situation. I have mentioned in the past the times that the different ministers and members of the department have been there. You only have to look at the history of the number of houses that have been built and how the price rise has gone in comparison to the number of houses that have been built. I know in that, the 1980s, I was on the commissioners, in charge of housing, and the number of problems I had because no local authority houses were being built was unbelievable, and the queues of people that I had to deal with were just not on. There were no houses being built, the house prices went up nearly 50 or 60 per cent during a very short time in the 1980s, and it was a very bad situation.

Now, this is not rocket science, and we have said this before: somebody should be there looking at what is happening in society, looking at where the gaps are, making sure those gaps do not happen again, and having a graduated increase in the number of housing stock that we have. It is not too difficult (**Mrs Crowe:** Absolutely.) to estimate how many houses should be

built. I know we have got a backlog now, but that backlog was anticipated. With regard to the Treasury minister, I appreciate where they are coming from; I realise what is being done by the Treasury minister; I realise the situation now that we have got all this money and we are going to build these houses. But the hon. member Mr Quine has told us that there is a problem and we need to look at the effects of the housing situation, and the member knows how many houses we can actually physically build within the year. He knows what land bank we have and he knows the situation. (**Mrs Crowe:** Did.) There is a gap between what we have got, what we hope to have next year and what we hope to have the year after that. In the meantime, the problem is with us, we have not got any way of dealing with it, and the member is putting forward an idea; it has been put forward before, but I think it needs looking at in a little bit more detail. I appreciate where he is coming from. I know his worries, and he is trying to bring forward some sort of idea to try and alleviate some of the worst problems that we do have. So, I would go with the amendment and make sure that the department does bring it back and appreciates why it was brought forward in the first place. Thank you, Mr President.

The President: Hon. member Mr Quine to reply.

Mr Quine: Thank you, sir. Well, I apologise to members, but I am afraid I am going to have to give a very fulsome reply, and I might say before I start that, in respect of the contribution from the hon. member for Ramsey, I have rarely heard such hypocrisy and claptrap.

A Member: Hear, hear.

Mr Karran: You will get used to it.

Mr Quine: Mr President, I will deal first of all with one or two - well, most - of the individual contributions.

Mrs Crowe referred to the uniform criterion; she referred to it being one of the recommendations that was in the housing report. Absolutely right. (*Interjections*) And what happened to it? What happened to it is this: the criterion, which was based on 40, or an alternative 45, was put forward to the Council of Ministers, and the Council of Ministers in their wisdom decided to change that to 18. It was pointed out, on at least two visitations to the Council of Ministers, that the reason that this scheme, as it was then, was geared to 25 was simply because there is no way that people between 25 and 45 can be accommodated through the waiting lists. This criterion that we have got here now, which has thrown a spanner in the works, is the product of the off the cuff deliberations by certain members of the Council of Ministers at that time.

She says, of course, that this might be inflationary; it could create, she said, an enhanced demand for rent assistance. Well, let me deal with the inflationary aspect of this first. The principal inflationary aspect of all this - and it is perfectly clear - is that we are allowing, and have allowed for the last five years, 800 new residents to come rolling into this Island - still rolling into this Island - and it does not matter what housing programme you are going to bring into being, if you do not address that inflationary aspect then you are not going to find a solution. That is the principal inflationary aspect, and it is no use putting your head in the sand because it just happens to fit and pander to the wishes of the industrialists and those who are in commerce here. And that is what the Minister for the Treasury is doing: (**A Member:** Rubbish!) he is ignoring the facts -

Mr Bell: Absolute nonsense. (*Mrs Crowe interjecting*)

Mr Quine: - and trying to concoct a picture that suits his political purpose.

Mr Bell: We lost two years when you were minister, that is why.

Mr Quine: I am coming back to that in a moment, and I will give you your due treatment. (*Laughter*)

Mr Houghton: And you will get it too.

Mr Quine: She said she knows nothing of this scheme. (**Mrs Crowe:** No!) Well then, the scheme has been with your department for the best part of two years -

Mrs Crowe: Not with my department.

Mr Quine: - and you have had ample access to all the documents, you have got the same officers there who designed the scheme, and if you are not minded to find out about it, then that is your fault, it is not mine.

Mrs Crowe: It is not my scheme.

Mr Quine: It is not your scheme, and you quite clearly do not want to have anything to do with it. (*Mrs Crowe interjecting*) As far as you are concerned, you are going to ignore it.

And by some wonderful idea, this register of first-time buyers is going to tell her how many public housing units she needs. We have had the first-time buyer register there for three years, and the relationship between that and public housing need is a very simple one, and that is this: as and when the government schemes come up, a number of people who are in public housing opt to go into the first-time buyer homes, and consequentially it releases a small number of public housing units. It is not going to provide an overall quantification; it never has and it never will (**Mr Cretney:** Hear, hear.) (*Mrs Crowe interjecting*), because the two things do not relate directly. She needs information, she said, and she wants more accurate figures. Her own officers are there -

Mrs Crowe: We will have them by the end of this month.

Mr Quine: - and the figures are available to her if she chooses to obtain them.

Mr Corkill: What about other members?

Mrs Crowe: Not local authority lists. We will have those by this month.

Mr Quine: If she chooses to obtain them, the figures are there. The people that designed this scheme are still there with her.

'The scheme would be premature'. There are people out there, now, fighting to keep a roof over their head, because they qualify for public housing but cannot get in to public housing, so I would suggest it is not premature; what it is, is late. It is late because it has been to the Council of Ministers twice, (*Interjections*) it was put on the back burner to conveniently accommodate the general election, and now that it is brought up again after the general election, it does not fit their political purposes. And I will return to that again later.

If we look at the amendment: what does this amendment do? The amendment says that they are going to look at the figures and get all the figures together - which they have got (**Mrs Crowe:** No.) - and they are going to report to Tynwald by July 2002, which means, in effect, we will get another debate in July 2002. We then go into recess, and so these people are going to have no relief until Christmas, if they get any relief at all. That is purely a delaying tactic. It is up to members whether they accept that or not, but it is transparent what that is: that is a delaying tactic. Going to report in July 2002, we go straight into a recess until October, and then, in November or December, we might get some secondary legislation, if they condescend to give it their imprimatur.

Mr Shimmin said that he found the motion attractive but he felt that somehow the motion that is on the paper is not sufficiently specific. I think I have lost him for the moment.

Mr Shimmin: I am here. (*Laughter*)

Mr Quine: Oh, you are there; good. I would not want you to miss it. Now, the situation is quite clear, and I spelt this out when I introduced the motion: I said that I was going to illustrate -

'illustrate' is the term I used - the parameters of the scheme - the one which had been devised - and I said it was devised to meet those down to 25 and I also said that there is nothing magical in the figures. I was promoting the concept of this scheme, so I have not held out that this scheme is going to provide the details of it. It would be a unique development if we, all of a sudden, reach a situation where members moving motions bring along draft secondary legislation with them at the time that we want to debate the motion. I think we are moving into a new area if that is the case.

A Member: Better than nothing.

Mr Quine: The purpose - and I made it quite clear - was that I was illustrating to you a scheme which has been processed in considerable depth and detail, with input from the whole range of professionals that I outlined to you, and I was saying that these figures are not magical and that these parameters are not magical. One of the reasons that there is nothing overly significant about them at this point in time is quite obvious, because the goalposts have been shifted by the Council of Ministers, who have decided that everybody from 18 now can go onto the waiting list. And they have got no chance of getting any accommodation on that list. The quantifications are there; the details are there; they are in the department. What we need is to proceed and provide some help for these people.

And 'We need further time': it is not further time we need, it is a decision to go ahead and do something for these people that is needed.

Mr Corkill: More properties, that is what we need.

Mrs Crowe: When we have got the figures, that is what we will do.

Mr Quine: Yes. 'More properties', I hear. He is absolutely right: we need more properties, and I will come back in a moment and give you some comparative figures about who has been producing the properties in the past and who has not. But let me just say this - and I know it has been an earlier point: if this Chief Minister is going to continue to let a net immigration of 800 a year into here, we will never have enough properties, and this place will be submerged like Jersey and Guernsey. As far as he is concerned, that appears to be acceptable to him. It is not acceptable to me; it is not acceptable to the people outside. (**Mr Karran:** Hear, hear.)

I thank Mr Houghton for his support, and he has underlined, of course, how vital this scheme is. And I believe it is vital. It is not that it is going to provide a solution for thousands of people who have housing problems - and that was said in my introduction as well; what it is going to do is ease the pain and the pressure on 200, 300, 400 people who are in a position now where either they cannot get private accommodation because they have not got the money, or they cannot retain accommodation because they cannot pay these rents. But - and this is not Mr Houghton - some of those who are in the Council of Ministers here today are saying 'It is alright; we want more time; wait'. The concept of this has been before the previous administration for 18 months. It is not time we want; it is action that we need.

Mrs Christian said that she has got sympathy with the position of the demands that are placed on many of these people by the increasing rents, and again she pointed to what she believes to be deficiencies in the details of the scheme. It is quite clear from my motion: I am not proposing a scheme with details. I have illustrated the concept of a scheme that has been worked up by professionals, and I am saying that the department now needs to get on with it, update that in the light of the changes in the policy decisions, and produce some relief for these people. She also said there needs to be some relationship between the benefits scheme and this scheme. I had meetings with your officers -

Mrs Christian: Yes, indeed.

Mr Quine: - and I might say that they were not enthusiastic. The first option that was discussed with them, going back nearly two years ago, was that these people should be helped through the benefits scheme -

Mrs Crowe: That is right.

Mr Quine: - but all hands went up; 'Oh no, no. We are not touching this'. They would not touch it. Now, that may be a right view for them to take, or it might be a wrong view -

Mrs Crowe: Yes, they are used to doing it.

Mr Quine: - but they were in from the earliest discussions on this scheme. They know what the interface is. We worked that out with them before we went on to draw up the parameters of this scheme.

'The Court needs more details': I think I have answered that.

Mr Downie is right, of course: he said that when this scheme was originally drafted by DoLGE, the accent was going onto single people. Mr Downie is quite right, because, at that time, the policy was that if you were single and you were under 40 or 45, you could not go onto the waiting list. And you are quite right. That is how this private sector rent subsidy scheme came into initial being. It was developed from there because there were other demands: there were couples who we also had problems with, and there were at least two, I think, petitions from couples who had problems, and so it was broadened to take a little bit more than just the single people in. So, you are absolutely right, but where I do take exception is. . . and, although I know his position vis-[^]-vis the Council of Ministers - the internal circle -

Mrs Crowe: Of which you are part.

Mr Quine: - I hope the hon. member will reconsider his position in regard to supporting the amendment. There is only one thing that amendment will do, and that is: delay any further consideration or any further prospect of relief until at least Christmas. That is all it can do; that is all it can achieve, and if you are happy with that then you take the amendment on board.

I thank Mr Karran for his support, even if he did say that he was only supporting it out of pure frustration. Any support you can get from Mr Karran is always to be welcomed. (*Laughter and interjections*) And he said that 80 public housing units and 80 first-time buyers' are not enough. Those are the targets which were agreed by Tynwald, but I would say this: the hon. member is probably right, because if we do not stop a net immigration of 800 a year coming in, it will not be enough, and even as it is now, we have got a huge backlog to catch up. And it has got nothing to do with the past five years. I will just give you some idea of the public units that have been built in the past and we can pick it up at 1984 if you wish: one; one; nil; four; nil; nil; then we went mad - 88; nil; nil; five. No wonder we have got a problem with public housing units (**Mrs Crowe:** Absolutely.) (**Mr Karran:** Hear, hear.), and that has got nothing to do with me, or indeed Mr Gilbey, who followed me; that is going back to the time when the hon. member for South Douglas himself was in the department and chairman of planning, and yet he sits there, and I can hear the little sighs that are being made. Perhaps we would have been further along the line if he had stopped running with the hares and chasing with the hounds and put his head above the parapet (**Mr Houghton:** Hear, hear.)

Mrs Hannan: Oh, daggers at dawn.

Mr Quine: Mrs Hannan, (*Laughter*) very timely. (*Laughter and interjections*) She said that there was a lot of wasted time because the department was spending time on reports. (**Messrs Cretney and Cannan:** Hear, hear.) The reports which were required by the department (*Interjections*) were not department requirements; these three reports were commissioned by the Council of Ministers. And why were they commissioned? Because nothing had been done for years. Where were the policies that were in place prior to 1985? there were none in place,

and you know that very well. These were commissioned at the request of the Council of Ministers, and then they say, 'Why waste time on reports?'

Mr Cretney: The policy was in place when he was in charge.

Mr Quine: Oh well, I am sure he will claim credit for it, *(Laughter)* but I mean -

Mr Cretney: Nothing was done about it.

Mr Quine: - look: here they are, commissioned by the Council of Ministers. **(Mrs Hannan: No.)** That is when they were . . . and I might add also: items were taken out of the departmental estimates until these reports could be produced.

Mrs Hannan: They had no plans to do that.

Mr Quine: They were taken out until . . . the estimates were reduced until these reports could be produced.

I thank Mr Crowe for his contribution on this; a little bit of sanity helps at times. **(Mr Houghton: Hear, hear.)** I would say that I do feel, though, with respect to Mr Crowe, that the option that we have got today is either we do something for a small number of people now, or we do nothing for anybody until next Christmas. And that is a choice for this Court.

Mr Bell started off by saying this was a very attractive scheme.

Mr Henderson and Another Member: Seductive.

Mr Quine: Well, he added the word 'seductive' later; he was warming up to it. He said the resolution was seductive - the scheme was very attractive - and then he went back to deal with the question of what he called the 'loose wording' of the motion. Well, I have addressed that: there is no way that you could have a more finite wording of the motion, unless I am to produce a new piece of secondary legislation - at least in draft - for you.

'Get houses out of the ground', he said; well, I think I have answered that one. We, in terms of the past five years, have been getting houses out of the ground. The figures are here: we have been producing on average 400 a year, and we have been averaging now 60-odd public housing units a year, but you go back to the immediate five years prior to that and you have only got a third of that number of units. So, it is not what has happened in the immediate past five years; it is what was happening prior to that.

Mr Cretney: And I was not on it then.

Mr Quine: Oh no, you were a little earlier than that.

Mr Cretney: Groves was.

Mr Quine: Yes, but it still rests with you. *(Interjections)*

Mr Cretney: No, it does not. That was the Chairman of the Planning Committee.

Mr Quine: That is right.

Mr Cretney: They do not build houses.

Mr Quine: And I might add that during that period, too - if I could just deal with this - there has been great play brought about regarding this new task force on housing, which is going to solve the problem.

Mrs Crowe: It helps.

Mr Quine: It may be of interest to the Court to know that the first meeting of this task force was in May 1998. There was a meeting of a number of members of the Council of Ministers, as a housing task force. It was site-specific at that time: we were going to try to pull - I think it was -

something like 300 houses out of one development at Ballasalla, and we know what happened to that: it never got off the ground, and the task force never got off the ground. And that was, and still is, the best potential for early action in terms of housing development. So, a task force is not new; we have been there and done that, but we did not get the T-shirt.

Mrs Crowe: Very successfully.

Mr Quine: And I might add also, while I am dealing with this question of the past track record, that we get comments that we should be getting more land on-stream. Well, fine; tell us the old, old story. Prior to 1987, for a period of six years, there were no local plans. How can you bring land on-stream if you do not produce local plans? Since then, I think we have now got eight, and I think there are nine coming up, so land has now been brought on-stream, but there was a deficit of land because no local plans were put on-stream.

The Speaker: Because of a court case.

Mr Quine: Mr Bell feels that what is on offer here today in this motion is tokenism, and that we should -

Mr Bell: We should avoid tokenism -

Mr Quine: Yes, that is right; we should avoid tokenism. By implication, what is on offer here is tokenism. Well, perhaps you can explain that to one of your constituents. I found this letter; this letter came to me last night from one of your constituents: 'I have been on the Local Government Board housing list for over 12 months. I had to move from my apartment on the 8th February 2002. I have been residing with a friend from that date up until now. I am now on the emergency housing list for the Local Government Board. I rang them on several occasions, but I got the same answer: they could not house me.' True, and I am not blaming the local government board; that is a fact. 'I have a 19-month-old baby boy, who has to sleep on a sofa and stay away from me on four nights of the week because there is no place for the baby to sleep. This is due to the fact that I have no proper home for him.' And it goes on to say, 'There are no flats in the north that I can afford'. And this is a person who has the benefit of DHSS benefits; this is a person who is getting these so-called 'generous' housing allowances. Now, if that is tokenism, if the hon. member for Ramsey considers that trying to deal with the problems of people who have this to contend with is tokenism, then God help us if we ever have a crisis.

Mr Bell: That was not what I said.

Mr Quine: Mr President, I think the picture that has come through here today has been quite clear, and there was a reference to this earlier on this morning: it is not what the issue is; it is who is promoting a solution to the issue. That is really what it is all about, and it is no use shaking your head because it is transparently clear. (**Mrs Crowe:** Rubbish!) it is not the issue, and if somebody has to be thrown to the wolves, that is fine, but that person is not going to be successful with this motion, and that is the value that has been put on the problems which these people are faced with.

Now, I just want to recount on some of these so-called 'mechanics'. And it is all right looking at the clock; I am afraid it all needs to be said. First of all, the need for the scheme. I do not think that is in question; the need for the scheme is pretty obvious. We have a waiting list of 1,400; you can add Mrs Crowe's extra 30 on, or take it off if you want, but we are talking of 1,400, and her own staff's best guesstimate is that it is going to go up to 2,500. We have a capability of placing, on the 2001 figure, 130 of those a year. Now, that leaves a big gap, and those people are not going to be housed for a considerable number of years, so that is the need for the scheme. I do not think that that is in dispute.

And the same goes for the demand for the scheme. Yes, the demand for the scheme is there. Mrs Crowe was very well aware, although she probably has not. . . well, in the same way, I

suppose, as she did not have the information to hand here today on the earlier rent subsidy scheme, she is well aware that, in her office, there are petitions and there are letters there from people who have been seeking a remedy by this course of action. So, the demand is quite clear.

The workability of the scheme: The scheme has been worked out in considerable detail. Put aside whether we are talking about 25-year-olds or 18-year-olds; put aside whether the £60 a month is still the relevant figure or not; but in terms of the operation of the scheme, the details of it have been worked out. And there is no reason whatsoever to think that it will create inflation. Inflation, as I have said, is going to come - and is coming - from a different direction, and the reason, I repeat, the reason I say that is very clear: there is going to be a ceiling rent. So, it is in the gift of the department, in the light of the information they have got, to set the ceiling rent, and the ceiling rent, in turn, is going to identify the properties that are within the scheme or the properties that are not in the scheme.

Mrs Crowe: Pages of queries.

Mr Quine: The assistance available is going to be limited, and quite clearly if, over a period of time, we have movements in rent, in accordance with the table - this graduated table of gross income in relation to the rent span - then they will either be in the scheme or out of the scheme as they work their way through that scheme.

The leases are for periods of six months, and they are subject to renewal every six months. And that is the standard lease. Properties will only be leased through a letting agent. Now, the reason for that is very clear: if there is to be the control, which seems to be one of the worries here. If we allow individuals - and this is coming from the discussions with the Treasury officers - to have negotiations with the Rachmans of this world, without regard to markets and without regard to quality of property, then we really are asking for trouble, and that was why the department approved using approved letting agents: because that provides a modicum of control. That is not to say that you may not have letting agents who would seek to -

Mrs Crowe: Abuse.

Mr Quine: - exploit the situation. That is human nature, but the reason for having them as part of the scheme is to try to impose some control and provide a counter to these abuses.

The age limit is a matter that is in the gift of the department or, again, it is quite easy to adjust that. And, of course, if the department is as confident as it seems to be here, in that they are going to produce all these houses just at the stroke of a pen, well then, of course, there are no worries at all, because when a person is offered a public housing unit, he loses claim under this scheme. Once you can offer him a unit, he is out of this scheme. So, those controls are there; there is no doubt about that. The workability: that has all been worked out. Has it been discussed with the agents? The answer, for the hon. member for Ramsey, is yes; it has been discussed with the agents -

Mrs Crowe: Well, they are happy.

Mr Quine: I have dealt with inflation. (**Mrs Crowe:** No.)

'Open-ended': I have dealt with that. It is not open-ended, for the very simple reason that the parameters, which dictate who is in the scheme or who is out of the scheme, are in your control, or would be in your control.

Now, the other advantage of the scheme - and this came in in a parallel way - is that the department has been working up, thanks to a motion from the hon. member for North Douglas, Mr Henderson, an empty properties initiative. To make that work, quite clearly there has got to be a system of grants for properties, to get these properties done up and to bring them back onto the market. There was concern - there probably is still some concern - about how government can justify putting money to an individual to do up a property without any, if you wish, *quid pro*

quo for government. It was considered that this scheme could tie in with that, because it could be a condition of grant to do up a house under the empty properties initiative that that property be made available - and the hon. member for North Douglas, Mr Houghton, remembers this - as a property under this scheme. So, we brought more properties into this scheme and it tied in with the empty properties initiative. (**Mr Houghton:** Hear, hear.)

Now, inevitably, in these situations, we are going to have a problem with the vote, in the sense that a number of members are going to feel obligated. Well, the Council of Ministers, quite clearly, are going to stay with their Council of Ministers' position, and a number of members are going to feel obligated also, I suppose, because they are now in a department and they have some obligation to that department. And that is perfectly true, but may I also remind hon. members that they have an obligation in respect of their commitments to the public, which were published in the press and which I have a copy of here, where we were asked specific questions as to what we were going to do about specific problems. So, I think, in addition, there is a need to reconcile, particularly those of us who went before the electorate, our promises and our positions in standing in judgement on this motion.

And, as to the motion: I think the motion is perfectly clear. The motion says that this hon. Court is asked to lend its support to a *declaratory* resolution to say that a rent subsidy scheme should be introduced; it does not tie them to any of the details. I have illustrated to you a scheme that was devised and approved by the department, in consultation with other professionals. I have illustrated to you the type of scheme that can be made to work, and the details of that have already been worked out to the point that the draft order is in being for that scheme. I am not saying that that is the scheme the department is going to accept - it is entirely up to them - but what I am asking Tynwald Court to say is, 'Look, we need a rent subsidy scheme. You go away now, and if you want to run with the one that was worked up before, fine; if you want to come back with another one, come back.' That is what the motion says.

Yesterday, sir, we were discussing problems of law and order in the context of a motion put forward by the member for North Douglas, Mr Houghton, and there was great play put upon the influence, adverse as it may be, that family circumstances created in respect of some of these people. And I have demonstrated to you today, by a letter that fortuitously arrived in my mail yesterday, such a situation: here is a young lady with a two-year-old son, and she is virtually homeless. She asked in that letter what I can do to help her, and I shall be writing back and saying, 'Not a great deal', but it is in the gift of this hon. Court today to do something to help that young lady and her child and a significant number of other people in a somewhat similar situation. If this hon. Court is minded to do that, that is in their gift; if they are minded to ignore it, that is in their gift; if they are minded to delay it - because that is what the amendment amounts to - that is in their gift. The proposition, as far as I am concerned, is very simple: there is a significant number of these people who need help; we have the money, we have the resource, and we have the framework of a scheme to provide help for a significant number of those people - not a huge number, but a significant number - under manageable circumstances. And we can either take the decision here today to do that and help the type of person who is in the position of this young lady, or we can turn our back on them and say, 'Look, we want more time to think about it. We have been thinking about it for two years, but we want more time to try to address the problem. We want more facts, but the facts have been available for well over 12 months now.' The option is ours: we can either do something to help these people, or we can ignore it. It is entirely a choice for this hon. Court, sir. I beg to move.

The President: Hon. members, the motion, then, is printed at 48 on the order paper, and to that we have the amendment circulated to you now on the white piece of paper, in the name of the Minister for Local Government and the Environment. Hon. members, those in favour of the amendment please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Anderson, Cannan, Rodan, Quayle, Rimington, Mrs Crowe, Messrs Cretney, Braidwood, Downie, Shimmin, Mrs Hannan, Messrs Bell, Corkill, Earnshaw, Gelling, and the Speaker - 16

Against: Messrs Quine, Houghton, Henderson, Duggan, Mrs Cannell, Messrs Singer and Karran - 7

The Speaker: Mr President, in relation to item 48 on the order paper, the amendment carries, with 16 votes for and 7 votes against, in the House of Keys.

In the Council -

For - Messrs Lowey, Waft, Kniveton, Mrs Christian, Mr Crowe -5

Against - Dr Mann - 1

The President: With 5 for and 1 against in the Council, hon. members, the amendment therefore carries. I then put to you, hon. members, the motion as amended. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, I am aware that we have the one item left on the order paper. I am faced with the dilemma of either continuing now without a break for tea, or, in fact, taking a break until, say, half-past four and coming back and hoping to finish the motion within, say, a two-hour time limit. Would that be acceptable, hon. members?

Members: Agreed.

The President: In that case, we will break, hon. members, and resume at half-past-four.

The Court adjourned at 4.12 p.m.

Hospital Services in the Isle of Man — Detailed Report to be Prepared by Department of Health and Social Security — Motion Lost

Item 49. Mr Henderson to move:

That, by way of response to the issues paper circulated to the hon. members of Tynwald entitled 'Hospital Services in the Isle of Man', the Department of Health and Social Security shall prepare a detailed report in respect of all the issues raised to be laid before this hon. Court no later than the October 2002 sitting.

The President: Now, hon. members, we have just got the one item to go. Let us see if we can make good headway on the Hospital Services in the Isle of Man motion, and I call on Mr Henderson to move.

Mr Henderson: Thank you, Mr President. This motion has come about as a result of many factors, which will be outlined as I go through the various areas of concern connected to my briefing paper, circulated to all members, entitled 'Isle of Man Hospital Services'. There are, however, some issues I would like to draw to your attention, Mr President, and to hon. members of this Court, that need to be made very clear, and I emphasise that - very clear - from the outset of this debate. This is *not* an attack on any DHSS, nursing, medical or support staff. They work hard enough in trying to meet what I see as unreasonable demands made of them by the executive every day of the week. It is about staff concerns and those of the public; this is not a blaming exercise to catch anyone out.

This motion should come as no surprise, considering the amount of important questions I have been asking in relation to the Island's healthcare, and especially after the huge issue I made over medical competence and the standards of our hospital doctors, surgeons and,

especially, locum surgeons. This motion does, however, make a call for a substantial assessment of basically where the department is currently, where it is likely to be and should be in the future, and what is required in order to meet developing community needs, taking into account any likely pressures and influencing factors.

The backdrop to my motion is of a highly specialised and complex healthcare division, and specifically one section, the Island's general hospital services, which are attempting to meet the needs of our community by way of medical, surgical and other specialised services for those people whose health causes them to become hospitalised. The environment which hospital healthcare is unfolding in is one of an island with an increasing population, within which is a large transient element. The population is reported at around 76,000 people; that is those who are registered on the census. As a result, health aspects and needs are becoming increasingly more diverse and more onerous on the service. Health trends are changing. It would be interesting to total up all people listed on GP lists and see how that equates with the census figures, given the large transient population element. However, Mr President, I digress a little, but suffice it to say that I think there may be more pressure on the hospital services than just 76,000 people. Compounding this is the net immigration factor of 800 additional residents per year staying on the Island. A further component to this environment is that people are living longer and require more healthcare input as they become older.

Population patterns and disease trends are changing, and changing more quickly than the department realises or can cope with. Demographics and epidemiology: that is what it is all about, and linking it to a business plan which recognises current patterns and needs and can predict, as far as possible, future health requirements and plan out, by way of contingencies within it, some possible and likely health scenarios for our community. From this, of course, the case for what the resource requirements and cost implications are, and what future requirements are likely to be, can be constructed. This then goes to the Council of Ministers and the Treasury for endorsement. Unfortunately, Mr President, hon. members, while the economy has been streaking away, and while business is still set to increase for the foreseeable future, albeit not as quickly as we have seen, it is my firm belief that the resources to the relevant government departments, especially to the DHSS health division, have not been keeping up to match these growing pressures which I have been highlighting. To make matters worse, we still have nearly full employment, so any staff have to be recruited from across. When they get here, they are faced with the housing and accommodation crisis. Heavy use of agency nursing staff has also been a theme on our healthcare delivery in recent times, as a direct result of the Island's developing economy and shortage of staff. I just illustrate these factors as they add another twist to this equation, which has an undoubted effect on the hospital services' delivery.

So, before we hear any castigation by other hon. members, Mr President, or shouts that this will only lower morale et cetera - as I am sure we will - I think it is quite plain for all in this hon. Court to see that I am aiming at resource issues: the executives - and ultimately this is a corporate issue - not the hardworking ordinary staff, most of whom, I can say, would be delighted at any attempt to attract a bigger catch from the Treasury minister's bulging vaults.

Just to recap so far, Mr President: the environment in which our hospital services are attempting to meet the healthcare needs of our community is one of continuing change. Some of the main elements which are causing pressure and challenges to the service are: epidemiology; disease patterns; demographics; population trends; economy; staffing; working on an Island, with its associated problems; resource requirements, balanced with an increasing population with changing health needs; immigration; new people changing the structure of our population and also bringing different health needs or adding to existing health requirements.

These issues are well known to us now. There is nothing unknown here. We know these things are happening, but what is the effect on the service? What has senior management been doing? What evidence can I put forward that illustrates very real problems and that things are not as well as the department would like us to believe?

(1) MRSI infection scares, which have continually plagued Nobles Hospital and, on occasions, caused wards and operating theatres to be closed down. A matter of public record.

(2) The continued high use of agency staff, backed up now with one of the papers I have circulated, with a possible £600,000 - or estimated £600,000 - overspend, mostly in shoring up the nursing staff numbers. Again, a matter of public record.

(3) Waiting lists are still extending. Even though there may be more operations - over 6,000 last year - and a larger throughput of patients, I think the minister will confirm that some lists are not decreasing and, in fact, are elongating. Staff try to increase the throughput of operations et cetera, but the service is still not coping with the increasing population, as waiting lists are, in most cases, at an all time high compared to 10, 20 or 30 years ago. There is no doubt about that: they have increased, are increasing and will get even longer.

(4) The ENT service, especially for children: it is taking some parents a predicted 18 months to two years to have their children seen, especially if they suffer from a breathing disorder called apnoea. If you pay privately, if you can afford it - time, two weeks. These are genuine cases reported to me by parents, of which the minister and department are well aware because I am continually writing to them.

(5) In some cases, it is taking nearly a year for a heart assessment or a cardiac angiogram. I have asked questions about this on several occasions, and there is also the issue of a backlogging of patients waiting for heart surgery.

(6) The waiting list for hip and knee replacements is long, and it is no use saying, 'They are everywhere.' What does that mean? We just watch it get bigger.

(7) Trying to book into physiotherapy for a series of treatment sessions is almost impossible at the minute, and that is from a doctor who recommended a patient to go private to a licensed chiropractor or similar practitioner service - much quicker.

(8) Overloaded GP lists. Anyone here who has been to their GPs must have experienced the problems at the surgeries: you invariably have to wait late for your appointment, which is quite often classed as a five-minute appointment, and usually a quick consultation and a prescription. This is no disrespect to the GPs; they are working flat out, and that is when mistakes can occur, and they are.

(9) The classic example of pressure on the health service and the effects these impacts are having is the present dental crisis, and even the health minister has admitted there are not enough dentists on the Island to cope with the current community numbers we have.

(10) Then we had the issues of staffing the special care baby unit, a dedicated diabetic clinic, the hyperbaric chamber, and now a breathing specialist. These are all things that people have had to highlight and fight for. The public have known the need, but the department remained strangely divorced from the real problems unfolding before its very eyes, or certainly gave the impression it was aloof to them.

(11) Members of the public and staff have been in touch with me, on a regular basis, over the past four years, expressing their concerns and frustrations, as many hon. members will have themselves and would undoubtedly be able to testify to.

(12) And there is the prosthetics clinic: a new contract has been awarded to a new supplier. Lo and behold, it is supposed to be better and offer a wider variety than the last service

provider did, but the truth of the matter is that it is taking patients longer than ever to get artificial limbs fitted and adjusted because, where the previous service providers managed to do much of the adjustments on-site and fit artificial skin on-site, it cannot be done now. Fittings and artificial skin have to be done in Ireland, or I have to correct that statement now, Mr President, because I understand the company that was providing the service has been bought over recently, so I am not sure what will happen. So, any adjustments - up until very recently - and limbs have to be continually sent away until they are correct. A turnaround for one such adjustment takes about three weeks. If there are complications, this makes it incredibly awkward for patients, as they have to keep waiting for three weeks' turnaround to retry their limb, and then have to have it sent away again. And, in my opinion, all for a cheaper contract.

And if all is so well, Mr President, why do we have this circular sent to all hospital staff - again which is in the papers circulated to members - indicating a £600,000 overspend, and a cost containment programme being instituted, intended to cut spending on agency staffing, clinical supplies and new study leave applications? I leave hon. members to decide for themselves what effect cutting staff, staff training and clinical supplies will have. Incidentally, in-service training and courses have been stopped in Mental Health since before Christmas. However, if this motion is successful, the report I am seeking must contain a statement from senior management, explaining in detail how they expect these cost cuts to be made without compromising care, staff and quality.

I would also like any such statement to justify the 'away day' or time out for senior managers that is mentioned in this circular, where Mr Frank Inman, the hospital's manager, states that he hopes staff will respect this decision, even in the light of spending cuts. I want this statement to show the complete cost of this splashy and unnecessary, in-the-staff-and-public's-face, show-off action, then I would like to know why this could not have been put off until funding permitted. And what we would also want to know, because of this morale-denting exercise. . . And I am sorry, but it was little more than swanning around the Grand Island Hotel, I am led to believe, emptying buckets of water into empty buckets, and in the same breath asking staff to cut in-service training and clinical supplies et cetera. This is really what lowers morale: arrogant management who are quite obviously making patsies out of the staff, and that is the real problem.

I think we need to know the numbers of staff that are leaving each clinical area within the hospital services, and that can give quite a good indication of the other factor in all this: how well our staff are being looked after and treated. They are, after all, the most valuable resource the DHSS has. If all is well, why do we have staff writing to the papers with their deep concerns regarding the critical care sections of Nobles, and specifically ITU and coronary care? To quote from that letter, which I have also circulated, we barely -

Mrs Hannan: It is not in the paper.

A Member: Not signed.

Mr Henderson: It was with the papers that I circulated, minister.

Mrs Hannan: It is not in the paper, in any newspaper.

A Member: E-mail.

Mr Henderson: Mr President, my statement to this hon. Court is that the letter is circulated to all members in their papers. That is what I am saying.

A Member: That is correct.

Mr Henderson: Now, the hon. members who are interjecting are correct: it may not have been in the actual printed press, but it was certainly on the e-mail and the website of Isle of Man Newspapers.

Mrs Hannan: Signed?

Mr Henderson: Now, then, Mr President, the quote from the letter is: 'We barely have an emergency medical service'. Things must be bad if staff cannot make legitimate representations to their managers - who, in turn, should be able to direct them through channels to the minister - and feel it necessary to write and - for the hon. member opposite from Peel - to write anonymous letters to the press. For a nurse, or whoever it was who wrote this, they must have been really worried. I just hope they do not get found out, because their life will not be worth living, and I should know, because I have seen what happens to staff who make their concerns known at times; I have seen it. So, I am not surprised that this person has not come forward in a more forthright fashion. But I feel that the responsibility of being a Tynwald member means that you cannot ignore these things; it is part of our job to initiate debates, examine and put things under scrutiny on behalf of the public, whom we are here to serve. This team briefing and letter combined to make the straw that broke the camel's back as far as I am concerned, and to bring about this motion.

It would appear that the same thing is happening, in general, with the rest of the hospital services, not to the same extent and not in all areas yet. The signs are there, though, clear and unequivocal; the same signs that were being flagged up to the department several years ago in relation to the Island's current dental service. Something has to be done. I have been making representations on behalf of my constituents and members of the public ever since I was first elected on health issues; issues have been continually raised; I have asked many and numerous questions; I have made numerous representations to the department on behalf of people and made large-scale issues of things. Between this department and Douglas Corporation, I just do not know which is worse, but they are certainly two Achilles' tendons I could do without, as they give me and many others in this hon. Court an unfair amount of work and time trying to ensure positive responses and actions to help people. (*Interjection*)

And I am sorry, minister, that you do not like questions, as you indicated on the 'Sunday Opinion' recently, but your department *is* the largest government department in the Isle of Man commanding the largest budget - something now of the order of £154 million - and which so happens to affect every man, woman and child of our community at some point in time.

Mrs Crowe: And grateful we are.

Mr Henderson: I am surprised you do not get more questions, but there again, Tynwald is but once a month. I do not know how the minister can complain about being asked questions; if that was said at Westminster, it would be on the front page headlines.

I will tell you what really gets me angry, more than anything, and one of the reasons which has driven me to place this motion today: the condescending and often demeaning and arrogant responses I get to my concerns, in whatever arena I may present them. I have to say there is a culture of executive institutional arrogance at times which is truly amazing. (**A Member:** Hear, hear.) I do not say this lightly, and I can back up what I am saying, and the reason I am introducing this argument to my debate is that it all points to the pressure that the department is under to deliver. And in some cases it is coming unstuck. I think the response recently by the Chief Executive of the DHSS in relation to the hyperbaric chamber debate, for instance, which was circulated to everyone in this chamber, is one such example. It was nothing but a clear attempt to undermine and belittle the sincerity of the level of the concerns regarding this facility.

Mrs Crowe: That is the new director.

Mr Henderson: More examples can be seen in the care of the elderly areas, under such pressure for beds that patients are being discharged earlier than ever before. In some cases, relatives are being phoned on the spur of the moment, at work, and literally being told, 'Your relative is now ready for discharge, can you come and pick them up?' That person then has to

arrange special time off to try to cope with that, and this is happening now, Mr President, hon. members, right now as I speak.

The last example, and probably the most poignant, was when I had to spend an hour of my lunch break with another MHK and pleaded and begged for five minutes of a social worker's time to attend a case conference that, in the end, we had to set up, to try and help a wayward child that we were worried about, so much so that we thought the child may get seriously injured or attacked because of their behaviour. (*Interjections*) Most of the meeting with this senior DHSS official was spent with them denying our request, or we were seen as meddling and not going through the right channels. That is just management-speak for a cover-up, but because certain people had not been doing their job - and the minister knows it as well as I do - at other parts of the meeting there were blocks put on. Eventually it was agreed, and eventually a social worker did turn up, but not the one allocated to that child's case. I can honestly say, without a shadow of a doubt, it was one of the worst meetings I have ever been to.

What can be done about these problems? I have gone to some trouble to outline the criteria for a briefing report that my motion is requesting the DHSS to put together by October, which should contain strategies and information on the concerns raised and give us a precise operational picture of where the Island's hospital services are now and where they are likely to be in the future, and the possible pressures upon them. The paper circulated to all members entitled 'Requirements for a report on the current position to be laid before Tynwald by the Minister for Health and Social Security' is detailed and makes many specific requests, addressing the problems I have been discussing. It looks a lot, and maybe it looks like a year's worth of work for one permanent member of staff, but, in reality, it is not, as I will go on to explain. All the information I am seeking is there already. As I stated in opening this speech, Mr President, that by and large the Island's health service - and especially the hospital service - is reasonable. The staff work hard and give an awful lot of themselves, but we need to address the specific issues I have highlighted and catch things before they get worse. I know the staff would say the same thing.

The first section of my paper is addressing the current position. This should present no great problem: information on admissions, numbers of staff on duty at any one time, the illnesses of patients, the numbers of relevant medical staff on duty and capacity of the areas is obtained on a daily basis and stored in central records. This valuable information can, in fact, be used as quality and service indicators, hence the reason why I am asking for it. The DHSS was operating an expensive nursing care model, which required information collection from hospital wards, which could, in turn, give the nursing care level for that area, graded one to five, five being excellent. The department had given at that time a commitment to work towards levels three to four. All that information is buried somewhere. I do not know if it was ever used, but now you have the chance, minister. I should know, because I was in on the set-up of it and helped to collect the information. There are also many other indicators of the busyness of an area.

All these data items can be collected and compared against the numbers of, and grades of, staff on duty at any one time, balanced against the number of patients and their illness type and the healthcare input required. This gives a clear indicator of the levels of care that are being provided. This information would also have to include the numbers of part-time, short contract, temporary contact and other types of contracted staff, who are not on permanent full-time contracts: this will have a bearing on the continuity and quality of care at any particular time. Perhaps if we had more full-time staff committed to the Island and the service, we would not have relatives turning up to pick up their fathers or mothers or whoever, who were discharged on the spur of the moment. If there are only a few full-time members of a ward team on duty at any one time, then the continuity - at the very minimum, patient rapport - will be much less. Staff are just coming and going, or, in the case of agency staff, the patient may never see the same face in any day. In turn, then, we will find out if areas have the correct number of staff, or how many

staff an area is running short of. It will also give a good indication of the care level in any one shift during a 24-hour period. I would suggest that the minister instruct her department to perhaps gather the past three or four months' worth of information and use the teamwork model to assess the levels of care being given and the staff numbers required to bring it up to levels three or four. Then we will know if we are right on, or under, and how many staff we really need to provide that service to the level we require.

If this motion is successful, I would very much like to see a statement on the effects of the Council of Ministers' staff cap on the health service and to what degree it is affected. I am aware that the DHSS has possibly put in for the largest amount of full-time staffing posts of any department in this budgetary round but will probably not get these figures because of the staff cap. Then we have to consider the new hospital, which requires staffing and which is covered in this motion by way of future health trends and impacts and resource requirement: the DHSS has put in for a massive figure of staff but will not get them, so there are real problems. It is time to make them clear and for government to cough up.

The issue of waiting-lists can be tackled fairly quickly. The minister has already admitted, in response to my questions, that the waiting-lists for aspects relative to cardiac care will be audited. Well, here I am, asking that we extend that process to all waiting-lists, which will then give us a true and full picture. And, Mr President, I would ask hon. members not to be thrown by any fancy terminology that may be employed in explaining what undertakings are required to produce this and other information requests set out in my paper, terms such as 'audit', 'clinical audit', 'clinical need', et cetera. It is quite a simple exercise to gather the number of patients on any list and the average waiting times for people on those lists; it is all known already. It just needs pulling together so we have the full picture, not some political-speak which covers up the fact that we are barely coping in some areas. I am also asking the department to cast their vision further than the shores of this Island in respect of waiting-lists: I have also been asking questions on the various initiatives being employed across, and further abroad, which cause no waiting-lists. I want the department to report on the various management strategies and initiatives which assist those UK and European hospitals to have no patient waiting-lists, or no patient waiting-lists for certain specialities, (*Mrs Crowe interjecting*) especially all those strategies - and to answer my colleague sitting behind me, Mr President, who is interjecting - which do not incur large resource impacts, and assess and highlight those which could be appropriate for trial in the Isle of Man or capable of being adjusted to suit local community need.

Following on from that - and I accept that the department may have to give us an interim report for October, but nevertheless we have to set a target to work towards - then we must have a waiting-list strategy, as outlined in my paper. The department must draw up a clear policy and criteria, which would indicate and be capable of measuring, in the Isle of Man perspective, any patients on any particular waiting-lists who were waiting excessively, or going to have to wait for excessive periods of time, for any particular health service healthcare intervention. This must show, by way of an Isle of Man quality standard, what is an acceptable waiting time for a patient and what is an excessively long time to wait. This may mean different standards for different services, but in all cases reflecting our own unique local needs and not solely based on UK measurements. I hate being told, 'We are not as bad as the UK'. Maybe so. Having said that, though, the UK is now hardly an acceptable benchmark: their NHS is in dire straits. We are bad in some cases, by our own local standards, and it is these that we should be aiming to improve on, not being slotted off with political rationalisations for what is tantamount to making an excuse for inefficiency. I do not want to be told continually that our waiting-lists are constructed in accordance to clinical need; I do not need to have my intelligence, or any other hon. member's intelligence, insulted with that old piece of chewing gum. The health minister knows full well that what I am after is some sort of criteria that will aid the management of shortening hospital waiting-lists, not their construction. We need to find innovative ways of managing this

shortening, or indeed a no-waiting-list situation, because currently the overall picture is one of increasing pressure on the service, and the lists seem to be becoming longer.

Now, Mr President, in terms of future planning and the future healthcare needs of this community: this is an essential part of any management planning exercise, and I think this hon. Court has every right to be notified by the department in relation to this aspect. We have every right to be notified of any perceived changes, pressures or other problem areas and the possible consequences and impacts this could have. I know something is afoot because there are rumours of the possibility of working up and the production of a DHSS strategic plan, and I am well aware of the absolutely massive staff bid that was put in for in this year's budget. I am also aware that we will have to try and somehow staff the new hospital. Couple this with demographic and epidemiological changes and we could be under even more severe pressure. What I am asking for will show all this up and tell us where we should be and what we will need to meet any problem areas and the health needs of the community in general. It will also assist the DHSS, as they will then have the perfect assessment required to base any strategic plan off and save themselves the bother of having to undertake it at a later date.

Again, Mr President, most of the information required to fulfil this part of my motion is already held by the DHSS. The trouble is that it is scattered around the entire department, all over the place. It needs pulling together, especially the important epidemiological study that this department had commissioned some time ago. There is loads of info there already. This is a vitally important study that, in reality, must be funded to continue. It helps to inform us of the developing health trends and from that can be calculated the resource implications, or it can inform our resource implications. It cannot be beyond the wit of the department to canvass the Island's GPs for a short report from every practice to establish concerns, health trends and possible issues for the future. The same can be obtained from hospital specialists. A general staff questionnaire could also be put out for nursing and support staff. Loads of info, very quickly, straight from the troops. Obviously, some of this would help inform the current status of service provision and whether or not we are able to meet the community's needs and to what type of standard.

Amongst all of this, Mr President, I would ask that special attention be paid to the critical care service at Noble's Hospital, especially in respect of the letter I have had circulated to all members and all the concerns raised. Again, here we can easily measure what is happening by taking the staff duty rosters - the operational ones, which are used for calculating staff pay, not the forward planning ones, which do not show any changes such as sickness or overtime et cetera. We can gather patient admission figures: these are already known and are taken every day and night shift. We have information on the reasons for admissions and the severity of the patient's condition. It is very easy to work out and see if it can balance up to a safe, good and acceptable standard of care, or whether we are just able to meet some of the basics or not at all. All this information is taken daily and is a matter of record. We should also have included: staff vacancies and numbers leaving for this and other areas; how many part-time staff there are; how many short-term contract staff there are; how many agency nurses have been used; and how many hours per week are being worked by agency nurses. We also need to see the doctors' and medical specialists' lists and what vacancies are there. How much is being relied upon by locum doctors and consultants and doctors on short-term contracts? We need to see the evidence and then, to balance that out, we will need to know what the actual numbers are of all types of staff required to be on duty at any one time to give a good standard of care that is acceptable 24 hours a day. And do not tell me it cannot be provided because of confidentiality; names can be removed from duty lists or other measures can be taken to supply the figures in the report I am after. Anything less, minister, than what I am asking for, will be a cop-out: that will clearly illustrate something is indeed very, very wrong.

Mr President, I say the information I am seeking is easily obtainable and, if produced in the report I am seeking, we will be able to judge for ourselves if the critical care service, and other areas, are meeting quality care standards at all times, 24 hours a day, or not, as the case may be. Let us be the judges of that and not be fobbed off with meaningless rebuttals. I am sure the minister can see the value of carrying out this exercise for the future of our health service and our community's health. I hope hon. members feel that they can support me in this. I beg to move, sir.

The President: Hon. members, can I just make one passing comment, if I may, in relation to correspondence which has been circulated to members: if the hon. member knows the author of a letter which has been written, I am perfectly prepared to accept it; if not, letters written anonymously I have always treated as fiction. (**Several Members:** Hear, hear.)

Hon. member Mr Houghton.

Mr Houghton: Thank you, Mr President. I rise, sir, to second the hon. member's motion this afternoon completely. I commend him this afternoon, sir, for an extremely in-depth, put-together speech that I know he has been working on now for a great number of weeks. It is packed full of information that he has gleaned from questions he has put down and concerns made to him by constituents and many other members of the public throughout the Island.

Now, I would also support the hon. member for North Douglas, my hon. colleague, in the fact that we are not getting at the DHSS, but it is time now for this in-depth review, and I will listen intently to what the hon. health minister has to say about this situation, because it does appear, from what I see with my own eyes, that things are just getting a little out of control and nobody appears to know what is going on. It is getting very, very disjointed. Although we are extremely grateful for the service that we have, we can see things seeming - this is the main overview, as I see it - to get a little out of control and starting to collapse in some areas.

If I may turn, Mr President, to just a couple of things, such as the prosthetics service: what is going on here? The prosthetics service that was previously afforded to this Island was there, on-Island, so when you are fitting these prosthetic limbs, et cetera, a small adjustment can be made; 'Try it back on, sir' or 'Try it again' or whatever it is. Now they have got to be sent away - a three-week turnaround. That is nonsense, and if it is in order to save budgetary funds, I, and I am sure other hon. members of this Court, are not here to support that at all. Another issue, to do with the forgotten illness: mental health training. Mental health training has appeared to have either been slowing down or moving in the other direction. What is going on with that? I would be most interested to know about that.

The allegation, of course, that was made in the letter that Mr President mentions, about the emergency medical service breaking down: I have heard that with my own ears from people speaking to me from those quarters.

Can I also say that there is a ward in Noble's, which looks after very well - it caters excellently for - the very old, those who are terminally ill and are to be moved on in no time at all. There is a breakdown of communication. Small things like this: circumstances where, for instance, loved ones, next of kin, who live off the Island - Manx people who live off the Island - and have one of their parents who is ill in the hospital there, find it awkward to get communicative messages backwards and forwards. There is no laundry service for those poor people any more at the hospital: why is that? Small laundry, because we are not talking about laundering our good shirts and things like this; we are just talking about underwear, and that is all. Why has that been taken away? What cost-cutting exercise is that really about? Hon. members of this hon. Court, I am sure, must support small things like this, but it is those small things that get people down: those small, tiny areas.

The hon. member, my hon. colleague, also mentioned - and this is the crux of the matter here - the want of a department strategic plan, and that is really where the whole thing surrounds in this issue. A departmental strategic plan - again, the hon. minister may have something to say about that - is the answer to this: a proper strategic plan that everybody works to. And in a developing service like this - and there is nothing more developing than clinical issues to do with hospitals and the NHS and so on - a strategic plan should be in place so it is there to be developed and developed, on a proper business-like footing. But as I say, I do wait to hear what the hon. minister says about that.

But, Mr President, it has all been said, in my opinion, by the hon. member - apart from the respondents who may wish to give evidence here - because my hon. colleague has spent hundreds and hundreds of hours building up information like this and discussing it with me, and I would ask that true and clear cognisance is taken of what the hon. member says today, sir. Thank you.

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

Mr Rimington: Thank you, Mr President. I had decided to speak on this motion a couple of days ago and then . . . I will try and speak in the vein that I wanted to speak in when I decided to speak, and not be drawn in to what I have just heard today, because it was not a speech that you could describe as designed to 'win friends and influence people'. And, as a speech, it was said this was not an attack on the DHSS, but it was. It was a constant attack, and I just cannot understand it. I realise that, from certain quarters of this Court, there has been a history of mistrust and opposition or whatever between them and the department, and that long precedes my time in this Court, but since I have been here there have been these constant questions and there have been constant motions at every opportunity, if you like, eliciting information. And, as far as I can see, that information which has come forward has been pretty good information, in that there has been a lot of effort: a lot of officer time has gone into providing that information, time which might have been better spent working on the said strategic plan or policy. And I do remember, from my 17 months in the department, our monthly department meetings. A considerable slab of that department meeting was dedicated to the questions in Tynwald (**Mrs Crowe:** Yes.); not focusing on our strategy but on what we were going to be pilloried with next.

Now, I do have a long-standing history in these areas, stemming from my experience in the United Kingdom, and although it is in the United Kingdom, I hope that people will not, as on previous occasions, say, 'Well, we are in the Isle of Man, that doesn't count', because I think delivery of healthcare counts, wherever you are delivering it. I was four years on this authority, and my rôle was on a panel, which was one of the three main sub-divisions of the authority, called 'Patients' Services Panel'. In the last year I was on that, I was chairing that panel, which was looking at many of the issues which the hon. member has, quite rightly, brought up and which he is concerned about: waiting-lists et cetera. And I know - and I do not think, really, you need to have that experience that I have had, but anybody else in this hon. Court could tell by reading - what he is asking for is something rather massive, if you are going to do the job properly. He is saying, 'Our health service is no good; we need Liverpool University or whoever to come back to the Island and do a huge operation on studying everything that is going on down to the detail - the various management strategies and initiatives here, elsewhere and in Europe whatever - the department to develop and draw up clear policy and criteria' and so on and so on: vast quantities of work he is asking to be done, at the time when the hospital is hopefully trying to transfer from one building to another, which is a massive and difficult operation.

Yes, let us just say that the health service on the Isle of Man is imperfect, but then it is imperfect everywhere. I have not met a perfect health system for know of that, but from a personal point of view I think it is pretty good, and I have had it from my personal point of view,

from the family point of view: I have been in the hospital an awful lot recently, and I would say that the service that was provided to members of my family was excellent, and to myself and others who were visiting, it was also excellent. And just to highlight the fact that imperfections take place, there was an imperfection the other day: something did go wrong - I am not talking about medically, but administratively - and that was dealt with wonderfully by the staff, with great care and great warmth and help, and I cannot reconcile that experience with what the hon. member is saying.

I think that the hon. member has allowed himself to be drawn into this topic too much, and in too much depth and in too much detail, because of his past experience and because of his concerns, and he is concentrating on every little aspect of what is happening in the health service, and more besides. Really, what he should be paying some attention to and working on and drawing up proposals for - if you like, himself, and with his colleagues - is policy, not nit-picking at every little aspect he can lay his hands on. And that is the point of politicians, as far as I can understand. Politicians and policy: there is a connection between the two words. It is not politicians and criticism of detail in management. What we are here for is overall strategies, resources and making sure the hospital is working in the right way. If we feel there is something wrong in the management structure, make those points, and that is what we are going to do, but it is not for members of this Court to be diving into the minutiae of what is happening there and of what is, in fact, essentially, a pretty good service, one we should be proud of and not one which, after that last speech, I feel is just about to totter and collapse, because that is certainly not my experience, and I do not think it is the experience of the majority of people on this Island. Thank you.

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

Mr Singer: Thank you, Mr President. I wish to express support for this motion. One of the reasons for the need for this motion is, in my view, the way that the Department of Health responds, particularly when responding to questions placed on the agendas of Tynwald and the House of Keys. And far from Mr Rimington's impression, the answers are often minimal. The responses to supplementaries are defensive from the minister - sometimes you feel as though it is trying to get blood out of a stone - and, of course, in another place, the minister is not answerable to the electorate and is not there to answer, and it is left to a member of the department to answer questions on matters which, understandably, in the case of health in particular, . . . a member who is new to the job and is actually, in my view, doing a good job in very difficult circumstances. We then hear the minister complaining, as has been mentioned, on the radio, that questions should not be asked, and if so, only in this hon. Court, where, if a complete month's questions were asked, they would not be answered in the time permitted.

Where do these questions on matters concerning the DHSS come from? Firstly, from the constituents of elected members, who are frustrated - sometimes at the way that they, as patients, have been treated - and they are perfectly entitled to complain; from the public in general, who are concerned that matters are going on which are not being attended to; and, of course, from DHSS employees, who are concerned at the way many matters are being conducted behind the scenes, and they feel they are unable to tackle management for fear of their jobs. Now, we have heard some play made today about this unsigned letter. We know exactly why it is unsigned. I had somebody say to me the other day, in a verbal conversation, 'Do not let anybody know I have spoken to you. If they find out, I will be sacked immediately.' Now, this happens many times. We get letters, we get phoned and we have conversations, and you cannot dismiss all these communications as employees holding grudges. There may be one or two, but you cannot dismiss everyone as such.

Many of the issues in Mr Henderson's briefing papers, which have been circulated, are matters which have been aired in this hon. Court, but the question has often been fobbed off

with answers like, 'We will look into it', 'We have not got that information' or 'We are intending to find that information', and then nothing is heard until the question is placed yet again sometime later. And that has happened to me - and, I know, other members - several times. And now we have a member of the DHSS who will be asking, in another place, how much it costs to prepare an answer to a question. The answer might be 'Half the price of having to ask it a second time', or 'What price democracy?' (*Mrs Crowe interjecting*) The staff in our hospitals work often beyond the call of duty - and I think we all recognise that (**Mr Houghton:** Hear, hear.) - but it is the department that is secretive. The department has never, in my time in this parliament, ever admitted it might be wrong. If only every other department was similarly infallible, we would not need elected members to speak up on behalf of their constituents.

The hon. member for North Douglas has outlined in his speech why the detailed report is needed; no doubt the executive will gather round today in protection, in case such a report was to show some shortcomings. (**Mrs Crowe:** Ugh!) There was a report in the *Daily Mail* about two weeks ago -

Mrs Hannan: *Daily Mail!*

Mr Singer: - *Daily Mail*; Sorry, I shall repeat it if you did not hear it: *Daily Mail* - which listed hospitals in the United Kingdom (*Interjections*) according to their strengths and weaknesses. We are entitled to know what ours are and how any concerns are being faced, and we need to be open. We receive press statements almost every week from the DHSS, telling us of their new initiatives, and they are to be praised for that work. We also do need to know that they recognise their weaknesses and how they are working to improve situations.

Mr President, the resolution on the order paper refers to hospital services in the Isle of Man, and I would like to talk about the Ramsey Cottage Hospital situation. I speak here as an MHK for the area, and I also declare to members that I am chairman of the Ramsey Cottage Hospital League of Friends, which, this year, hopes to reach an overall total contribution level of £¹/₂ million to the hospital since the formation of the League. The people of the north are very proud and very jealous of their hospital: the hospital directly serves Ramsey, Lezayre, Maughold, Sulby, Ballaugh, Michael, Andreas, Bride and other areas; it is proud to take a place of service during racing events, and it treats 12,000 casualties each year; the staff are top class and perhaps have a little more time to spend with patients than is possible in a large main hospital; several, but not enough, consultants hold sessions at Ramsey; there is a hearing clinic and a full dental surgery provided by the League of Friends and used by the consultant and the school dental service. All this is valuable to the people of the north. If Ramsey Hospital were to close, then a heavy weight would be placed onto Noble's Hospital, or, in time, the new hospital, to the disadvantage of people in the Douglas area and the south, who use Noble's, and the greatest of inconveniences would be placed on those people of the north who rely on its services. If many of those 12,000 visitors to casualty had to go to Douglas, if consultants could only be seen in Douglas, and there were no beds in Ramsey other than for geriatrics, what damage would occur to those sick people having to travel, say, from Bride to Douglas in times of bad weather and perhaps closed roads and maybe even on a bus? We encourage people to move out to the north to live and work. One of the attractions is that for persons, particularly with children, the fact that they are near a hospital is important.

Hon. members are no doubt asking why, in this debate, I am raising the matter of Ramsey Cottage Hospital. Firstly, it is because, as I have demonstrated, any reduction or downgrading of the service in the north would reflect on the service that is being given to your constituents, and it is no good hoping for a hospital service from the southern hospital, as it would be no more than a glorified clinic with social services beds.

Mr President, two years ago, in this hon. Court, I asked a simple question of the minister of health: 'Will you guarantee the long-term future of the 24-hour accident and emergency service

at Ramsey Cottage Hospital?’ The minister waffled round the subject, and the answer given was certainly not ‘yes’, and the alarm bells started to ring.

A Member: Quite right.

Mr Singer: Then, without consultation, a few months ago, a press announcement: Ramsey Cottage Hospital was no longer an accident and emergency hospital -

Mrs Crowe: It never has been.

Mr Singer: - but an urgent treatment centre.

Mrs Crowe: Yes.

Mr Rimington: Fair enough.

Mr Singer: When asked why, different people in management gave different answers. ‘Well, it is like the walk-in centres in England’, which, as it happens, do not usually have doctors present. Next answer: ‘Well, there is no permanent doctor on duty’; the fact is that the doctor’s surgery is within a few feet of the hospital.

Mrs Crowe: They are not always there.

Mr Singer: There is always a doctor on call who can get there before an ambulance. This was always the stock answer - ‘No doctor there’ - after the new operating theatre, at a cost of over £1 million, was installed at that hospital, and it cannot be used other than by the local doctors for minor operations.

Mrs Crowe: Because the consultants won’t use it.

Mr Singer: The next answer I received: ‘Insurance problems mean that the hospital cannot be called an accident and emergency department.’ Those are three different answers I was given, but I was assured that the change of name was not a downgrading of the hospital, and the service would remain the same.

On 6th March, the DHSS issued a news release: ‘The management of Ramsey Cottage Hospital moves to primary health care services on 1st April. The cottage hospital will no longer be under the banner of an Isle of Man hospital.’ The hospital is becoming a community hospital, and we are told that the local doctors welcome it. Well, the doctors work from it and there is no effect on their service; the management welcome it, because they are now one step further up the ladder. Minister Clare Christian MLC said, ‘Over a period of months, we have consulted with hospital and community-based professionals and those aligned who support the hospital, to ensure that all parties are onboard with the principles involved.’ Mr President, as MHK for the area, I was not consulted; the League of Friends, who are very much aligned and as devoted to the hospital as anybody, were not consulted; the users of the hospital were not consulted. But is anybody really surprised? This is the second step of downgrading the status of Ramsey Cottage as a hospital.

And then, Mr President, a paper was issued to the Isle of Man paramedics. It is to ‘The Isle of Man Paramedic and Patient Transport Service’, is entitled ‘Ramsey Cottage Hospital/Noble’s Hospital Trauma Audit’, and lists questions for the ambulance drivers to fill in on picking up a casualty. This document takes away the judgement of trained paramedics and has been deliberately biased to ensure casualties are taken directly to Noble’s Hospital, even if they are picked up at the Point of Ayre. Some of the points are acceptable, but others are ridiculous in the eyes of the professionals.

One of the questions is, ‘Was the Glasgow coma scale below 13?’ It really does not matter to us here what the Glasgow coma scale is, except that the maximum score anybody can make

is 15. The professionals' view is that that almost takes it totally out of their hands, as a score of 13 is almost 100 per cent.

Did the patient arrive at the department on a spinal board? Patients are often, for caution, placed on a spinal board, but if they have been placed on a spinal board, they cannot go anywhere near Ramsey Cottage Hospital; it is off to Noble's.

Mrs Crowe and Mr Rimington: Quite right.

Mr Singer: If in a road traffic accident, was the patient travelling at a speed above 25 miles an hour? So, when the ambulancemen arrive - and this is the ambulancemen's view; this is the view put to me - the person. . . A 25-mile-an-hour accident nowadays is not necessarily dangerous: people can get up and walk from the car, and I will come to that a little bit later. But right away they cannot use their professional judgement. They have been trained; they are professional paramedics, but wherever the accident has happened: straight off to Douglas.

Was the vehicle the patient was travelling in damaged significantly? That is a matter of judgement, of course, but cars are built nowadays with crumple zones, deliberately to protect the driver, and the driver could be perfectly safe. But the ambulanceman has got to make a judgement. If it is damaged - however the patient is: off to Douglas.

Is the patient aged under 5 or above 50? Now, it does not matter, does it? It does not matter what the problem is, that will immediately cut out probably over 50 per cent of the people who will be taken to . . . it is a reason not to take them, again, to Ramsey Cottage Hospital.

Does the patient have a history of cardiac or respiratory disease? Well, many people have had cardiac problems, but I can tell members that in Ramsey Cottage Hospital they have some of the best equipment to deal with cardiac problems. In fact, some of the equipment - and I will say here, supplied by the League of Friends - is better equipment and more modern equipment than is in Noble's Hospital. And then respiratory disease: well, surely paramedics are trained to deal with people who have respiratory disease, and every nurse in that hospital and doctor in that hospital can deal with people who have had respiratory complaints -

Mrs Crowe: Absolute nonsense.

Mr Singer: - which may be nothing, in fact, to do with the reason they have been taken to hospital.

No overdoses are now seen at Ramsey; it is not allowed to take any overdoses. All these people could be taken before to Ramsey Cottage Hospital, but it has suddenly been chopped.

Mrs Crowe: Because of the litigation.

Mr Singer: Surely it is better to take a person with an overdose into Ramsey, to have them dealt with immediately, than to take them in an ambulance all the way to Douglas; that patient might die (**Mr Houghton:** Hear, hear.) by the time they get to Douglas. But what this also means in practice - and I am assured that has happened - is that a patient has actually been taken all the way to Douglas with a scratch, to be released 10 minutes later - what a waste of ambulancemen's time and energy. And apart from being this waste of time and taking all the judgement from the paramedic personnel, if the ambulance is unnecessarily in Douglas and a real emergency occurs in the north, there is no cover, and an ambulance has to be sent from Douglas if one is available. If the emergency is a category A, the ambulance is required there in eight minutes. Explain that delay to the patient or the family, and if someone dies, the coroner would no doubt hear there are lessons to be learned from this incident.

There are no lessons to be learned, but it is misjudgement, mismanagement and a misapprehension that they are always right. The sad thing is that the workers at the sharp end can see the folly, and they know that management will not listen. People's lives are being put at

risk because of the desire to reduce the service at Ramsey Cottage Hospital and then say that the service is not needed because of the lack of patients. This downgrading of our hospital has yet one more step to go, and I am led to believe - and I would welcome today a clear, categorical and unambiguous denial from the hon. minister - that there are proposals for the hospital to close every night at 8 p.m. until 8 a.m. the following morning, meaning there will be no service, other than in Douglas, for emergency treatment during those hours, and I ask the minister, I invite the minister to state now, that that is not the case for the foreseeable future. I hope that the information I have been given is 100 per cent wrong, and I wait for that answer. But there have been creeping steps to downgrade the hospital at Ramsey, which may well, I believe, be meant to justify the throughput at the new hospital when it opens. Why should the people of the north pay for that justification?

Mr President, Mr Henderson's motion asks that DHSS shall prepare a detailed report in respect of all the issues raised. I hope members will support the resolution, not only for their constituents, but also for the people in the north, who will be devastated by any move to further downgrade the facilities of Ramsey, which are essential to the health of them and their families. Thank you, Mr President.

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

Mrs Christian: Mr President, in first seeing the resolution on the order paper, and the relevant papers attached to it, I find there is some difficulty to understand quite what the approach of the hon. member might be, and today I have come to the conclusion that it is slightly confused. On the one hand, I can only express appreciation to him for setting out a case for the department to put to Treasury and this hon. Court for more resources. I can assure him I do that on a regular basis. On the other hand, he has simply set about, as the hon. member for Rushen has indicated, a detailed catalogue of concerns that he has raised in this hon. Court before, all of which have been answered; whether or not to his satisfaction or the Court's satisfaction, they have been answered. He talks about MRSA: answered in this hon. Court, and I believe that we are containing that extremely well in the Isle of Man (**Mrs Crowe:** Yes.) and that staff are dealing with it effectively. He talks about waiting-lists. Of course we are conscious of waiting-lists, but he did at least concede that throughput has also increased. Of course we want to keep a balance between waiting-lists and throughput, and throughput is the important thing. The hon. member lists a catalogue of things which we have talked about recently in this hon. Court. He talks about GPs: discussions are ongoing at the moment with GPs about the extent of their lists and their contracts and so on. Members are well familiar with the dental situation and what the department is doing to address those issues. He has mentioned prosthetics, as has another hon. member, and refers back to the change in contract in relation to that service. I am not going to go through a catalogue of why the department has dealt with these issues in the way it did, except to assure hon. members that we go out to tender, but our tenders are not based solely on financial costs but on the quality of the service which we believe can be offered.

Mr President, I note your comment about one element of the paper circulated by the hon. member and, indeed, I am grateful for your comment about anonymous documentation being used as the basis for discussion in this hon. Court. I think it is entirely improper and inappropriate and particularly, as the hon. member said, it was written to the papers; the press would not, in fact, print it because it was anonymous. Now, we know the internet can be a very useful tool for gleaning information and so on, but it can also be a very mischievous facility, and there is a potential on a grand scale, if we are going to look at every anonymous document on the internet which refers to anybody or anything that this hon. Court does, that then we would be spending an awful lot of time looking at issues which do not deserve to be addressed.

Mr President, the hon. member has commented again on the document circulated by the hospital's manager. I can only applaud the hospital's manager in circulating a briefing

document. It is in an attempt to be open with staff and tell them what is going on, and it is easy for the hon. member to criticise individual elements of that which he does not like. The hon. member was a manager in the hospital service, and he has not yet moved away from feeling that he still must manage every bit of the health service. (**Mrs Hannan:** Hear, hear.) I believe that what the 'away day' did was very valuable, given the fact that we are about to enter a very challenging period in the process of gearing up to moving to the new hospital, and I do not believe they need to apologise for having a day when the staff, who are going to be involved primarily in organising that, should take themselves away from their day-to-day situations so that they can focus on those issues. We have done it ourselves in various departments and for various reasons. It is not easy to focus on something outwith your every day concerns if you are trying to do them at the same time.

Mr President, I also am concerned that it is suggested that staff cannot feel comfortable in making representations about concerns. I know of no example where anybody has been dismissed instantly for so doing - as has been suggested here today - and if people have those concerns they should certainly be referring them to the department. I do not believe that management is so intractable, particularly given the sort of clinical governance issues that we have all become familiar with in recent years, where we are endeavouring to engender a climate where people *will* report their concerns in the best interests of patients and the service.

The hon. member has said that he has put forward his concerns in order that the government might cough up. Mr President, I have to say that we did ask government to cough up in a bigger way than it did, and we will continue, no doubt, to do so, but I would suggest that in respect of every single department in this government that can be said. I would also suggest that, if we had a mind to do so, all of us could sit down and look at any single department and come forward with a catalogue of individual situations which they were not happy about, in the same format as has been presented to us today. The objective of the department is to develop and deliver quality care. I think we are doing reasonably well on that front. I do accept that, from time to time, as the hon. member has said, there are imperfections. With a staff of 2,700 and quite a disparate range of services, that is going to be inevitable. What we must seek to do is to make sure that those are at a minimum, and if hon. members have particular concerns - as they have, and they mentioned, for example, discharge procedures or the fact that someone's laundry is not being done - this Court is not the place to raise that. (**Mrs Crowe:** Absolutely.) Why do they not ring us up and tell us?

And with regard to the comment about questions Mr President: my comment about questions was that I believe that there are too many questions being used as a first resort. I think answers can be obtained by calling the individual service providers or the department, and then if you get no answer to your satisfaction you can place questions. And I also made reference to the standing orders which refer to questions - I mean, it is a matter of fact - so I make no apology for having an opinion on the matter.

Mr President, reference has been made to critical care: is it safe? I did cover this yesterday - or whatever day it was, the day before - in answer to questions: we endeavour to have cover in critical care by using agency nurses, if necessary, but that in itself has been a matter of criticism.

The hon. member for Ramsey, Mr Singer, has said that we respond in a defensive manner to questions. I do not accept that; we do try to be factual in response to questions. He also, as is his wont, starting shroud-waving, yet again, in respect of Ramsey Cottage Hospital. Saying it is so, in the hon. member's case, does not necessarily make it so, and he constantly is on raising concerns in the north about the status of Ramsey Cottage Hospital. He has talked about the change of name. The service is still a 24-hour service in the urgent care area. It has not been downgraded, nor will the change from hospitals to primary care management make any difference to the service which is provided there. The hon. member has asked me to state that it

is not, in the near future, going to close between eight and eight. I have no knowledge of any such suggestion. If it is in the ether out there somewhere, it certainly has not come to me, so perhaps the hon. member is getting his information somewhere other than my sources. He has also covered issues which have been covered before about the designation of patients and their need to be taken to the place where they can be given best care in urgent situations. I am not in a position to argue with the doctors as to where best care can be given; I am prepared to accept professional advice.

Mr President, perhaps I should not be spending too much time on the individual situations, but perhaps focus more on the general issues that the hon. member seeks to be getting to. Perhaps he will disagree with me when he winds up, but I did sense a measure of sympathy, if you like, with the department in acquiring resources to deliver satisfactory standards of care. I think, perhaps, the underlying aims of his resolution are to determine a number of things: What is required of the health and hospital services? How well are we currently meeting that requirement? How is that requirement likely to change over time? How will we meet those changing requirements? Now, these are very fundamental questions. As far as I am aware, they are questions which are asked in every health service provider in the world, and they are answers which are not easily achieved, or even defined. So, whatever impression the hon. member has gained from reading or information that he has received, I think it is fair to say, hon. members, that nowhere in the world have they defined the perfect health service which can cater instantly for all the needs of its population. We can undoubtedly make improvements if we have the resources to do so, but I would also say to hon. members: we are *not* inactive on those fundamental issues; we are very committed to developing an Island-wide strategy, and the Court knows that because we have told them before that we are developing an Island-wide strategy; and we are in the process of developing a strategic information project, which is going to be vital in providing the essential data to inform that strategy.

I can tell the hon. members of the Court that we are not currently satisfied with the kind of data that we have and the extent of that data, and we have recently given the go-ahead to the recommendation from the hospital's management team - and let us not react because it is a hospital's management team; they are doing a good job - for the development work on an information strategy based on the creation of the electronic patient record. This is going to involve a very heavy investment, which will deliver, eventually, the information on the business of providing hospital services to a quality and standard which will stand comparison with many areas. In the meantime we have appointed, quite recently, an Information Development Manager with the specific task of reviewing existing information collection methods and systems for upgrading what is currently being produced. And in terms of what is currently being produced, the department does, of course, present to this hon. Court an annual waiting-list report, detailing hospital activity and waiting-lists - and I think that deals with part of the hon. member's resolution - and which we test against our current, and relatively arbitrary, aim of having non-urgent GP referrals seen by consultants within three months and any required in-patient treatment within a further three months. Those are ambitious targets, which we have not achieved in many areas, but they are targets. Where we fall unacceptably short of those standards, then we do endeavour to take special initiatives to correct elongating waiting-lists.

I wonder, Mr President, whether or not the hon. member *really* believes that we could pursue, in any practical way, other parts of his resolution. In terms of practicality, if we look, for example, at paragraph (b): if we are going to achieve that, we would have to take the steps of identifying UK hospitals with no waiting-lists - I would be very surprised if they are any (*Mr Henderson interjecting*); identifying UK hospitals with no waiting-lists in certain specialties; identifying European hospitals with no waiting-lists; identifying European hospitals with no waiting-lists in certain specialties; identifying, for each hospital in these four categories, the management strategies which have contributed to a total or partial absence of waiting-lists;

identifying, for each hospital in those four categories, the management initiatives which have contributed to a total or partial absence of these particular categories; and then agreeing with all those hospitals their definitions of their management strategies, their management initiatives and their waiting-lists. It goes on. I do not think that most hospitals that we would approach would be willing to spend much time gleaning that information for us. And so, I do not think that that is practicable.

Other elements of the resolution in detail have set out what the hon. member wishes to see in specific areas which have already been the subject of a question in this hon. Court. What I would ask hon. members is: what do you think will be the value of this report *to you*, as hon. members, if the department seeks to carry this out? I believe that it is the function of the department to pursue the objectives which it is currently seeking to do. We *are* making plea for extra staff in relation to the new hospital. We constantly devise systems, and have been devising business plans, which will, I think, accord with the changing strategy which the Treasury minister will seek to pursue, and, whilst we do make our case and we have been given generous support in terms of the Island's overall economy, I think we have to be realistic about what we can achieve in this area. In fact, in a sense, the hon. member is echoing what I said during the budget debate: that the demands of the people in terms of healthcare are changing; the environment in which we are delivering it is changing; much more resource needs to be into quality control, clinical governance and all those issues, all of which has a price tag; and in due course, as an Island, we, like every other area, will require to give serious consideration as to how we actually deliver our healthcare provision in an NHS situation.

I am not sure though, Mr President, that pursuing the resolution, as set before us, is going to actually assist the department in what it is doing, because of the resource it would require to be taken away from what it is currently trying to focus on. And when the department has brought it to this hon. Court, will it make significant difference to the discussions which go on anyway within the global amount of money that is to be distributed to us? I think it is worth pointing out at this point that the department *has* seen favour with Treasury over the last few years. Indeed - though we would like more - I would point out that, in terms of gross spending, since 1978, when we were given £60.9 million, in 2001-02 we were given £95 million for healthcare. That is a 50 per cent-ish sort of increase; a massive increase in investment and healthcare. Now, we can continue, and I will continue, to seek more, but against that I think we have to take into account the global position of the economy, and I think it is the responsibility - I would ask hon. members, please - to reject the resolution and to recognise that the department *is* working to deliver quality care, that the Council of Ministers also has been supportive, as has the Court, in giving us considerable resources to do so, but that, in pursuing the hon. member's resolution, we would be diverting valuable resources from very important and challenging work that needs to go on during the course of this year.

The President: Now, hon. members, I believe that if we are circumspect and not too repetitive with our remarks, we should still be able to complete inside the two hours I indicated prior to tea. I call on the hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, my concern about this motion before us today is that, whilst it might be well-meaning, the meaning is somewhat confusing to the likes of myself and to others, I believe. I believe that if the mover had moved something on the lines that the hospital services in the Isle of Man - that the Council of Ministers - should report back no later than 2002, on the sitting of this Court on the management structure towards the new hospital services, then I think he would more than likely be getting somewhere, because, at the end of the day, I honestly do not believe there is any hospital that does not have waiting-lists that works on a national health basis in the United Kingdom. And you will never sort out the waiting-list problem until you sort out the consultants and make them more accountable, and what I would have liked to have seen is something on these lines to tell us how far we are down the road on clinical

governance and on issues like this. This is the way you are going to sort out your waiting-lists; you will never sort them out any other way. I am afraid that the hon. member is totally misguided if he thinks that just by throwing resources at it you are going to sort out the waiting-lists; I am very sorry, but we will be wasting public money as far as that is concerned until you make consultants accountable.

I think it was rather concerning that issues to do with social services were brought up, and I think that just highlighted the original debate; everything was brought in to the debate on the subject. We have to accept the facts - and maybe the United Kingdom is not where we should be looking towards - that the resources in our hospital, our staffing levels and the money that is spent on our health services would be the envy of any health service in the United Kingdom. That does not mean that we have to stop there - and I think I would accept that, with the hon. member - but I do get a little bit annoyed that it is all about lack of resources and under-staffing, when the real issue is the management in the hospital. If the hon. member, instead of bringing in everything under the sun. . . That is the core issue that needs to be addressed, and I think that is what we need to address. If he had brought in some sort of amendment like I asked for, that would look at the issue of how far we are getting with clinical governance, why we can not have an administration committee, why the health service has to be part of the DHSS, and why the health service has not got its own minister? Most of the input from the hon. member was maybe petty, about issues about the laundry and that, and it should not come to this House; it should have been resolved, and it is a sad reflection if he could not find other ways to get those issues resolved.

But, at the end of the day, the issue is that what I think the hon. member wants, like everyone in this House, is an efficient, effective health service for the Isle of Man. I believe that this report would be of no use to man nor beast, simply because of the fact that what drove me mad - apart from the lack of any proper delegating authority - as the member for health, was the fact that we had the crazy situation, Eaghtyrane, where - we almost had it off to an art form - we have the staff with clipboards and not the staff with their sleeves rolled up within the health service. That comes down to management, and if we support this motion today, we are going to have even more clipboards finding out about all these things that have been brought up. I am sure the hon. member does not want that; the member wants action, and I think that that is the issue that we have today.

I was a little bit alarmed to hear the hon. member for Ramsey's viewpoints, and I would want a first-class health service for Ramsey, like I would want a first-class service for the people in my constituency, like I wanted in the Port Erin area. What I do not want to get into is one of the diseases that we have in this House of 'plaque-ology': nothing to do with your teeth, Eaghtyrane, but we must have a new building to put a plaque on. (*Laughter*) The fact is that we do not need a new building; what we need is the resources channelled in the right way. I fought long and hard, because in my former days, as the member who was sent off into internal exile, after upsetting Mr Speaker, as vice-chairman of the DHSS, to Social Services, I can remember the sad situation we had in the likes of Ramsey Cottage Hospital, where I had chronically sick people, who were stuffed into a geriatric ward with dementia patients simply to have 'bums on beds' to keep that place open, when those people should have been in an extra-care, wing which we initiated in other residential homes. You know, it was. . . I can always remember one soul there: she was only over 50 - and in those days, that was quite old, baby. (*Laughter and interjection*) Maybe nowadays it is starting to dawn on me, Eaghtyrane. But the thing was, we were not allowed to put an extra-care wing on Cummal Mooar because we had this big unit - this big geriatric ward - at Ramsey Cottage, so that poor little soul ended her days in a geriatric ward, 20 years, if not 30 years, before her time.

What I am concerned about from the hon. member, and what I would hate to see, is a situation where, if I have a heart attack, I want the paramedics to -

The Speaker: Give you the kiss of life.

Mr Karran: I know there will be lots in this house (*Laughter and interjections*) -

Mrs Crowe: We couldn't find a phone, Peter.

The Speaker : Any offers?

Mr Karran: All I would get is a cushion over the face - I understand that (*Laughter*) - but hopefully someone would replace me. (*Interjections*) But the important thing is to stabilize the patient and get them into the first-class facilities that we can get them into, and I am afraid I would not want someone tinkering, after getting out of bed, who is a GP, to start saying, 'Oh, no.' And it is all right us talking about somebody who has a scratch on their hand and had to go to Noble's, but the thing is this: if they then had a haemorrhage because they fell over and they had hit their head, what would happen then? And that is the sort of danger, and I do not want to see Ramsey Cottage Hospital closed, but I do believe that we must have consistency as far as our healthcare is concerned. And that was why I fought so hard that we were not going to end up with a white elephant hospital in the south of the Island. The one thing I fought long and hard, and battled with, was getting an ambulance service down there, and I wanted 24-hour paramedic ambulance service in the south of the Island, so that if you have a heart attack in Port Erin, you have just as much chance of survival as I have in Onchan. Maybe not in this chamber, (*Laughter*) but in Onchan.

Mrs Crowe: We would give you artificial respiration.

Mr Karran: I think the hon. member has raised the issue of Peel and the west of the Island, and it is a concern and it will have to be addressed, but the point was that what we did not want to see is, in the south of Island, the provision of something that was a building that was not there for the patients' medical benefit. We had the battle over the issue of having three rehabilitation units in the Island, Eaghtyrane, but one good rehabilitation unit in the Island. . . It is no use having three and dissipating the situation; if you have a stroke, you need the intervention, and that is the important thing. So the hon. member for Ramsey can be in danger of actually giving his people a poorer service by not having the right intervention at the right time, and fortunately we are not going to end up with all these rehabilitation facilities throughout the Island and not have any decent one on the Island.

Eaghyrane, I hope this House will not support the proposal, but I believe that if anybody wants to try and get something - is after the health services of the Isle of Man - that the Council of Ministers shall report no later than the October 2002 sitting of this Court to report on the management structure of the new hospital service. I believe - now, whether it gets seconded - that if you want some good to come out of this debate, that is what we need to get: we have got to get the structure right within the new hospital. We have this vast amount of money going into this hospital. What we do not want are the problems we have at the present time, and if we do not address that core issue, then that. . . It does not matter about anything else; that is the issue that has to be addressed, in my opinion, and I believe that this House would more than likely be far better debating the issue of the management structure of the hospital, whether the clinical governance is doing right and whether there should be an administration committee. I think the issue of its limb service would have been addressed an awful lot more easily if there had of been an administration committee for people to be able to complain to; people outside the management structure. That is what is wrong with your hospital.

Hon. members, I know it is late, but I do believe that this debate can come up with something that would be salvageable as far the Island is concerned, and I believe that that is what we should be looking towards. I would hope that hon. members would second it and would make the Council of Ministers a beautiful new hospital. We want the management

structure for a 21st-century hospital instead of a management structure which is not coming up with the goods, which I would totally agree with as far as the hon. mover is concerned.

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

Mr Quine: Thank you, Mr President. There are just one or two matters that I think should go into the record when we are discussing these matters here today. I think, first of all, I would like to say that I take comfort in the fact that, having heard the hon. member for Onchan, I think I will put my money on the fact that the good Lord will not have me and the devil is not ready for me; I think I will hang on on that premise. (*Laughter*)

First of all, sir, is the question of whether or not the staff are free to make complaints. It does not matter that the minister stands up here and says, 'Of course they are free. Of course they are free.' The fact is that staff speak to me and they are apprehensive about being identified with complaints to the management; that is a fact and something needs to be done about that. Perhaps the answer is to follow - and I understand this type of legislation is already in place - legislative protection for staff, in terms of what their bosses can or cannot do to them in respect of information that they pass to other authorities. Perhaps we need to provide some legislative assurance which goes beyond just the assurances that the minister is offering here today.

The second point that I would like to mention is, of course - and I did give the minister credit for this today - that we have advanced in terms of our complaints procedures. We have a complaints procedure - a relatively modern complaints procedure - although there are one or two aspects of it that I do not believe could really measure up against some of the human rights principles. But we have a complaints procedure now, leading to an independent panel which is reasonable credible, but there is a large slice of the health services, and the ancillary aspects of the health service, that are still not covered by it. We are still back to the old Star Chamber in terms of some aspects of the health service, and I think we have got to move forward from there, and this again, I think, just demonstrates that there is a need for movement. This is not something that has just been proposed now; this hon. Court has been speaking on the matter of getting a modern complaints procedure in being now for more than 10 years, to my knowledge. For more than 10 years, sir.

The next point I would like to mention is really a point touched upon by the hon. member for Onchan, and that is: the hon. member for Onchan referred to it as the hospital administrative committee. Well, as far as I am concerned, you can call it the patients' consultative panel or whatever you want, but there is a need (**Mr Karran:** Hear, hear.) for us to set up a separate lay panel to which the public can go, and they can be the conduit for looking into these matters and for input. We tried to achieve this when we had the Health Service Bill, but it was fought off by the administration; it was fought off by government; they would not have this. And if we do not have these channels, then we can expect some criticism as to what is going on, because they do not have a proper form of contact to keep themselves advised.

Now, the hon. member for Rushen said that management is not the business of politicians, and, in terms of politicians managing, I wholeheartedly agree with him, but there is a very important difference here. The efficacy of the management which is in place is the responsibility of politicians - that *is* their responsibility, along with policy and along with resources. It is their responsibility to make sure that the management structure is correct and is adequate to the task, so I do not think we can just brush this aside and say that politics should not get involved or make comments about management; there are aspects of management which very much are the business of politicians.

Is the DHSS too large? I believe it is too large. Again, in 1989 or 1990, the then department, which included the hon. member for Onchan, Mr Karran, put forward a proposition that it should be cut in two, and there was a paper which went to the Council of Ministers at that time,

proposing that this department, because it is so large and takes so much of the resource, should be divided into two. It was turned down by the Council of Ministers at that time; they felt that people were able to cope and that the management was able to cope. If you consider the developments in health services, social welfare and social services, over the last ten years, then I would suggest that there is another question mark to be put over that.

Is it still the situation that that department can be managed politically and political input can come from one figure? I think not. As I say, in 1989 or 1990, I held a view that there should be some separation, and I still hold that view and I believe that if we had that we would have better focus.

And related to that, too, I have to ask. . . And this is not just a matter of the DHSS; there is a matter here which, I think, covers other departments. I am not too familiar with the extent to which senior management stay in place in comparable organisations in the UK, but I have had a lot to do with managing large organisations and I am sure it is not healthy to have the senior management of a department sitting there for, I do not know, 20 years. They might be perfectly capable, good people, but surely you want new blood introduced at these higher levels to look at these issues differently. This is not just the DHSS; I think this applies to some other departments as well. There should be some movement, because if you have got one person sitting there for 20 years doing the same job, he is going to convince himself that he knows all the answers and what he is doing is right and what other people think is completely irrelevant. So, I think that is a matter which we should revisit.

I have asked the minister before to give us further and better information about this matter of external peer audit. I have had two particular references to that, one in Question Time and I think one in a debate, and I am still not satisfied that we have effective external clinical peer audit of what is going on. We have an element of peer audit going on internally now, which we have never had before, but we still do not have effective external peer audit, and that is what is needed if we are going to get any sort of line of measurement or comparison, and again that ties in to some extent with what Mr Karran has said.

Off-Island initiatives: I asked the minister about this recently. If we went back 10 or 12 years, two blocks of 20 went off the Island for orthopaedics, and that is the sort of initiative which can impact upon our waiting-lists. How many exercises of that nature have been done in the last five years?

Mrs Crowe: That was all the time.

Mrs Christian: Every year.

Mr Quine: How many? I mean, I asked, but I have not been given this information.

Mr Karran: Quite a few, actually.

Mr Quine: Well, I think if we are doing that, we should be publicising very broadly that this is being done, because I am not aware of it.

And lastly. . . Well, there are two final points here. The minister has quite properly said, 'Look, if I had more money, I could spend it and I could do more for you.' Fine, but I have to ask you: yesterday we sat here and we dished out over a million pounds for a store for Manx National Heritage, and that was why I asked the Chief Minister at the time where the system is to equate and to establish priorities? If we can dish a million pounds out in that direction, how does that stack up against what the minister for health could do in her area? I got no satisfactory answer to that. Mr President, I accept, and I think people outside gladly accept, that fundamentally we have got a very good health service. That is not to say that we do not need to do more, that we do not need to move on from there, that we do not need to change and be in step with modern thinking and modern expectations, and that we do not need to take account of

the public's rightful expectation to have more input into the quality of these services today than they had, say, 10 years ago. And to call for a report to put these matters under the microscope, I see nothing wrong with that at all. I do not think it needs to be a *magnum opus* - I am not talking of that sort of report - but I think it should be crystallized to a certain extent, but give us the information on the key features that we need to know.

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

Mr Bell: Thank you, Mr President. I only have one point to make, and that is in response, really, to a number of members, who have made reference to the lack of resources. I just would like to point out a couple of issues. Firstly, not only my own position, of course, as Treasury minister today, but previous Treasury ministers always have an extremely difficult balancing act to do to allocate the available resources between the various departments, and each department has a very valid, and often very urgent, case to put forward in demand for further resources. Treasury this year has tried exceedingly hard to give the DHSS the recognition it deserves. We did, in fact, go back and renegotiate with the DHSS to give them extra resources at the end of the day, and indeed, although I cannot remember offhand the individual breakdowns, in excess of £14 million of increased funding has gone into the department this year. And indeed, as I am sure hon. members will recall, it has been a previous Council of Ministers' priority, in allocation of resources for a number of years now, that health and education always come at the top of the pile, and I would hope, certainly while I have influence in Treasury and in government, that that would remain the national priority for the Isle of Man.

I would just urge members, though, to reflect on one thing, and that is: it is very easy to stand up and say, 'We need more money; we need more resources; we need more personnel. That may not necessarily be the case. (**Mrs Crowe:** Absolutely.) Simply throwing money at a bad situation is not necessarily going to make that situation any better (**Mr Karran:** Hear, hear.), and I think there is a fundamental need, not just from the DHSS but right across government, for ministers and members - those with responsibility - to do a fundamental reassessment of how effectively the money that they have now is being spent. Are we getting best value out of it? I have to say, personally, that I am not convinced that is the case. I think that if a thorough investigation was done, it would throw up extra resources, which could then be redirected to more urgent areas, like healthcare, which we all agree is of absolute utmost priority.

The other problem, Mr President, in relation to resources is personnel, and again, the same criterion has applied since the personnel cap has been in place: the top two priorities for extra personnel are health and education. Exactly the same has applied this year: out of the 150 posts which have been allocated - and everybody has agreed with - within the capping, half of those - 75 new posts - are going to the DHSS, in pursuit of their improvement. And I understand from the minister that 45 of those are actually going into new posts within the existing hospital. So we are putting new resources in. The minister said - and I think we are all aware of it; it was raised at the private presentation of the budget - that the new hospital will need 130 new staff. Now, that would mean that if they get the 130 plus the 45 that have already gone in, that will be 175 extra staff working in and around the hospital when the new hospital opens up. That is a big step forward. Now, there are two questions there. First of all, if that happens - if the full new allocation is granted - are you going to be able to get those staff in the first place? There is a shortage in many areas of healthcare in Britain at present, so will you be able to recruit the staff you want, whether they are nurses or doctors or whatever they might be? So there is a question mark over whether you can get the resources; even if you have got the money and you have got the personnel allocation, you have then got to get the individuals to come forward.

Mr Downie: And house them.

Mr Bell: And obviously, yes, most of those would have to come from off the Island, and we would have to house them as well. But the other point, Mr President, is that, clearly, if a bid is

made outside of the budgetary process for extra staffing for the new hospital, Treasury - and, I am sure, the Council of Ministers, but Treasury in particular in the first instance - will want to be convinced of the business case that the structure of the new hospital is as effective as we can get, to be able to generate support for another 130 staff and however many millions or whatever extra would be required to fund it. So, in response, really, to the hon. member for Onchan in particular, who has made reference to the management of the new hospital, Treasury certainly will be looking at that and will need to be convinced of that before any support is given to extra resources outside the budgetary process.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtrane. I really rise to speak on this following the comments made by the member for Ayre, because he stated that 12 or so years ago, patients were sent off-Island for treatment, and that is true, but patients are sent off the Island every day for some sort of treatment, so it is not restricted to 12 years ago. People *are* expecting increased services; I think we all expect increased services and something magic to be waved to cure whatever ill affects us, and simply because of that there is a very high expectation when people either go to GPs or take up any health provision that is on offer to them. What we are looking at today, I would say, is it to do with management, and it is to do with how we cope with that expectation, and I think the minister has spelt out that we are looking to try to improve the expectation of people who are using the services that are on offer. The report that is being asked for is not just telling this hon. Court what is happening within our service but is comparing our services with what is on offer in every other place - and some of those things that are on offer are the cardiac surgery, cardiac angiograms, the orthopaedic changes that are taking place, and the ENT service, even - but some of the issues here that are being addressed within all of that are outwith our control. And an area which I would have thought that he could have been asking questions about quite seriously is what we are doing to prevent getting to that situation in the first place, and that has really not been approached during this discussion, this afternoon, in this debate.

I would hope that members will recognise that the Department of Health and Social Security is managing, through the policy of the present minister, the best that we can within the services and the personnel and the resources that we have, recognising the increased personnel and services that we will be able to offer with the new hospital. And it is that new hospital that we should now be concentrating on, with the move and the management of that when we get there, and I would have thought, in two or three years, after the hospital is up and running and the services have not been provided, that that is the time to be addressing something such as this, not before it, when there are major changes that are going to be taking place over the next year to 18 months, moving into this new hospital. I would have thought that we could be criticised if we do not concentrate on that particular area. Thank you, Eaghtrane.

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

Mrs Crowe: Mr President, I will be very brief. I was not going to speak in this debate; I was brought to my feet by the mover of the motion, and, indeed, his hon. colleague, who made such derogatory comments about the method in which the Minister of the Department of Health and Social Security answered questions in this hon. Court, and, indeed, the members elsewhere. I would say - and I would suggest that most hon. members in this Court would agree with me - that the minister always answers the questions accurately and courteously (**A Member:** Hear, hear.) and perhaps it is a good job that I am not answering the questions, because I would not be as tolerant. (**Several Members:** Hear, hear.)

A Member: You have never asked one.

Mrs Crowe: Maybe that is the case. The whole aspect of the mover's motion has been addressed in an adjacent isle. The whole aspect of this has been devalued; the information data that is gathered is out of date before it is committed to print. It is a moving feast; it is a daily programme. Waiting-lists change and disciplines change, and to suggest that there would be no requirement for more resources within the department to address this list as long as Rapunzel's hair, I really find that amazing; you would need a new division. We are talking about GP surgeries in Port Erin and waiting-lists in French hospitals. It just defies belief. Maybe it would be desirable but totally unrealistic.

Now, Mr President, I would just like to add, on a personal note, that I have recently had complicated knee surgery in the day case unit at Noble's. I could not have had better treatment; I believe that that unit leads Europe in the treatment of day case surgery. We should be out there telling the people of the Isle of Man what wonderful services we provide in our hospital, because I do not believe that this is the only discipline within Noble's that is, in fact, leading the United Kingdom, and in some cases Europe, in their treatment of the people of the Isle of Man. Now, is that not something to be proud of? Minister, I congratulate you on the way in which you deliver the healthcare services for the Isle of Man. *(Interjections)*

The President: Now, hon. members, I have two minutes to complete my two-hour period, but I will give Mr Henderson longer than that, and I call upon him to wind up.

Mr Henderson: Thank you, Mr President. I am very grateful for that direction, sir, but there have been some very in-depth comments targeted into my debate. One or two do need touching upon, and I will try and keep things as brief as I can -

Mr Downie: Quit while you are ahead and get on with it.

Mr Henderson: I certainly will not. What I would like to do is just have a couple of comments, and first off the hon. member for Rushen, Mr Rimington, mentioned one or two things certainly about the size of what I am requiring here and the way of the report and so on. The information is already there; I am asking for some of it to be pulled together in a brief report that could be put here for October. It is there already; it just needs pulling together. As for his comments on Liverpool University, we have had Liverpool University look at the health service before; they have been in - *(Interjections)*

Mr Rimington: I read it.

Mr Karran: A waste of money.

Mr Henderson: - and funnily enough, that was asked for by a former Speaker of the House of Keys, if memory serves me correctly, Sir Charles Kerruish, at that time. *(Interjections)*

Mrs Crowe: No, it was John Kinrade.

Mr Henderson: A review of our health service.

Mrs Crowe: You are the wrong generation.

Mr Henderson: I am sure it was, if memory serves me correctly, minister. Also Mr Rimington was moaning about too much detail -

Mrs Crowe: He does not moan.

Mr Henderson: Previously, Mr Quine, the hon. member for Ayre, was lambasted for not giving too much detail, so obviously you put the nuts and bolts on things for hon. members to have a look at in more depth and it is still not good enough. I would say, though, that it is an hon. member's right to place a motion before this Court. However trivial somebody else may see it, it is not trivial to the person that is presenting it or the work that went into it; it is important and I am expressing my concerns.

I thank Mr Singer for his input and supportive statements. We did get on to a different debate there, I felt, Mr President, but it would be nice to see if the minister could make some comment at some time on the Ramsey Cottage situation, and that would be very welcome.

Moving on to Mr Karran who mentioned that perhaps I was confused and misguided. Well, as far as I am concerned, I do not think looking at the Island's healthcare and seeing if we are able to meet the needs of our community is being misguided one bit; that is what I am after. I could say 'business school', 'Invisimail' and 'Mount Murray', but I will not; I will just concern myself with my concerns.

Now, turning to some comments made by the hon. member in Council, Mrs Christian, the health minister. Her basic overview was: what are we going to achieve here? What are the resource implications? And so on. And I think Mrs Christian eloquently summed up what I am after, quite easily. I have come to this hon. Court today, I have presented my concerns - and concerns which the health minister has been made aware of from time to time - and it is not a case of throwing questions around the place. I have written reams of letters, phone calls - you name it, I have done it - all geared at what the health minister summed up: have we got the proper ability to deliver a good quality care system to our community? And all I am asking for, Mr President, is a report, by October, which gives us an indication. I am not asking for the earth, moon, sun and stars, as has been thrown in as red herrings this afternoon; that is a load of old junk, because we could cull that information together very quickly indeed. And the issues of Port Erin and France and all the rest of it: more red herrings. It is quite easy to get the hospital league tables from the UK, it is quite easy to get the same and other standards off the internet or information from European agencies very quickly, and it is very quick to perform measurements and quality measurements.

Mr Bell's input, the hon. Treasury minister's, was one of the most poignant ones of the whole lot, because that is one of the core issues I am after: effective use of resources. He felt sure that if there was a bit of an audit done, we might find that there was some room to provide more services and that resources may not be being used as effectively as they can. And that was the whole point for introducing one issue, about the management 'away day': we are not moving to the new hospital tomorrow, and we are not moving next week or six months hence, and, in my opinion, that was a waste of resource that could have been better utilised to help to offset some of the things that are going on at the minute, and maybe that was the way to go about it.

I thank Mr Quine for his input, and I also thank my hon. colleague, Mr Houghton, for his input and for seconding this motion.

Now then, in finishing up, Mr President, because there is no point in picking through everything, I think we have got the main thrust of what I am after. (**Two Members:** Hear, hear.) I am not seeking a 10-foot high pile of paperwork that is going to take 10 staff 10 years to put together, and the hon. health minister knows it. What we would like to see here by October is a health check of our hospital services to see how we are performing - that is it - and something for the future, to see what we might need, and also the waiting-list initiative that I am alluding to. It is nice to know that the day care centre is one of the best in the world and leading the care field, and if we can do that, then we can do something on waiting-lists, and that is what I am after. As I said in opening my opening speech, I am sure the minister can see the value of carrying out this exercise for the future of our health service and our community's health, and I hope hon. members feel that they can support me in that, because that is all I am asking for, Mr President; nothing astonishing, just some facts and we can see for ourselves. I beg to move, sir.

The President: Hon. members, the motion before us is printed at 49 on the order paper. Those in favour please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Quine, Houghton, Henderson, Duggan, Mrs Cannell and Mr Singer - 6

Against: Messrs Anderson, Rodan, Quayle, Rimington, Mrs Crowe, Messrs Cretney, Braidwood, Downie, Shimmin, Mrs Hannan, Messrs Bell, Karran, Corkill, Earnshaw, Gelling and the Speaker - 16

The Speaker: Mr President, the motion standing at item 49 fails in the House of Keys, with 6 votes for and 16 votes against.

In the Council -

For: Dr Mann - 1

Against: Messrs Lowey, Waft, Kniveton, Mrs Christian and Mr Crowe - 5

The President: With 5 against, 1 for in the Council, hon. members, the motion therefore fails to carry.

Now, hon. members, in relation to the comment which I made regarding anonymous correspondence, I would wish to make it clear in respect of subsequent conversation that I will respect at all times anonymous correspondence if the member who brings it to the Court is aware of the author. If the member is aware of the author, I think it has validity; if the member is unaware of the author, in my book it has no validity, and as long as that is plain to all members, it is straightforward.

Hon. members, I thank you for your co-operation during the last three days. The Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may put before you, hon. members.

The Council withdrew.

HOUSE OF KEYS

The Speaker: Hon. members, a situation seems to be developing which is not acceptable. On Wednesday afternoon of this Tynwald sitting, when the House assembled for the 2.30 p.m. start, only 10 members of the House, including myself, were present. Again today, for this afternoon's session, only eight members were present when I entered the chamber, and only 10 members were present when Mr President entered the chamber to reconvene the sitting. I would remind the hon. members that only members who have been given leave of absence should be absent and must express my concern at this trend, and it would be helpful if hon. members were to be in their seats some two minutes before the designated time for the start of the sitting. I would remind members that it is their responsibility to ensure that they are in their seats at the start of the sittings. I would draw hon. members' attention to standing orders 1.2 and 3.1, which covers members' attendance at sittings of Tynwald. Hon. members, I am sure you agree that it would be most unfortunate, and it is certainly unacceptable, if a sitting of Tynwald Court had to be suspended by Mr President due to the House of Keys not being quorate due to the lateness of the attendance of hon. members. I would therefore request that hon. members ensure that they are in their seats at the appropriate time, so that the business of Tynwald Court can continue uninterrupted, and I look forward to hon. members' co-operation in this matter.

Now, hon. members, you will also have been re-circulated with a copy of a Keys order paper. This is because at least one member received a deficient order paper that had not been printed properly, for which we apologise.

Hon. members, the House will now stand adjourned until Tuesday, 26th March at 10.00 a.m. in our own chamber. Thank you.

The House adjourned at 6.39 p.m.