

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

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**Douglas, Tuesday, 6th May 2003  
at 10.00 a.m.**

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Present:

The Speaker (the Hon. J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon. A R Bell (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); Mr J R Houghton and Mr 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); Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

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*The Chaplain took the prayers.*

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### **Leave of Absence Granted**

**The Speaker:** Hon. members, I can advise that I have granted leave of absence to the hon. member for Douglas South, Mr Cretney, from the proceedings this afternoon. I can also advise that I have granted leave of absence for a late arrival of the hon. member for Rushen, Mr Rimington, who will be here very soon, I understand.

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### **Members' Conduct – Statement by the Speaker**

**The Speaker:** Now, hon. members, before I start the proceedings I would just like to clarify a situation that arose at the last sitting of the House of Keys. There were two separate occasions, two incidents, when a member of the House, whilst the House was in session, conversed with a stranger sitting in the public gallery. I wish to make it clear that such a practice is not acceptable and that the behaviour is discourteous to the House. Further, I would remind hon. members that during sittings of the House, from the time Mr Speaker enters the floor of the House and until the time Mr Speaker leaves the floor of the House, the House is in formal session. I hope that clarifies the situation, hon. members, to avoid any problems in the future.

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### **Expression of Condolence to Mr Duggan**

**The Speaker:** Now may I, on behalf of the House, extend our condolences to the hon. member for Douglas South, Mr Duggan, on the passing of his mother and I also extend our condolences to his father Mr Alfie Duggan and the rest of the family.

**Members:** Hear, hear.

*Questions were taken at this point and concluded at 11.08 a.m. They are published separately.*

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### **Election to Legislative Council – No Member Elected**

**The Speaker:** The next item on the order paper is to elect one person to the Legislative Council to serve as a member for a period expiring on 28th February 2005. In accordance with the statutory requirements in section 2 of the Isle of Man Constitution Elections to Council Act 1971, I called for nominations on 15th April 2003 to be made by 5 p.m. on 24th April, and those on your order paper resulted. All nominations were accompanied by the required statements of qualifications and reasons in support and were circulated to hon. members by the Secretary and also as required by the Act. I confirm that the sitting of

the House today takes place no sooner than 10 days after the close of nominations.

Before we proceed, I remind hon. members of the advice I gave in the House on 4th March 2003 in relation to the text of standing order 209, which applies to this election. I confirm that the same procedure is to apply today. I have therefore asked the Secretary to prepare ballot papers simply showing the names of the only candidates on whom the House may now vote.

As hon. members are aware, under the Act the House is required to elect a person to the Legislative Council when there is a vacancy and a successful candidate requires not less than 13 votes in his favour. If a candidate obtains a majority of the votes of members present and voting but the total is not at least 13 votes, standing order 209(1)(1) allows a second round of voting. However, if a candidate receives less than the majority of the votes of members present and voting, he is deleted from the election.

I confirm that the number of votes required at today's sitting to achieve a majority of votes of members present and voting is 12. In the second round – if there is one – a total of 13 votes is still needed for the candidate to be elected, just as in the first round. If a candidate fails to obtain 13 votes in the second round of the voting, I will call for fresh nominations to be made by 5 p.m. on Friday, 9th May. There will then be a further ballot at a special sitting of the House to be held at 9.30 a.m. on Tuesday, 20th May.

I advise that the procedure for hon. members voting is covered under standing order 209(g). Finally, for the avoidance of doubt, I would also advise that standing order 209(a) provides that only the proposer and the seconder shall speak to a nomination. I intend to invite each candidate to be nominated in the order they appear on today's order paper. I call upon the hon. member for Douglas West, Mr Shimmin, to speak to his nomination of Mr John Raymond Kniveton.

**Mr Shimmin:** Thank you, Mr Speaker. I am pleased to put forward once again Mr John Raymond Kniveton for election to the Legislative Council. I do not intend to repeat many of the things which have already been said. However, the high number of votes that Mr Kniveton received in all previous ballots does indicate that there is substantial support for his nomination.

He has been encouraged throughout the time of standing by the belief that he still has a contribution to make to the workings of Tynwald Court. Indeed, the fact that he is prepared to put his name forward once again shows that nothing has diminished his enthusiasm and belief that he continues to have something worthwhile to contribute. I endorse those feelings and I urge hon. members to consider seriously the benefits of re-electing somebody who has served for some years on a two-year term to complete those projects with which he has already been involved. However, it is also the knowledge which he brings to this Court that I believe reflects the purpose of the Legislative Council. I beg to move, sir.

**The Speaker:** Hon. member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker. It is a very great privilege and honour for me to second the nomination of Mr John Raymond Kniveton for election to the Legislative Council. I am pleased to have this opportunity to offer my support to one whom I consider to be a very strong candidate.

Ray Kniveton received over 50 per cent of the votes from members present in the last ballot, but sadly did not receive the necessary 13 votes – due in part, perhaps, to the House not being at full strength; it is two members short until the by-election seats are filled. I urge those who did not use their votes last time to use them this time. Certainly, under different procedures, the House of Keys may have felt obliged to cast its votes in order to elect a member to fill the vacancy.

Ray Kniveton, let us not forget, has been twice returned by the people of Onchan as a commissioner. He has also been returned as a member of the House of Keys in two elections and was elevated to Legislative Council by the House of Keys in 1998. He has had an unbroken period of 15 years representing not just the people of Onchan but the people of the Isle of Man. Although he has not, as we all know, been the most vociferous member of Tynwald, he has certainly been one of its most conscientious and dedicated members, with a logical and pragmatic approach. He had an outstanding business career before entering political life and, as a practical man, has worked tirelessly and with great enthusiasm for the Isle of Man and, more recently, the Department of Transport, earning genuine respect.

During his time in the Legislative Council he has successfully handled many Bills, particularly relating to road transport, an area in which his great experience is appreciated by the department. Ray is currently serving on that department, and he provides wise and experienced counsel and advice to the department, which, with a new minister and member since the last general election, benefits greatly from having somebody who has been there for a number of years. I am well aware that Mr Kniveton would, indeed, be honoured and proud if the hon. House should elect him for this shorter period of just two years.

I believe the Legislative Council would be strengthened by his re-election. As we all know, the recent elections of the new hon. members to Legislative Council include Mr Gelling, Mr Singer and Mrs Crowe, and we are also expecting a new Lord Bishop. It is very important at this stage to have the continuity that can be provided by an experienced member with a consistent mandate over many years from the general public and, indeed, this House, Mr Speaker.

I beg to second the nomination of Mr John Raymond Kniveton for election to the Legislative Council.

**The Speaker:** Hon. members, I now call on the hon. member for Garff, Mr Rodan, to speak to his nomination of Mr Andrew Steven Roy.

**Mr Rodan:** Mr Speaker, it is with pleasure that I propose for the two-year vacant position on the Legislative Council Mr Andrew Steven Roy. Andy Roy is a chartered accountant, well known in commercial and financial circles both on the Island and internationally. He would bring to the Council, Tynwald Court and to government a wealth of professional experience. That professional experience is borne out by at least 25 years' experience of working in the Island's private sector. The CV that has been circulated demonstrates this wide-ranging background.

As a representative of the wealth-generating sector of the economy on which, of course, the Island's financial well-being depends, his contribution to our work may be expected to be of relevance and value. Andy is well versed in the international developments that represent both threats and opportunities for the Island, and he understands commercial and fiscal matters and has a long-standing commitment to the Island's economic success.

With regard to his democratic credentials for Council, Andy Roy is not untested at the polls. In the 2001 election for Rushen he showed commitment, gaining a very respectable 1632 votes as a complete newcomer and after a relatively short campaign. Having only narrowly missed being elected, he might fairly claim, as an outside candidate, a basis of recent popular support to underpin his seeking membership of Council at this time.

The rôle of Council from an Island-wide perspective, as opposed to the constituency-based element of much of the work of the House of Keys, represents a new opportunity for Andy Roy. He is prepared to devote his time to it for a period of two years and to make his professional experience available to Tynwald. Mr Speaker, I can certainly recommend Andy Roy to hon. members as a most worthy candidate for their vote in this latest election round.

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

**Mr Quine:** Thank you, Mr Speaker. I am pleased to second the nomination of Andrew Steven Roy as a candidate for election to the Legislative Council.

We have a duty today to fill a vacancy on the Legislative Council, a task that we have failed to achieve over the past two months. It is my belief that, in part, this lack of success is attributable to a failure to recognise fully what is required and what should be expected of the Legislative Council. I invite hon. members to conclude that its rôle is largely one of scrutiny and evaluation centred on legislation and financial management. There is, of course, a strong involvement in matters of government, but this calls for the application by members of the Legislative Council of a series of relevant disciplines and

experience in order to discharge those duties efficiently.

In Mr Roy we have a professional man with extensive experience in accountancy, and knowledge of law and business. His knowledge has been gained on and off the Island and embraces involvement in Island affairs over 25 years. A measure of the strength of Mr Roy's political acumen and local knowledge is to be found in the measure of acceptance he experienced at the last general election.

I invite hon. members to look forward and to recognise not only the needs of the appointment today but those relevant to the demands of the legislature in the 21st century. It is my hope that personal preference will perhaps be set aside in favour of public interest. I feel sure that if hon. members can take this objective approach – a course of action which I strongly advocate – they will lend their support to Mr Roy's candidature.

**The Speaker:** Thank you, hon. member. I call upon the hon. member for Douglas North, Mr Houghton, to speak to his nomination of Mr Roger Lee Watterson.

**Mr Houghton:** Thank you, Mr Speaker. I have great pleasure in proposing Roger Lee Watterson for election to the Legislative Council. I have circulated a curriculum vitae for the information of hon. members. However, Mr Watterson is well known to all as a respected businessman involved in his family-run printing and publishing business, but most of all as a broadcaster on Manx Radio with over 10 years' service on the popular 'Sunday Opinion' programme alone.

As a former MHK, Mr Watterson is ideally suited to the Legislative Council. Although Mr Watterson served only a single term in the Keys, Sir Charles Kerruish in his retirement speech to Tynwald singled him out as one of a small group of former members whom he most remembered. It was Roger's grasp of constitutional issues and the position of the Isle of Man on the international stage then, and in the future, that impressed him most.

A member of the Legislative Council without constituency duties can take time to serve as intended, not only as a revising body for legislation but also to study and comment on other issues of importance to the Isle of Man. I feel certain that Mr Watterson has the clear and proven abilities ably to satisfy this rôle to the satisfaction of hon. members and of the people of the Island, and I commend him to this hon. House. I beg to move.

**The Speaker:** Thank you, hon. member. Hon. member for Michael, Mr Cannan.

**Mr Cannan:** Mr Speaker, without compromising my principle that all members of Legislative Council should be elected by the public, (**A Member:** Hear, hear.) I am pleased to second Mr Watterson's nomination as the most suitable candidate to be a member for the next 21 months. Mr Watterson's

experience, as has already been said, as a former member of the House of Keys and his knowledge and everyday involvement in Manx political affairs in the media make him a candidate most eminently suited for this short period of membership of the Legislative Council.

Mr Watterson is well known throughout the Island; he has a track record of public service in the community on charitable works; he is known for his business acumen; he is known for his political acumen; he will be most eminently suited (**A Member:** Hear, hear.) to serve the Island for this short period when, we hope, membership of the Legislative Council may come under review. Mr Speaker, I have great pleasure in seconding this nomination.

**The Speaker:** Thank you, hon. member. I will now ask the Secretary of the House to have ballot papers issued. Hon. members, the names before the House on which you may vote for one person are John Raymond Kniveton, Andrew Steven Roy and Roger Lee Watterson. I call on the hon. member for Douglas West, Mr Downie, and the hon. member for Ramsey, Mr Bell, to act as tellers.

*A ballot took place.*

**The Speaker:** Hon. members, the result of the ballot is as follows: Mr Kniveton had 12 votes; Mr Roy had 4 votes and Mr Watterson had 4 votes. There were 2 spoilt papers. Therefore Mr Kniveton has 12 votes, which is a majority of those present and voting, so we will re-ballot on his name. Please distribute the papers.

Hon. members, the only name for which you may vote is that of Mr John Raymond Kniveton. Therefore, just to make it clear, Mr Roy and Mr Watterson are deleted from the election and the only name you may vote on is that of Mr Kniveton. Hon. member for Douglas West, Mr Downie, and hon. member for Ramsey, Mr Bell, are to act as tellers again.

**The Secretary:** Mr Speaker, I apologise to the House. I have not taken a note of the spoilt papers. May I have leave to reassemble the tellers to make a formal note of that?

**The Speaker:** Mr Bell, Mr Downie, please. Will the tellers confirm that they are content?

**Mr Downie:** Yes, Mr Speaker.

**The Speaker:** Mr Bell, will you confirm that you are content?

**Mr Bell:** Yes, delighted, always content.

*A second ballot took place.*

**The Speaker:** Hon. members, the result of the voting is that Mr Kniveton received 12 votes and did not secure the 13 votes required. There were 10 spoilt

papers. The House has not elected a member to the Legislative Council in accordance with the statutory requirements in section 2 of the Isle of Man Constitution (Elections to Council) Act 1971.

I must therefore call for fresh nominations to be made. The terms of the Act require that nominations be made to the Secretary of the House by 5 p.m. on Friday 9th May 2003. The nomination or nominations must be made by a member of the House, be in writing and be supported by a statement of the candidate's qualifications and experience and the reasons that the proposer considers that the candidate would be suitable to be elected to the Legislative Council. A person nominated need not be a member of the House. The election must take place not less than 10 days after the nominations. The election for the vacancy on the Legislative Council will be held at a special sitting of the House, of which I now give notice, to be held at 9.30 a.m. on Tuesday, 20th May. Thank you, hon. members. That concludes that item on our order paper.

I call on the hon. member for Rushen, Mr Rimington.

**Mr Rimington:** As I understand it, when the by-election is taking place there will be two new members coming for signing in at 9.45 a.m. on that same day. From your correspondence before, would it not be sensible to have the new members signed in and then undertake the election?

**The Speaker:** I am calling a session of the House to start at 9.30 a.m. The first item on the order paper will be the swearing in of the new members. I hope that clarifies it for hon. members.

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### **Bills for First Reading**

**The Speaker:** Hon. members, I call on the Secretary of the House for Bills for first reading.

**The Secretary:** Mr Speaker, the Bills for first reading are the Amendments Bill 2003, introduced by the hon. member for Onchan, Mr Corkill; and the Companies (Amendment) Bill, introduced by the hon. member for Ramsey, Mr Bell.

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### **Litter (Amendment) Bill – Consideration of Council Amendments – Conference Requested – Deputation Elected**

**The Speaker:** We move on to item 5, Bills for consideration of Council amendments. This matter is covered under standing order 161. Hon. members may wish to refer to page 37 of standing orders, although I understand that in some copies the pages might be numbered slightly differently. However, 161 is the relevant standing order. I call on the hon. member for Onchan, Mr Earnshaw.

**Mr Earnshaw:** Thank you, Mr Speaker. In moving this amendment, I must inform the House that I am not sure that the matter is clear cut; it is certainly not in my mind.

**Mr Houghton:** Do not move it then.

**Mr Earnshaw:** Just to refresh the memories of hon. members, I remind them that the mover of the Bill – this was a private member's Bill – was the former member for Ramsey, Mr Singer, now a member of Council. The main part centres on clause 2, paragraph 5C. The mover of that clause was my colleague, the hon. member for Onchan, Mr Karran; subsequently an amendment was moved by the former member for Rushen, Mrs Crowe, who is now also a member of Council.

On 25th February 2003, hon. members of this House agreed to an additional amendment of the Litter Act 1972 by way of the insertion of a new section 5C as follows: 'Employment of Litter Officers. Every local authority shall designate one or more persons for the purposes of exercising (a) its functions under section 3 enforcement and (b) any other functions of the authority under this Act.' The word 'designate' was included by way of amendment, and, as tabled, the section read 'employ'.

During subsequent consideration, the Council substituted 'designate' for 'appoint'. The reason for this, according to my brief, lies in section 58 of the Local Government Act 1985. That enables a member or officer of a local authority who was authorised by the authority to prosecute or defend proceedings on its behalf or to appear on its behalf in proceedings before a court of summary jurisdiction to do so even though that person is not a qualified advocate.

The main function of a litter officer of a local authority is to enforce the Litter Act in its district. A major part of that function is to prosecute offenders. If that person is to do his job properly, it would be a good thing for him to be able to prosecute in person on behalf of the authority. Under section 58, he cannot do so unless he is either a member or officer of the authority.

If he is appointed for the purpose of exercising the authority's enforcement functions, he is for that purpose an officer of the authority and can take advantage of section 58. If he is merely designated for that purpose, he is not as such an officer and cannot take advantage of section 58; therefore the authority would have to brief an advocate or authorise one of its members or officers to prosecute on its behalf.

Our first problem when this was originally considered by the House of Keys is that 'employ' was seen to be ambiguous and arguably required local authorities to put someone on the payroll who was not already there. That would require unnecessary rigidity in applying the legislation when existing staff could be adequately used.

The then minister – the hon. member for Rushen, Mrs Crowe – then moved 'designate' to enable local authorities either to use existing staff, to recruit new

staff or even to use an independent contractor. Moving to 'appoint' may restore the old problem because there is an ambiguity about whether staff have to be recruited afresh or whether existing staff can be used, and there is a danger that the flexibility intended by the introduction of 'designate' may be lost.

We have something of a dilemma. By using 'appoint', we appear to have the advantage of making prosecutions but the disadvantage of preventing contracting-out. I am not a legal expert, but this seems to be a play on words. Mr Speaker, will you permit the Secretary of the House to give us some clarification on this point before we proceed any further?

**The Speaker:** Thank you, hon. member. I call on the Secretary of the House to respond to that point.

**The Secretary:** Mr Speaker, I am not sure that I can explain the matter any more clearly than the hon. member has just explained it. It is, in fact, a choice for the House between two words. One word facilitates prosecutions; the other enables local authorities to be free to contract out refuse collection or to regulate the litter officer's functions.

In relation to the word 'appoint', which the Council has adopted, it certainly does facilitate prosecutions but it does not mean that they could not otherwise take place. It is simply that the litter officer himself or herself could conduct them. It does not prevent prosecutions if that word is not used. They could be conducted by an advocate or another officer of the local authority. Therefore the Council's amendment is not essential to enable prosecutions to take place; it merely makes them easier.

The word 'designate', adopted by this hon. House, was intended, as the hon. member has just said, to avoid the implication that local authorities have to go out into the market and recruit someone to be a litter officer rather than use somebody already on their staff. However, it also enables local authorities – and this could be of importance to members – to choose to contract out refuse services to persons who are not on the payroll and who are not officers of the authority. If the Council's amendment is accepted, that option would be closed.

Mr Speaker, if I can assist further I am of course very willing to do so.

**The Speaker:** May I, before I call on the hon. member for Onchan, ask whether any member wishes to ask the Secretary of the House a question on that issue?

Hon. member for Onchan, Mr Earnshaw, to continue.

**Mr Earnshaw:** Thank you, Mr Speaker. I am sorry that we cannot be more conclusive at this stage, as it does seem rather excessive. I am aware that one of the options I have available is to ask for a conference between this House and the Council. It seems rather excessive to go down that road when we are just talking about one word. My own view is that we

should perhaps amend the Bill in such a way – it is not my Bill – as to include both words so that we have a catch-all situation. We could use the words 'appoint' and 'delegate' rather than just 'appoint' – (*Interjection*) 'designate', I beg your pardon; thank you for correcting me on that.

**The Speaker:** May I interject, hon. member, and say that the option to amend the amendment is not open to the House. I appreciate what you are saying, but I just want to clarify that for members.

**Mr Earnshaw:** Thank you, Mr Speaker. Due to a lack of experience I am not sure what the procedure is at this point, so I am in your hands.

**The Speaker:** I appreciate that, hon. member; I am just trying to be helpful. I understand that you are explaining how you would see it and I also think that the House should acknowledge that you are not the mover of this private member's Bill. You are assisting the member who did move it who is no longer a member of the House; members must keep in mind that it is not your Bill.

Further to that, I am trying to clarify that whilst you are making that suggestion it is not an option open to the House at this stage. Clearly, the options open to the House are: accept the amendment, reject the amendment or seek a conference. Would you like to continue, hon. member?

**Mr Earnshaw:** Yes. I understand what you are saying, Mr Speaker, but I am just not quite clear about how I should proceed. I think that I can perhaps help the situation by saying that I am not happy in moving the amendment to a point on its own. I think it would be appropriate to ask the House if I could withdraw the amendment for the time being, unless other hon. members have a comment to make –

**Mr Karran:** It is a shame that we did not have a conference.

**Mr Earnshaw:** – about supporting a conference.

**A Member:** Conference.

**The Speaker:** May I maybe assist you further? I appreciate that you are a new member, and, in fairness to all of us, these things rarely happen. May I make it clear that, even if it were your Bill, you would have the right to recommend to the House one of those options. In other words, you can recommend that we do not accept the amendment as proposed by the Council, which has implications; you can recommend that we do accept it because, let us say, you are content; or you could recommend a conference.

It is a matter for the House. You are free to propose as you wish because the amendment is made in another place. It has not been made in this House, so you are free to do what you feel to be the right thing

and to recommend what you believe to be the right way forward.

**Mr Earnshaw:** Thank you, Mr Speaker; I appreciate your guidance. I beg to move:

*That the House elect three members as a deputation to meet with the Legislative Council at a conference on the Council amendments.*

I recommend to the House that we do not accept the word 'appoint' and that we seek a conference to clarify the matter (**A Member:** Hear, hear.) albeit a minor one. We should get it right before we vote on it. (**A Member:** Hear, hear.)

**Mr Cretney:** I beg to second, Mr Speaker.

**The Speaker:** Thank you, hon. member for Douglas South, Mr Cretney. Hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder. My only concern – let us be perfectly frank about the litter legislation – is that we have had litter legislation for how long now? Fifteen years? How many prosecutions have we had? None. If the Coonceil Slattyssagh, the Legislative Council, has put that in to beef it up and to make it stronger, we should agree with the amendments made by the Upper House in order to tighten it. We do not want any ambiguity; we want people to have the right to police and to enforce the legislation. It is no use making paper tigers, although that seems to be what some people in here want. They want the legislation but they do not want it to be enforced. I feel, Vainstyr Loayreyder, that we should support the amendment from Coonceil Slattyssagh, the Legislative Council, because it tightens the legislation. It does not tighten it as much as I would like but it does tighten it.

I am against having a conference and I am for this hon. House supporting the amendments. The Council has revised the legislation and has come up with these amendments. I have not seen a good argument, when I want the legislation to be enforced.

The one reason I pushed for this amendment and supported the provisions of litter bins was that at the moment we are bringing in a refuse charge. I look at my own constituency when I drive home at night along Groudle – admittedly, the Department of Transport has sorted out the Sarajevo re-enactment society and has repaired the potholes in the road (*Laughter*), which is very good of it – but the litter along the Groudle Road remains appalling. My local authority should be given responsibility; it should be made to police these things. Therefore we should not support a conference; we should support the amendment.

**The Speaker:** Before we proceed, may I make one comment that may be helpful to the House. A conference would enable the House, if it wished, to seek clarification on the reasons behind the Legislative

Council's recommendation to amend legislation that the House has already passed. Therefore if the House is uncertain about the reasons and the background to that proposal, that is an option for it. Hon. member for Onchan, Mr Corkill.

**Mr Corkill:** Thank you, Mr Speaker, and thank you for drawing that process to our attention because I support the suggestion of a conference with the Legislative Council. It is not used too often, but it is very useful.

I refer hon. members to the original principles of this private member's Bill. I am not speaking on behalf of the member who promoted the Bill; he is not here and can speak in another place now on its behalf. It is constitutionally quite interesting for a member to move a Bill in this House, get elected to another place and to move his own Bill for scrutiny there. Therefore a conference might help us to understand why the Legislative Council feels that it wishes to change the emphasis by amending a word or two.

I thought that the Keys had made it clear where responsibility lies. The hon. member's motive was to create a better environment in litter hotspots – fast-food restaurants, for example – to create some responsibility with the operators of those establishments. I commend him for that.

The Bill is useful, but the amendments have broadened it out a little. Of course, local authorities have responsibilities for litter and members are keen to enforce them, and I fully support their worthwhile efforts. The importance of this word, Mr Speaker, is that it affects how local authorities can react in their decision-making to those responsibilities. Some may wish to employ directly; others may wish to designate and come to some other arrangement to deal with their legal responsibilities. A conference would enable us to get an appreciation of whether the Legislative Council has taken cognisance of what the Keys decided when these amendments were put in the Bill originally and to make sure that we have some understanding of what is behind the Bill. It would not necessarily be a very lengthy process; conferences can be dealt with quite quickly.

**The Speaker:** Hon. member for Onchan, Mr Earnshaw, to reply to the motion.

**Mr Earnshaw:** Thank you, Mr Speaker. I am sorry if this is something of a storm in a teacup over one word, but I do not want the legislation to be ambiguous; I want it to work. I think that hon. members are aware that I have strong feelings about litter on the Island so I am very much a supporter of Mr Singer's Bill. However, unless we get the wording right we run the risk of having a bad law. It seems to me that one word helps one thing and another word helps another; therefore it is important that we clarify the matter. I beg to move, Mr Speaker, that we go down the route of having a conference between the two branches.

**The Speaker:** The hon. member may feel slightly concerned about arguing over one word, but the whole basis of legislative scrutiny is about one word. I would not apologise for recommending a way forward. If there is uncertainty, that is our rôle.

Hon. members, the motion before the House is that a conference be held between this House and the Legislative Council. All those in favour say aye; against no. The ayes have it. The ayes have it.

Hon. members, under standing order 131 we need to determine the numbers for the deputation. May I have a proposal as to what members feel would be an appropriate number for a deputation? (**Several members:** Three.) Three, hon. members? Is that agreed? (**Several members:** Three.) We therefore need to elect three members as a deputation to meet the Legislative Council. I ask for nominations, please.

**Mr Downie:** I nominate Mr Earnshaw.

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

**Mrs Hannan:** I beg to propose Mr Corkill, member for Onchan.

**Mr Henderson:** Seconded, sir.

**Mr Cretney:** I beg to nominate the hon. member for Onchan, Mr Karran.

**Mr Earnshaw:** I beg to second.

**Mr Henderson:** Seconded.

**The Speaker:** Hon. member for Ayre.

**Mr Quine:** I nominate the hon. member for Glenfaba, Mr Anderson.

**Mr Bell:** I beg to second.

**Mr Karran:** I wish to nominate the hon. member for Peel.

**Mr Anderson:** I second that.

**Mr Houghton:** Nominations close.

**The Speaker:** Hon. members, we have five names. We will now ballot on the names before us; if I can ask for ballot papers to be distributed. (*Laughter*) I ask the hon. member for Douglas South, Mr Duggan, and the hon. member for Rushen, Mr Rimington to act as tellers. I will read out the names of the members once you have all received ballot papers.

Hon. members, the names before you are as follows: Mr Anderson, Mr Corkill, Mr Earnshaw, Mrs Hannan and Mr Karran; you are to elect three members out of those five names.

*A ballot took place.*

**The Speaker:** Hon. members, the result of the ballot is as follows: Mr Anderson 12 votes, Mr Corkill 13 votes, Mr Earnshaw 18 votes, Mrs Hannan 12 votes and Mr Karran 8 votes. Therefore Mr Corkill and Mr Earnshaw have been elected to act as a deputation.

I now drop off the name of the member who got the least votes, which is Mr Karran, and we will now ballot on the names of Mr Anderson and Mrs Hannan. Members are required to vote for one person under our standing orders. You have to. (*Interjections and laughter.*) Hon. members, you need to elect one person and the names before you are Mr Anderson and Mrs Hannan. Same tellers, please.

*A second ballot took place.*

**The Speaker:** Hon. members, the result of the ballot is as follows: Mr Anderson 7 votes; Mrs Hannan 14 votes. Therefore, hon. members, the deputation to meet with the Legislative Council regarding the Litter (Amendment) Bill 2003 and amendments made by the Legislative Council will consist of Mr Earnshaw, Mr Corkill and Mrs Hannan.

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### **Heath Burning Bill – Standing Orders Suspended – Amendments Made**

Item 6. Mr Karran to move:

*That standing orders 154(2)(b) and 158 be suspended to allow amendments to the Heath Burning Bill 2003 to be moved at this sitting before the third reading of the Bill.*

**The Speaker:** Hon. members, we move onto our next item on the order paper, which is the suspension of standing orders. I call on the hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I call for the suspension of standing orders in order to debate this amendment because there is a fundamental flaw in the legislation.

Under the present Bill, an owner cannot set fire to the heathland, but can destroy it with a JCB, for example. I feel that this undermines the rule of law. If they are not allowed to damage heathland by fire, I do not see why they should be allowed to damage it in any other way. This legislation is supposed to protect heathland, with a fine of £5,000 for setting fire to it without the right proposal. However, if someone decides to churn it up and destroy the heather bed, there is no sanction at all.

I put this proposal forward because that undermines the principle of the law. A bus could be driven through this protection legislation, Vainstyr Loayreyder. Therefore I move the suspension for the amendment that stands in my name.

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

**Mr Rimington:** I beg to second but I contend that amendment should go through.

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

**Mr Anderson:** Thank you, Mr Speaker. I was looking for clarification from the minister on this because I do not see it fitting neatly into the title of this Bill – the title is the Heath Burning Bill. Surely, there must be other ways of protecting heathland apart from through this Bill. This Bill is specific to heath burning.

**The Speaker:** Hon. member for Rushen, Mr Gill.

**Mr Gill:** Thank you, Mr Speaker. I fully accept the principle that the member for Onchan has made. He describes it as a measure to prevent a bus being driven through the principles of the legislation. However, I ask for clarification on what the word ‘destroy’ would mean in this context. It sounds an extremely definite description and so I would look for some advice about that, sir. Thank you.

**The Speaker:** Hon. member for Douglas West, Mr Downie.

**Mr Downie:** Thank you, Mr Speaker. I do have some concern about this. Although I do not really have a principle in supporting the amendment, the hon. member for Onchan, Mr Karran, in moving his amendment said that you could do considerable damage with a JCB. I suggest to this hon. House that if you wanted to damage heathland irreversibly all you need do is put some chemicals on it and, given the modern day weedkillers, you will absolutely destroy that environment for years and years to come. You will poison the ground. I want clarification on whether destruction includes poisoning of land by the use of weedkillers and other toxic substances or whether we mean just an earth-moving operation or a fire.

I have no problem with protecting this sort of environment, but we need clarification because the word ‘destroy’ is too wide. It could provide a loophole in future, and that has to be addressed.

**The Speaker:** Hon. members, before we proceed I would just make it clear that we are debating only whether or not to suspend standing orders so that the details of the proposed amendment can be moved and fully explained by the member who made the proposal.

To respond to the hon. member for Glenfaba, may I ask the Secretary of the House to cover the issue of the long title? I think that would be helpful to the House.

**The Secretary:** Mr Speaker, I respectfully suggest to the House that the long title of the Bill is wide

enough to cover the amendments that the hon. member for Onchan seeks to move.

**The Speaker:** That is clarified. The hon. member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr Speaker. I would just ask the hon. member for Onchan, Mr Karran, to clarify whether there has been any consultation between the department and the owners of the heathland before he moved these amendments. If he could cover that in his reply it would be much appreciated.

**The Speaker:** Hon. member for Onchan, Mr Karran, to reply to the proposal.

**Mr Karran:** Vainstyr Loayreyder, I will give my reasons for moving the amendments. If we are to make laws that will be respected, we should not be looking for ways to create loopholes in them. ‘Destroy’ means destroy; poisoning the land with chemicals or weedkillers would be covered under the amendment. I moved this amendment because I think that it is wrong that we allow ourselves to have legislation –

**The Speaker:** May I just interrupt, hon. member? You are not moving an amendment: you are moving and seeking a suspension of standing orders.

**Mr Karran:** Right, Vainstyr Loayreyder, I will answer the details that come up at a later stage. I beg to move the suspension of standing orders.

**The Speaker:** Hon. members, we require 16 votes in favour of a motion to suspend standing orders if it is to be successful. I put to the House the motion standing at item 6(1) in the name of the hon. member for Onchan, that standing orders 154 (2)(b) and 158 be suspended to allow amendments to the Heath Burning Bill 2003. All those in favour say aye; against no. The ayes have it. The ayes have it.

Hon. members, we now move on to Mr Karran presenting his amendment, which you will find on your order papers. Hon. members, clause 4 is to be amended first. First, the Secretary of the House wishes to recirculate the amendment. Will you explain why?

**The Secretary:** Thank you, Mr Speaker. I apologise to the House. There has been an error on the order paper. One of the amendments to be moved by Mr Karran, the hon. member for Onchan, has been left off. It was duly noted by him in time and the fault is entirely that of the office. I apologise for that. It is a small amendment. Nevertheless, it was part of the package and I will now duly recirculate.

**The Speaker:** That has been highlighted.

**The Secretary:** It has been highlighted in pink and the papers are now being recirculated.

**The Speaker:** Before we proceed, we will recirculate this.

I now invite the hon. member for Onchan, Mr Karran, to move the amendment to clause 4 standing in his name.

**Mr Karran:** Vainstyr Loayreyder, I move this amendment because the principle of the legislation was to protect the heath of the Isle of Man. The legislation will protect it if the owner decides to burn it, but it will not protect it in any other way. If, under this legislation, a person sets fire to heath, Vainstyr Loayreyder, he can receive a £5,000 fine. If he decides to poison it, as the hon. member for West Douglas says, with weedkiller, which can be far more detrimental in its environmental impact, he will get nothing under this legislation. If he decides to bring in his JCB to take the whole of the heather bed out, that will not be covered under this legislation.

If we are passing this sort of legislation, we should be making sure that it will do what it is supposed to do. The Heath Burning Bill is proposed to protect the heathland, and I believe that this is a glaring anomaly. For that reason, I beg to move that my amendment stand part of the Bill:

*Clause 4 –*

*Page 3, line 5: after ‘No person shall set fire to’ insert ‘or destroy’.*

*Page 3, line 14: after ‘set on fire’ insert ‘or destroyed’.*

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

**Mr Henderson:** I beg to second, sir, and reserve my remarks.

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

**Mr Quine:** I am just a little uneasy about what ‘destroy’ embraces. I understand what the hon. member is trying to achieve; I understand what he is trying to guard against. However, we are talking about heathland that can be used in agricultural activity, and I feel that this term could be more embracing than its face value suggests.

I do not know to what extent the member can help us here other than to expand on what dialogue there has been about this amendment with those in the agriculture industry. Although we are talking about heathland being designated and being on a register, it is not being removed from the general field of activity. Using the word ‘destroy’ without defining it properly could thwart certain legitimate agricultural activity. If I am to approve a widening of the provisions of this Bill, I want a full understanding of what that would mean.

I will certainly be looking to the minister for the department to explain to what extent he has taken this on board with the industry and what the reaction of the

industry is, because I certainly will not support it blindly. I have a feeling that we may be biting off more than we realise by going along with the fairly innocuous extension of a wording that may not be as innocuous as it appears. There is doubt about how embracing it is.

If the minister or the mover of the amendment can help me perhaps I will be able to look at it somewhat differently. However, if I have to make a fairly stark blind judgement about whether to take the Bill as it stands or to take on board a broadening of the Bill by the inclusion of ‘destroy’ or ‘destruction’ in the absence of very definitive information about just how far that goes, I am afraid that I cannot support it. However, I am not opposed to what it is trying to achieve.

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

**Mrs Cannell:** Thank you, Mr Speaker. Just to be helpful, the object of the Bill is as printed on its first cover: it is to replace the control of heath burning under the Heath Burning Act of 1939 with a régime for the registration of sensitive heathland and the licensing of heath burning. The long title includes the words ‘and for management of heathland.’, so I think that the amendment that is being proposed is appropriate.

In order to be helpful, the Concise Oxford Dictionary gives the meaning of the word ‘destroy’ as ‘to pull or break down, demolish, make useless, kill, cause to cease to exist, nullify, neutralise effect of.’. That is what destroy means. This Bill is trying to protect the sensitive heathland from people destroying it in order to manage the work of the farmers and everybody else. Therefore it is appropriate to include ‘destruction’ and ‘destroy’, as all sorts of scenarios could arise. Including ‘destroy’ in the legislation would put an onus on those who seek to do so by chemicals, by machinery, by fire or otherwise to seek the permission of the department. Of course, there is also provision in the legislation for those who are not happy with it. There is a procedure for those who feel aggrieved.

Mr Speaker, we could be accused of filibustering if we go on with this debate any longer. The amendments moved by the hon. member for Onchan are appropriate; they are well placed; they fit well into the Bill, and I will be supporting them. I urge hon. members to get on with it so that we can get on to third reading.

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

**Mr Rimington:** Thank you, Mr Speaker. The department considered these amendments and is content that they should go forward – they are a belt-and-braces approach to the legislation.

Most, although not all, heathland is owned by the government in various bodies. Obviously, my department owns most of it on behalf of the people of

the Isle of Man. If somebody were to spread dangerous or damaging weedkiller on it or rip it up with a JCB without our permission, there probably would be other measures besides this legislation that we could take against such persons. However, that would not necessarily be the case if it were private heathland. The thrust of the Bill is for the management, retention and conservation of heathland on the Isle of Man, whether privately or publicly owned; and the amendments are in that spirit. I cannot see that concern about any damaging or thwarting of agricultural activity would apply in this respect.

The agricultural activity that takes place on the heathland is relatively straightforward. For instance, sheep kept at a very low stocking rate would have no deleterious effect on agricultural activity other than that which already exists. Therefore heathland that is in private ownership and registered with the department cannot be turned back into agricultural land without licence – irrespective of the amendments.

There has been no specific consultation on these amendments. We like to consult – and there has been a great deal of consultation at all the Bill's stages – but at some point it is up to the Legislative Council to decide whether the Bill needs to be tightened or amended. You cannot go through consultation every time you wish to make an amendment to a piece of legislation. That is our rôle.

If an amendment contained a contradiction of the principles of a Bill, then, yes, it would be right and proper for consultation to take place. However, this is really just tightening up with belt and braces, which we are quite content to do.

If, perchance, a new road was being put through heathland, most of which is government land, it would have to have the government's permission. That road would in effect destroy heathland, but it would be licensed with the permission of the department. If somebody decided to build that road without permission, without a licence, he would be subject either to the provisions of this Bill or to the provisions of other legislation. Thank you, Mr Speaker.

**Mr Quine:** Who would replant heathland?

**The Speaker:** Hon. member for Malew and Santon.

**Capt. Douglas:** Thank you, Mr Speaker. In an effort to be helpful to the hon. member for Onchan, may I ask the minister whether he has a code for the good management of heathland as he has a code for heather burning? Thank you.

**The Speaker:** Member for Onchan, Mr Karran, to reply to the debate.

**Mr Karran:** Vainstyr Loayreyder, these amendments are put forward to help the House to ensure that the law is not made mock of. This is to try to stop the wide boys laughing at the legislation and getting round it by destroying the heathland in other

ways. If the House wants to bring the law into dispute, it should not support the amendment. That is fair enough. However, we are trying to bring in meaningful legislation, and, at present, the legislation is far too weak, and we need to amend it.

The hon. member for Ayre has a large number of farming constituents, but I very much doubt that many of them will be affected by this legislation. I hope that when the people are asking for more social legislation, for cutting back on things, the hon. member will be supporting their right to have an input into that. Vainstyr Loayreyder, there should be no problems with this legislation for agricultural constituents so long as they are not doing bad husbandry of the land.

This House, when it meets in Tynwald, will be expected at the next sitting to give large amounts of money for good husbandry, so it is important that hon. members realise that that must be part of the package. At present, I do not believe that anything could be done if someone were to destroy the heathland that is in private ownership even though it could leave a sizeable blot on the landscape.

If the land were poisoned the Department of Local Government and the Environment would have to pursue it if there was a long-term environmental effect other than to the heathland itself. If there was no proven long-term environmental effect to the river supply either, the person could quite easily get away with destroying the heathland because he decided to do it otherwise than with a box of matches.

I hope that this hon. House will support the amendments standing in my name because we should be here to make sure that good law is adhered to. I believe that this amendment will make the law stronger and fairer since it deals with the basic principle that the heathland should be protected.

**The Speaker:** Hon. members, the motion before the House is that the amendment standing in the name of the hon. member for Onchan, Mr Karran, to clause 4, do stand part of the Bill. All those in favour say aye; against no. The ayes have it. The ayes have it.

Hon. member for Onchan, clause 5.

**Mr Karran:** Vainstyr Loayreyder, I move these amendments for the same reasons that I moved the previous amendments: to strengthen the legislation so that the heathland is protected for future generations. I beg to move:

*Clause 5 –*

*Page 3, line 24: after 'the burning' insert 'or destruction'.*

*Page 4, line 22: after 'sets fire to' insert 'or destroys'.*

**Mr Houghton:** I beg to second.

**The Speaker:** Hon. member for Douglas North, Mr Houghton, seconded. Hon. members, the motion

before the House is that the amendment standing in the name of the hon. member for Onchan, Mr Karran, at clause 5 be agreed. All those in favour that clause 5 stand part of the Bill say aye; against, no. The ayes have it. The ayes have it.

Hon. member for Onchan, your amendment, clause 6, sir.

**Mr Karran:** I formally move the amendment to clause 6:

*Page 4, line 31: after 'to burn' insert 'or destroy'.*

*Page 5, line 3: after 'the burning' insert 'or destruction'.*

*Page 5, line 15: after 'a person who intends to burn' insert 'or destroy'.*

**Mr Braidwood:** I beg to second, Mr Speaker.

**The Speaker:** The hon. member for Douglas East, Mr Braidwood, seconded it. Hon. members, the motion before the House is that at clause 6, the amendments in the name of the hon. member for Onchan, Mr Karran, stand part of the Bill. All those in favour say aye; against no. The ayes have it. The ayes have it.

Finally, hon. member, clause 7.

**Mr Karran:** I formally move that clause 7 stand part of the Bill, with the following amendment:

*Page 5, line 26: after 'has been burnt' insert 'or destroyed'.*

**The Speaker:** Hon. members, the motion before the House is that the amendment in the name of the hon. member for Onchan, Mr Karran, at clause 7, stand part of the Bill. All those in favour say aye; against, no. The ayes have it. The ayes have it.

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### Heath Burning Bill – Third Reading Approved – Statement by the Speaker

**The Speaker:** Hon. members, we come to the next item on our order paper at 7, and that is 'Bills for Third Reading'. The first is the Heath Burning Bill. Hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Thank you, Mr Speaker. I will be very brief because I think the Bill was very well debated at the second reading. After the second reading we had another period of consultation to iron out difficulties; this resulted in amendments and clarifications that were made at consideration of clauses. I hope that through that process hon. members are content with the structure of the Bill as it stands.

Once it has passed through its full process in the Legislative Council and becomes enacted, it will

replace the 1939 Act of this House and strengthen the management and conservation of our heathlands, which belong to the people of the Isle of Man. I formally beg to move.

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

**The Speaker:** Hon. members, the motion before the House is that the Heath Burning Bill do now be read a third time. All those in favour say aye; against no. The ayes have it. The ayes have it.

Hon. members, before we move to the next item I should say something about how this Bill has proceeded through the House. This is a government Bill promoted by the Department of Agriculture, Fisheries and Forestry of which the hon. member for Rushen, Mr Rimington, is minister and the hon. member for Onchan, Mr Karran, is the member.

Amendments have been hovering over the Bill for a while, but these amendments were not moved at second reading; therefore we had to suspend standing orders today to enable them to be taken before third reading. The public have not been made aware of the reason for this legislation because the green Bill did not contain the amendments, and that means that the process is deficient. If a Bill comes before the House it should be in the format that the department wishes, unless there are very good reasons for that not being the case.

I make that point because our rôle, as the hon. member for Onchan rightly said, is to ensure that this House makes good legislation. However, government departments must also ensure that they promote good legislation.

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### Income Tax Bill – Third Reading Approved

**The Speaker:** Hon. members, we move to item 2, the Income Tax Bill. Mr Bell, hon. member for Ramsey.

**Mr Bell:** Mr Speaker, the Income Tax Bill 2003 is divided into four parts. The first three parts address the specific topics of the introduction of the new personal allowance credit, measures relating to the protection of information and measures relating to international information exchange. The fourth part makes several amendments to existing income tax legislation, some of which are consequential or in relation to the legislation in the first three parts of the Bill.

Part 1 comprises 16 clauses that introduce the new personal allowance credit of up to £200, which will be payable to those individuals and married couples on low income who have not utilised all their personal allowances. The personal allowance credit ensures that those who would not otherwise benefit from a reduction in tax rates or an increase in personal allowances are eligible for some tangible benefit from the income tax system. The personal allowance credit

is not intended as an alternative to the benefit system. However, it is intended to address that area of identified need where people have income higher than the threshold that entitles them to social security benefit but which is insufficient to enjoy any increase in personal allowances or reduction in tax rates.

Part 2 comprises clauses 17 and 18, which provide for an updating of section 108 of the Income Tax Act 1970. That relates to the confidentiality of tax information and brings in new sections 106 (c), (d), (e) and (f), which control both the disclosure of information by the assessor to other bodies and the disclosure of information to the assessor by third parties.

Part 3 comprises clauses 19 to 22 and covers the exchange of information under the terms of international agreements, a developing part of the Island's international responsibilities. The provision of this part enables the assessor of income tax to release information where the Island has entered into arrangements with the government of another country. It controls the use that may be made of such information released and information received under such an agreement.

Part 4 and clause 23 concern the rates of income tax to be applied to the trading profits of companies and confirm the provisions of the Income Tax Temporary Taxation Standard Rate of Tax Companies Order of 2002. That was approved by Tynwald in March 2002 and provides for a company's trading profits to be charged at a rate of 10 per cent and 15 per cent. Hon. members will be aware that for the 2003-4 year there is now effectively only one rate of 10 per cent on company trading profits while the non-trading income of companies remains liable to the higher rate of 18 per cent.

Clause 24 eliminates an area of potential tax avoidance in relation to the valuation of benefits in kind; and clause 25 is a change that is consequential on the introduction of the personal allowance credit. It amends the tax treatment of husband and wife in relation to both assessment and the entitlement to personal allowances in the tax year in which they marry or the tax year in which they separate. Hon. members will recall that I gave an undertaking that the broader matter of the tax treatment of husband and wife will be addressed in another income tax Bill to be brought before this hon. Court later this year. We intend then to update those areas in relation to which the existing régime has received criticism from the standpoint of human rights and fairness.

Clauses 26 to 28 update the income tax legislation in relation to the offence of the unlawful assumption of the characters of officers of the income tax division, the offence of bribery and collusion and the introduction of a power enabling the Treasury to pay rewards to informants.

Mr Speaker, this Bill introduces several important amendments into our income tax system. The Island's commitment to maintaining best practice in an international arena has given the opportunity to update legislation on confidentiality and the exchange of

information. The Bill also contains a very important development in the form of the personal allowance credit system for the Island's own lower income individuals and married couples.

Mr Speaker, there are no outstanding queries from the clauses stage, and therefore I ask hon. members to approve the third reading of the Income Tax Bill 2003.

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

**Mr Corkill:** I beg to second, Mr Speaker, and reserve my remarks.

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

**Mr Karran:** Vainstyr Loayreyder, I will be supporting the third reading of the Bill, but I must express my bitter disappointment at the capital limits in it. They should have been set at a more realistic level. I think that £200 for people who have an income of less than £6,000 is an insult to those who have worked so hard for a caring and prosperous society. I hope that someone will be asking how much money it will cost to bring this tax credit scheme in at such a low level for people with that sort of income.

This Bill will be seen in future as having missed opportunities. It is absurd, and it will be used later because of the capital limits in it. People have to say how much money they have in the bank. However, they could say that they have less than £6,000 even though they might have half a million pounds in capital in unit trusts, and that is absurd. I hope that that will not be used, Vainstyr Loayreyder, as an excuse for not raising these limits to a realistic level. The principle of establishing tax credits has been debased by having them at such a low rate. I believe, Vainstyr Loayreyder, that the issue of giving powers to enable support for environmental initiatives should have been grasped in this legislation.

We should have done more, with my amendment, both to encourage business on the Island to be more environmentally friendly and to encourage individuals to spend their money on environmentally friendly products. That should have been addressed in this legislation. We should be looking at a several-pronged approach: not just from the Department of Local Government and the Environment, but also from the tax basis.

I must say that I also think that on this third reading Bill, that this Bill should have finally put in the death nail as far as the Manx language is concerned. Nobody is trying to be an extremist in this hon. House, but I think it is a matter of principle – showing that we are not ashamed of our language. The very issue that the hon. member for West Douglas raised about whether it would look silly if somebody in the Cayman Islands or somewhere else was reading our legislation that we give a nominal fee for complying with an O-level in Manx. I believe that that just shows the inadequacies that are still in our society as far as our

own national identity is concerned. I believe that was another own goal.

Vainstyr Loayreyder, the issue of forcibly making the government deduct tax for rental income on non-residents in this Island should have been addressed. The strain, the suffering and the social damage that the housing situation has caused in our society will not become fully apparent for some time yet, but this Bill should have been used for that.

I will support this Bill simply because there are some improvements. However, the Minister for the Treasury, by not using some of my amendments, has once again not just scored an own goal for the government: he has managed to do a hat-trick of own goals. It is a very sad day for this hon. House – for not trying to get these other issues addressed on the agenda, Vainstyr Loayreyder.

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

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. I want to comment on some of the issues that the member for Onchan raised. Because of the debates on this legislation, some of the areas that have been discussed in the House during the income tax legislation could be addressed by the government. Now that these comments have been made I hope that they can be looked at very seriously.

The comments of the member for Onchan and of other members when we were going through the clauses stage and at second reading show that there are still areas of concern that we should be trying to address. When someone does have a low income and is not paying tax then I believe that the funds that we should try to get through to them are more than we are suggesting in this legislation. However, the legislation is a start. That is why I have supported it.

However, other areas, such giving business incentives on the environment and selling properties to companies whether they are here or away because there is no money anywhere else other than in properties are things that the government should seek to address. It should not hide behind the argument, 'the finance sector is making money for us to operate.' The finance sector is making money, full stop. Yes, we do operate using that money; but in the context of pushing up rentals – because the only way that anybody is making money these days is either through purchasing properties or rentals. This issue should be addressed, because it is making the people in our community poor.

Some of the sizes of properties that they are able to purchase, even with our assistance – it is only the lowest income people that we are assisting. We look to this other group that is not being assisted. Ordinary people now have to pay mortgages of six times their income, which, I believe, is now one of the going rates. This is an area that we should be looking at and trying to address.

I hope that during this legislation the Treasury and the government can look at some of the issues that

have been addressed in this legislation. Thank you, Vainstyr, Loayreyder.

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

**Mr Corkill:** Thank you, Mr Speaker. I have listened with interest to some of the comments that hon. members have made about the progress of this Bill. I think it was in 1997 – or maybe in 1998 – when the budget speech made reference to the tax credits system as it was referred to then.

Now, of course, it is more appropriately referred to in this legislation as personal allowance credit. For Treasury ministers, including the present Minister for the Treasury, Mr Bell, there has been a long history of struggle and commitment to find new mechanisms to help people on low income. These mechanisms are additional to the benefit system that we have and understand.

There has been a long process of determination – how to use the tax system to deliver to this area of need. I congratulate the Treasury and the present Minister for the Treasury in delivering something that has been long held in another place – at policy debates in Tynwald – as a worthwhile goal.

The mechanism is very important, but we should be aware of what that mechanism is about and what it is based on, because there has been some confusion in the debate during the progress of this Bill. I am very pleased that despite that debate, and some of the comments that have been made, the members who have been critical are still willing to support the Bill. That ensures and shows that this is a worthwhile mechanism that is being put into legislation, although it may not be enough for some people.

Of course, the background that we have to be aware of is that we are talking about something centred around unused personal allowances, which, for those people who are fortunate enough to pay tax – if I can put it that way – are a benefit to their income in this area. Yet, for those who do not pay tax, that passes on – these tax personal allowances become unutilised. This mechanism is talking about redressing that balance so that the non-taxpayers can get some benefit from those accumulated situations. I think it is worthwhile, but it is not the whole picture.

In relation to comments about property – the current situation with regard to the housing market – I wish to refer hon. members to a report that went to another place from the housing task force. Earlier in this administration the committee carefully looked at a number of ideas of fiscal intervention into this area to see whether an improvement could be made with regard to affordable housing. I refer hon. members to that report, but many of the questions that are being asked are answered in it. Very often by intervening fiscally, you can actually make housing supply worse. There is a balance to be struck. However, that is getting into a housing debate, which would not be beneficial.

I refer hon. members who raised this point during the debate on the Bill to read the report and to look at the list of issues in terms of capital involved – taxing things like second homes and second properties – in the light of experience of other jurisdictions.

A report was produced that hon. members might find quite useful, because it lists all the areas of intervention that are feasible. It contains a statement that the government will continue to review the fiscal intervention policy in the light of the housing market.

We still do not have satisfaction in that area. I would be the first to agree with hon. members' frustrations about affordable housing. However, tax problems are not the ones that our community faces when dealing with affordable housing. I would just like to finish my comments by saying that I think the Treasury has done a good job in this area of personal allowance credit. Of course, there are other very important issues to do with our international standing in this Bill, which modernise our income tax legislation to a form that, I would say, is not surpassed by any other jurisdiction.

**The Speaker:** I call the hon. member, Mr Bell, to respond.

**Mr Bell:** Thank you, Mr Speaker. Mr Speaker, if I may in reverse order reply to the points raised. I thank the Chief Minister, Mr Corkill, for his support, and I also welcome the fact that he does actually understand where the Treasury is coming from on this particular matter.

I remind members, and reinforce the point that I have made on several occasions, that the personal allowance credit that we are seeking to introduce through this Bill is not a benefit. I urge hon. members not to look at it as a benefit, together with all the usual paraphernalia that goes with qualifications for benefit.

This is a system of returning to those people who previously have been denied access to personal allowances – even though the same personal allowances are available to everybody who earns above a certain figure – a proportion of that allowance. It is within the income tax system. It is not a benefit that has arbitrarily been picked out at £200. It is to ensure that those people below the threshold get their rightful allowance on the same basis as those above the threshold.

I urge hon. members not to be distracted by the comments made by the hon. member for Onchan, Mr Karran, who seems to believe that we are introducing a benefit: it is not a benefit. It is an extension of the personal tax allowances that are available to everybody else. I thank the Chief Minister for his comments on that. I also endorse his comment, Mr Speaker, that over the years, he, when he was Minister for the Treasury, along with many other members struggled to help low-income earners on the Island. The government, as a whole, has struggled to find a mechanism to target support to those people most in need.

I am not saying that the personal allowance credit is the be-all and end-all. It is not the panacea, but I hope hon. members would recognise that a huge amount of work has gone in on the part of the Treasury to identify at least one mechanism whereby support can be given to a section of the community that most needs support.

Mrs Hannan, the hon. member for Peel, again in general supports the Bill, and I thank her for that. She has mentioned that there are several issues that certainly have been raised during the debate which are not included in the Bill and were rejected for one reason or another.

I simply reiterate, Mr Speaker, my offer to all members. If they have identified areas where they think the Treasury can bring in legislation in future to resolve specific issues that may concern them, they should not leave it to amendments when the Bills come to the floor of the House. Please come to the Treasury in good time to talk through the issues with us. I give an assurance to members that we will do our very best, if we feel it is an appropriate way forward, to work with members – as we have already offered to the hon. member for North Douglas – to find a solution to the problem.

The Treasury's door is always open, and I urge hon. members to take advantage of that and come and talk to us in good time. We have at least three more income tax Bills in this following session. There are other Treasury Bills coming through, and we are prepared to work on other Bills with members on specific issues, if needs be, to help members forward on this. Therefore I urge hon. members: please take up that offer and come and talk to us.

Finally, Mr Speaker, the hon. member for Onchan merely regurgitates the same arguments that he had last time. His amendments were rejected, not just by the Treasury but also by the House of Keys, and I find it disappointing that the hon. member cannot accept that.

He says that the £200 maximum is an insult. I do not think that many of the recipients of this benefit will consider themselves insulted when they get a cheque for £200 from the Income Tax Division.

He says he has been working so hard for a caring and prosperous society. Once again, I remind the hon. member that, in spite of his own delusions, he is not the only person who has been fighting for a caring and prosperous society. I suggest that every member of this chamber is committed to exactly the same end – including myself and the Treasury.

We have tried to bring in a fair but simplified system that avoids, as far as possible, any elements of bureaucracy to ensure that this credit is paid as quickly and as effectively as possible to those who need it.

The Treasury recognises that it is likely that anomalies will be identified as we move forward. However, for the sake of a few anomalies I am not prepared to hold up the payment of this credit to thousands of people who, to a greater or lesser extent, will benefit from the legislation.

The member has referred to his disappointment on the environmental issues. Again, Mr Speaker, I reiterate the offer: if members have specific proposals that they wish to put to us, come and talk to us and we will see what we can do.

He says that by not supporting his proposal for a £10-a-year allowance to those who have Manx language qualifications, the Treasury has sounded the death knell of the Manx language –

**Mr Karran:** No one said that. Point of order Mr Speaker, are these members allowed to misrepresent people time and time again –?

**Mr Bell:** You mentioned death knell, Mr –

**The Speaker:** Hon. members! Hon. member for Ramsey, please take your seat. Hon. member for Onchan, if you have a question to ask or a point of order make, that is fine. However, I do not expect you to raise your voice as you did. Hon. member for Ramsey, when you are responding please ensure that you are responding to the points that have been raised.

**Mr Karran:** Just for a change.

**The Speaker:** Hon. member for Onchan, please! Hon. member for Ramsey.

**Mr Bell:** Mr Speaker, I am merely commenting on the observation of the hon. member who commented that failing to support this would sound the death knell for the Manx language.

**Mr Karran:** No one said that.

**The Speaker:** I am sure it can be clarified by checking *Hansard*.

**Mr Bell:** I am sure it will be.

**Mr Karran:** I am sure it will be.

**The Speaker:** Right, hon. members, please show some respect. Hon. member for Ramsey.

**Mr Karran:** That works both ways.

**Mr Bell:** The other issue that he raised, Mr Speaker, was about taxation of rental income to non-residents. There is already a withholding tax on that. I have been assured by my officers that – as I mentioned last time – in the main, they are happy that this is working well. Nevertheless, we are looking at ways of improving the collection of tax from this source. As the Chief Minister has said, the issue of how we tackle rental income and the whole property ownership structure on the Island is a separate issue altogether, and we need to be careful how we handle it without totally distorting the availability of property for rent. I think I have covered most of the points, Mr Speaker.

Mr Speaker, I urge hon. members to give their full support to the third reading. It is a genuine and sincere attempt by the Treasury to resolve several issues, most of all the personal allowance credit scheme. It is our intention as soon as this legislation is passed to issue payments as quickly and as straightforwardly as possible.

I believe it is a first step to tackling an issue that members have long argued for, and that is to start bringing assistance to those on lower incomes on the Island, who perhaps have not benefited from the increased economic activity in quite the way we would all hope. Therefore I urge hon. members please to give their full support to the third reading.

**The Speaker:** Hon. members, the motion before the House is that the Income Tax Bill be now read a third time. All those in favour say aye; against no. The ayes have it. The ayes have it.

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### Procedural

**The Speaker:** Now before we depart, hon. members, may I just make it clear that standing orders are quite clear about members wishing to raise a point of order? I do not expect members to argue across the floor of the House (**Several members:** Hear, hear.) with disrespect to the chair. No matter how important the issue is, it can be raised by a member; the member also has the benefit of checking *Hansard* and taking the issue up. Hon. members, the House will now stand adjourned until 2.30 p.m.

*The House adjourned at 1.00 p.m. and resumed its sitting at 2.30 pm*

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### Provision of Primary Health Care – Debate Continued– Amended Motion Carried

Item 8.1. The hon. member for Michael (Mr Cannan) to move:

*That this House calls upon the Minister for Health and Social Security to review the provision of primary health care to Island residents during the week nights, weekends and bank holiday nights and Saturday, Sunday and bank holiday days.*

**The Speaker:** Hon. members, we move to item 8, Other Motion, on our order paper. The debate was adjourned from 15th April 2003 in the name of the hon. member for Michael, Mr Cannan. I remind the hon. House that the members who have spoken on this issue are Mr Cannan, the mover of the motion; Mr Quine, who has reserved his remarks; Mr Gill, who has moved an amendment; Mr Corkill, who seconded the amendment; Mrs Hannan, the member for Peel; and Mr Rodan, the member for Garff. I now call upon the hon. member for Ayre, Mr Quine.

**Mr Quine:** Thank you, Mr Speaker. Ramsey Cottage Hospital has a proud record of service to the northside community. A record, sir, which has been established over many years; and service, which has been borne very largely on, certainly, the initial generosity of Mr Noble but also on the generosity of many benefactors, which is continuing to this day. It has brought about material improvement to the hospital and to the services the hospital provides for the local community.

Foremost in cultivating that local support has been the League of Friends. The members of the League of Friends have put in endless hours of dedicated service, not least in fundraising but also in other voluntary services in support of the hospital. Through the League of Friends and separate individuals that work has enhanced the value of the hospital and has been acknowledged by officials and non-officials on numerous occasions over many years. Perhaps equally importantly, it has been acknowledged by further benefactors who have recognised the importance of the hospital to the northside of the community and who have left legacies and gifts.

It is against that backdrop that we have to look at the problems that we have. The Minister for Health would have us believe that under her stewardship, Ramsey Cottage Hospital has gone from strength to strength. I am afraid that the record shows that to be nonsense. I think it is clear for all to see that there has been a downgrading of medical, and indeed, dental services in the north of the Island. The Markwell House Information Centre has sought to project it, but I am afraid it is abundantly clear what has happened over the past few years.

The Ramsey Cottage Hospital is no longer in the eyes of the department a hospital. It was a hospital. In fact the DHS holds it to be a hospital with an accident and emergency department. It has put that into its previous releases about the hospital. It then moved downstream a bit. It became a minor injuries unit, albeit with a 24-hour service. That then became a minor injuries unit part-time – not a 24-hour unit, in other words. We had 24-hour doctor cover through the practice and the hospital. That has changed. It has moved down to part-time doctor coverage.

Indeed, we now have the Group Practice providing coverage for 50 hours of the week and we have nurse coverage or no coverage for 118. We have moved from a point where admittance to the hospital was available seven days a week, 24 hours a day, to a situation where admittance is severely restricted because it is simply not backed by the doctor cover.

I do not want to dwell today on the dental services because although it is certainly a related matter, it is going a little away from what is of immediate concern to the people of the north in relation to this debate. I invite members to bear in mind that the medical arrangements, irrespective of what comes out of the information centre must be judged against what was in place. Certainly, it is to a very large extent irrelevant to seek to judge it against a MannDoc system based in Douglas where there is a hospital with an A and E

department around the clock seven days a week. That is the line of comparison that has been held out as being valid by the department. It is more relevant to look at the doctors' response times, the ambulance response times and the accessibility factors. These are of course critical to the level and type of service and the quality of service that have been provided and could very reasonably be expected to be provided through this hospital.

I think it may be appropriate to touch upon a submission that has been made to me by some of the staff. I have had four submissions from the staff and at this point I would like to quote from a letter I received from a member of staff who is in the ambulance service. This comment is of course relevant to the ambulance response time. It says, 'If there was a genuine emergency call to the ambulance service from residents in the north of the Island who would respond? Emergency ambulance crew will be busy transporting everybody with anything from a cut finger that requires a stitch to a drunk with scraped knuckles fighting to Noble's Hospital for treatment. All minor ailments and injuries that were previously treated at the Ramsey Cottage Hospital now have to be taken to Douglas for treatment leaving the north with what can only be seen as an inadequate medical cover. I believe this to be totally unacceptable. People will suffer and undoubtedly lives will be lost and to someone with family and many friends in the north I am obviously very concerned.'

That is a reflection of how this has hit home. It is not just those members of the community who could be patients; it is the people who are working in the service. Because of their closeness to the service they are better placed to judge the impact of these changes and to recognise the downgrading that has taken place.

Essentially, we have reached a stage now where you can see a doctor between 8.00 a.m. and 6.00 p.m. Monday to Friday, effectively giving us access to our group practice for that 50 hours of the week. For the other 118 hours, if you want to quantify it more specifically, you cannot see a Ramsey Group Practice doctor. For a small part of that time you can see a nurse. If you want to see a doctor outside those 50 hours you have to get shifted up or take yourself up to Douglas.

I suggest to members that the changes we have seen in recent times in the Ramsey Cottage Hospital are more reminiscent of the type and quality of service that we associate with the Australian outback. That is the type of service that we are heading for. Advice over the phone, diagnosis by telephone, diagnosis by nurse, indeed, self-diagnosis – all are incorporated into the letter that is the instruction which have been sent out by Markwell House.

You can see a nurse practitioner from 6.00 p.m. to 10.00 p.m. from Monday to Friday but she cannot admit you to Ramsey Cottage Hospital. You immediately ask yourself why this should be. We are told that the nurse who will be in charge of the hospital for the evening session will have special training. Therefore you ask yourself, 'why this restriction?' I

suspect that that comes about because of the connection between the availability of the hospital to take admissions and the contracts, particularly the complementary contract that has been negotiated with the doctors, which I will return to.

If we have reached a point as we have, and it is quite clear from the documents sent out from Markwell House, where decisions as to whether a medical situation is life-threatening, is passed to the patient. If we have reached a situation where, according to the DHSS advice, you are told that if possible you should hang on until the morning – assuming that you are still in this world, based upon your own self-diagnosis. Hanging on until next morning is fine, I suppose, if it is a minor disease or a minor complaint; but what happens if the ‘next morning’ is a weekend or a public holiday? That is not an acceptable level of service, judged against a level of service that has been provided for years. If you have a pain in the chest, you are asked to decide whether it is life-threatening. If you are ill out of hours, then dial 999 and they will send an ambulance. It may have to come from Douglas or further afield but when it arrives there will then be the question of access to doctor cover. It does not take a great deal of imagination to see that such a response is not adequate for elderly people, people with heart conditions or people with chronic diseases. It is highly improbable that that will engender confidence among those who are seeking assistance.

This goes against a service pledge. The department has made several service pledges. I have a letter here from the department which says, ‘the ambulance standard is that in 75 per cent of emergencies the ambulance will arrive at the scene within eight minutes.’ Ambulance staff tell me that that is absolute rubbish; that it does not apply in the northern situation in accordance with the arrangements that have now been laid on. It does not take a great deal of calculating to see that that is so. Far from this being, as has been held out by the department, ‘an improved service,’ it is clearly a downgrading of the service and a downgrading to a level that is wholly unacceptable.

Mr Speaker, this has come about without consultation with the people of the north. We understand some of the difficulties involved with doctors’ contract negotiations, but they are not of one month’s making; they represent a situation that has been going on for several years. There has been more than ample time for consultation, but no consultation has taken place; it has been a *fait accompli* – ‘this is what is happening next month; take it or leave it.’ It is against such arbitrariness, such a casual, cavalier approach to the provision of medical services to the north that I begin to realise why over the years when some members have pushed to have community health councils to provide a standing mechanism for consultation after levels and qualities of service, they have been so strongly resisted by the department. Essentially, because they do not wish to have this input. They view that input as an impediment to what they know and what they are telling us that we need by

way of a service. This is, after all, the 21st century, when we accept that consultation and consensus must be brought into decisions – but they are not. They do not exist in that department, and this attitude has been, in part, responsible for the problem.

The people of the north find it particularly irritating when the spin machine attempts, with no hope of success, to explain this as a plus. It is held out as an extended service; it is held out as something good, born out of the benefit of experience. It is held out to work satisfactorily, but we have evidence that it is not satisfactory; that it does not work; that people have taken three and a half hours to get to Douglas to see a doctor. It is not satisfactory; it does not work. ‘Fear not’, we were told. We were told again on Saturday, ‘fear not; it is being monitored.’ You might die in the meantime, but it is being monitored.

As I said, I am not unaware of the problems that can be confronted in trying to negotiate contracts. I certainly see the doctors’ point: some of them are working exceptional hours and they have every right to seek to negotiate a better life for themselves; they have families; they have a private life to live. I accept all that; I am not unaware of all that. However, that is no reason for us not to come up with initiatives that are geared to the Isle of Man.

In Ramsey, there is a general GP contract that provides for normal GP consultations, which I would call a nine-to-five service. There is a complementary contract, which provides for the doctors at the group practice to provide 24-hour ward coverage, as I am advised. You ask, in negotiating that 24-hour ward coverage, ‘how is it that the doctors can turn out 24 hours a day from the group practice to respond to that need and yet this ongoing need for the A and E has been excluded? Then you begin to realise why the department has not been prepared to allow a nurse cover service to take on board admissions outside the hours of the GPs. The very simple reason is that if they did that, people could be admitted and the doctors would have to see them under the complementary contract when they were put in the ward. It is to be left so loose that it seems that the negotiations have been led from one side and one side only. That is part of the problem.

The minister made it clear that it is not a matter of money; the issue is one of GPs, she said, and we must compete. However, I fear that in the eyes of some it is a matter of money. I do understand competition. Even with a limited number of GPs, what we offer must be as good, if not better, to compete. Can we be advised today about what is on offer and how it stacks up against the United Kingdom and the Channel Islands? I take the matter of competition on board, but are we being realistic in trying to compete for what is, we are told, a limited resource?

Even if that is part of the problem, even if there are some very difficult issues to be confronted, surely they should have been taken on board in the structuring of the contracts? You do not say to doctors, ‘You can have a basic GP contract with a little cream on top; we will give you a complementary contract for ward

coverage, limited to those who are in the ward; we will not take new admissions.' Surely, you would try to deal with the complementary contract covering admissions as part of that negotiation. That does not appear to have been the case.

Mr Speaker, the basic requirement is transparently obvious and was stated time and again at the public meeting: there is a need to return to no lesser level of service than that for the Ramsey Cottage Hospital and the people of the north than was provided before. The trend in medical service is to enhance and to improve, not to go backwards. The key must be 24-hour, locally based doctor cover, even with a limited resource like the Manndoc facility with a doctor on duty and a doctor on call. Why put them in Douglas where there is a fully staffed accident and emergency department? That does not stack up either; it does not make sense. If we have only a limited resource we must spread it more efficiently in the community so that there is 24-hour provision for locally based doctor cover. That must be addressed as soon as possible.

Looking to the short term, Mr Speaker, it does not seem to be an insuperable problem to return to admission 24 hours a day over seven days to the hospital. If we are, and we have been told so by Markwell House, there is the matter of the quality of nurse cover. I do not dispute that that can be done to run the hospital for limited hours of the day in the evening. Surely, therefore, the same approach can be applied to the rest of the 24 hours so that we can have admissions. If we have admissions there is a contract in place to provide medical cover – unless, of course, there is something in the negotiation on the complementary contract that we have not been told.

There is a need to look afresh at GP contracts; there is a need to look afresh at the complementary contract for ward cover at Ramsey Cottage Hospital. There is certainly a need to look again at ambulance cover and response time.

This problem, Mr Speaker, is one that could have been handled differently. It could have been handled in such a fashion as to have a much lesser impact than it has had, even if that only extended to consultation and explanation. That was not even apparently considered necessary. It was an afterthought to tell people what was going to happen. 'This is what you will have. This is satisfactory. This is an improvement. Mother knows best. You will just accept this as it stands.' That is not what will happen; it will not be accepted on those terms. This is a highly contentious, emotive issue in the north of the Island, and it is only starting to run. This issue has not peaked. Members for the South can speak for themselves. Members for Douglas can speak; they have their representatives. However, I assure you that the north of the Island awaits a response to the point that was made at the public meeting on Saturday. The conviction in the North is that this matter has not peaked. This matter needs a solution and it will be pursued until there is one. They will not be brushed aside by pointless circulars and propaganda about why they have to live with sub-standard services. It is not acceptable and it will not be accepted. If the message

has not got through to the department by now, take my word for it, it will be reiterated and reiterated and reiterated.

**Two Members:** Hear, hear.

**The Speaker:** Member for Glenfaba, Mr Anderson.

**Mr Anderson:** Thank you, Mr Speaker. In responding to the hon. member's motion and to the subsequent issues, I should perhaps first explain the basis of and background to the present emergency doctor service arrangements.

The issue of GP out-of-hours service has formed a major part of the negotiations that have been taking place both on the Island and in the United Kingdom on the development of a new general medical service contract. Arising from the negotiations was a recognition by both the departments and the profession of the need to review the commitment on GPs under which they were responsible for their patients 24 hours a day. This decision reflects the need to improve the working lives of GPs against a background of the continuing problems of attracting doctors into GP practice. Discussions with the profession have been protracted, and they were only concluded on 19th March 2003.

As a result of the agreement reached, and as members will be aware, a new out-of-hours emergency doctors' service was introduced on 1st April 2003. It is provided under a separate contractual agreement with those GPs who have expressed a willingness to participate. I can confirm that the number of doctors with whom agreement has been reached is sufficient to cover the out-of-hours service that has been put in place.

The new arrangements are based on a Manndoc format that has been successfully in place for nearly four years, not two years as stated by Mr Singer at the meeting in Ramsey, and which covers all general practices with the exception of Ramsey, Laxey and Port Erin.

The extended all-Island out-of-hours cover is, as were the Manndoc arrangements, provided by contracted GPs working from a central base at Noble's Hospital. Such cover includes the provision of telephone advice, an opportunity for patients to attend the out-of-hours surgery, or, where necessary, the attendance of a GP at the patient's home. A 24-hour ambulance service is also available for life-threatening emergencies.

The out-of-hours arrangements involve a doctor on duty on a rota basis with a second doctor on call from 6.00 p.m. to 8.00 a.m. the following morning, seven days a week, with two doctors on duty from 8.00 a.m. to 6.00 p.m. on Saturdays, Sundays and bank holidays. Services are supported by a receptionist, except on the night shift from midnight to 8.00 a.m. when contact is directly with the doctor. A car and driver are available to assist with any home visits required.

Information to the public on the extended service has been made available through the media and other appropriate outlets such as GP surgeries; practitioners' patients who were not previously covered by Manndoc will receive a leaflet in the post explaining the basis and nature of the new arrangements. However, the delivery of the leaflets by the Post Office has been a shambles. The department could not get them printed until the new arrangements had been finalised from the GPs, so they did not receive them until the week beginning 1st April. However, the department was assured by the Post Office that all deliveries would be completed within the next two weeks as they already had some commitments that they had to honour. It came to the department's attention that some patients had still not received their letters three weeks later, and some had been put in wrong envelopes by the Post Office. That came to light when the Post Office approached the department to ask for more notices for insertion. As a result, many individuals did not receive the information until the service had changed and had been operating for up to three weeks.

That is why problems have arisen with members of the public turning up at Ramsey, for example, when the service was not operational. Once again, it is a situation that is outside the DHSS's control.

I suggest that the chairman of the Post Office conduct an investigation to find out what went wrong and to give the department an explanation. The department is monitoring the situation closely to determine whether any further change may be required in the interest of patient care. As part of that process, I can advise members that in recognition of apparent difficulties faced by a few patients in gaining immediate access to the emergency doctors' service during a busy period over one particular weekend, the department has introduced measures to improve telephone access. The monitoring process is ongoing and is being undertaken in close liaison with GPs.

The implication for Ramsey and District Cottage Hospital follows notification received from the group practice at the end of February that, with effect from 1st April 2003, it would no longer be prepared to provide out-of-hours medical cover to the hospital's minor injury unit. That is a separate contract from the doctors' out-of-hours service. The department was disappointed by that decision, but it had to recognise that it was entirely a matter for the group practice.

Every effort has been made by the department to mitigate the effects of this decision through the extension of a nurse-led service up to 10.00 p.m. at night and at weekends. The arrangements in place from 1st April 2003 for a minor injuries unit service at Ramsey Cottage Hospital are therefore based on a GP-led service on Monday to Friday 8.30 a.m. to 6.00 p.m., and a nurse-led service Monday to Friday 6.00 p.m. to 10.00 p.m. and on weekends and bank holidays 8.00 a.m. to 10.00 p.m.

An ambulance service based at Ramsey continues to be available for emergency transfers 24 hours a day seven days a week. Additionally, Ramsey has a first responder on duty from 7.00 p.m. to 7.00 a.m. seven

days a week. This comprises a paramedic with a suitably equipped vehicle. As members will be aware, the most important step in an emergency is first to stabilise the patient, and that is why the extra service to the Ramsey area is an important additional service.

The department is aware of the concerns being voiced and will continue to monitor the implications of the changes on patient care. I can also confirm that a 24-hours-a-day, seven-days-a-week medical service for the in-patients at Ramsey Cottage Hospital continues with a separate contract from the GP practice.

The extra cost for the department in putting this out-of-hours emergency doctor service in place is over £134,000. It has been possible to put the service in place because of the co-operation of GPs, the majority of whom are playing their part in providing the service. However, it is fair to say that if any fewer GPs agree to work in this service it would be extremely difficult to run it. The GPs are as keen as the department to make it work, and if they thought that it compromised patient care they would not back it.

We have heard calls for extra GPs to be located at Ramsey and in the South by one member. The extra commitment that means from the doctors would defeat the object in changing their contract. At Ramsey on Saturday, Dr Wilson explained graphically what GPs have been expected to do in the past, being on call for a 34-hour stint. At least now it would come down to something like 16 hours at one stretch. He also pointed out, as did the minister, that if we want to attract GPs to the Island we must have a contract that is comparable to the UK where there is a chronic shortage of GPs. There are more than 1,000 vacancies in the UK at present.

The age profile of GPs is also a concern, as a high proportion of the Island will be coming up to retirement in the next few years, and if we had not changed the out-of-hours element of their contracts, some of them would not have stayed until retirement.

We have heard calls to pay GPs more to carry on the present system, but, as Dr Wilson said, it is not a problem that money can solve; it is a question of making the working conditions more sympathetic to retaining GPs and to recruiting their successors. It was also stated that you cannot magic GPs out of thin air – they are not there. Four or five years ago, a practice would expect three to four applicants for each vacancy. Recently, they have been lucky to get one or two applicants.

The statistics available to the department for the first 27 days of the new system show that out of the 1,230 calls to the service, 159 came from the Ramsey Group Practice area – under 13 per cent. Of the 1,230 calls, 583 were dealt with on the telephone – that is 47.4 per cent. Some 518 patients came to the centre – that is 42.1 per cent. Some 129 patients were visited by the doctor in their homes – that is 10.5 per cent. I hope that those figures give members some idea of how the service is being delivered.

In response to Mr Quine's remark about the service that the Ramsey Cottage Hospital provides, I should tell him that for some time activity there has

been increasing. There has also been an increase in the number of visiting consultants using Ramsey and an increase in operations at its theatre. In response to his question about the dental service in Ramsey, I can tell him that the dentists' practice in Ramsey has decided to go mainly private, and the department's response has been to create a dedicated NHS provision. The department has recruited a dentist for this service, and it is advertising for a second.

A consultation document on the future of Ramsey Cottage Hospital clearly shows the department's commitment to maintaining services there. The public have an opportunity to contribute by responding to that document.

Mr Quine went on to say that he is sympathetic to the doctors' situation, but, again, he has not taken into account that we are aiming at reducing their working hours. In order to get doctors' co-operation we had to come to an agreement that they would find acceptable. If we did not receive their willingness to co-operate, there would be no emergency GP out-of-hours service to the Island. We would have had no cover at all. Surely we are better off with an agreement that doctors can back and that has a recognised level of service with acceptable working conditions.

In two weeks' time, the May Tynwald will have been able to evaluate further how the service is operating. I support the amendment tabled by the hon. member for Rushen, Mr Gill. I trust that we have, through the department, been able to demonstrate that, as with all services provided under the NHS, the provision of out-of-hours primary health care is and will continue to be monitored and reviewed in the interest of patient care. That will be the case notwithstanding the motion put forward by the hon. member for Michael.

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

**Mr Bell:** I do not think that anyone is unaware of the difficulties facing the health service, including my constituents and the people of the north of the Island who are expressing such concern at the situation. It would be naïve to think that the radical changes that have taken place in health service provision in the United Kingdom, particularly the employment contracts for GPs, dentists and others working in the medical service would not have some impact on the Island. Most people understand the department's dilemma in maintaining the quality of the provision that we have all come to enjoy on the Island while at the same time balancing that against the changing circumstances within which they have to train and recruit staff.

The hon. member for Ayre gave a strong explanation about the concerns in the north of the Island about the impact on Ramsey Cottage Hospital and on the out-of-hours service. He told us about the very real fears of people in the north of the Island, particularly the elderly, that the service will be diminished. Without wanting to repeat everything that has been said, I endorse what the hon. member said,

but I also call members back to the words of the motion, which does not refer to the Cottage Hospital. It asks the Minister for Health and Social Security to review the provision of primary health care to Island residents during weeknights, weekends, bank holiday nights and Saturday, Sunday and bank holiday days.

The motion calls for a wider review of what is going on rather than just a review of the Ramsey Cottage Hospital. Members may say that the position as outlined by Mr Quine is a northern matter and has nothing much to do with them. They may say that that has been the situation in the rest of the Island for some years and wonder why they are complaining.

The Manndoc system might or might not have worked in its area; I have no experience of it so I cannot say. However, that system of one doctor in the evenings and one on call, is to be extended to 15 or 20 thousand more people on the Island. It covers not just Ramsey but the whole of the north of the Island to Kirk Michael, Laxey, part of Port Erin and also the southern area. Therefore the area that one doctor is now being expected to cover will be extended by somewhere between 15 and 20 thousand people, and it will cover a much greater area of the Isle of Man.

**A Member:** With one on-call doctor.

**Mr Bell:** I appreciate that but, nevertheless, the system that is in operation now will be diluted to the rest of the Island to enable it to be extended to Ramsey and the North. Therefore this is not just a Ramsey matter. It is a matter that could conceivably affect every part of the Isle of Man because the same service will not be available to the same extent in all quarters of the Island as it is at present.

The other problem we have, particularly in the north of the Island, which will impact on this – and perhaps people in Douglas and the South do not fully appreciate the implications of it – is that there is a barrier of the mountain between Ramsey and the rest of the Island. That could be dismissed very lightly, but it is a major problem. In many cases, particularly in the winter, the Mountain Road may be closed because of snow or other bad weather. Frequently, accidents and other delays on the Coast Road inhibit transport to and from the north of the Island. That will add a further complication to this service trying to come to the north of the Island and, in particular, on the ambulance service going back to Douglas if it is required.

Once again, the physical obstacle in the north of the Island will affect the quality of service that may be available to other quarters of the Island at the same time. This is not shroud-waving – this is fact.

I am sure that the police are right to close the road where there has been an accident rather than allow traffic to go round it, but it does cause problems. The area covered by Ramsey Cottage Hospital up to now includes a very large part of the TT course, including the section on which there are probably more traffic accidents than in any other part of the Island. The road is regularly closed to general traffic, and that will affect the ability and the response time of the doctor on

call coming to the north of the Island and the ambulance getting to Noble's Hospital to deal with emergencies.

The DHSS has not told us what effect it thinks the TT and Manx Grand Prix racing will have on this provision. Ramsey and the north cover a large part of the TT course. It is not the racing particularly that is the problem, although it closes the roads off and causes an impediment in itself, but there are unfortunately many traffic accidents related to the TT on that part of the Island, and they too will demand extra services. Whereas Ramsey has been covering those accidents in the past, the service that is being offered by the DHSS to the rest of the Island will now have to be extended to cover that as well. That, once again, will dilute the quality and level of service available to the rest of the Island to accommodate this problem.

In the north of the Island we are arguing strongly for a review of the position in Ramsey Cottage Hospital and the out-of-hours service for Ramsey and the North. There is a major and serious implication for all parts of the Isle of Man from the northern tip right down to Port Erin. The service that you enjoy at the moment will be affected and, I believe, diluted because of the inability or unwillingness to extend the Manndoc system further. If a similar provision were made based in Ramsey Cottage Hospital covering Ramsey and the North, perhaps going over to Peel and one in Noble's that would continue to cover that area, this double covering of all the Island would probably satisfy most concerns. There are very real fears that need to be dealt with; people need to be reassured that the new system will continue the same level of protection that people have enjoyed in the past.

I have a couple of specific concerns that worry me. First, when the new system was introduced, and I appreciate the difficulties that the department had when this process was brought on it, the department failed miserably in explaining to people and consulting them about what the changes meant. Many of the fears and concerns of the past few weeks might have been avoided had there been proper consultation on and explanation of the changes.

There was undoubtedly confusion all round when this new system came in as to precisely what was happening. Although I appreciate the comments made by the hon. member for Glenfaba about the mix-up at the Post Office, the new system came in on 1st April. My explanatory leaflets were finally delivered last Wednesday, which was 30th April. If I was an elderly person sitting in the north of the Island and something had happened to me in the intervening period, I would not have had the faintest idea what to do because the information was not available.

**Mr Anderson:** It was available.

**Mr Bell:** It was certainly not distributed to the people who needed to know. The Post Office may well have been to blame for part of this, but when the leaflets were taken to the Post Office they should have been accompanied by a covering comment from the

department to say that the distribution was urgent and important and that there was a need to get them out as quickly as possible.

The other matter that concerns me, and I am sure it came as a surprise to other members as it certainly did to me, is that the out-of-hours contract at Ramsey Cottage Hospital was only on four weeks' notice. I mean no disrespect to anyone, but if we are employing cleaners these days they are on at least an equivalent period of notice. To be able to withdraw a fundamental part of primary health service on the Island at four weeks' notice is astonishing. I wonder what sort of strategic planning has taken place to allow us to be in this situation. Once again, the hon. member for Glenfaba has mentioned – and I am sure he is right – that if there is a shortfall of doctors available for the Manndoc scheme in future, the scheme will not work. That ought to set alarm bells ringing. How many doctors short do they need to be before the scheme in their eyes will no longer be working?

How much notice must doctors in the Manndoc scheme work? If the same contract applies to the Manndoc system as applied to the out-of-hours service at Ramsey, whereby four weeks' notice is all that is required to terminate a contract, the entire scheme could grind to a halt with four weeks' notice. That is no time whatsoever to make alternative provisions.

I appreciate that this is not an easy subject, and I fully appreciate the difficulties that the DHSS has, faced with a changing situation that is not necessarily of its own making. I also take the point that the hon. member for Glenfaba made, and it was also made by Dr Wilson at the meeting on Saturday, that this is not purely a financial issue. It is not simply a matter of handing over more money. There are more deep-rooted issues to resolve. However, if it is not in place at the moment, there is an urgency now required on the part of the department to rethink and review its strategy towards the provision of primary health care on the Island. It must ensure that we do not find ourselves in this situation again. The impression being given, rightly or wrongly, is that there has been a lack of forward planning on the provision of out-of-hours cover to the north of the Island. That view needs to be corrected if it is wrong and a proper explanation and reassurance given to the people as to the way forward for the future.

I do not wish to go over all the issues which have been raised by previous speakers in respect to the Cottage Hospital. However, I strongly support the motion put down by the member for Michael and, in particular, the amendment by the hon. member for Rushen whose constituency will be affected by this.

I urge members to support the motion. It is a difficult situation. It is most regrettable that we find ourselves even having to have this debate today, but the sooner that we recognise the concerns and come forward with some clarity as to the way forward, bearing in mind the concerns which have been expressed, the better.

The sooner we bring stability back into the situation and bring some reassurance to the most

vulnerable in our community, who desperately need reassurance at the moment, the better.

**The Speaker:** Member for Malew and Santon.

**Capt. Douglas:** Thank you, Mr Speaker. Much of what I was going to say has obviously been said before, and I thank the hon. member for Ramsey for his comments – most of which I certainly agree with. I am not sure what has become of the much-loved family doctor. We now hear the expressions GPs, Manndoc, group practice, et cetera. We are all family in the Isle of Man and deserve to be treated as such. This, I believe, is an all-Island problem and I, certainly speaking from the South and for the South, cannot allow this issue to be hijacked by the northern alliance. It is an all-Island problem.

**A Member:** Hear, hear.

**Capt. Douglas:** The Port Erin Group Practice has similarly withdrawn out-of-hours services, so it is most definitely not an issue for the North only. Our roads are also busy. Our mountain road – and we do have a mountain road in the South – is in my constituency, most of it anyway, and it is often impassable and sometimes closed. As the hon. member for Ramsey said, there are often accidents that cause tremendous delays, and we seem to have more than our share. May we in the South have a minor injuries unit, just as Ramsey already has at Ramsey Cottage Hospital? I certainly hope so. I seek reassurances that there will be an all-Island out-of-hours coverage and no relocation of Manndoc to Ramsey or any other northern base. I would like to see, as Mr Bell has said, perhaps a doubling or tripling of the cover. There must be no further derogation of out-of-hours GP services in the South.

On a personal note, I am disappointed that the religious holidays, Christmas, Easter et cetera, are noted down as bank holidays in the hon. member for Michael's motion. They are religious holidays, and I am sorry you missed that, sir.

**Mr Cannan:** I was quoting from the DHSS manual.

**Capt. Douglas:** Yes, I appreciate that.

**The Speaker:** Hon. members, please!

**Capt. Douglas:** Mr Speaker, I fully support the amendment as moved by Mr Gill, the hon. member for Rushen. Thank you.

**The Speaker:** Hon. member for Douglas West, Mr Downie.

**Mr Downie:** Thank you, Mr Speaker. I welcome the debate today. Not only will I support the motion before us, I will also support the amendments. This debate is timely because what is happening in the Isle

of Man is a preview of what is about to happen in the UK and in other places. What has been said about the medical profession – doctors and nurses in particular – is finally coming home to roost. They are undervalued; they are greatly underpaid in some areas, and they must be one of the few professions left who are prepared to work 60 and 70 hours a week as a norm. We are just not going to get away with that anymore, hon. members. The European Working Time Directive has been in effect for some time, and it is no longer acceptable for people who are running medical services under enormous pressure to suffer stress, long hours and sleepless nights. Whether we like it or not, we must bite the bullet and come up with the resources to fund a proper health service on the Island, and not one that may be sub-standard in some parts of the Island. It is the duty of every elected member to provide the best that we possibly can, and not differentiate in anyway if it is possible.

Several recent events have been to our advantage: we can make better use of communications and mobile phones. The Manndoc system works extremely well in Douglas, but it is nonsense that GPs from Ramsey are travelling in to man that service. I am sure that with a little thought, there could possibly be a Manndoc system in the north of the Island. I understand that more than 45 GPs have signed up to Manndoc, and even if they all took a night's turn, it would take nearly six weeks for their time to come round again. These elements must be pulled together. I suggest that when the minister does review the provisions, these areas to be looked at. Perhaps some of the other doctors and consultants can be – I will not say 'roped in' – persuaded that during this time when it is difficult to recruit they may want to give a few hours a week to help out.

The hon. member finds this very funny across the way, and I suggest that her husband might be interested in joining Manndoc, if he is not already –

**Mrs Hannan:** He is in it, thanks.

**Mr Downie:** Well, very good, excellent.

**Mrs Hannan:** You can visit him when he is on.

**The Speaker:** Hon. member for Douglas West, please speak to the chair and not across the floor to members.

**Mr Downie:** This is a way that we could possibly deal with the situation. There is no doubt that the government has put a huge investment into the DHSS, yet on the Island we do not really promote what we do in other areas to attract new staff. There is no doubt that if the facilities here can be promoted, people will be only too pleased to come to work in a new hospital in an environment that is less bureaucratic than the DHSS has become in the UK. One of the reasons that we are not getting the same level of doctors and nurses is that people have become so dissatisfied with the system in the UK. Rather than blindly follow it, there

might be an opportunity at some stage for us to have a fresh look at what we are doing. If that does require an enhanced rate for certain positions in order to attract the right people into the Isle of Man's health service, what is wrong with that? A senior nursing sister or clinical nurse specialist takes home only about £21,000 or £22,000 a year. You will not get much for that, hon. members. These people are really the backbone of the health service.

The problem that I have with Ramsey is that at present it is only a cottage hospital. It does not have intensive therapy; there are no major facilities to deal with coronary care, and I do not know whether it has a full range of resuscitation facilities. However, given the investment that has been made in Douglas, there is no excuse for not providing a full out-of-hours service in Ramsey. I, like other members, cannot accept that in this day and age we should not be providing at least a doctor on call to give necessary advice – and a suitably qualified doctor at that.

Canada has a novel medical system. Even though the country is vast it has small rural hospitals, which are run by GPs. Not only do the GPs qualify for extra money, but if they have some qualifications to deal with accident and emergency or minor surgery, they carry out these functions as part of their normal patient care operation. Perhaps with a little thought this sort of rôle model could be used to provide a satellite health service in Ramsey and in the north of the Island. Who knows? It works in other areas. People have looked at these issues and they have come up with a formula that not only provides a service but injects a little bit more money into the system and makes these areas much more attractive for people to work in.

Mr Speaker, I do support the motion; I will be supporting the amendment. However, unless we get this issue resolved, and resolved quite quickly, health is going to become a major issue of debate in this House and in another place, because there are just not the people around. We must accept that to get proper facilities into the Isle of Man we will have to pay a little bit more over the rate to attract the right type of person.

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

**Mr Karran:** Vainstyr Loayreyder. Although I have no trouble in supporting the proposal, I am mortified to see how the proposal to extend Manndoc has got into such a bad situation. It was a long hard battle to get Manndoc to work right. It always amused me as a member for health that people always moaned about the working people and that they should not have closed shops, but it was all right for the medical profession to have closed shops. Some people must take the blame for what has happened.

I totally agree with the hon. member for Michael that it is appalling that somebody with a sick child is forced to get a taxi to Douglas because there is no out-of-hours service. The most important thing in people's lives is their kids when they are small and that is their

priority. What an awful decision to have to make to pay £15 or £20 to have to come in from Port Erin or from Ramsey. That is not acceptable, and that message needs to go back to the DHSS.

Where I would get off the bandwagon, and some of them here are talking about the TT and similar issues where members and ministers abandon ship, which is quite good and refreshing in some ways. It is nice to know that someone can get them from pogoing on their heads far too often on policies that just do not stand up. We do not want the duplication of an accident and emergency system in the north and south of the Island; that is nonsense. Let us be honest with our people. Equally, we do not want accountancy-run management that has come from the DHSS over the extension of Manndoc. The present short-term policies for the Ramsey Cottage Hospital are equally appalling. What we do want, and I hope that the department takes this on board, is for my constituents in Onchan who have a heart attack or a stroke to get stabilised and into a centre of excellence as quickly as possible. That is what we want. I hope that this debate will get us proper paramedic services in the north and in the south of the Island. That is what we must get in the north and south of the Island: stabilising the person, making the right intervention and getting them into a place where they are not dithering around. They must not be left to get a coronary every six years or a stroke once every three months. We need to make sure that we have a first-class health service, but what we do not need are doctors not being prepared to come out to people. We all have responsibilities, whatever our profession. Doctors have to realise that working anti-social hours goes with the territory, just as we have to answer the phone at all times of the day and night to our constituents – even on bank holidays.

I hope that this debate will be a shot over the bows for the DHSS. My concern, as an ex-member for health, is that the Department of Health and Social Security is far too big, far too remote, far too secretive and non-accountable. It breaks my heart that we have spent far more than we should on the new hospital, and it breaks my heart even more that we are putting a third-rate management system into that lovely new hospital. We should have taken the opportunity to broaden it.

We are debating today the symptoms of our DHSS management system. It is ridiculous that we have this situation. As the ex-member for health, I fought for years to find out just how much national health service work my consultants were doing in theatre time, and how much private work they were doing in theatre time. It is nonsense that you are seen a dozen or 15 times before you get an operation to replace a hip: I go private and I am seen twice.

Today's debate is part of our disease – we are not managing resources. It is not very often that I have to agree with the member for West Douglas, Mr Downie. However, he is right: the Council of Ministers can be proud of the resources that it has put into our health service, but it must allow structures to be reviewed. Our problem – and I believe that this is symptomatic –

is that it has been accountancy-led; there has been no lay input into it, and the management will not be held accountable for anything. I hope that there will be something in next month's Tynwald about this.

I will be supporting the motion and the amendment. However, I hope that members bear in mind that we should not get into a furore of wanting to join the crowd to look as if we are doing something. We need to address fundamental issues, as we cannot expect low-paid people to have to bring their sick kids in taxis into Douglas simply because we do not have a decent out-of-hours service. We must ensure that someone who has a coronary heart attack in Port Erin in the constituency of the hon. member for Rushen has the same chance of survival as someone who has a coronary heart attack in Ramsey in my colleague's constituency. I hope that the hon. members for the DHSS will take control of the department, because part of the problem lies there. My good friend the member for Glenfaba was here for only two minutes, yet he was put in charge of a department, of a division, that is bigger than most ministerial departments. He has no back-up or support; he is aloof from what goes on in the health service because we have allowed the system to be destroyed.

There should be a hospital administration committee and there should be more lay input. After all, about 60 per cent of government resources are given to one minister – the minister for the DHSS. The health services should be split, Vainstyr Loayreyder. These are all issues that need to be addressed when the Shirveishagh son Slaynt as Shickyrys y Theay, the Minister for Health and Social Security reads *Hansard*. It is serious, and that is why I am supporting the motion today. I am not supporting it because I want an accident and emergency centre or an x-ray department in Ramsey or in Port Erin. I want a situation where we can get intervention and trained staff in; we must stop the DHSS allowing the accountants to rule how they manage the health services. If they do that, the members of this hon. House will be doing a good service for our people.

**The Speaker:** Hon. member for Middle.

**Mr Quayle:** Thank you, Mr Speaker. I support the motion and the amendment circulated in the name of the hon. member for Rushen, Mr Gill. However, it is a surprise to see this on a House of Keys agenda as it would have been better to have discussed it at length in a full debate in Tynwald with the health minister present. A fuller debate would have been of greater benefit.

I made a visit to the meeting in Ramsey last Saturday to acquaint myself with the views expressed and to see what was happening down there. Obviously, without a shadow of a doubt, there was great concern expressed. However, on balance it does seem as though there has been perhaps a little political opportunism. That has caused a bit of a problem as it does nothing to reassure vulnerable people in these difficult times of change. (*Interjection by Mr Cannan.*)

There has not been much of a desire to work with the Department of Health and Social Security to deal with the problems or to reassure people when they are in a vulnerable situation.

Certain individuals quite rightly look out for the representatives of their constituents and their concerns. However, their fears have been ratcheted up by the way in which the meeting was held last Saturday and by the publicity. It has fed on people's fears at a time when the health of the people is a very emotive subject, and there has been little or no understanding of the very real problems that we all face. Obviously, we all want to provide a service across the Isle of Man that will meet the demands, expectations and aspirations of the people. However, realistically, we should accept that the DHSS has been in a situation not of its making, and the very great problems that it is encountering – for example, the lack of doctors – is not something that can easily be cured.

The Manndoc system has worked satisfactorily for much of the Isle of Man with little or no problems expressed over the four and a half years from its inception. I cannot help but think that we have collectively succeeded in creating anxiety and uneasiness across the Isle of Man. We have done that in areas that were hitherto very well served by the service that they had.

I realise that health spending on the Island is up by 50 per cent over five years, and doctors themselves have said that money is not the issue. Obviously, there are other problems that we have not heard about.

Mr Speaker, I do not intend to repeat the points of other members; I just felt that it would be helpful to put a bit of balance into the debate. Thank you.

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

**Mr Rimington:** Thank you, Mr Speaker. I have been listening to some of the debate with interest. Unfortunately, I did not hear the remarks of the last sitting so I missed that part of the discussion, but I think I can gather the flavour. I agree with the last hon. member that it is difficult to differentiate other concerns that people have with the real issues that we need to deal with; for example, the service delivery problems, the Manndoc system and people's requirement for a doctor to be available at all times or as much as possible. However, other issues have come out very strongly during the debate, and there has been an element of what was called 'critical opportunism.' There has been a long-standing antipathy between certain members of the House and certain members of the Legislative Council. This has provided a perfect opportunity for that antipathy to be ratcheted up and the knife to be driven in as hard and as fast as it can. You cannot escape from that reality; that is an element to this debate. That is very unfortunate because we should be able to look beyond our antipathies to discuss the issue of service delivery that everybody is concerned about. Obviously, speaking from the southern perspective, we also have concerns about the

centralisation of the service and its possible effects on the south. What will the doctors on call do if they are visiting someone in need in Bride and somebody rings from the other end of the Island in Port Erin or Port St Mary? I can speak from first-hand experience. A member of the family did require that service and we were very fortunate because the doctor happened to be in Port Erin at the time and was able to come within 15 minutes. However, that might not have been the case and we have to recognise that.

The hon. member for Onchan, Mr Karran, made some very valid points, and I am pleased to agree with some of them. (*Interjection by Mr Karran*). He said that there are some issues that the House and the government never discuss. We say, 'That is for the department'; but we walk away and criticise it when it does not do what we want it to do. However, we never look carefully at the structure, and that is a serious issue. We have suffered from the over-politicisation of health care on the Isle of Man. Having 'Is granny's toenail being done?' the subject of a question in Tynwald or in this House –

**A Member:** A democratic right.

**Mr Rimington:** – when in fact you need to look at a much more efficient management system and political system for the delivery of health on the Isle of Man. My last point, Mr Speaker, is that we are talking about the provision of services and about primary care essentially. I know that there is an inter-relationship with acute care, as the hon. member said – stabilisation, getting a person to the centre of excellence – but, generally speaking, the out-of-hours service and the in-hours doctors' service are about primary care. Our society – not just the Isle of Man but the UK as well – has focused its resources on acute care to the detriment of primary care, and that does have an effect.

We willingly spent a quarter of a million pounds on our fancy new machine that will fine-tune the diagnosis of this, that and the other. Meanwhile, the expenses of acute care are rising and rising. Primary care for the health of the population is more worthy of resources in general than over-concentration on acute care. We do not have the balance of expenditure right on the two forms of care, and this comes within primary care.

If there were a way of attracting more people into the service, I would love to see an improved primary care service with more doctors and more nurses and more facilities based in the community. If that were the case there would be less need in the longer and medium term for those very expensive acute services at the centres of excellence. Thank you, Mr Speaker.

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

**Mrs Cannell:** Thank you, Mr Speaker. I shall be brief, bearing the time in mind. I was brought to my feet by several issues that have been raised and comments that have been made, not only by the

previous speaker but by the member for Middle, the hon. member Mr Quayle. He was, I felt, most dismissive of the public concern in respect (**Two Members:** Hear, hear.) of this issue.

I am a member of this hon. House and also a member of eight representing constituents in Douglas where we have an acute and general hospital that is working. We have a new one on the way just outside the Borough of Douglas, and we have had the Manndoc service for the past two years. I suppose in one –

**A Member:** Four years!

**Mrs Cannell:** Well, for whatever length of time. It was when I had to use it two years ago that I became aware that it was there. Formerly, when one called for a GP out of hours it was usually either one's GP or a locum who arrived, but there was always a response. We in Douglas are very fortunate because we have adequate primary care with separate medical centres and doctors' surgeries, a hospital, a new hospital on the way and the Manndoc service to help us out of hours.

I have listened to all the concerns that have been expressed by members of the public, members of this House, people on 'Mannin Line', people at meetings, people on the radio and so on and so forth with an open mind. Our constituents in Douglas are fairly well catered for by primary and acute medical care, and I have never heard such passion expressed by people in the north of the Island. It has not been whipped up by politicians – that is a very lame way of dismissing the very real public concern (**Two Members:** Hear, hear.) in the north.

The North is very protective of its cottage hospital and quite rightly so. If it did not have a hospital at all, I might join with others and say, 'Well, you know, too bad. The South does not have one either.' It has a fairly new medical centre now, but it has to get on with it as we all do. The new hospital will replace everything and become the central point for anything that is outwith primary provision.

I cast my mind back to before I came into this place when the healthcare strategy was being formulated. The debates centered on whether or not to refurbish Noble's and on whether or not to go to a greenfield site. All the debates, which I am sure you recall, Mr Speaker, took place about 1990-91 – certainly before my time here in 1996.

As I recall, the strategy that was approved by Tynwald was for a decentralisation of medical provision. There was to be a hospital in the centre, one in the south, an enhanced one in the north and a medical health centre in the west of the Island. That was how it was going to function. That is the last major policy I recall this hon. place having in another hon. place for healthcare provision.

Between the formation of that policy and now there have been all sorts of manoeuvres that have not been discussed or debated at policy level. Rather, much of the policy of this government is being put

together on the hoof, and that is not a good thing – particularly with healthcare. Benefits are another such policy area. They will cause concern if they are not fully explained and if the government does not take the people with it.

While we were becoming aware of the concerns of dental practitioners on the Isle of Man 18 months or two years ago, hon. members were given a presentation at the Post Graduate Medical Centre by the head of the Dental Association, who, I think, is still in post. Dentists had had concerns about that for some three years, and the department had been aware of their concerns for three years. We, as hon. members, only became aware of them then; we had not been informed. We had not been party to discussion to help the department, so I wonder where the corporate image is supposed to be. Central corporate strategy and planning in government and in business means talking. You talk and you keep talking, and as soon as a problem raises its ugly head you talk about it to try to minimise the effect that it may have.

It seems to me that the department was not assisted by the Council of Ministers in this matter, and we have heard from a previous minister that the Council of Ministers never looks at the structure of a department. It never gets down to that level when considering strategy, development, efficiency and services – rather, it seems reactive. We have a reactionary structure at the moment, not a proactive one.

The hon. member for Ramsey talked about the strategy. Where is it? Clearly, there has not been one. The strategy is to react when a problem occurs. When we were considering the dental practitioners' difficulties, it was said – and I said it myself during debate – 'You wait: the GPs will be next because they are expressing disquiet now.' That was 18 months to two years ago. This very month, all of a sudden, an announcement is made and the people are up in arms. That is not good enough. We should do better than that.

We should be able to set aside our differences and sit down with departments when they have a problem. If we are not privy to that forum, ministers should help them to resolve the situation early by taking preventative or temporary measures to get them over the hump and to get them through that period of uncertainty and disquiet. We are not achieving that, but we should be.

Clearly the meeting on Saturday was lively, and politicians will become involved. That is natural because politicians represent the people's disquiet: representation of the people is our first job. Public meetings in the Isle of Man have always been lively. I feel sure that once the hon. member for Middle, Mr Quayle, has attended a number, perhaps over the next decade or so, he will appreciate that when the Manx people speak out, they mean it. They are slow to speak out often, but once they express a passion, by gum they are lively with it. They are full of passion, and they mean to be heard, not to be dismissed as

having been worked-up – I think it was 'ratcheted' up that the hon. member for Rushen said.

I can inform hon. members that in Douglas such is the effect of all this change that a rift appears to be developing between the department and those in medicine in general. I say 'medicine in general' because we are at an impasse with the dental practitioners. We are getting to the stage where there may be an impasse and discussions with the GPs may cease unless a very radical approach is taken. All sorts of things could be suggested.

Members are getting genuinely concerned about the state in which we find ourselves. They want to help; they want to identify avenues where we can win some points with the people. Those representing the department say, 'How and when is that to be achieved?' Only when we start talking to each other so that we can all appreciate the department's and the medical practitioners' problems will we have all the facts before us; only then can we seek a solution in unity rather than fight each other. We should be pulling together to ensure a good service for the people.

Mr Speaker, in Douglas one general practitioner has put up a sign saying that if a patient is five minutes late for his appointment, he will not be seen. He will have to make an alternative arrangement to come back again. That is a very small thing in all that we are debating today. However, look at it in this way: in Douglas, the elderly, the infirm and the sick must often rely on public transport and on buses that are invariably late. People may genuinely need to see their general practitioner, but if the bus is five or 10 minutes late, they will arrive there and are turned away. This is how things are developing.

Slowly but surely each day there is a slight change in the service that people have enjoyed to date. It is diminishing, and that is because we are reaching an impasse with the DHSS and the general practitioners, together with the dental surgeons and so on. It is time that the minister made her statement. A statement, cross-questions, talk and more debate are all well and good, but we are not going to come to a conclusion in the May sitting of Tynwald. I ask hon. members who represent the Department of Health and Social Security to take back to their minister the seriousness of the situation.

I will support the motion and the amendment, Mr Speaker. However, it may be more fruitful, considering how serious the situation is and how serious the public consider it to be, for the minister to arrange a meeting with hon. members to explain all the difficulties fully. Some things might come out that have not been expressed in public. A session like that with hon. members, the Department of Health and Social Security, the minister and any experts who could be pulled in would enable us to evaluate and appreciate the problems fully.

We can look historically at what has led us to this point. It has been a lack of strategy and foresight. The department may have taken its eye off the ball, and plans have to be progressed. We have to see how many

practitioners and surgeons we have; what the age ranges are; and what we are doing to encourage the middle tier to come up. That has not been done.

**Mrs Christian:** It has been done.

**Mrs Hannan:** I do not accept it, but I acknowledge that that has not been done. What we need to do now is see what today's issues are, how the department wants to resolve them and how best we can assist it to ensure a continued 24-hour service for every man, women and the child on the Island. Thank you.

**The Speaker:** Hon. member for Rushen, Mr Gill, to reply to his amendment.

**Mr Gill:** Sir, I have very little to add other than to note the unanimous views of everybody who has spoken in support of the motion and the amendment that I have moved.

I echo the words of the previous speaker who has just resumed her seat. I doubt that the May sitting in Tynwald will give us a conclusive answer to this very important matter, but at least it will bring some light to and possibly take some heat out of the situation. That would be a good outcome, and it would help us to help the department to deal with this matter, which is of great concern. There is little else I can add other than to thank members for their support.

**The Speaker:** Hon. member for Michael to reply to the debate.

**Mr Cannan:** Mr Speaker, on 7th April I wrote to the hon. Mrs Clare Christian, the Minister for Health and Social Security, and invited her to attend the debate in the House. I am sad that she did not because we, hon. members, are the elected representatives of the people. Never forget that. We are answerable to the people. This is their workshop; the engine room of the House of Keys is their parliament, and we are accountable to them.

I moved the motion that this House calls upon the Minister for Health and Social Security to review the provision of primary healthcare to Island residents during weeknights, weekends, bank holiday nights, Saturdays, Sundays and bank holiday days. It was in representing all the Isle of Man on a matter of the most serious concern in the North and, I am given to understand, also in the South, that I opened the debate. I clearly stated that there is now one doctor after six o'clock in the evening until eight o'clock in the morning on duty for the whole of the Isle of Man. That is of great concern to all the residents of the Island.

I will start with the South. There are letters in the newspapers from people in the South. Mr Gawne, the candidate writing a long letter to the newspapers, complained that in every house he visited in the constituency there were complaints about it. Mr Gawne appeared at the public meeting in Ramsey and said the same, as did Capt. Douglas and Mr Gill.

Perhaps the only difference between the South and the North is that there is not the strong political leadership (*Laughter and interjections*), but in the North there is equally great concern. I do not need to tell members that the League of Friends of Ramsey Cottage Hospital – a non-political organisation, Mr Quayle, for your benefit – organised and promoted the campaign to save our services. He laughs? Well, of course, he probably can laugh. He probably does not care, but there are people who do care about medical services, and that is why 2,000 people were on the march.

That is why everybody over 70 or 75 – those most in need of medical care – in Ramsey and in the north who could not be on the march because of their age expressed their support for the protesters, as did the mothers of young children who had to be at home with their kids. They, too, want medical care, and they were protesting. Some 250 to 300 people packed into the hall, and others stood outside until the monsoon started. Such is the concern, yet a member here says, 'It is all political opportunism.' Is it, Mr Gill? Is political opportunism the reason that the candidate for Rushen is complaining? I think not. Have the fears of the people been 'ratcheted up'?

I will tell you what their fears are. They are the fears of an old lady from Ramsey who rang me from an elderly person's flat. She said that she is 86 – I will not give her name for obvious reasons – and alone. She now has no relatives on the Island, and she is afraid that if anything happens to her she will ring up only to be told to hang on or to get a taxi or even that there may be an ambulance available.

I will digress because a schoolteacher and the parents of a 10-year-old girl came to the doors of Ramsey Cottage Hospital. The little girl had a fractured skull, and they were told, 'Sorry, there is no ambulance available.' They were turned away. Members know the case; it has been on the radio, yet the member for Middle says it is being 'ratcheted up'. How must those parents have felt with a 10-year-old girl in their arms? If it had been my daughter 20 years ago there would have been the same sort of row.

This is what people are complaining about. If we are democrats in this House and believe in the will of the people, then we believe that the will of the people must prevail. My motion asks for a Manndoc in the South, one at Douglas and one in the North. That is what I asked for in my first speech. I did not concentrate on Ramsey. It has been said that we had Manndoc before but that it did not include the South. It did not include the North; it did not include Laxey, and we had one doctor then. Now we have included all that population – and the North has 15,000 people. The South probably has the same, and Laxey has two or three thousand, and there is still one doctor.

Why are we downgrading health? The members from the South clearly want a doctor. Members know my views on the North yet some are saying today, 'Well, you get an ambulance.' Ambulances are roaring round the Isle of Man because every time someone gets a cut finger, he has to go to Douglas because

nobody in Port Erin or Bride is qualified to stitch a finger. Before, when we had doctors in the South, and boiling water scalded a hand or there was a cut that needed attention, a doctor saw to it. Now there are ambulances racing around for everything. That is nonsense.

Those are the fears of people. There is no security and only one doctor: that is not acceptable. In a democracy, the will of the people shall prevail. All that is being asked for, as I said, is for a doctor to be based 24 hours a day – through the group practices – in the South and in the North. The people in Douglas have a doctor, and the medical provision in Douglas is good. Mr Downie told me privately some time ago that it was good, and he was absolutely right. The people in the south have Manndoc. If they are involved in a motor accident they can be in the accident and emergency department within 10 minutes. In the North there is no ambulance, and people have to find a taxi. If it is a Friday night, there is no taxi available because they have all been booked. These are the facts of life in the real world.

The police in the North are not happy. They must get a taxi or an ambulance to take somebody to Douglas – a drunk who has fallen on the pavement and bashed himself; or somebody who has been involved in a fracas or drug-taking. In the past, they would be dealt with in Ramsey Cottage Hospital. That was what Ramsey Cottage Hospital was for, and that is what people over the years have expected.

I am sorry for concentrating on Ramsey, but £7 million has just been spent on the South for a big medical centre, and there should be a similar facility in the North. The North did have one; it had been endowed with hundreds of thousands of pounds of charitable benefaction, and suddenly it was downgraded. Do you not expect the people to be in an uproar, hon. members? Mr Quine referred in his speech to the ‘casual and cavalier approach’ of civil servants in the health department –

**Mr Henderson:** Arrogance!

**Mr Cannan:** Yes, that is the right word, hon. members: arrogance. They are arrogant from the top, and if any of you were present at that public meeting, you will know that that is the view of all.

And then we had Mr Anderson. I congratulate Mr Anderson: he can read the civil service brief, the bureaucratic brief, very well indeed. It was much the same speech that was written for Mrs Christian in Ramsey. Brilliant. I wish I knew the thoughts of the hon. member for Glenfaba; instead he just droned out the civil service brief. This is a debating chamber in which we as politicians – and human beings – are meant to know the human feelings of people North and South and all over the Isle of Man. That is what it is about. However, listening to Mr Anderson’s speech, I asked myself, ‘In whose interests is the national health service operating?’

I always thought that it existed for the benefit of the people, paid for by the people’s money. That is

what I thought. That is what I have always been brought up to think, but it seems to me to be for the convenience of the civil service administration. As I said to the meeting in Ramsey, there are two sorts of people in this world: those who make excuses for everything they cannot do; and those who get on with it or else tell you how it can be done and want your support to get it done. We heard, of course, the excuse: we cannot get doctors.

I gave an example of two doctors. One was a young man from Kirk Michael whose doctor wife wanted to come to the Isle of Man to set up a practice. Was he given any encouragement? Do you think they greeted him with open arms? A young man, 35, qualified at Liverpool University and Liverpool medical school, a general practitioner on Merseyside, wanting to come home to his own native Island. He got no encouragement. Good gracious me!

**A Member :** He is working in Douglas, sir.

**Mr Cannan:** He is working in Douglas now, sir, because he had no alternative. I know all about him. I do not need any advice from the hon. member on that. He is my constituent, or his parents are, and I watched him grow up.

I have commented on what Mr Quayle said about ‘fears ratcheted up’, ‘political opportunism, ‘create anxiety.’ Anxiety was there long before I put this motion on the order paper, and I tabled this motion because of public anxiety, (**Two Members:** Hear, hear.). I do not dream up my motions for the order paper when I am shaving; I put them there because I am under pressure from the people I represent. I put them on the order paper in the House of the people’s elected representatives.

I was not exactly amused by Mr Rimington’s contribution, but I did raise an eyebrow during it. I wondered who speaks for the South: Mr Rimington, Mr Gill and Capt. Douglas? According to Mr Rimington, the people must put up with what they are given –

**A Member:** He never said that.

**Mr Cannan:** According to Mr Gill and Capt. Douglas, the people want 24-hour medical care that they can rely on and feel comfortable with, with a doctor based in the South as they have had up to the 31st March. That is what they want.

Mrs Cannell made a very appropriate speech and I have referred to it before. She said that Douglas is well provided for; Manndoc is based in the town; the hospital is in the town; Douglas has accident and emergency services; it is all there. Do you think of people living at Ronague or at Smeale? They do not feel comfortable anymore.

Hon. members, at the end of the protest meeting the motion was put, ‘That this meeting calls upon the Chief Minister to direct the Minister for Health and Social Security to take immediate action to employ the doctors necessary to provide a 24-hour doctor service

for Ramsey Cottage Hospital.' The whole hall erupted in support.

I believe the same provision should be made for the South. That was what my motion was about. It was not just about the North; it was, as the member for Ramsey said, 'about all the Island'.

The people provide the taxes that pay for government services, and they expect their elected representatives to provide the services from the taxes that they pay. Not the services that somebody in government, a civil servant or a minister, thinks they ought to have. They are entitled to the services that they pay for; they do not deserve to have their services downgraded.

I support the amendment; it is very good as it calls on Tynwald to make a statement. I advise this hon. House that Mr Singer, the hon. member for Council, has a motion calling on Tynwald to provide proper medical cover. I hope that that makes Mr Quayle a little happier. Today, support the amendment; support the motion. Let our house of representatives, the House of Keys, send a clear message to the thousands of people in the north of the Island who were present at the meeting – or present in spirit because they were too elderly to get there on Saturday afternoon. Send this message to the Department of Health and Social Security: 'Sorry, but what you are doing is unacceptable: change it.' That feeling will not go away; it is not a nine-day wonder.

If no action is taken, it will rumble on. Make no mistake: people are concerned about their health service, just as you and I and everybody else in this hon. House are concerned. I would not like to guess how many will be on the next protest march if the minister treats that meeting in a manner similar to the impression which he gave to those people assembled on Saturday. If there is no action, it is left to the people to express themselves in the only way they know. What sort of government are you heading, Chief Minister, that forces people to march in the streets in protest?

I ask the House to support the people, not me. I ask it to support the people who want a primary health care system that they can rely on and to give them the security that health care is there – not only from Monday to Friday but in the evenings, at night time and on Saturdays and Sundays. The government calls it 'bank holidays', Capt. Douglas, but that is the government's jargon, not mine –

**Capt. Douglas:** I am a Christian, not a banker!

**Mr Cannan:** I too like to think I am a Christian not a banker, but the government put it down as 'bank holidays'. Mr Speaker, I beg to move the motion standing in my name and urge the House to support the amendment.

**The Speaker:** Hon. members, the motion before the House is that standing in the name of the hon. member for Michael at item 8.1; and to that we have an amendment in the name of the hon. member for

Rushen, Mr Gill: 'delete the final full stop and add – “, and make a statement to the sitting of Tynwald in May.”' All those in favour of the amendment's standing part of the motion say aye; against no. The ayes have it. The ayes have it.

I now put the motion as amended. All those in favour of the motion as amended say aye; against no. The ayes have it.

*A division was called for and voting resulted as follows:*

*For: Mr Anderson, Mr Cannan, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Gill, Mr Houghton, Mr Henderson, Mr Duggan, Mr Braidwood, Mrs Cannell, Mr Downie, Mr Shimmin, Mr Bell, Mr Karran, Mr Corkill, Mr Earnshaw, Capt. Douglas and the Speaker – 20*

*Against: Mrs Hannan – 1*

**The Speaker:** Hon. members, the motion, as amended, carries with 20 votes for and 1 against. Hon. members, that concludes the business before the House.

The House will now stand adjourned till 10.00 a.m. on Tuesday next, 13th May, in our own chamber. Thank you, hon. members.

*The House adjourned at 4.36 p.m.*

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