

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

**Douglas, Tuesday, 13th May 2003
at 10.00 a.m.**

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 and Mr Q B Gill (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

The Chaplain took the prayers.

Items Considered

Leave of Absence Granted	K558
A Bill to Amend the Representation of the People Act 1995 in Relation to Elections to the House of Keys and for Connected Purposes – Leave to Introduce Granted	K558
A Bill to Enable Competent Adults to Request Medical Help to Die – Leave to Introduce Requested – Debate Commenced	K566
A Bill to Enable Competent Adults to Request Medical Help to Die – Debate Concluded – Amended Motion Carried	K574
Amendments Bill – Second Reading – Motion Lost	K577
Companies (Amendment) Bill – Second Reading Approved	K581
Local Government (Miscellaneous Provisions) Bill – Clauses Considered	K582

Leave of Absence Granted

The Speaker: Hon. members, I have granted leave of absence to the hon. member for Michael, Mr Cannan, for part of the proceedings this morning.

Questions were taken at this point and concluded at 10.45. They are published separately.

A Bill to Amend the Representation of the People Act 1995 in Relation to Elections to the House of Keys and for Connected Purposes – Leave to Introduce Granted

Mr Cretney: Mr Speaker, I am today seeking leave to introduce a private member's Bill to amend the Representation of the People Act 1995. I recognise that the measures I propose will have, in some eyes, only a marginal effect to voter turnout. However, I feel that it is very important to make voting as user-friendly as possible.

Some of us were brought up to understand voting to be a duty on us all. After all, we can all witness examples of sacrifices made to retain and enhance democracy in history. However, this does not apply to everyone, and it is those people – who presently do not vote – that we need to encourage and persuade much more clearly of the relevance of the democratic process.

I think that one of the most vivid examples of using the vote was illustrated clearly to us via our television screens, in that far-off country of South Africa, when Nelson Mandela, then aged 75, together with long, long queues of people used his vote for the first time.

Should it be only when denied the vote that we realise its value? I hope not, and I realise that we have a job to do in encouraging a sometimes cynical electorate after being exposed to the worst of politics, again on our television screens, that most of us genuinely, honestly, want to work for the good of our fellow citizens.

In the main, the features that I wish to alter are those that were considered by Tynwald during the debate on the Select Committee on Elections to the House of Keys report. I hope, after studying the debate, that hon. members will feel able to support some or all of my proposals, which, in the form of clauses, will of course be voted on separately.

In no particular order, the Bill will propose to change the date of general elections to the House of Keys to September, after the Manx Grand Prix races. It will allow polling stations to be open from 7.00 a.m. until 9.00 p.m., and allow for postal voting on demand, obviously subject to appropriate scrutiny and audit. The Bill will provide for absent voting and proxy voting provisions to be much more flexible nearer to the election than at present.

The Bill will allow for an enabling provision, so that in the future, electronic voting can be introduced when its impact and security are more proven. It will enable candidates to advertise on Manx Radio or Energy FM or, indeed, any other spoken media. I believe that there should be a cap on this and indeed perhaps the written media, to prevent American-style abuse by wealthy candidates.

I am at present examining ways to improve the accuracy of the electoral register so that it is more efficiently compiled and monitored and that the gap between being registered and being allowed to vote, which under our present regime is months on some occasions, can be radically improved.

This will be done via amendments to the primary law and other actions. It is my intention to seek the support of Tynwald for a boundary review under section 11(5) of the Act. That would of course set up a boundary commission to examine the present constituencies independently, and any proposed amendments would then be included in law.

I am open to any other suggestions that hon. members or the public may put forward, if I have missed any way, to improve things. I know that for some hon. members my final suggestion may be a step too far, but I am sure that the same debate occurred in 1970 when the Wilson Government amended – and we followed – the law to allow voting at 18 instead of 21. I propose to extend voting to those aged 16 or 17.

At 16, persons can leave school, take up full-time employment, get married, leave home, learn to drive a car, start a family, claim some benefits, join the armed forces and, importantly, pay taxes to the state. One of the most important principles generally is no taxation without representation.

It is vital that we try to connect more with young people. The opportunity could never be better, given that citizenship forms part of the national curriculum for them between the ages of 11 and 16. At key stages 1 and 2 they learn the concept of elections and democracy; at key stage 3 the importance of voting, how elections work and different electoral systems; and at key stage 4 they learn about pressure groups and they debate topical political issues.

It is wrong to suggest that everyone over 18 has the maturity, interest, or is sufficiently well informed to cast a vote or that nobody aged 16 or 17 has these qualities. Young people are interested in several key issues such as the environment, animal welfare, the recent war and leisure opportunities, and it is very important that we interest them and younger voters generally. All too often they feel that they are not listened to and as a result do not vote.

This year in the United Kingdom, an electoral commission, independent of the Government, has been established to report on this matter by February 2004. The Lords have also considered this matter, ironically, where a Conservative peer proposed a change to the law that went through unamended. I do of course recognise that as a backbench Bill, it stands little chance in the Commons, but change will come about eventually, so we can lead or we can follow.

I have been very well supported in South Douglas since 1985 and am very grateful to the people who in the last two elections gave me the second highest percentage of votes cast on the Island. More than 80 per cent of people who voted did so for me, but Island-wide we had only 58.7 per cent turnout.

I hope that some of the measures to be included in my private member's Bill may improve that by 5 per cent or a little more. It is up to all of us in office and those who wish to be in office to ensure that we are relevant, close to the people and work hard for the good of the Island between elections. If we do, the people recognise it, and we should never underestimate the intelligence of the electorate. I hope that my Bill, if approved, may help in some way. I beg to move.

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

Mr Rodan: Mr. Speaker, I am happy to second the seeking of leave to introduce this Bill. I suspect that if we do not have the opportunity to consider such legislation, quite simply, nothing will happen between now and the next general election. This is our only opportunity to do something about the mechanics of voting.

After each general election there is a review of procedures initiated through the Council of Ministers, through the Chief Secretary's Office, involving the returning officers and polling experiences of the election with a view to making recommendations. We are well beyond that at this stage in the life of the House, and this opportunity for legislation should be taken.

Some of the matters that the hon. member for Douglas South raised concerning some of the practical aspects of the election, were, as he said, covered in the Tynwald report. One can do no better, by way of summary, than to read an extract from the public document, the report by Professor Denver, who assembled evidence and gave it to that committee.

His summary is worth reading out: 'Practical steps that can be taken to reduce the cost of voting are: change the election date from November, simplify and relax provisions for postal voting, increase the hours of polling, review the location and facilities of polling stations and redesign poll cards'.

This may appear to be a list of rather modest proposals, but they have the advantage of being clear, fairly well defined and easily implemented. Taken together, they would reduce the cost of voting; that is, the cost in the sense of deterring voters from going out to vote. Of itself, this would not guarantee a higher turnout in the next election, but at least Tynwald would have done its best to reduce barriers to participation.

We can argue about the detail. The hon. member mentioned September, after the Manx Grand Prix races, but there is a very good case for early spring. Otherwise, a candidate runs into the difficulties of trying to campaign during summer holidays when people are away. One has to weigh up the pros and cons.

Schools have been recommended as very convenient places for polling stations, and, of course would be closed during the early spring holiday, and that would lend argument to that particular date. These are details that will be argued about at the time of the Bill.

We have to recognise though that no amount of changing the mechanics of voting will substitute the need to convince people that they have a duty to vote. They will only exercise that duty if they feel that they have a stake in the system and that casting a vote will actually make a real difference to the way the Island is governed.

That brings in many other arguments that I do not propose to go into this morning, Mr Speaker. Suffice to say that I think this is the real challenge for politicians and the challenge, not least, for the education system.

Citizenship in the national curriculum in schools, which the hon. member has referred to and which has been compulsory in England and Wales for the last two years, is coming into secondary schools this September on a voluntary basis, but with a very clear intention of having it well integrated. This will be followed, in time, by the primary schools. This will be the opportunity for the education system to explain how the institutions of government work and how they link in to everyday life and make the connection with the importance of voting.

There is no question that if we are successful in this – and the prime focus of citizenship education is on 14- to 16-year-olds – 16-year-olds will be in a good position to know what voting is all about. Unfortunately, giving 16- and 17-year-olds the right to vote does not necessarily mean that they will vote. They will do so only if we can engage them in the political process, and I think the hon. member recognises that.

We should note, on that issue, that seven or eight countries have a voting age of 16, but there are many more in which the age is 21. Today, of course, one can vote at 18, but cannot become a candidate until the age of 21. That is another issue that comes into this argument.

Members will, no doubt, make up their own minds, but I see some difficulties that we must think through in terms of principle with this issue. It is recognised that when you get the right to vote you become a full citizen of your country, and with rights come responsibilities. The question is: are 16-year-olds equipped to exercise such responsibility? They may be, if citizenship has been successful in creating the right framework in the minds of 16-year-olds to make that choice.

The other question is: is it a question of law that they are able to exercise responsibility or are they recognised in law to do so? Under the UN Convention on the Rights of the Child, for example, 16- and 17-year olds receive a degree of protection under the law and are designated as children until the age of 18. Would lowering the voting age to 16 mean in effect that they were adults in the eyes of the law and

therefore vulnerable and open to exploitation? These are important questions that we should focus on in the detail of the Bill when it comes up after this morning's discussion in respect of giving 16 and 17-year-olds the right to vote.

There is no question that that matter is very much in tune with current thinking. The hon. member said that the matter is under active review in the United Kingdom. The Electoral Reform Society is at the head of our 'Votes at 16' campaign coalition, which was set up in January of this year. The issue is very much a live one and it is relevant that we should engage upon it.

I wish the hon. member well with his intended legislation. At the very least it will offer a real opportunity to put long overdue and much-needed practical steps into being before the general election and give the opportunity to discuss the interesting question of whether 16- and 17-year-olds should be given the right to vote. Thank you, Mr Speaker.

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

Mr Downie: Thank you, Mr Speaker. I have no problem in supporting the principle behind the hon. member's private member's Bill. However, I want to put down several markers and thoughts that I have.

As members know, we are currently looking at revising the Legislative Council, and perhaps this would be an appropriate moment if it looked as if the Legislative Council was going to be democratically elected. Here is an opportunity to bring in an electoral system that has some regard to that. We may be able to roll all these issues up into one, but I would not like to see legislation coming before this House that has no regard for what is happening in other areas.

I do not know whether the hon. member is a member of that committee, but if he is successful – and I think he will be today – I ask him to have regard for what is happening in the committee and to reflect that in his private member's Bill.

For some time, I have held the view that the eastern sector of the Island has been underrepresented. There are no two ways about that when you look at the make-up and the demographic situation. We really need two more members on that side of the Island; whether they should come from the old Legislative Council or from some other body, I cannot say.

The Boundary Commission should be given every encouragement to do the job of looking at the Isle of Man fairly and equitably. That might mean moving away from the old sheadings and what happened in the past, when some members, sadly, represented only a handful of people while others had a considerable number to represent. If we are to do it we must do it for the right reasons and deal with it properly when it comes back to this hon. House for discussion.

I have reservations about lowering the voting age to 16, and members must be aware that there are many links at present. Lowering the voting age to 16 would automatically mean that a 16-year-old could sit on a

jury, because the voting list and the jurors list run in tandem. (**A Member:** No!) The voting list and the jurors list run in tandem. They are issued from the same office and when you make your return every year, you do not say you are available for voting; you say you are available to go on to a jurors list. I would – (*Interjection*).

The Speaker: Hon. members, please. The hon. member for Peel can have her say in a minute.

Mr Downie: Absolutely. I will not say that I agree with that.

The Speaker: Hon. member, please!

Mr Downie: Thank you, Mr. Speaker. I want to highlight the fact that if you give the vote to 16-year-olds and you say that they are old enough and wise enough to vote, many 16-year-old people may well fall into that category. There are others who will not. Does that mean now that someone will be making a case to reduce the age at which alcohol can be sold to 16?

If hon. members say that 16-year-olds are old enough to drive a car or serve in the armed forces we are going to head off into some difficulty. Sixteen-year-olds may serve in the armed forces but not in combat, only as apprentices in a junior leader regiment. There is a difference; they cannot serve overseas until they are 18. There are hon. members in this House who would lock children up at 16 and treat them like common criminals.

A Member: Only at 16?

Mr Downie: Well, at present, if you gave someone the vote at 16 saying that they were old enough to vote and know what they were doing, and they committed serious offences, my view is that if they are old enough to vote they are not juveniles anymore. You cannot have it both ways. These are the arguments that will come about. We are getting into a very difficult situation; we are in uncharted waters here and there are a great deal of pros and cons to this. If we are to bring 16 in as the age at which people can vote, it must be looked at properly.

However, in saying that, if we are giving young people the green light and saying that we accept them as responsible citizens who have the right to vote, there are all the other issues about purchasing cigarettes, alcohol and firearms for instance. We would have to lower the age limit in those cases; if they are responsible to vote they are old enough to hold firearms and other things. It opens a Pandora's box.

I wish the hon. member well with this. I fully understand his commitment to bringing this about, but I also understand the uphill task that he has in bringing it about and how difficult it will be to come back to this House with a formula that everybody will be happy with. I will support his introduction and I will have my comment at the appropriate time. I know that he has made a list of the things that I have said and the

areas that have caused me some difficulties. Therefore I wish him the best of luck. Thank you, Mr Speaker.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. I will start with the voters' list. The voters' list is a list of people who are available to vote. It does not mean that everybody on the voters' list can serve on a jury. I would just like to make that absolutely clear. No one over 65 serves on a jury and there are many exemptions, in the same way that we put down an exemption because we do not appear on a jury. It is not a case of them being hand in hand. Yes, it is used for jury service, but there are several exemptions, and certainly those over 65 are exempted.

Similarly, if we agreed to 16- and 17-year-olds, we could also say that they were exempt from jury service. There are many red herrings being thrown around this morning and, being from Peel, I welcome red herrings.

A Member: They are coming home to roost.

Mrs Hannan: Yes, they might be coming home to roost as well. I support looking at several of these issues, but I am not sure that what is being suggested will increase voter turnout. The electorate needs to see that we are responding to some of the issues that concern them and that we are taking note of the issues that concern them.

In many other ways we can approach, very positively, some of the areas that might concern them and that they want responses to, such as tax increases and the sort of questions that are being asked in the papers. Many people want us as leaders to be upfront and positive with some of the issues.

People might object to certain people coming here, but they themselves have come here and settled in our midst. In some instances we have to be robust. Why should we discriminate against somebody because of the colour of their skin as opposed to somebody who is white also coming in? These are the issues that we have got to be more upfront about as leaders in the community. There is a great deal of concern that perhaps we are not giving the proper lead and that we are allowing these sorts of things to happen.

With regard to having a duty and a stake in the system, I would like the hon. member who suggested that we need to get more interest in elections to spell out how that can come about. There are many minuses and pluses with regard to when the election should be. When it was last suggested that the election time should change, we reverted to November because we could canvass during the summer and the brighter months. November is quite a good time for holding public meetings, because people are around and about and they can go to public meetings. There are several issues.

If, as the hon. member for Garff suggested, it is held in spring, we are then canvassing in the winter. If it is held in September, people are on holiday, especially when children are off school. Getting people to turn out for public meetings at that time of year might not be very positive.

I do welcome that we, and any other candidate in a local authority election, should have to put forward our spending. That way, it would not be open to very wealthy people to do very little, turn out wonderful manifestos and advertisements on the radio and in the newspapers, as the member is suggesting, and get themselves elected.

People should be required to put themselves out a little and talk to the people that they wish to represent. I think that the amount of money that is spent on getting elected should be returned and fully audited by somebody who would oversee that.

One of the things that the hon. member spoke about was education, looking at 16- and 17-year-olds understanding voting systems. I wish the House of Keys understood voting systems. (*Laughter.*) In fact, I wish the whole of Tynwald understood voting systems.

We are in the middle of a Legislative Council election, but the House of Keys supported going back to a first-past-the-post system, which gives certain people in certain areas two and three votes, and, in my area, one vote. At least when we had STV we had one person, one vote, and it was a major step forward in the representation of the people. The people knew that if they went to vote, their vote counted. That is something that we need to get back to.

I do think that young people are taking into account that there are certain things that they can do and certain things that they cannot do now. Education is so different now. They do civics and much more on the environment, but I think that young people are now educated for the workplace and not educated for the world.

We ought to get back to education for the world. Education in itself is something that should be prized and not just education to become a number in the workplace.

I will support the introduction of the legislation. This can run in parallel, not with the Select Committee, because I think it represents the nuts and bolts of how an election is run.

I welcome the longer opening hours and the postal voting, but I am not sure how those provisions can safeguard a person's vote. They must be worked at because, in the UK, those provisions have been manipulated because people who are apathetic do not want to be bothered to vote and they give their vote to someone else to cast for them. We must safeguard these provisions in the same way as absent and proxy voting are safeguarded, in that somebody can only proxy two votes.

The boundary review must be considered very carefully, simply because the hon. member for Douglas West said that they did have not enough representation in his area, and I could say the same for my area – that we do not have enough representation.

Therefore we must tread circumspectly with regard to the voting system and representation generally, but I will support the introduction, with those caveats. Thank you, Vainstyr Loayreyder.

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

Mr Braidwood: Thank you, Mr Speaker. I support the hon. member for Douglas South's motion that leave be given to introduce a Bill to amend the Representation of the People Act 1995. I was a member of the select committee that looked into the last election and which reported to Tynwald. Many of that report's recommendations form the proposals that the hon. member is hoping to put forward in his Bill. Those proposals, which the hon. member for Douglas South has already mentioned, received wide support at the time in the debate in Tynwald.

However, I have some reservations, particularly on the voting rights for 16-year-olds and the September date for the election; however, I will leave that debate for when the Bill is introduced. However, I feel that some of the proposals will motivate the people to go out to vote because, as the hon. member for Peel has mentioned, we have to overcome voter apathy. Mr Speaker, I am happy to support the motion.

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

Mr Henderson: Moghrey mie, Vainstyr Loayreyder, I support the general principle of this legislation; it is an excellent idea and a good way forward. However, I have some ideas of what should be in the Bill if it gets approval. The hon. member for South Douglas invited comments, so here they are.

One point that I am keen on and have put to the Select Committee of Tynwald in a copious evidence document is to have generalised polling stations in the towns of this Island. Not just to have them open earlier and for longer, but to have them somewhere central where people can easily access them to vote. One polling station could cover several or many constituencies, and the returning officers would have to be holed in and instructed to sort it out if they are reluctant to try out such an idea. It would be well worth it, especially for a town like Douglas where most of the Isle of Man's working people come to in the daytime. If they had five or 10 minutes at lunchtime to nip out to somewhere central, with easy parking or easy access, I think they would be much more inclined to vote.

Whatever consequences arise from this debate, I wish to float the idea that, if the proposals go forward, the relevant government departments should be either empowered or instructed to ensure that employers on the Isle of Man allow staff the five or 10 minutes it would take to nip out to a centralised polling station to cast their vote. We need a stick-and-carrot approach and, for an island our size, that is not too much to ask. Employers should be encouraged to promote polling

day and have notices up in the workplace to advise staff that they can have 10 minutes so that they can nip out to vote. That would encourage people and boost the voting figures considerably.

On polling day in the last election, I watched thousands of people come back over the mountain to Ramsey at teatime or later. Many of them were too tired to vote; they wanted to get their tea and settle down for the evening. (*Interjection by Mr Braidwood*) By the time they had sorted themselves out, eight o'clock had come and gone.

I do not care about the interjections from the member for East Douglas, Mr Speaker, but that is a fact that he will have to take on board. These are important issues.

I have identified a serious problem with polling cards that must be looked at on the initiative of the hon. member for South Douglas as something that must be inserted in the Bill. If we get approval today to slot in a whole bunch of amendments, that situation needs to be considered. We certainly need an up-to-date voters list and (**A Member:** Hear, hear.) – in an election year the census process should be used to promote the election and get it firmly fixed in people's minds. If that means that the statistics department at Illiam Dhone House has to buy in some extra staff for a week or so, it will be a worthwhile exercise that will promote the event properly and get it firmly fixed in people's minds. It will generate a sense of the importance of the general election, and if people see the government ramping it up, they will be more inclined to go out and vote.

Another issue is the promotion of the general election to young people in school. I know they have general study sessions that promote the general election, but in a general election year it should be highly publicised and talked about, with teachers reminding the children to go home and ask their parents if they are going to vote. Then we will see what the outcome is the next day. In other words, we need a big PR exercise, and more needs to be done. I hope that can be reflected in the forthcoming Bill. If the Bill is given leave to be introduced, I am happy to move one or two amendments to supplement it. Thank you, Gura mie eu.

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

Mr Quayle: Thank you Mr Speaker, I rise to give support to the leave to introduce a Bill to amend the Representation of the People Act 1995. It was a pity that the recommendations of the recent select committee, which did so much hard work, were not approved, as we were able to agree on many of them. Obviously, a few were contentious, and the possibility is that, had all the recommendations been identified separately, we could have voted on them separately. I am pleased that we now have a chance to implement some of those proposals that we can find accord with.

I favour a date in September/October for the election, as it allows the summer for canvassing. It has

been mentioned that people may have their holidays in September/October but, whatever time of the year is chosen for a general election, people will always be taking short breaks and so on.

It makes sense to have the election in September/October as that will allow the summer months for canvassers to go round the constituency and meet people, who will be happy to see them when the weather is much kinder.

I applaud the efforts to ensure that we have an increased voting percentage. However, I cannot help but wonder whether one of the reasons for our lower vote is that perhaps people are more content with the way things have happened in the Island over the past few years. If we cast our minds back to when we had a few thousand people unemployed, there was much more interest in local and national politics, and I am sure there was much more competition for each of the seats at the general election and much more interest in the results. Not too long ago, virtually half the House of Keys went out at a general election, simply because of the people's dissatisfaction with them during those difficult times. There is apathy, but it could also be called contentment because of the development of the Island and because people are happy with the progress that is being made.

The member for South Douglas made reference to a boundary commission. I should mention that I have a motion down for 27 May asking that leave be given to introduce a Bill to amend the Representation of the People Act 1995. The Bill would make fresh provision for the constituencies from which the members of the House of Keys are elected; make provision for the definition and approval of their boundaries; and for connected matters. Therefore, following the member's mention of a boundary commission, my proposals, which would have gone forward on 27 May, would allow for the long title to leave it open whether the Bill would prescribe 12 two-member constituencies, as I initially favour, or any other combination.

However, the long title could state specifically how many constituencies there are and still allow for the possibility of amendments at clauses stage to some of the formula. Equally, my proposals would, in fact, allow for a boundary commission to be set up along the lines of section 11 of the 1995 Act, which would define the boundaries on the basis of the framework provided in my proposed private member's Bill. The results would then be adopted or altered by an order approved in Tynwald.

The fact that the hon. member has referred to a boundary commission means that I need to flag up the fact that I have tabled this motion for 27 May. I may need to discuss the situation with him to clarify the best way forward.

The redistribution of seats has already been mentioned. There is a severe imbalance, and I will mention one or two constituencies. The Middle constituency has 3,500 voters, which, at the moment, is represented by only one member in the House of Keys. However, with the growing population it merits further consideration, particularly as a Douglas constituency

has 3,900 voters or thereabouts and has the privilege of being represented by two members in this House, so there is a severe imbalance.

A Member: Not in North Douglas, it doesn't!

Mr Quayle: I did not say North Douglas; I said 'a Douglas constituency.'

I can support most of the comments by the hon. member for South Douglas, and I will arrange to have a discussion with him about the aspects that I have mentioned.

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

Mr Quine: Thank you, Mr. Speaker. I am happy, of course, to support the application for leave to introduce the Bill. That presents no problem. Having been on the select committee with the hon. member, and having got short shrift with the report, my sympathies, nonetheless, remain with the report's basic recommendations. One reservation I have on the matters outlined by the hon. member is the question of lowering the voting age to 16. I see the argument for it, but there is also a strong argument against it. It is a matter that we will consider when we get down to details.

I will sound a short cautionary note, and I am sure that the select committee took this on board. If the matters mentioned by the hon. member are taken into account in his proposed Bill, they will make a huge difference in turnout, with one possible exception. There is evidence to support this, and it relates to the matter of the postal vote. Based on the United Kingdom's experience alone we have had three exercises now, either where it has been discretionary, or, in some cases, compulsory to have the postal vote, and the evidence is clear. Where provision for a postal vote has been made there has been a sizable increase in voter turnout. That item should head the list.

The UK local elections were held recently, and again, I notice in the wash-up that the postal vote made a significant difference. I am enthusiastic about that provision.

The argument has been put before us on several occasions in this hon. House that voting day is important, and it is historically important. However, we will end up with a choice between form and substance, because retaining voting day as it is at present has a great deal of form attached to it, as it was not delivering what we expected. It must be examined in a critical fashion. If postal voting, which would significantly change the form of election day, delivered the goods, that is what we should be riding with. The acid test is getting people to turn out and express their vote.

Another point that demonstrates the difficulty of where to draw the parameters for the Bill, and I feel strongly about this and it is not just a personal view, is that all of us are in dialogue virtually all the time with our constituents. One of the weaknesses and one attraction that is absent in getting people to turn out to

vote is that we are not able to present them with a meaningful choice or package of policies.

Only 24 of us end up in here, but there are 60 of us who do the rounds in a general election. We say, 'My view on this is this and this and this'; another half-a-dozen come along on our tail saying, 'Well, I am for this and I am for that.' By the time we have all knocked on those doors, if the people have any idea about what is what in policy terms, then they are pretty shrewd.

We must grasp the nettle, and the sooner the better, if we want people to turn out to vote. A major consideration must be that people have a proper choice between packages of policies. They must be able to say, 'This or that candidate, along with others, is going to take us in this direction, and these are the policies that are going to make up the sum of that'. Their interest will be attracted because they can see the difference.

At the moment, it is almost impossible to see the difference because of our constitutional position. We do not know what direction the government is going in finite terms until after the Chief Minister is in post, and then voters have no say in the make-up of the cabinet.

Unless we address some of these important constitutional issues, we will continue to have to struggle with that process to engage the voters. I am not saying that it is practical at this time for the hon. member for South Douglas, or even myself, to table an amendment to take such issues on board. However, they must be examined through one of the two mechanisms that are under consideration by the House. I will take another look at how that can best be progressed by the voters, given a proper choice between packages and policies.

Those are the only points I wish to make. However, I thank the hon. member for South Douglas for bouncing back very quickly and seeking leave to introduce the Bill, because although it may not go as far as we need to go it is at least a step in the right direction.

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

Mr Earnshaw: Thank you Mr Speaker. Initially, I was not going to say anything on this Bill; I was just going to support the motion. However, I am brought to my feet by the comments of our colleague from North Douglas, Mr Henderson. I add weight to his view about having a central polling station in Douglas. Even if it were to be opened for a reduced number of hours on election day, it is a very important idea and a very good one. I share it, as it is an idea that I have floated in the past. It would be attractive to many people who work in Douglas, as it is very convenient and would be well used. That is the bottom line and that is what we are trying to achieve – to get more people into the polling booths to vote and to improve the process. That is my main point.

An ancillary point I will make relates to the election date. When we discussed the select

committee's report a little while ago, I said I favoured a September election. I do not think that November is appropriate, but September would be a much more attractive date to everybody, as it allows people to canvass, and you can meet electors in their gardens on nice summer evenings. If you are canvassing on dark nights, especially when the clocks have moved on, many older people are reluctant to open their doors, especially if they see the likes of me coming down their garden path! (*Laughter.*) A September date for the election is definitely the way forward.

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

Mr Corkill: Some of my points have been covered. It would have been helpful if the select committee, which reported to another place, had been able to come up with some sort of a draft Bill as part of its report. However, listening in the margins, that problem possibly arose because of differences of opinion in the select committee and difficulties in producing a report. With this type of subject, it is inevitable that we get into such a position.

I support my hon. colleague's attempt to engender more interest in elections. It is a useful exercise. However, I fear for his Bill inasmuch as such Bills become coat-hangers and, in the past, eventually, the weight of the clothes that have been heaped on them have proved sufficient to break them, and everything falls in a heap on the floor. I wish him well with the progress of his Bill, because the comments we have had this morning show that there are a great number of issues that people are interested in.

STV voting struck a chord with me, because I was first elected to this hon. House under the STV system. However, I point out that it was not a true STV system that operated in my constituency, because the ability to plump-vote was still part of it, and that distorted the STV system. I do not believe that the first-past-the-post system or STV voting, has, in reality, changed any result in any constituency over any time. I appreciate that that is open to conjecture, but, personally, I feel easy with either system. I am not pro the first-past-the-post system to the exclusion of STV, but I am against a hybrid of the two. My professional body uses the STV system for its elections, and it works very well. The system exists, and we may be the only democratic institution in which the STV system has been introduced and then done away with. I am not sure whether any other jurisdictions have gone down that path, which probably makes us interesting on the international front.

I hope that the STV system is considered, but it should be a true STV system, as it is very important, particularly in multi-seat constituencies.

In encouraging young people to vote, Mr Cretney's reasons for reducing the voting age to 16 are quite convincing and are a good way forward. Another element of getting 16-year-olds to vote will be electronic voting. If we are to engage the younger generation of voters, we should do that on their own

terms, and they will prefer electronic voting. There is no doubt about it – the electronic age has already happened for the next generation. We ought to be making it easier for people to vote that way.

On the subject of postal voting, I have to say hats off to the hon. member for Ayre. As Chairman of the Isle of Man Post Office Authority, he is obviously trying to drum up extra business, which is all credit to him and may well serve to increase turnout.

I, and others, are concerned about proxy voting. I am not sure that it is working as it was meant to work. I know of at least one candidate who stood in the last general election who investigated proxy voting because he felt uncomfortable about what had happened. I hope that proxy voting is considered when the Bill is deliberated.

What we really need to focus on, aside from absent votes or proxy votes, is that in modern life people's movements are planned less in advance to an extent. In our community, people are off-Island more frequently at short notice. Therefore we need a mechanism whereby people can record a vote at the last minute rather than be excluded because their business has taken them off-Island at short notice. That is a complaint that I often receive when I am canvassing.

The member for Middle, Mr Quayle, seems to have specific proposals already in mind for legislation. I know of his concern about the out-of-balance scenario in his constituency, as it exists in other constituencies.

The proportionality of votes, of representation, needs examination because it has existed for some time and is growing wider. For many years, each member received an average of 2,000 to 2,500 votes, but that is no longer the case. Certain areas have grown faster than others, and so that representation, that proportionality, seems to be becoming more of an issue.

Those are my points. The hon. member for Ayre commented on policy choices that inevitably lead to party-type manifestos. I am not saying party political systems, but voter turnout is falling in other places even with group manifestos. Is that really why people do not vote? I do not think it is, although the member put it forward as a reason.

The Speaker: The hon. member for Douglas South, Mr Cretney, to reply to the debate.

Mr Cretney: I thank all the hon. members who contributed this morning. The hon. member for Peel mentioned going out to talk to people because we are – or we seek to be – representatives of the people. It is vital for all of us, and not only at election times, to keep in touch between elections if we want people to be interested in the relevance of what we are doing here.

I was disappointed to hear the hon. member who has just resumed his seat tell us that some people had told him that they were tired and they wanted to get their tea on election day and that they were not really

interested in politics. However, politics is about life, and everything that we do here affects people's lives in one way or another. That is why it is vital that we have a true connection with the people.

Mr Downie and Mr Quayle mentioned the boundary commission in the context of perhaps putting forward a private member's Bill to amend the Representation of the People Act 1995. My view, for what it is worth, is that we have the legislation and the boundary review is undertaken by a decision of Tynwald. The 1995 Representation of the People Act clause 11(5) states 'if Tynwald so resolves the Governor in Council shall appoint a committee of such persons as he thinks appropriate to review the number of boundaries of the said constituencies and to report thereon to Tynwald.' I believe that is the appropriate way to do things. A true independent oversight is the correct way forward.

The matter of the election date, as hinted at by several members, is something about which there are different views. I hope that we achieve a change. I understand the thinking of hon. members who suggested a date in spring and also later in the year. After listening to the debate in Tynwald, most hon. members felt that a date after the Manx Grand Prix would be more appropriate, but before November. That is why I suggested it here today. I was reminded that a Select Committee of Tynwald is looking at the Legislative Council and alterations to that. There could be changes, but there may not be. I am old enough to have been on at least two committees that looked at the Legislative Council, and I hope that we take some democratic steps some day. However, it is right that what I have here can be taken forward separately from those considerations. If, ultimately, it is decided to have 32 directly elected members of Tynwald, that could eventually be part of the Bill.

Like the Chief Minister, I want to thank the Chairman of the Post Office for his reminder. One thing that became clear to the select committee that reported to Tynwald was that the postal vote had resulted in a significant improvement elsewhere. I accept hon. members' comments about ensuring security and avoiding abuse. That is very important.

I am also happy to examine the practicalities, as raised by the hon. member for Douglas North and the hon. member for Onchan, Mr Earnshaw, about a centralised polling station. We considered that during the select committee and did not come to any conclusion that we could take forward practically at that stage.

Some people, not necessarily in the House, have suggested that the measure to allow 16- and 17-year-olds the opportunity to vote might focus any opposition to my proposed Bill on that element. I would not do such a thing, because it is healthy to examine the opportunities for connecting with our future leaders and for ensuring that we are relevant. As the Minister for Education stated, citizenship plays, and will continue to play, an important part. Therefore it is healthy for this body at least to look at the matter and perhaps make some progress.

Candidates in Rushen and Ramsey have contacted me about the electoral list, because, unfortunately, yet again it has become apparent that there are deficiencies in the electoral list. The reply that I received from the registration officer states, 'In accordance with the Island's electoral law a new register of electorates/electors is produced each year and becomes effective from 1st September. It is indeed their statute rather than the current state of technology employed in compilation of the register which prevents a new list being prepared for by-elections such as those to be held in Ramsey and Rushen on 15th May.' That is why I am here, as it is a mechanisms worthy of examination. Over the years, some members have noticed people on the electoral lists who have either sadly passed away or moved away. Mr Delaney, the hon. member of Council, once suggested there was a budge on the register – I certainly hope that was not the case (*Laughter*) –

Mr Delaney: That was a 'cheep' joke!

Mr Cretney: I thank hon. members for their general support today. As the Chief Minister said, this could become a coat-hanger that could be weighed down eventually. Improving the mechanics might have only a limited effect, but it is worth doing to ensure that we are relevant and that we get people involved and interested in what we do here, as it affects their everyday lives. I beg to move.

The Speaker: The motion before the House is that leave be given to introduce a Bill to amend the Representation of the People Act 1995 in relation to elections to the House of Keys; and for connected purposes. Those in favour say aye; against, no. The ayes have it. The ayes have it.

**A Bill to Enable Competent Adults to Request Medical Help to Die –
Leave to Introduce Requested –
Debate Commenced**

Item 2.2 The hon. member for Rushen, Mr Rimington, to move:

That leave be given to introduce a Bill to enable a competent adult who is suffering as a result of a terminal or a serious and progressive physical illness to receive medical help to die at his own considered and persistent request; and to make provision for a person suffering from such a condition to receive pain relief medication; and for connected purposes.

The Speaker: We now move to item 2.2 on the order paper – leave to introduce. I call the hon. member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr Speaker. It is traditional for the House to grant leave to introduce a

private member's Bill, provided that the proposed Bill is not frivolous or vexatious in its intent and is within the legitimate bounds of our parliamentary responsibilities. The substantive issue is then debated on the floor of the House at second reading, and it takes the democratic course thereafter. Since joining the House there has been a tendency to have an initial debate at this point. We witnessed that today in the previous motion. Sometimes, the debate is not fully informed, and it may often be without a clear purpose. However, sometimes it suddenly has a clear purpose and is well informed, and it is an opportunity for people to put down markers of what they consider should be coming forward in future. Nevertheless, leave to introduce is traditionally granted.

It is not my intention to stimulate debate on the substantive issue in this introduction. Members have been circulated with papers on the subject, which I hope will make it clear to them that this is a legitimate subject for our consideration. I thank the Attorney-General for supplying a paper outlining the current law on the Isle of Man and how that law, which replicates the law in the United Kingdom, stands in relation to the European Convention on Human Rights, as tested by the Diane Petty case.

Briefing papers on the law in the Netherlands, Belgium and in the American state of Oregon have been circulated. No doubt, different opinions on the law in those jurisdictions will come forward or can come forward in consultation. My hon. colleague and I are committed to making the results of any consultation fully open to our fellow members.

The last paper that hon. members received was a private member's Bill by Lord Joffe in the UK House of Lords, entitled a Patient (Assisted Dying) Bill. It is an example of a Bill with a set of comprehensive safeguards. That Bill is unlikely to be successful in the UK. We have already had reference to the private member's system in the UK today. It is difficult for a private member's Bill to achieve success in the UK Parliament unless it is exceptionally high up in the ballot for private members' business or has fair wind from the government behind it. The mechanisms to eject or filibuster a private member's Bill that might have majority support but which can be defeated by a minority are very strong in the English parliamentary system in the House of Commons. However, the Isle of Man has a more generous, or permissive, system for a private member's Bill; there is no bar on parliamentary time, provided that there is democratic voting to allow it to go forward at the appropriate stages.

As a result of recent events in Switzerland, where, in effect, people used the facilities to commit suicide, there has been increased concern by the Minister of Health in the UK that that unregulated or poorly regulated practice should be addressed. The circumstances surrounding the events in Switzerland were undesirable, and they have focused the minds of officials in the UK on addressing the issue. They have been in discussion with Lord Joffe on the matter.

The motion is simply leave to introduce; it is not a request at this point for the endorsement of the substantive issues. Members are asked to recognise that this is a matter of public concern and that many people wish the law to be changed to reflect those concerns. I understand that there are those both inside and outside the House who have moral or theological concerns with the proposed legislation. I fully respect that point of view, and I have no wish to argue against them.

The critical point today is whether those moral views, whether they are held by a majority or a minority, should be used to hold an informed debate on this sensitive issue and also to run contrary to the traditional granting of leave to introduce. Hon. members will appreciate that I have deliberately skirted round the subject matter. At this early stage it is not my desire to enter into a debate on the detail or the moral issues involved. However, I reserve my right to respond to points that hon. members may make during the following debate. I beg to move.

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

Mr Gill: I rise to second and reserve my remarks.

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

Mr Braidwood: This is a very emotive subject. I feel that I have been at the sharp end of it, as I lost a loved one – my father who had terminal cancer. I must admit that it still upsets me. I saw him waste away to skin and bone and suffering tremendous pain. There was no hospice at that time, but nurses and doctors administered morphine injections to relieve the pain. I think my father at that time would have said that he wanted his life terminated because he could not do it himself. I feel that I have to support the leave to introduce the Bill so that the matter can be properly debated.

I thank the hon. member for Rushen for circulating the information papers. I hope to read about the popular myths, about Dutch and voluntary euthanasia and also physician-assisted euthanasia. I honestly believe that this subject should be debated, and, when it comes forward, I will have my say.

The Speaker: The hon. member for Douglas West, Mr Downie.

Mr Downie: There is no doubt that this is a very emotive issue. My family suffered a similar loss in the past few weeks, and many times before my wife's mother departed she made several pleas that she should be allowed to go her own way, and if assistance was available she would be willing to accept it. In the end, she was blessed because she spent most of the last week of her life asleep. Nevertheless, like the previous member who spoke, I have seen at first hand many people suffering and I can associate myself with the trauma and distress that terminal illness brings.

However, this is a very emotive issue about which I have had numerous telephone calls. I want to read a couple of letters that I received yesterday: 'Dear Mr Downie, it has come to my notice that at tomorrow's sitting of the House of Keys John Rington and Quintin Gill are seeking leave to introduce a private member's Bill on the issue of medically assisted dying. As a Manx person, I am appalled and very concerned that, should the Bill progress, our Island would sink into undermining the value of human life. We have, for generations, lived, enjoyed and benefited from a blessing of embracing Christian values and ethics. We cannot let medically assisted dying happen in the Isle of Man.' She goes on to say 'please do not grant permission.' I am quite prepared to be open-minded on this issue. I have no qualms about the subject either way, but as soon as it is referred to a committee, I wish to see, in conjunction with leave being granted to introduce, full and proper consultation on the matter. It causes great concern to some people.

There are other people who have no worries about it, but, in fairness, I cannot accept the second paragraph of the hon. member's letter which says, 'If such leave to introduce is granted we would envisage a period of consultation for which we will supply a consultation paper. After this, a draft Bill will be circulated to interested parties prior to agreeing the Bill being brought before the House of Keys.' If we are going to do it we should do it for the right reasons and we should have as broad an opportunity as possible. I do not know whether this is in order, but, if possible, I would like to propose formally that we allow as many members as possible to contribute to the debate on this issue today rather than slow the process down by having complications later. I mean no disrespect to the hon. member, but he has spent a great deal of time pursuing various clauses and options available in the Bill without the benefit of full and frank consultation. If that can be done at this stage it will save a great deal of work, and it will give us an idea of how the public think about the issue.

The Speaker: May I clarify the situation, hon. member? Because it is a motion for leave to introduce, that motion can be amended. Therefore the House could have an amendment before it asking for the matter to be referred to a committee of *x* number of members for consideration. If the House supported it, it would be added to the substantive motion, which is leave to introduce. If the House approved it, you would then have leave to introduce granted and a committee would be set up at that stage. If the House does not do that, the only opportunity for it to set up a committee is if the hon. member receives leave to introduce and moves the second reading. It would only be after that reading that members could move for the matter to go to committee stage.

Mr Downie: With your permission, Mr Speaker, I would like to move formally that the committee stage be now reached. I have no problem in supporting the

hon. member in progressing his leave to introduce, but this is the ideal time to do it. Let us gauge the views of the people of the Isle of Man. That will prevent problems further down the line, and it may bring about the progress of the Bill at a much earlier stage. However, at least it will give people the opportunity to have their say early on.

The Speaker: Before we move on, may I ask the Secretary of the House to draft something, if members would be patient with us on this issue, so that the hon. member can be clear about what he is asking the House for. When that has been sorted out I will invite the member to make that clear to the House and put it formally in detail, if members are happy with that. In the meantime, anyone who wants to second that may wish to hold off at this stage. Hon. member for Malew and Santon.

Capt. Douglas: I am pleased that we can give consideration to the hon. member for Rushen's motion seeking leave to introduce a Bill to enable euthanasia to become part of legislation or, in the title of Lord Joffe's Bill in the House of Lords, the Patient (Assisted Dying) Bill. It should always be possible for the House to debate serious medical situations such as the one before us now. As representatives of the public, it is our duty to examine all matters relating to the good health or otherwise of our nation.

Like the previous member who spoke, I too have had some contacts from my constituents, but I am sure that every member of this hon. House has had experience of a loved and cherished member of their family suffering great pain in a final illness. I publicly thank the medical profession for its care of various members of my family in the past, and I hope and expect that such care and consideration will continue.

The difficulty I have is in separating two words that are running through my mind: 'humane' means benevolent, compassionate, slaughtering animals painlessly; and 'humanitarian', which means one who practices or advocates humane action. They are fine words, my hon. friends, and they are often used in debates of this kind. The word that links the two definitions is probably compassion. I have no difficulty in supporting palliative care and medication, which is a compassionate action, but I have the greatest difficulty in crossing the final threshold of the proposed Bill: it is not our right to extinguish life in any human being. The final arbiter is God in whom, I hope, we all believe and trust.

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

Mr Anderson: I agree with the hon. mover's comments that the subject that he seeks leave to introduce is a sensitive one, and I am most uncomfortable with the proposal. The information that the hon. members have supplied us with is lacking – they seek to put one side of the argument. On the face of it, it seems relatively innocuous, but, in fact, it has

significant ramifications. I will be opposing leave to introduce as the legislation is not only morally unacceptable from a Christian and non-Christian viewpoint, but it undermines the outstanding work that is done in the name of hospices on the Island and throughout the western world. I wonder whether the sponsors are aware that this voluntary euthanasia legislation is in conflict with the very concept of the hospice movement.

I received a letter from the medical director of St Bridget's Hospice, and I would like hon. members to listen to part of that letter to know what Doctor Harris says on this subject: 'The hospice movement throughout the UK is opposed to euthanasia, and I share this view. For me, the most powerful argument against is that if euthanasia were legalised, then vulnerable patients would feel under pressure to choose to die prematurely to avoid being a burden on their family. We already see many patients who feel they are burdens on spouse, or family or the community, and I feel it is more important to reassure them that their carers are only too pleased to look after them rather than being in a position to offer them a quick exit.'

On balance I think it is reasonable to deprive the individual rights of a few, who have generally requested euthanasia to protect the rights of the many who would be forced into it.'

I would be happy to let members have a copy of that letter if they wish.

I do not know how widely the hon. members have consulted the public and organisations on the Island that have an interest in the care of the terminally ill. Perhaps in replying they could say whether they have, and also whether they consulted the Medical Ethics Research Committee and the medical profession. I understand the hon. members wanting to meet the wishes of an individual constituent. However, when that is likely to have a huge influence on others in a similar position – those who think that they are a burden on others, including their families – having legislation in place would put some of them under enormous pressure.

I would also be interested to know how many other people have lobbied the sponsors to introduce this Bill. We should not even think of introducing legislation that could put the vulnerable of our society at risk. Any legislation should be for the good of all and not for those holding extreme views, especially if a vulnerable group of people will be threatened by such legislation being on the statute book.

I shall go back to the sponsors' briefing note to members. If the sponsors think consultation is important – as it surely is in this case – rather than have a period of consultation with a consultation paper supplied by the sponsors and a draft Bill then being circulated to interested parties, it should go to an elected select committee to take evidence and report. I am sure members will be looking for that reassurance from them. If not, I do not see how anyone can back the sponsors' leave to introduce because the opportunity for consultation is not transparent enough.

It might be, as the hon. members say in their briefing note, 'The most effective route for progressing this issue,' but it certainly would not be the most democratic or the most transparent route.

The hon. members referred to the UK private member's Bill being put forward by Lord Joffe, the Patient (Assisted Dying) Bill. Mr Rimington acknowledged in a radio interview, and he has done so again today, that this is unlikely to be progressed as it is a private member's Bill. However, it is fair to say that that is only part of the reason; the fact that it is so contentious will also be a contributing factor. No doubt it will meet the same success as its predecessors, namely the 1975 Incurable Patients Bill, the attempt in 1985 by Lord Jenkins to amend the 1961 Suicide Act, and Mr Ronan Boyce's attempt in 1990 to decriminalise euthanasia.

The northern territory of Australia became the first place in the world to legalise euthanasia in July 1996. However, significantly in December of the same year, the House of Representatives passed an Anti-euthanasia Act to overturn it. A significant remark was made at the time by MP Kevin Andrews, 'Once you allow the intentional bringing of death you cross a threshold and thereafter there is no parameter that you can draw other than an arbitrary one. Logically, I cannot see where you can draw the line'.

When I say the implications are far-reaching I am not exaggerating. If this Island brought in this legislation, consider what the implications would be. We know that jurisdictions around about us maintain the status quo. It requires little imagination to see the business that would be attracted here –

Mr Rimington: Rubbish!

Mr Anderson: The Island's reputation would not be enhanced; it would in my opinion attract publicity for all the wrong reasons. Voluntary euthanasia is unnecessary – alternative treatments exist. It is widely believed that there are only two options open to patients with terminal illness: either they die slowly in unrelieved suffering or they receive euthanasia. In fact, there is a middle way – creative and compassionate caring. Meticulous research in palliative care in medicine has in recent years shown that virtually all unpleasant symptoms experienced in the process of terminal illness can be relieved or substantially alleviated by techniques already available. This has had practical expression in the hospice movement, which has enabled patients' symptoms to be managed either at home or in the context of a caring in-patient facility. It is no surprise that in the Netherlands, where euthanasia is now accepted, there are only a very few rudimentary hospices.

By contrast, the UK has a well-developed facility to care for the terminally ill, and of course we have an excellent hospice organisation on the Island. It has a dedicated and caring staff that, I am sure, is the envy of many areas with a population many times ours.

In conclusion, I believe that we should not place members of the medical profession in a position of

compromising what they have been trained to do. We have enough problems in attracting health professionals without introducing legislation that flies in the face of what they have been trained to do. Any such change would jeopardise trust between the profession and the vulnerable.

I think that I have highlighted enough significant areas of genuine concern to demonstrate that giving leave to introduce today would be a very serious first step – one that I do not think is in the best interests of the people of this Island. Mr Speaker, how ever well intentioned the hon. members' motives for bringing this forward might be, it is bad to make law on individual cases. I ask the hon. members to contemplate the serious implications of giving leave to introduce. By doing so, you are agreeing that some change is necessary. The description of the two hon. members' intentions is so wide that it should not progress – even at this stage – without first going to a select committee.

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

Mr Houghton: Thank you, Mr Speaker. I have been in the same situation as the hon. member Mr Braidwood and other members of this hon. House in my family, and only recently so. Having 25 years' experience at the post office counter working closely with people, and having seen people everyday and then visiting them in their homes when they have been ill, I can only support wholeheartedly that something be done in this area. That something should be deeply considered, but we must do something. We must work in that order. Unfortunately, I feel that most of those who were terminally ill would not have been in a position to give some form of approval for their assisted dying.

However, there would be many safeguards in this Bill to give good authority to professional people such as doctors to give their professional opinion, and no emotions would be involved.

Having seen one of the previous consultative documents from the hon. mover, Mr Rimington, one thing that I admire him for is his ability to put together some comprehensive thought behind any legislation that he wishes to put together. In that, I would have supported his proposal to bring forward a consultation paper because I know it would have gone some long way. However, now that Mr Downie has said that we should formalise it by bringing forward an amendment – which of course is yet to be confirmed – I would feel supportive of that. That would redouble the efforts of the hon. mover (**A Member:** Yes.) in making sure that every area of this emotive issue is carefully considered.

We all, I am sure, are at one in wanting to see the end of unnecessary suffering and pain. As I understand it – and I saw it in my mother's case – when a ventilator is switched off or when people are weaned off heavy doses of medicine they are left to suffer even more while they peacefully pass away normally. That

is how the law is at the moment, and there is a tricky grey area in what GPs or hospital doctors do for the good of such a patient. Therefore we need to formalise our thoughts and feelings on that and to make sure that every conceivable point is carefully thought through. I have no problem at looking into this because we do not have the Bill before us today.

I wholly acknowledge the comments of Doctor Harris about hospices and the absolutely wonderful work that they do. As we know, there is the Mighty Oak Appeal for which I have been arranging some sponsorship. The hospice has the support of the whole Island for the work that it does, and that work would of course continue.

We need to listen to what the hospice has to say and to take its input more formally in a Select Committee of Tynwald. I do not have a problem in listening to that. However, we have to deal with moral values on this matter; we have to search for an appropriate practical answer to stop unnecessary suffering. It is unnecessary and it is suffering, and I am not in the business of prolonging it – no more than other hon. members are.

The word 'euthanasia' is one I do not like, and it is being used across the floor. I like the way that some are using the words 'patient-assisted dying' rather than giving the impression that, 'Yes, I am fed up with living; let me sign the document and somebody can put me down.' That is how I look at euthanasia in its broadest sense.

In this case and in the background documents, the purpose of exactly what has been set out is more intended for the purposes that we are focusing our minds on today. I ask all hon. members to consider that carefully. Let us move forward to stage two to see what comes back from the consultation in support of the amendment that Mr Downie is about to move formally on the floor. Thank you, Mr Speaker.

The Speaker: Hon. members, if we can just revert so that I can formally invite the hon. member for Douglas West, Mr Downie, to move the amendment. It is fair to say the hon. members made their reasons clear, so if he would just formally read out his amendment.

Mr Downie: Thank you, Mr Speaker. I beg to move that the motion of the hon. member for Rushen, Mr Rimington be amended as follows: after the words 'for connected purposes' the following be added –

'and that a select committee of five members be appointed with power to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 on the subject matter of the proposed Bill and to report to the House before its introduction.'

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

Mrs Cannell: I am happy to second the amendment to the original motion for all the reasons that we have heard in some very good contributions to the debate thus far. I have an open mind on the subject. However, I also feel uncomfortable about being asked to make a decision on giving approval for an hon. member to work up a piece of legislation, the pros and cons, wording, interpretation, mechanisms and the operation of which we are then to consider.

I feel uncomfortable today to take that very bold step without my having and without the public whom we represent having an opportunity to have input. I thank the hon. member for Douglas West for moving the amendment under advice from you, Mr Speaker, because it is essential that the public view be considered. The public view is honest and their views and considerations are part of the consideration of the primary legislation if the hon. member receives overwhelming majority for leave to introduce.

It is a proactive way of approaching any piece of legislation, particularly if it contains such serious implications for the well-being and care-taking of people now and in the future. I want to cast it a bit wider. In many other issues that have far-reaching ramifications and consequences, this hon. place should be considering more such amendments in committee where we can take evidence and scrutinise in tandem perhaps with working up a draft piece of legislation.

I often think that the favoured approach with hon. members is to ask for leave to introduce and then go to a great deal of work. That is a degree of consultation that is often criticised in this House for not reaching enough individuals or for not being balanced enough. There is then the risk of its being voted out in principle at second reading or for it to be heavily amended when it gets to clauses stage, and producing, in some situations, fairly defective legislation.

We find that we are often unable to operate the legislation by regulation, even though we now have to put forward the amendment in written form in good time so that whoever is moving a Bill can consider it fully. When I first came to this place, amendments were moved on the hoof. All we have done is to formalise the procedure for amendments but it has not made the result much better –

The Speaker: Hon. member, may I please pull you back to the Bill and not procedural matters of the House? I think it is clear, and I ask you to understand that.

Mrs Cannell: Thank you, Mr Speaker. I am just responding to the fact that I have seconded an amendment at this crucial first stage.

The Speaker: I appreciate that, but you are going wider.

Mrs Cannell: Yes. Mr Speaker, I hope hon. members will support the amendment because I think it is a very prudent approach. It is a compassionate approach; I too have had constituents contact me to say

that they have grave concerns about the ramifications of our adopting such legislation. On the other hand, I have not had anybody – other than one individual in passing yesterday – say that they support the introduction of such a provision in law. There are many untested views, and the only way to test them properly is to have a select committee running in tandem.

I thank the hon. mover for providing what information he has, which is very interesting. When an hon. member is moving on a particular issue they are going to provide us with the argument to back up that issue. Very rarely can we legitimately expect them to provide the alternative. You will get the alternative view only if you ask for it, and the only way to do that would be by an impartial select committee.

I was a little concerned that in the opening paragraph, the hon. mover, Mr Rimington, said that we – we being himself and the hon. member for Rushen, Mr Gill – decided that this would be the most effective route for progressing the issue rather than through investigation by Select Committee of Tynwald. However, when the hon. member moved he did not say why they had decided that it was going to be the most effective route. I may have missed something fairly fundamental in his opening comments about time being of the essence. I am sure that time is of the essence to those with a terminal illness who support the introduction of such legislation, and they would like to be more assisted while they still have time. We, as legislators, when determining and considering law must determine its effect on all of the people all of the time for whatever length of time that the law will be the law of the land. For that reason, I hope that hon. members will support more scrutiny at this stage.

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

Mr Rodan: Thank you, Mr Speaker. First, I congratulate the hon. member for Rushen for bringing forward a very difficult subject. It is not very often that great ethical and moral questions are laid before this House for our consideration. I think the amount of background detail they saw fit to provide to members in support of their bid for leave to introduce is to be welcomed.

Having said that, because this is a great moral, ethical and religious consideration, it is imperative that the tests for a successful leave to introduce be met. When a member seeks leave to introduce, the test that I apply is whether the proposed legislation rectifies some deficiency in the law as it stands. Is there a question of public importance that the law does not sufficiently embrace? If these tests are met, there is a case for a draft law to be examined.

Since it is a moral and ethical question, what has not taken place sufficiently to warrant the introduction of legislation is the public debate, consensus or informed opinion being fed into our consideration. Had the hon. members put a motion before the House to form a select committee to examine this matter out of which legislation might have emerged, that would have

been a different matter. That would have been putting the horse before the cart.

Mr Downie, the hon. member for Douglas West, provides that opportunity to engage in a thorough public debate. The public debate has just started. It would be premature to infer that the debate will end up in the need for legislation; it might, but it might not. Legal opinion, which has been kindly circulated, tells us that at present English and Manx law regards consensual killing, usually described as ‘voluntary euthanasia’, as murder. That is the legal position that the movers are seeking to alter. Before we are in that position we have a great deal of public debate and evidence to consider. I will certainly be supporting the select committee proposed by the hon. member for Douglas West, Mr Downie.

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

Mr Quayle: Thank you, Mr Speaker. I fully understand, with the hon. members for Rushen and Douglas West bringing this forward, that they hope to get support, or perhaps as a matter of courtesy, leave to introduce. However, when seeking leave to introduce a previous unrelated Bill, I know the hon. member for Douglas South, Mr Cretney, suggested to the House that if they felt that they could not in any way support it he would not object to somebody voting against leave to introduce.

I find myself in this situation: I am very uncomfortable even giving approval for leave to introduce this Bill, dealing as it does with a contentious and difficult area. I fully appreciate the contributions that have been made by members thus far dealing with some very distressing cases that obviously affect all of us around the Island.

Lord Bingham, commenting in the House of Lords, summarised correctly when he said: ‘The question whether the terminally ill or others should be free to seek assistance in taking their own lives, and if so in what circumstances and subject to what safeguards are of great social, ethical and religious significance and are questions on which widely differing beliefs are held often strongly.’

As has been mentioned, the sanctity of life is dear to many people on the Island. One person, one of several, who contacted me by telephone, letter or fax mentioned that the length of our lives should be beyond the control of humans and that interference with this principle always leads to man playing the rôle of his creator with destructive results.

I do have grave reservations about the principle of this Bill, and I question its safeguards. I have to say how uncomfortable I am at seeing us being drawn along this path. People may claim that it would not lead to pressure on people to consider medically assisted dying. However, an elderly person may feel themselves to be a drain or an encumbrance on their family or society and may feel obliged to consider the ultimate situation.

There would be implications upon so many areas of life, including, for example, the insurance industry. If people were to have this option, any insurance policies they had entered into could be effected. The resulting complications from the policies will effect the finance sector and the provision of such life policies.

I do not want to think of the Isle of Man making international headlines for being the one area in the British Isles where people could come to have the facility of medically assisted dying. I am aware that we do have a Medical Ethics Committee consisting of three lay people and eight medical people, and I would be interested to know whether the hon. member for Rushen, Mr Rimington, has had any contribution from that forum. That would have been most illuminating.

I also refer to the Mighty Oak Appeal for the creation of a new hospice. I question, as many people question, whether such a facility would be required if this Bill were approved, as it undermines the whole provision of that wonderful care facility. I do not wish to repeat the contributions made by others, but it is appreciated that the hon. member for Rushen has brought this matter before us for consideration. At this stage, I feel that I cannot bring myself to support leave to introduce, much as the member might think that that is being discourteous. That is not the case. I am minded not to support it at this stage, but I will wait to hear his comments in his summing-up.

The Speaker: Before I call the next hon. member, may I clarify the situation again? Leave to introduce is a motion before the House: members are free to vote as they feel they should. Hon. member for Onchan, Mr Corkill.

Mr Corkill: Thank you, Mr Speaker. I have been listening with interest, as hon. members might expect. I wish to put this on public record: on Thursday, the Council of Ministers reviewed the Keys order paper, and, apart from my announcing that this was a matter of conscience, there was no debate. I do not expect or want there to be a debate in the Council of Ministers on this; it is a great moral issue, as other members have said. I also say that. I know that members would expect that, but it is important, for the public record, to understand that.

My position is quite clear: I am against the proposed changes. I had correspondence from a gentleman in the south of the Island some months ago. We saw the newspaper coverage, and at the time I researched the legislation from a personal point of view and also to help to respond to his letter. I have to say that I felt that the present legislation is as good as legislation is ever going to be.

That can be taken in different ways. As legislators in this hon. House we do our best to deliver the best for the people of the Isle of Man. Generally, we come to satisfactory conclusions on many issues in the normal democratic process. However, I struggle as an individual on these moral issues – and we have had others before this House – to separate my personal

moral feelings on a subject and what others may be suggesting to me. At the outset, I think it helps me, as one of the 24 legislators in this House, to make it clear to people who I am and what I represent from a personal moral point of view. In my heart, having listened to the debate not just today but over a lifetime – because this issue is one that you hear about as part of life generally – I feel unable to support the concept or the need for change.

I will be supporting the amendment in the name of Mr Downie, which calls for a select committee to take evidence. I also want to make it clear that once that amendment, if successful, becomes part of the substantive motion, which is leave to introduce, I will be voting against at that stage. That is the other issue that I want on public record from a personal moral point of view. I have no other comments at this stage, just those two for public record on where I stand on this issue. Thank you, Mr Speaker.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. I believe that this request for leave to introduce should be looked at as a petition for address of grievance. It has been brought to our attention by a person who is not saying that they wish to enter into this but just that it should be there. We have a duty to look at the issues that have been raised in the papers that have been circulated and by the item on the agenda paper.

I believe that this is not just a straightforward issue of saying that someone should not take someone else's life or that life is sacrosanct. We all know that eventually we will depart this life; therefore it is something that we should look at. The issue has been raised with us today – the member for Glenfaba mentioned the number of times this issue has been raised in the UK Parliament – but we have never discussed it here and it is important that we do. We discuss all sorts of other matters: we discuss health provision and support in that area.

When Roger Berry from Guernsey was here we talked a little about politics and what was going on there. He told us that a select committee in Guernsey is looking at this issue. He suggested to me that it was quite a long way down the line before they would actually make a decision. One of the things that was flagged up was that there are hospices in places like this but that there is no legislation to say what goes on in a hospice. Whether we have such legislation I do not know, but we should consider it. Perhaps a select committee could ask: do we have legislation to say how hospices operate?

We heard this morning about the Mighty Oak Appeal, but we should be looking at whether there is legislation in place to allow for palliative care – because there is a very thin line between pain control and ending someone's life. A select committee – should one come out of this motion and Mr Downie's amendment – should consider such issues. We cannot

back away from that. It is surprising – no, I shall not go into that.

A select committee to consider the concerns of professionals, advocates, GPs and psychiatrists could say how this could be progressed and how it would affect the way that they operate. It also affects people in nursing and residential homes. That will have to be looked at in future: whether there should be a difference between residential and nursing homes. These are issues that have been flagged up. We cannot just say no when the issues are much wider. We should be considering legislation to control what we do at present, how we would allow people who are suffering from terminal or progressive physical illness to receive medical help, to die at their own time after they have requested to do so, and how that request is safeguarded. We should be looking at this because it is not being looked at anywhere else. Thank you, Vainstyr Loayreyder.

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

Mr Gill: Thank you, Vainstyr Loayreyder. I am sure from the tone of the debate that we all recognise that this is a sensitive and important matter. I begin by commending my colleague Mr Rimington for the tact, transparency and reasonable manner in which he has raised this matter. I hope that if leave is given, subject perhaps to the amendment moved by Mr Downie, I will be supporting it, if any subsequent investigations or consultations can be undertaken in a measured, mature and open manner.

I sincerely believe that introducing this Bill today, as amended by Mr Downie, is the correct thing to do. I believe that leave to introduce would represent a significant step along the road to open debate. This road is paved with two markers: beacons of freedom and informed choice. I am sure that these are measure of a mature, tolerant and free society, such as the Isle of Man. These are the qualities that many, and I hope all, members of this House have and will exhibit today.

Vainstyr Loayreyder, the motion, as amended, deserves the support of the House. Other members have yet to speak, and I will listen to them as carefully as I listened to all the previous members. I hope that hon. members will allow this important matter to be progressed in the manner moved now. I will support this and I hope that it will receive the support of the House today. Thank you.

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

Mr Karran: Vainstyr Loayreyder, as one who has always believed that it is wrong for anybody to take their life, I never supported the death penalty – I have always believed that life is sacred.

I believe in debate; I believe in discussion, and I believe that unless I can say that there is a fundamental reason why leave should not be given, I will always give the hon. member the benefit of the doubt in allowing this subject to be debated. That is why I

would have given the hon. member leave to introduce this Bill. I cannot complain about the lack of debate in this House and then vote against giving the individual the opportunity.

The amendment should be supported as well because this issue should be debated; it would be wrong of us not to support the proposal of the hon. member for West Douglas. That would do no harm. When we talk about euthanasia – and one of my greatest mentors has been a firm supporter of euthanasia and we have had great debates on the subject – my concern is that things can become accountancy-led, and not led for the right reasons.

I have battled throughout my political career, from the days when my uncle was mentally handicapped and my grandmother prayed that ‘Johnny will die before me’, because of the hell that he was going to go through. She was afraid that he would be thrown into an institution where the stray dogs had more freedom and more rights than he did. We have fought so hard in the 18 years that I have been a member of this House to get the quality of life of the mentally handicapped recognised and valued. The same applies to the disabled: that they have the facilities that they need for a dignified life. A constituent of mine had muscular dystrophy. He had a wonderful brain, but he was thrown into a mentally handicapped school with people who had a mental age of 18 months. He had to suffer the indignity of not being able to have the proper facilities because of that. Therefore I find it very difficult to support the proposal, because I have been trying to make sure that dignity of life was given to all sections. I have tried to put rungs on the ladder of society to ensure that the handicapped and the mentally ill have dignity in their lives.

I have sympathy for the dignity of life and the dignity of dying. Muscular dystrophy, for example, is a horrendous disease; those who suffer from it often drown in their own fluids, and there is nothing we can do. With cancer, the issue is often academic: patients will die either of haemorrhaging or of an overdose or heart failure. We know that that would be a legal point of whether that is euthanasia at the present time.

It would be wrong of us, even if we have fundamental principles against the subject, not to allow the debate. We cannot always reach utopia.

I remember the issues about abortion. I always supported abortion counselling and I supported abortion originally because in the Isle of Man girls would often panic, run off to Liverpool and not have the second opportunity – they either had to get the deed done or come back because they could not afford to go again. I believe in that case we may save more than we lose.

I was alarmed, when we discussed abortion, that one of the arguments was the saving to the taxpayer of the cost of keeping handicapped kids who could be aborted. That is not why I originally supported abortion, and it put me off the issue. We must not let finance become part of the argument on assisted dying; we must not end up with people saying that accountancy comes into this legislation. The value of

life is important – whatever that life may be – even if we have seen a revolution in how we value the lives of those most disabled in mind and body in our society. That has happened in the past 18 years that I have been a member of this House.

I hope that members of the select committee will go into the detail of whether there is not already a form of euthanasia being practised in our society at the present time through overdosing or heart failure. When we look at death certificates we will see that, generally, the cause of death is several causes. If this hon. House does go down that road, I do hope that it will take on board the issues that have been expressed in jurisdictions where it has taken place, where people say that they no longer treat or look for cures for diseases. That concerns me. We must consider the moral issue, and I hope that we will look at individual cases and not at issues of accountancy. By keeping people alive we have a situation where other services would be curtailed.

Vainstyr Loayreyder, as a former member for health, I remember to my horror that in the United Kingdom at present it is a lottery whether individuals over 55 who had kidney failure got dialysis treatment. To me, that is a form of euthanasia by economics. This House must be very careful on this subject so that we do not allow the economics of euthanasia to overshadow rights. Life is important and must be guarded.

The Speaker: 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 p.m.

**A Bill to Enable Competent Adults to
Request Medical Help to Die –
Debate Concluded –
Amended Motion Carried**

The Speaker: I call on the hon. member for Douglas West, Mr Downie, to reply to the amendment if he wishes.

Mr Downie: Mr Speaker, the debate has shown that there is a level of support in the House for allowing consultation to take place. I hope that, given the depth of feeling there is on this issue, members will support the amendment. They need not be committed to the rest of the Bill, but it will give an opportunity for the public to make its views clearly known on this controversial and emotional subject. Thank you, Mr Speaker.

The Speaker: Hon. member for Rushen, Mr Rimington, to respond to the debate.

Mr Rimington: Thank you, Mr Speaker. I thank all those who contributed to the debate and I thank them for the manner in which they made their

contributions, which has some justice today. First, I thank Mr Braidwood for his support and his courageous contribution in this sensitive matter.

I fully support the amendment that has been tabled by the hon. member for Douglas West. Being a relatively new boy in the House, I am pleased to learn that measures, which I was not aware of, can be taken. (*Laughter*). The amendment meets our concerns about how this Bill should be best progressed. We feel that there should be consultation, and that is obviously what we would have hoped to do ourselves. I much prefer that it be done under the auspices of a committee of this legislative House. That will give an opportunity for the full range of views from all quarters to be taken on board and for issues to be looked at.

I understand the moral views of certain members who would consider such legislation, if it were passed, as a step too far. Whether that view should impose itself on everybody in society is an issue that we will be looking at over the coming months in consultation. As a result of that consultation, a report will probably come before this House, and possibly legislation will follow.

May I say to the hon. member for Glenfaba that we are not in any way against the hospice movement? The motion is not in any way meant to detract from the very noble system that deserves to be supported on the Isle of Man as it is elsewhere. We consider that if such legislation were eventually passed it would be of benefit to the hospice system and would be in no way contrary to it in any manner, shape or form.

A couple of members, including the hon. member for Glenfaba and the hon. member for Middle, have mentioned the possibility of vulnerable people being under threat. The private member's Bill from Lord Joffe, which I have not had the opportunity to study, contains very rigorous safeguards to ensure that anybody who felt vulnerable in any way was not being pressured into doing something that they would rather not do. I am not saying this should be the structure of legislation on the Isle of Man, but it can be looked at as an example. It is of the utmost concern to us that there should not be any suggestion of pressure being applied or any possibility that it could be applied. That issue would have to be addressed as a safeguard in any proposed legislation.

The hon. member asked whether we had consulted before this. No, we had not, because we intended to consult after. We hope that through the select committee more formal consultation will take place. It is possibly asking a bit too much to go for full consultation before leave to introduce has been granted. Consultation is, I accept, exceptionally important especially in this issue.

I refute a suggestion that the hon. member made; it was not very carefully thought out. He said that my colleague and I would be bringing forward this issue after being lobbied by one person. Yes, it is correct that it might have been one person who prompted that issue to be brought forward; I do not deny that.

However, we will certainly not demean ourselves and this House by bringing such a sensitive moral issue on the strength of one person's request. We have not been lobbied by other people on this issue, and I do not think that other members have been lobbied – except in the past few days.

I specifically asked the individual who prompted this debate and the Voluntary Euthanasia Society who got in contact – and which does have members on the Island – not to lobby. I might have been wrong in doing that, but I did not want the debate to take place against any background of publicity, public campaign or lobbying. I might have been wrong in doing that but that was our thoughts in progressing this issue.

As it happens, in the past few days when the issue has become more in the public arena there has been a flurry of lobbying. That lobbying has come from one very particular source or one particular denomination of the Christian religion. That is not to say that people in other religions will not have strong feelings in all directions on this matter. However, it was our intention to have this debate without a great deal of hype outside the House, and I think that we have largely succeeded in doing that. There will be opportunities for that debate to widen out into the public arena in the coming months when these issues are looked at.

I refute the suggestion that we are putting forward extreme views. They may not be the views of the hon. member; they may not be the views of a few hon. members, and they may not be the views of certain sections of the Christian religion, but they are not extreme views. Those views are held by a number of people, and opinion polls in the UK and elsewhere have shown support for the type of legislation that we wish to introduce. Last year, an opinion poll of GPs showed that some 55 per cent of them said that they could foresee a time when euthanasia would be a valid idea in some particular circumstances that we are concerned with today. Thirty-nine per cent of those GPs said, 'Not under any circumstances', because they were against it. That is perfectly reasonable, but the issue exists and there is a range of views on it.

I thank Mr Houghton for his support, and some who have not spoken but have given me their support. I am very grateful for that. I thank Mrs Cannell for her views and seeing that the best way to progress this issue is through the select committee that has come forward through this process today which we are very pleased with. She asked, 'Well, why not a Select Committee of Tynwald?' We felt that it was right to progress it through the legislative branch and look at it in terms of potential legislation rather than of policy matter through Select Committee of Tynwald. However, feelings were not strong either way on that issue. One has to make a decision and then see whether that is the right decision as time goes by.

I appreciate that the information that we handed out is coming from the Voluntary Euthanasia Society, and is merely somebody putting forward their view. I said in my introduction that we would expect contrary views to come forward as well and that that would be right and proper. There is no full science on this issue,

especially where people's beliefs and morality are involved.

I also welcome Mr Rodan's contribution and his desire to see open, public debate. He also said that it is a moral issue and that the committee is the right way to go forward. I can understand the views of the hon. member for Middle, Mr Quayle, and I appreciate that there has been lobbying. However, it is not the lobbying that should determine a member's views but what he believes is right for the people of the Isle of Man, and I guess that people's individual views do come into that.

One element that did concern me was the implication that elderly people might feel vulnerable, feel that they are no longer wanted or that they are in some way a burden on their family and others around them. There was the implication that we wanted to take this path to ease that burden. That is certainly not what we foresee. I think that the member fears suicide by guilt, but the safeguards should ensure that that is not the case.

The approach through palliative and hospice care is to give the patient the best attention possible, which is what they wish. It in no way undermines the hospice. The hon. member for Middle and the hon. member for Glenfaba mentioned that they feared that the Isle of Man would become a place for tourist euthanasia. They feared that people would come to the Isle of Man for that purpose. That matter is resolved simply by one word in any legislation: 'resident'. That word must be there. It is not for us to provide facilities for people to come over to avail themselves in this respect. It should be encompassed in our healthcare, palliative care and hospice care for residents of the Isle of Man, and not for what has taken place elsewhere.

I appreciate Mr Corkill's views, which were honest and properly held. I also appreciate the support of Mrs Hannan. Yes, there are issues with the hospice. I do not know all the answers to the questions that she asked. Possibly the committee can look at that.

I thank Mr Karran for his support for saying that this legislation should be brought forward and should be debated. I am not too sure about the phrase 'the economics of euthanasia', but it is a question of dignity of life or dignity of death. Those are the primary issues that we have to address.

The sanctity of life as well as people's moral and religious views were mentioned. Yes, people have those views; people have a range of views. All I can say is that there is a range of views in the Christian religion. No person has a monopoly on righteousness and on morality. The Christian religion has a diverse entity; it does not have a monopoly on righteousness. People find God in different ways; it is not for any one party or body to draw a hard and fast line on how to view life. Thank you, Mr Speaker.

The Speaker: Hon. members, before us we have a motion standing in the name of the hon. member for Rushen, Mr Rimington, for leave to introduce a Bill. To that we have an amendment in the name of the hon. member for Douglas West, Mr Downie.

All those in favour of the amendment say aye; against, no. The ayes have it. The ayes have it.

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

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

For: Mr Quine, Mr Rodan, Mr Rimington, Mr Gill, Mr Houghton, Mr Henderson, Mr Cretney, Mr Braidwood, Mr Downie, Mr Shimmin, Mrs Hannan, Mr Bell, Mr Karran, Mr Earnshaw and the Speaker – 15

Against: Mr Anderson, Mr Cannan, Mr Quayle, Mr Duggan, Mrs Cannell, Mr Corkill and Capt. Douglas – 7

The Speaker: Hon. members, the motion as amended carries with 15 votes for and 7 votes against.

Hon. members, we need to elect a committee of five. Just so members are aware, under Standing Order 111, which applies to the election of committees, members shall vote for as many candidates as there are vacancies. In this case, that requires members to vote for five. To be elected, a candidate must receive a majority of votes of members present and voting.

May I have proposals and nominations one by one? Mr Downie.

Mr Downie: I propose Mr Quintin Gill, the hon. member for Rushen.

Mr Karran: I beg to second.

The Speaker: Proposed and seconded, the hon. member for Rushen.

A Member: I propose Mr Anderson, the hon. member for Glenfaba.

Mrs Cannell: I beg to second.

The Speaker: Proposed and seconded, the hon. member for Glenfaba.

Mr Henderson: I propose Mr Rimington, the hon. member for Rushen.

Mr Houghton: I beg to second.

The Speaker: Proposed and seconded, the hon. member for Rushen.

Mr Quine: I propose Mr Downie, the hon. member for Douglas West.

Mr Karran and Mr Rodan: I beg to second.

The Speaker: Proposed and seconded, the hon. member for Douglas West.

Mr Earnshaw: I propose Mr Houghton, the hon. member for Douglas North.

Mr Rimington: I beg to second.

The Speaker: Proposed and seconded, the hon. member for Douglas North.

Mr Shimmin: I propose Mr Quayle, the hon. member for Middle.

Mr Cannan and Mr Henderson: I beg to second.

The Speaker: Proposed and seconded, the hon. member for Middle.

Mrs Cannell: I propose Mrs Hannan, the hon. member for Peel.

A Member: I beg to second.

The Speaker: Proposed and seconded, the hon. member for Peel.

Mr Karran: I propose Mr Corkill.

Mr Earnshaw: I beg to second.

The Speaker: Proposed and seconded.

Mr Henderson: May I propose that nominations be closed, Mr Speaker?

The Speaker: Is that agreed, hon. members? Ballot papers will be circulated. The learned Clerk will read out the names and you will vote for five nominees in a first past the post election.

I will wait until all the forms have been handed out and then I will read out the names. Hon. members, the names of the members who are before you to vote for are Mr Anderson, Mr Corkill, Mr Downie, Mr Gill, Mrs Hannan, Mr Houghton, Mr Quayle and Mr Rimington. Members are required to vote for five of that number.

Hon. member for Ramsey, Mr Bell, and the hon. member for Douglas South, Mr Cretney, to act as tellers, please. There are so many up I cannot remember who did and who did not. (*Laughter*) It is challenging then, who had not nominated and who had not seconded. (*Laughter*)

A ballot took place.

The Speaker: Hon. members, the result of the ballot is as follows: Mr Anderson, 15 votes; Mr Downie, 17 votes; Mrs Hannan, 13 votes; Mr Corkill, 12 votes, Mr Gill, 19 votes; Mr Houghton, 11 votes; Mr Quayle, 9 votes and Mr Rimington, 14 votes. There were no spoiled papers. Therefore, hon. members, elected to your committee are: Mr Anderson, Mr Downie, Mrs Hannan, Mr Gill and Mr Rimington.

**Amendments Bill – Second Reading –
Motion Lost**

The Speaker: Thank you, hon. members. We move to item 3.1 on our order paper, the second reading of the Amendments Bill. The hon. member for Onchan, Mr Corkill.

Mr Corkill: Sorry, Mr Speaker, for the delay. I was aware that there was a discussion in the background about the change in the sequence of the agenda, but I am happy to move the second reading of the Bill.

The Speaker: There is no change in the sequence of the order paper, hon. member.

Mr Corkill: Thank you, Mr Speaker. As hon. members will be aware, due to some members' concerns, the Amendments Bill 2002 was withdrawn from the legislative programme. It is to be hoped that the new Amendments Bill 2003 addresses some of those concerns.

The principle of the Bill is simple: the proposal is for a mechanism to enable a very limited range of amendments to be made to Isle of Man legislation by means of orders by the Council of Ministers.

There are, as we know, several references in Manx law to United Kingdom legislation or to persons in official positions in the United Kingdom. These change from time to time and these changes are becoming more frequent. That, of course, is because of devolution in Scotland, Wales and Northern Ireland. Increasingly, these references in Manx legislation become out of date and inaccurate.

These are not changes of substance, but we do need to keep abreast of them in good time. If we continue to rely on these changes being made by new legislation, we will either need to produce frequent small Bills or to save these changes up to form larger Bills, thus allowing our legislation to get out of date in the meantime.

Either way, to devote too much of this House's time to three readings of each of these changes, which are essentially minor and procedural, is perhaps, not good use of our time. Hence, the proposal of this Bill for a single-stage process in Tynwald.

These are amendments to Manx legislation. Any suggestion that it would be a device for introducing United Kingdom, still less, European legislation, bypassing normal scrutiny, is wrong. Under the proposals, Tynwald Court will retain the final say. Any changes to Manx legislation to be implemented by using this machinery would be implemented by an order made by the Council of Ministers, but would require Tynwald Court's approval. Tynwald Court can, therefore, reject any proposal that it has concerns about and can say to the Council of Ministers, in effect, that it wants any particular change to be brought back as an amending Bill, if that is its wish. Tynwald Court retains control.

Tynwald Court, this House and the Legislative Council vote separately, and both need to agree in order for approval to be given. Therefore this House would, quite rightly, keep its power of veto in another place.

I wish to reassure hon. members that I have every confidence in this Bill and would not ask them to support it if I had any concerns. Mr Speaker, I beg to move that the second reading of the Amendments Bill 2003 be approved.

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

Mr Bell: I beg to second.

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

Mr Gill: Thank you, Vainstyr Loayreyder. Hon. members will recall that in January 2002, the previous Amendments Bill received widespread and determined opposition at second reading. Such was the opposition that the Chief Minister subsequently withdrew the Bill. This is, therefore, 'Amendments Bill II – The Sequel', perhaps, even, 'The Empire Strikes Back', because the Chief Minister advises us that this Bill is different.

He has not, however, seen fit to arrange a briefing for members to explain these differences. He has not seen fit to explain the elements of this Bill that remain from its predecessor. Nor has he seen fit to explain the effect of this Bill. Of course, that is a matter for him and his government. However, given the previous misgivings and opposition, which led to its withdrawal, I would have thought it prudent and transparent to advise and inform members about the Bill, unless of course to do so would give rise to issues that he would prefer not to discuss or debate.

Vainstyr Loayreyder, this Bill previously met with opposition primarily because there were concerns that the Bill detracted from the accepted and crucial rôle of the primacy of this House. This Bill revisits issues that were fully discussed 14 months ago – the House rejected it then.

I voted to reject it then; I had no regrets about voting to reject it at the time and have had none since. Unless the Chief Minister can address some of my concerns and, no doubt, those raised by other members, I will have no regrets about voting against this Bill today.

Hon. members, the differences in the Bill, which are six in number, do nothing more than add to the Bill rather than change its effect. Therefore, hon. members, I urge us to revisit 14 months ago. This Bill reinforces the reasons that won the day at that time; it does not dilute them. I hope that members, unless we hear something pretty compelling from the government, will vote against this Bill for exactly the same reasons that we threw it out once before. Thank you, Vainstyr Loayreyder.

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

Mr Karran: Vainstyr Loayreyder, the only issue I want to raise with this Bill is at clause 1(1)(a), which refers to 'any UK legislation.' Surely the Bill should have at least said: 'the passage of any new legislation', not 'any existing legislation.'

I totally support the concerns of the previous member. I am glad that the Ard-Shirveisagh withdrew the last Bill and that we did not push it though just to save face. That showed maturity on the part of the Ard-Shirveisagh. He did not get annoyed with me, as many in this House do, when I talk about 'vanity over sanity'.

I wonder whether the Chief Minister will comment on the passage of new legislation when he moves this Bill. Perhaps it should go to a parliamentary committee, if that has not already been proposed.

That is what should happen to this Bill. It is being proposed by the Council of Ministers in good faith, but several things are happening in the United Kingdom at the present time. I would hate this to be used as a Trojan horse to affect the integrity of this House and of another place as well. I wonder whether it might not be better, if it has not been proposed, to have a select committee to consider this Amendments Bill. Thank you, Vainstyr Loayreyder.

The Speaker: I will clarify that point, if I may, to be helpful. If this Bill were to receive a second reading and if any member wished to move that it be sent to committee, they could do so immediately after it received a second reading, or subsequently. Hon. member for Peel, Mrs Hannan,

Mrs Hannan: Thank you, Vainstyr Loayreyder. I agree with the member for Rushen: this is virtually the same legislation. It seems that the government has not listened to what was said. I understand why the government is bringing forward legislation. It is not the Home Secretary any more, and it is not the Secretary of State: it is the Lord Chancellor.

This is the thin end of the wedge. The Bill states that: 'Before making an order under this section the Council of Ministers shall consult the Lord Chancellor.' Why? We do not normally consult on orders, regulations and secondary legislation. We get on and do it, and that is why we have secondary legislation. There are several issues in this.

This legislation turns us into a part of the United Kingdom. The government might be so far removed that it cannot see that. The British/Irish Council, and others, are coming together to discuss things; we all do things the same way.

It is all very well. Things have dropped just at that because the British/Irish Council is meeting and I think we ought to get away from this situation. We ought to take a hard look at what exactly this legislation is doing. It is not being looked at in a positive way, as far as working with the House of Keys is concerned, to gain understanding and consideration of what we are being asked to do with this legislation.

A footnote to this legislation refers to the Secretary of State, which is normally taken to mean the Home Secretary. It says: 'Strictly speaking, this is legally one office of the Secretary of State which is held by several UK Ministers'. Why can it not remain the Secretary of State? Why bring in the Lord Chancellor? It would not matter then whether the legislation is changed in future or not.

I hope that the government will reconsider this legislation. It may seem innocuous, but it is introducing measures into our legislation that should not be introduced at this time, unless the government accepts that we have now become part of the United Kingdom.

I do not want to become part of the United Kingdom, and many others do not want to become part of the United Kingdom. Therefore I will not be supporting the second reading of this legislation, Vainstyr Loayreyder, because we have not had a proper breakdown of the reasons for bringing this back now.

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

Mrs Cannell: Thank you, Mr Speaker. I am disappointed that the mover of the Bill, the hon. Chief Minister, did not, using foresight, convene a briefing for members to explain the Bill before coming back with an amended version of what was unsuccessful in 2002.

I too have compared this Bill with the previous one, and the hon. member for Rushen is correct: if anything, there are more additions to this Bill than fundamental changes, which we were all concerned to see addressed.

The hon. member for Peel, Mrs Hannan, has picked up on a very salient point, which I have concern about. Clause 4 states that: 'Before making an order under this section the Council of Ministers shall consult the Lord Chancellor'. That is absolute nonsense. Furthermore, at the end of the Bill, and also under clause 6, it says that: "'UK Authority" means any public authority and any holder of a public office, exercising executive, legislative or judicial functions in the United Kingdom or any part of the United Kingdom'. There is a long list of things here.

It contains the same concerns that were very well voiced in this place and also at a briefing, which was hurriedly convened the last time, to the mover and also to the legal draftsman. Therefore I am disappointed to see that the same thing is coming back to us with a little bit more added to it, which actually makes the problem greater in the eyes of some of us in this place.

The last section of the Bill states that subsections 4 and 5 of section 81 of the Police Powers and Procedures Act 1998 are to be repealed under this Bill. The briefing notes state that the Police Powers and Procedures Act 1998, section 81, includes a power to amend that Act, by order, to take account of subsequent changes in United Kingdom legislation. That is accepted, and there was concern voiced at the

time when that Bill was proceeding. Nevertheless, we accepted that in order to deal with very serious situations pertaining to law and order and criminal activity.

The briefing note then goes on, under subsection 8, to say that it was subject to Tynwald approval. That is correct and proper. Then it goes on to say that, based on that precedent, the Bill proposes that the Council of Ministers be given a similar power to make amendments to Acts of Tynwald generally. It goes on, but I am just dealing with it up to that point.

The Bill will repeal that power of the police and transfer it to the Council of Ministers of the day, whoever they may be. The Council will exercise that power, not over one piece of legislation only – the Police Powers and Procedures Act 1998 – but over amendments of Acts of Tynwald generally.

Therefore it is a far-reaching power. They want to get rid of the power that was given to the police for a particular reason and use it to pass that power to the Council of Ministers. However, in so doing they remove the power from the police and seek to have a similar power transferred to the Council of Ministers, not just for one piece of legislation but for a whole raft of Tynwald Acts.

In his opening comments, the mover, the hon. Chief Minister, said that the House of Keys would have the veto of the vote when it went to Tynwald and that it was always subject to Tynwald approval. However, if this is a Council of Ministers Bill, which it claims to be, and bearing in mind that most ministers occupy seats in the House of Keys and not the Legislative Council, I suggest that the veto is fairly insignificant.

The Chief Minister, when summing up, should be prepared to withdraw at this juncture. Even if second reading is approved, he should allow a proper briefing at a round-table session with hon. members, similar to what we had last time. Unless such a meeting is duly convened, I will have no alternative but to vote against.

Unless new ideas are thrown into this debate and unless the legitimate reasons for the legislation are so ably put as to convince me otherwise, I will have to, I am afraid, continue my vote against. Thank you, Mr Speaker.

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

Mr Quine: Thank you, Mr. Speaker. I was a bit surprised when the Chief Minister sat down. I had expected him to take us back to the objections that had been identified to the earlier Bill, pick it up from there and tell us what the differences were between that Bill and this and how they address those concerns. That has all been left in the air and I think that has set this motion on a rather weak footing.

Along with one or two other members, I do not see the need for this type of legislation or for prior consultation with the Lord Chancellor. That is extraordinary in subsidiary legislation, and more so if,

as the Chief Minister is holding out, the import of changes under this Act are of little or no consequence. It is all the more difficult to understand why we need to refer to the Lord Chancellor.

My other concern, principally because I have not had an explanation, is that clause 5(b) uses the words ‘consequential’, ‘incidental’, ‘transitional’ or ‘supplemental.’ ‘Consequential’ I can perhaps follow; ‘transitional’ I can certainly follow – carrying something forward until implementation action is completed.

However, including ‘incidental’ and ‘supplemental’ would put into this Bill a door that could be pushed open wider and wider. By what definition or by whose interpretation will a matter be considered incidental to or supplemental to what might be ostensibly just a change of name? The matter leaves me a little bit uncomfortable.

The last matter I want to raise here concerns the definition of UK legislation. It is one thing to refer to the basis for change by way of an Act of the UK Parliament or an order in Council or the enactment of a legislature established for any part of the United Kingdom. Then we come to (d) and (e).

However, one causes me concern because there is no explanation of it. Why must we take into account what is, in itself, subordinate legislation; that is, regional legislation? How can an amendment be based on terminology brought in through the legislature of the United Kingdom? That means that if a regional Parliament decided to make a change, that could have a knock-on effect for changes to be brought in by the Council of Ministers. That is not a good footing.

The starting point in addressing my concerns is for the Chief Minister to identify clearly the concerns spelt out by members that caused the first Bill to be withdrawn and for this redrafted Bill to be put in its place. He must tell us how this Bill addresses those points. If it does not address those points, why not?

That is the starting point. These other matters need an explanation, but I do not think they are as fundamental as that initial point.

The Speaker: Hon. member for Onchan, Mr Corkill, to reply to the debate.

Mr Corkill: Thank you, Mr Speaker. The first Bill got so far, but because of the difficulties in progressing it, it faded in my memory. I must apologise to the House for that. That is what I thought when I withdrew the first Bill and now I am starting afresh.

I wrote to the Attorney-General, saying that I wanted to see members’ concerns underlined and dealt with in the Bill. I would return hon. members to the concept of the Bill, which is quite straightforward.

My hon. colleague from Onchan, Mr Karran, suggested a committee of the House to view this legislation. I have no problem with that. If the House wishes to scrutinise this to a greater degree, the committee structure can do that. Then I would be most happy for it to receive its second reading today and for

that phase to take place. If hon. members wish to have more presentation from the legal draftsmen and from myself, that is fine.

The last meeting was not particularly productive; we did not get the understanding that was required. Perhaps a committee would look under the surface to a depth that the House expects. It would be fine by me if the House wants to do that.

There is a fear that somehow we are becoming part of the United Kingdom and importing United Kingdom ideals. That is far from the case. The Bill tries to recognise the fact that the UK has changed; for example, devolution, which our legislation has always made reference to, has happened. The terminology in our legislation is outdated; in some places in the United Kingdom authority has been devolved to regional assemblies, the prime one being Scotland.

From a government perspective, we know that in our relationship with the Lord Chancellor's Department and with the United Kingdom Government, it is sometimes difficult to make progress in certain matters. For example, devolution has had an effect on fisheries. It is important that we have a more flexible system on the Island for our own legislation in how we refer to these other bodies.

The hon. member, Mr Karran, was concerned about the use of the words 'any UK legislation' in clause 1(1)(a). However, because it is qualified later on in subclause 2, it just means that we, as a Council of Ministers, can look at any UK legislation, UK authorities, changes of title in UK authorities or the moving around of functions between UK authorities. We can look at those events and then prepare orders to take account of those changes for Tynwald approval. They are limited by the later part of the clause. Sub-paragraph 3 states that: 'an order under this section shall not confer on a UK authority, power, in any circumstances, to do anything which a UK authority could not, in the right circumstances, have done before the operative date of the order.'

I know that the hon. member for Peel has a dislike of certain constitutional connections that we have to the United Kingdom. However, we do have them, and we must try our best to make them work to our advantage. That is what the legislation tries to do.

It is relevant to include consultation with the Lord Chancellor in the legislation because the reverse situation is that – and this is an area of reciprocity – the Lord Chancellor's Department confers with us. We take the department to task when it does not confer with the UK and when it makes orders that are relevant to the Isle of Man. This is the reverse of that situation. If we are talking about referring to UK entities in our legislation, the Lord Chancellor's Department has stated that it wishes to have that reciprocity. If the House is unsure about the depth of that reciprocity, I am happy to take time out to assure hon. members that there is nothing subversive or wrong in that relationship. It is a relationship that the government already works with every day. Therefore it is open to the House to have a committee, but, if the House decides that it does not want a committee, I am more

than willing to lay on a presentation to go through the clauses with the Attorney-General before we get to the clauses stage.

I thank my hon. colleague for Onchan, Mr Karran, for saying that it was not pushed by the Chief Minister and that we did pull back because of members' concerns. We could have block-voted it through last time, but I felt that that would not have been a constructive way to start a new administration, as it was the first Bill on the floor of the House, and that was understood. If members' concerns have not gone away, the offer to communicate still holds.

The hon. member for Douglas East, Mrs Cannel, asked for briefing, but I can say better than that – I am willing for a committee to examine the issues. It is a fairly short Bill with only a couple of clauses. Perhaps a committee could report very quickly. The Council of Ministers is in no great hurry to force the legislation through. I suspect that the legal draftsmen are interested in ensuring that the statute book of the Isle of Man is relevant and up to date in the terminology that we use about the United Kingdom. That is probably what is driving this issue.

I hope that hon. members see the practical aspects. We are trying to establish safety mechanisms and to give the Bill a second reading. I would vote for a committee, but, failing that, I would ensure that there was a presentation for members before we get to the clauses. I hope that that will help members in their deliberation on the Bill.

The mechanism is simple, but it needs a great deal of reassurance. If that reassurance is not there, I am happy to do more. Thank you, Mr Speaker.

The Speaker: The motion before the House is that the Amendments Bill be read a second time. All those in favour say aye; against, no. The noes have it. The noes have it.

A division was called for and voting resulted as follows:

For: Mr Rodan, Mr Houghton, Mr Cretney, Mr Braidwood, Mr Downie, Mr Shimmin, Mr Bell, Mr Karran, Mr Corkill and Mr Earnshaw – 10

Against: Mr Anderson, Mr Cannan, Mr Quine, Mr Quayle, Mr Gill, Mr Henderson, Mr Duggan, Mrs Cannell, Mrs Hannan, Capt. Douglas and the Speaker – 11

The Speaker: The motion fails to carry with 10 votes for and 11 against.

Mr Karran: Vainstyr Loayreyder, may I move that the Bill go to a committee of five members?

The Speaker: The Bill has failed, hon. member.

Mr Cannan: Wake up! Wake up!

**Companies (Amendment) Bill –
Second Reading Approved**

The Speaker: The Companies (Amendment) Bill.
I call the hon. member for Ramsey, Mr Bell.

Mr Bell: I hope that this Bill is a little less controversial. (*Laughter.*) The purpose of the Companies (Amendment) Bill is to make urgently required amendments to, and remove anomalies from, the Companies Acts 1931-93 and related legislation.

For over two years, the Financial Supervision Commission has been involved in extensive consultation on the contents of the Bill with all interested parties. Many of the changes are the result of representations from the private sector, and others adopt internationally accepted standards of best practice in corporate governance. However, the Bill also makes many minor changes that are necessary because our company law is now more than 70 years old, and it has not been updated since the Companies Act 1992, which is more than 10 years ago. There is, therefore, a pressing need to tidy up the Companies Act and related legislation and to carry through the changes identified by the private sector. However, hon. members should note that the Bill makes only the most urgently needed changes. The review and development of the Island's Company and Insolvency law is an evolving process. The whole concept of the corporate product is to be reviewed shortly by the Financial Supervision Commission in conjunction with the assessor of income tax and the industry with the intention of bringing forward more fundamental changes than those in the Bill.

The review will also examine the suitability of the Island's current company and insolvency law for today's conditions with a view to placing the Island in the forefront as a jurisdiction of choice for company and corporations and CSP business. The Bill should, therefore, be regarded as an interim measure to achieve an immediate objective, namely to address the concerns that the industry raised in the consultation.

I anticipate that some time next year hon. members will have before them another companies Bill that may well adopt a more radical approach to company law. The Treasury's aim is to bring business to the Island and grow the economy by complementing the introduction of the 0 rate of corporate tax with the promotion of a more attractive corporate product. Any further changes to company law should be deferred to allow consideration of these in the context of this more fundamental review.

The Bill is complex because it amends other legislation, and it should be read with the relevant legislation. Many of the changes effected by the Bill are minor and do not significantly alter the law. For example, the new provisions on the use of undesirable company names draw together existing provisions in two separate Acts and clarify current practice in respect of the Financial Supervision Commission giving guidance on what it considers to be an undesirable name.

There are, however, some key issues to which I wish to draw hon. members' attention. Part one and schedule one to the Bill amend the Companies Act 1931. The law on filing a prospectus has been changed to simplify the rules for the filing of a prospectus for the public offer of shares or debentures that make a company. Companies listed on recognised stock exchanges would not, therefore, be required to produce their prospectus in two different forms – one for the Isle of Man Registry and one for the registering of stock exchange.

With regard to bearer shares, Mr Andrew Edwards expressed concern in the review of the financial regulation in the Crown dependencies that he conducted for the Home Office in 1998 in respect of the Isle of Man companies' ability to issue bearer shares. That is because the identity of the companies' owners can be hidden behind bearer shares, which might, therefore, provide the opportunity for criminal abuse. The Bill changes the law so that a company will no longer be permitted to issue bearer shares. However, holders of bearer shares already in issue will be able exercise their rights to dividends or to vote at general meetings of the company by identifying themselves to the company and registering as shareholders.

With regard to new alternative procedure for company dissolution, hon. members will be aware that the Financial Supervision Commission now licenses and regulates corporate service providers or CSPs, who, broadly speaking, provide services in the formation and administration of companies for clients.

The Bill is in many ways complementary to the CSP regulatory régime, as it also aims at raising standards of corporate governance. For example, the Bill introduces a new procedure for the dissolution of companies to facilitate compliance with company law. That procedure should encourage CSPs to dissolve companies in an orderly manner and not to place the companies for which they are responsible into what has been termed 'free fall' by not filing annual returns, resigning all the directors and secretaries who are provided by the CSP, and/or withdrawing registered office facilities.

The new procedure places responsibility on the Financial Supervision Commission rather than on the company – and, consequently, on the CSP responsible for a company that its client no longer wants – to advertise the intention to dissolve the company and to check whether income tax, customs and excise or the Attorney-General has any objection.

CSPs should benefit from this measure, which will considerably reduce the cost of dissolving unwanted companies in an orderly manner. Furthermore, by encouraging good corporate governance, there is also a benefit to the public in so far as the records available for public inspection at Companies Registry should be kept in better order than when companies were regularly allowed to go into free fall.

With regard to the Companies Registry, the Bill also makes amendments specifically aimed at increasing the efficiency of the Companies Registry

and the usefulness of publicly available information. The ability to incorporate companies online and to search company files remotely from your own computer is a service that the Companies Registry wishes to offer to the public. To allow for those technological advances, the Bill makes provision for prescribing the form in which documents may be submitted. To ensure that the information held at the Companies Registry is current, a foreign company that has established a place of business in the Island will be required to file a form of annual return.

A similar requirement will apply to the registration of business names. Whether or not a foreign company has established a place of business in the Island depends on its particular circumstances. However, the Bill introduces a power for Treasury to make regulations, if necessary, to define particular activities as requiring a foreign company to register.

Part 1 and schedule 1 of the Bill amend the Limited Liabilities Companies Act 1996. Although there are a large number of changes to the Limited Liabilities Companies Act 1996, the majority are insignificant as they merely import provisions of the Companies Act which already apply to limited liability companies. This will allow the Limited Liabilities Companies Act 1996 to be read without reference to other acts. However, some provisions are new. The Bill introduces an alternative procedure to dissolve a solvent limited liability company, which follows the new procedure to dissolve a company under section 2(73)(a) of the Companies Act 1931.

A dissolved limited liability company will also be able to apply to the Financial Supervision Commission to be restored to the register, whereas at present it can apply only through the courts.

Part 3 of schedule 1 to the Bill makes necessary updating changes to the Registration of Business Names Act 1918. Part 4 of schedule 1 of the Bill amends the Partnership Act 1909 as follows. In my last budget I announced that Treasury is promoting a strategy for the development of the funds industry. One of the measures identified by the Fund Managers Association that would assist the growth of the industry relates to the use of limited partnerships as collective investment schemes. To facilitate the use of limited partnerships while protecting the confidentiality of investors the Bill introduces a power for the Financial Supervision Commission to make regulations to exempt any class of limited partnership from the requirements to register certain particulars.

Part 5 of schedule 1 of the Bill also makes minor amendments to the Industrial and Building Societies Act 1892. Schedule 2 of the Bill repeals certain enactments, the most significant of which is the removal of the restriction in the Companies Transfer of Domicile Act 1998, which only allows listed companies or their subsidiaries to apply to transfer their domicile either into or out of the Island. That will allow all types of companies to use the Act and is expected to be of particular benefit to the funds industry in allowing collective investment schemes to transfer their domicile into the Isle of Man.

I will propose a further amendment to the Companies Transfer of Domicile Act 1998 at the clauses stage of the Bill. The amendment would be to remove the prohibition on banks and investment businesses from using the Act, which might encourage banks and investment businesses to transfer their domicile into the Island by facilitating restructuring.

I beg to move that the Companies (Amendment) Bill 2003 be read a second time.

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

Mr Houghton: Thank you, Mr Speaker. I beg to second this on behalf of the Treasury, but I have one simple question to ask the Treasury: does the Bill make things easier for banking on the Isle of Man?

The Speaker: Minister to reply.

Mr Bell: I am not quite sure what the hon. member means by 'make things easier for banking'.

Mr Houghton: Will it be easier to do business on the Isle of Man?

Mr Bell: This does not relate to the 'know your customer over the counter' business, if that is what you mean. The Bill does not deal with that section of business, but I take your point. We are aware that there are still concerns over the ability of people to transact business in banks. It is something that the Financial Supervision Commission is keeping under surveillance, and it has discussions from time to time with the banks about that.

Frequently it is not the regulations and legislation that we pass that cause the problem; it is bank staff's interpretation of them. Advice has been given to them on how they should deal with customers, but several banks still take a belt and braces approach, which sometimes impedes business. I take the point that the hon. member is making, but it is not covered in the Bill.

Mr Houghton: Thank you.

The Speaker: The motion before the House is that the Companies (Amendment) Bill be given a second reading. All those in favour say aye; against, no. The ayes have it. The ayes have it.

Local Government (Miscellaneous Provisions) Bill – Clauses Considered

The Speaker: We move on to the Local Government (Miscellaneous Provisions) Bill for consideration of clauses. I call the hon. member for Onchan, Mr Earnshaw.

Mr Earnshaw: Thank you, Mr Speaker. Clause 1 provides that, with effect from 2004, elections to local

authorities will take place every four years. Members will recall that at the moment elections occur either every year for towns, villages and district authorities or every three years for parish authorities.

Subclause(1) substitutes a new section 3 in the Local Elections Act 1986. Section 3 currently provides that the day of election for local authorities is such day in April as the returning officer, which in Douglas is the mayor, may decide. The intention will now be for the day of election to occur on such day in April in 2004 and each fourth year thereafter as the Department of Local Government and the Environment may decide. The Department will have to make its decision and advertise it in the press before the end of the previous year. Members should note that this provision does not apply to by-elections to fill casual vacancies caused by death or resignation. In those circumstances the day of election will continue to be fixed by the returning officer.

Subclause (2) substitutes a new section 5 in the 1996 Act. Section 5 currently makes different provision for town and village districts and parish districts. At the moment, one third of the members of a town or village authority, which includes Douglas Borough Council, go out of office on 1st May every year. If the district is divided into wards, one third of the members of the ward go out. Existing provision also determines which members are to retire if the number is not divisible by three. Furthermore, all the members of a parish authority go out of office on 1st May every three years. In future, if the new Bill becomes law, all members of every local authority will go out of office on 1st May in every fourth year beginning in 2004.

Subclause (3) provides that the new provisions will apply to existing members of local authorities. This provision will cover those elected in 2001, 2002 and 2003 as well as future members.

Subclause (4) introduces the schedule that tidies up the Acts relating to local elections by repealing spent provisions. Those are namely section 25(1) of the Local Elections Act 1986, which deals with transitional provision relating to pre-1986 disqualifications and also various provisions of the Douglas Corporation Act 1988.

I beg to move that clause 1 and the schedule stand part of the Bill.

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

Mr Houghton: Henderson – the ugly one, Mr Speaker.

Mr Henderson: Vainstyr Loayreyder. I beg to second and reserve my remarks.

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

Mr Quayle: Thank you, Mr Speaker. I have an amendment to clause 1, which has been referred to. I beg to move the amendment standing in my name:

page 1, line 6: for 'fourth' substitute 'fifth'
page 2, line 4: for 'fourth' substitute 'fifth'.

I am supportive of the Bill and its provisions, but I understand that the Department of Local Government and the Environment went out to consultation and that 19 of the 24 authorities replied with a mixed response to the proposals, although they were generally supportive of what was envisaged.

My amendment seeks to have the elections for a five-year term instead of a four-year term. Originally, the Department of Local Government and the Environment envisaged a five-year term for the commissioners but encountered resistance from seven local authorities, with the larger ones generally in support. I understand that Arbory, Rushen, Port Erin and Lezayre were in opposition, as were, to a lesser degree, Malew, Laxey and Ramsey to the five-year term that they were invited to comment upon.

Out of 18 responses from local authorities, 11 were for a five-year term and seven were against. The Bill went to the Council of Ministers for consideration, and as a compromise it opted for the four-year term, which was an improvement on a three-year term. However, it was not quite what was envisaged in the original provisions that referred to a five-year term.

Too much notice has been paid to a vociferous minority in the local authorities. There has been a political fudge. Originally, the commissioners were invited to comment upon a five-year term, and the Council of Ministers, in an effort to compromise, decided upon a four-year term. Hence we see that in the Bill before us today.

The commissioners have not had an opportunity to be consulted on what is really a four-year term; they were invited to give comments on a five-year term. The majority wanted five years as opposed to the existing three-year term.

As has been reported recently, the five-year term of office was proposed to ensure a two and a half year cycle between the House of Keys and local authority elections and to match the terms of the House of Keys elections as well as the board of education elections.

A four-year term, if approved under the terms of the Bill, would throw the whole process out of kilter. However, if my amendment is successful, the Bill would allow for local authorities to serve for five years, and the responsibilities upon local authorities will increase over the forthcoming years as a result of reorganisation, which has been referred to by the hon. minister, Mrs Crowe. In future there will be rationalisation and a degree of authorities working on the Island. Therefore a five-year term is appropriate to take the increased responsibilities into account. If a member were elected and found the job too onerous and did not wish to continue in office, they would quite easily be able to resign, as is the case at present, for personal, family or business reasons.

At present, when commissioners are elected they are constrained by the estimates and financial provisions that are already in place by the outgoing board. New members are obliged to comply with these, so there is not really an opportunity for a new member to be radical in changing policies on financial expenditure. A new member takes time to acclimatise and to familiarise himself with the financial estimates and all that is going on with the commissioners. As estimates are prepared in December or January of the year after election, a new member will have been in office for only seven or eight months and would be reluctant to make a significant change in policy. By the third year, a new member can make a meaningful contribution to the formation of policy on financial expenditure. It must also be borne in mind that when preparing estimates for any year in which an election is to be held, local authorities will undoubtedly have political concerns that the rates should be maintained or at least not increased significantly.

Mr Speaker, that demonstrates that a five-year term for local authorities is more suitable and beneficial to all concerned. It would avoid local authority elections coinciding periodically with the House of Keys general elections or those appertaining to the board of education. For that reason I have pleasure in moving the amendment standing in my name. Thank you.

The Speaker: Before I move on, there is a procedural issue here. At this stage nobody has seconded the amendment proposed by the hon. member for Middle. I want to clarify something because there is a potential problem. If a member is minded to second the amendment, we then have a situation whereby there is an amendment in the name of the hon. member for Douglas North, Mr Houghton, on the order paper that links up to the Bill. However, if the amendment moved by Mr Quayle is seconded and is successful, there is another amendment, which has been circulated under Standing Order 154(2)(b) – oh, it has not been circulated. My apologies.

There is an amendment that is to be moved if the amendment in the name of Mr Quayle is successful to tie the ears up together, so four means four or five means five. It would be helpful if I give members a moment if they wish to second the amendment moved by Mr Quayle. If no one wishes to second it, we can move on to the amendment in the name of Mr Houghton for the five years. If it is seconded I wish to debate the amendment in the name of Mr Quayle to get a decision on that. Then we will know where we stand on the amendments in the name of Mr Houghton. It is a problem because one amendment changes the period of years, whereas Mr Houghton's amendment relates to the Bill as printed.

Therefore if for any reason the House decides to amend that period of time, we need an amendment that ties up part of Mr Houghton's amendment to five years as well – I hope that members follow that. Nobody has seconded it, and if the hon. member has moved an amendment he cannot second it.

Mr Houghton: I cannot. That is the advice I want to take.

The Speaker: Hon. members, we will move on to the amendments in the name of Mr Houghton, as printed on the order paper.

Mr Houghton: As printed on the order paper, sir, for clarification. I beg to move the amendments standing in my name:

page 2, line 4 after subclause 2 insert –

‘(2A) For paragraph 1(3) of schedule 2 to the Onchan District Act 1986 substitute –

“(3) An elected rural committee member shall go out of office on the 1st May 2004 and on the 1st May in each fourth succeeding year.”’

page 2, line 5: for ‘Subsection (2) applies to members of local authorities’ substitute –

“Subsections (2) and (2A) apply to persons”’.

page 3 – before the first item in the schedule insert –

‘1986 c8 The Onchan District Act 1986.

Section 2(3).

In paragraph 1(4) of Schedule 2 the words from “, and paragraph 13” onwards.”’

The amendments are necessary to ensure that the proposed changes to the tenure of office that are set out in clause 1 of the Bill will also apply to one member who is returned by the rural ward of Onchan District Commissioners. Although Onchan District Commissioners were consulted on the draft Bill, they have recently contacted the department to advise of the special legislative provisions that cover their rural commissioner. Section 3 schedule 2 of the Onchan District Act 1986 says ‘Onchan currently have ten commissioners and that includes one rural member’. The amendment will mean that section 2(3) of the Onchan District Act is repealed and a new paragraph 1(3) of schedule 2 inserted.

The opportunity is also being taken to repeal some obsolete words in schedule 2 paragraph 1(4). The department is grateful to Onchan District Commissioners for drawing this issue to its attention, and I am sure that members will lend their support to these straightforward amendments.

I beg to move the amendments as set out in my name on the order paper, sir. Thank you.

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

Mr Corkill: Mr Speaker, I am pleased to second the amendments; they show that the consultation with

local authorities has borne fruit. Onchan District Commissioners have seen this. Of course, it has a slightly different structure from that of most local authorities, as it incorporates the rural committee. However, the bush telegraph tells me that Onchan District Commissioners are trying to do away with it. I am very encouraged that in this circumstance they see the value of the rural committee and are willing to bring it to the attention of this House to ensure that it fits the legislation proposed. Therefore I have pleasure in seconding the amendments.

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

Mr Karran: Vainstyr Loayreyder, this Bill is supposed to revolutionise local government. I will be voting against these clauses because I believe that this is another example of the government losing the plot on the needs of local government. It is like the amendment that is being seconded.

The real issue that needs to be addressed in my constituency is whether there should be two areas. Is it right that a large part of my constituency has only the value of one representative while the rest of them have nine? It is totally wrong. Their vote should be as important for that local authority as the ones in the urban area.

I would like to address a few issues. I see the reaction of the town council: it did not even get one election because of this legislation. I ask the mover how, if a writ has been served, that someone should have a seat for three years, we can turn that around. If someone has just been elected town councillor and has a democratic mandate for a three-year term it is wrong for us to bring in primary law to say, 'I am sorry; there was an argument over whether he actually ended up with a public mandate.' I am very concerned that we can null and void a public vote. Perhaps I am being oversensitive about this, hon. House.

Mr Cannan: You are.

Mr Karran: The mover should clarify this point. People have been given up to a three-year term of office, some two years, some three years, and we are just null and voiding that legal vote. I understand the issue as far as the corporation is concerned where there has been no election, but the others fought an election on the premise that they were in for three years, and that concerns me.

People get concerned about the effectiveness and relevance of local government to ordinary people, and local government must be able to come up with the services. The department is penalising proactive local government that is fulfilling its legal requirements. One of the amendments will be on public health. It is scandalous that those who are responsible –

The Speaker: Hon. member, may I interrupt? You will have an opportunity to raise that issue later. This is about clause 1 and the schedule, sir.

Mr Karran: Vainstyr Loayreyder, I see that you are right. However, the idea that it is some sort of panacea to put them up for four years and then bring them all out at the one time is wrong. It is of concern that people are given a public mandate for three years, only to find that they have only one year. That is an attack on the vote. I would like those elections to be honoured and this phased in. I understand the reasons, but I think they are wrong, Vainstyr Loayreyder.

The Speaker: Hon. member for Peel.

Mrs Hannan: Thank you, Vainstyr Loayreyder. There is an area that concerns me with this legislation, and it is extending it out to four years. Members have spoken about people being elected and what they expect, but we must think about the electorate (**Several Members:** Hear, hear.) Even next year when all the members come out, the electorate will be voting once in four years, whereas in some places it has been once in three years and in other areas it has been every year that they might make a change to their local authority. We do not realise the problems that our constituents have with inefficient local authorities and the cost of running them. They are unanswerable even at the moment to the electorate –

A Member: It will get worse after this.

Mrs Hannan: – it will get worse not better. We might get more people out to elect because everyone is coming and it might make a change, but there is concern. People say that they are not going to vote again for a local authority and that the costs of providing the services are going through the roof. With the added cost of refuse disposal – in my area another £88 – people are genuinely concerned about how to make ends meet. Their income from wages if they are working or pensions if they are not is not rising at the same rate.

This might work if it was left at three, because the parishes would remain the same while the towns would go to three; but we must think of the electorate. We must not think merely of ourselves as candidates; we should be thinking of the electorate and what it costs them to run a local authority.

The other issue is the voting system, which is to stay the same. In my area nine people are standing, or at least there are nine places, so people have nine votes. Is that what we want? People will not recognise who has topped the poll – it could be just a throw-away vote. How will that encourage people to make their vote count? I ask the mover of the legislation to make it clear: how will that improve democracy in local authorities? How will that ensure that the person elected will make a change?

Somebody gets elected in my area with about 4,000 votes; if someone gets 1,000 votes and everybody else gets 1,000 votes more or less, who is to say which person has got one vote that is going to count or whether everyone has got nine votes? That is

the anomaly of only tinkering at the edges of legislation and not getting down to making local authorities relevant to the electorate. This legislation fails to do that, as does section 2. Thank you, Vainstyr Loayreyder.

The Speaker: Hon. member for Michael.

Mr Cannan: I support this legislation, Mr Speaker. I hope that when it comes in next spring it stops the nonsense in one part of my constituency where there is an election every year for two or three persons. Part of the electorate there may wish to see change but never gets change because there is always the reaction of previous commissioners carrying forward.

In the House of Keys after five years we all go to the polls; we come back, form an administration and a policy to go forward. There are no hangovers from previous policies because there is a new set of members or an old set of members or some different members. That is far better than having a yearly election for two or three members who are doing it on a three-year circle. The commissioners never get a clear view on what needs to be done to represent the electorate.

The other point is that the costs of an election are the same whether you have seven candidates standing for four years or two or three candidates standing every three years. Therefore there will be more money to spend on the community, and that must be a plus.

Finally, the hon. member for Peel says that since there are nine people to choose from, people have nine votes. Well, they have the same problem with the House of Keys: we have three members for Onchan. I believe in one man, one vote, one seat.

Two Members: One person!

Mr Cannan: I beg your pardon, one person. We have had 24 single seats because there are single seats where you get one vote, and there are people in Onchan or Rushen where they have three votes –

Mr Karran: Better representation.

Mrs Hannan: Better quality!

Mr Cannan: There is a principle. However, I cannot see the difference between having three people for Onchan in the House of Keys and however many stand in Onchan for the commissioners. There will be nine seats and the people will choose; somebody will get the most votes and somebody will get the fewest. There is no difference. It is proper that we have an election in the Isle of Man for all local authorities on the same day: one election, one day.

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

Mr Gill: Thank you, Vainstyr Loayreyder. This is the only clause in the Bill that I have any difficulties

with. I have outlined those difficulties previously, but perhaps I may briefly reiterate them now.

I read a letter from the Port Erin Commissioners who reflect what I believe is quite a widespread feeling, certainly among local authorities in my sheading. They say, 'Members are more than satisfied with the present three year rotational retirement of members and are concerned at the possible loss of continuity should all members retire at once.' I appreciate that that is not going to be an option for today, and I am sorry about that because I share those sentiments.

I appreciate the comments of the previous member about the expense, but if we start running democracy with expense as the priority, we are on a slippery slope (**A Member:** Hear, hear.)

I will oppose this clause in either form, four or five years, because it is fundamentally wrong. There has been a flaw in the consultation. The clerk to the Port Erin Commissioners, who, one would imagine, would be representing the views of his board, was cited as supporting the clause as it is now being moved by Mr Earnshaw. However, his board had to write to clarify that it had expressed the opposite view, and that makes one wonder about the system.

I am sorry that I am not going to be at all helpful; I am going to vote against this clause. This is the only one of the four I will be voting against – three out of four is not a bad hit rate, but that is as far as I extend my support to this Bill.

The Speaker: Mr Earnshaw to reply to the debate. Sorry, my apologies. Mr Houghton to reply to his amendment first.

Mr Houghton: Thank you, Mr Speaker. The only member to speak to the amendment was Mr Karran, who mentioned the fact that one rural member, the rural member in Onchan parish, covers a greater area than that of the nine commissioners in the village. Of course that would be the case. However, apart from one or two sheep and bunny rabbits round the hills, there are no more than a couple of hundred residents in Onchan parish. Therefore the single member in the parish who represents them is quite adequate.

The purpose of this amendment is simply to bring the one member who was forgotten in the original consultation back in line with the other nine members of the commissioners in the board room. That is the purpose of my amendment, sir, and I beg to move it.

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

Mr Earnshaw: Thank you, Mr Speaker. There are two passionate views here. I would like to start with my colleague, the hon. member for Onchan, Mr Karran, who claims that the Bill is an attempt to revolutionise the system. It is anything but that; I have consistently made it clear through the passage of the Bill that that is not the case. Our aim is to improve the turnout at polling stations on election days for local

authorities. It is nothing much more than that and nothing much less.

A key fact that everybody should bear in mind is that this is not my Bill. It is not the members' Bill; it is what the local authorities wanted. We have consulted and consulted and consulted. We cannot please all the local authorities all the time over everything (**A Member:** Hear, hear.) We have had to compromise, but what we have compromised on is the majority wishes on a variety of subjects that the local authorities want. Therefore it is their Bill; it is an Island-wide Bill, and we will not please everybody with it.

Mr Karran referred to the two areas in Onchan. The fact that there are two areas in Onchan is their business. Onchan Commissioners are a statutory authority like every other local authority on the Island, and what they do, as long as they are acting within the legal framework, is their business. As the Chief Minister said, there is change in the air in Onchan, so that will change in due course. No doubt they are exercising their right to conduct that change as they see fit.

Mr Karran also referred to the fact that there were no elections in Douglas Corporation this year. I understand the reason – the department made it known to local authorities around the Island that if this Bill were successful any candidates this year would be elected for only one year before they would have to seek election again. Therefore it is sensible for a candidate to await the outcome of the Bill and then decide what to do in 2004. It seems futile to go to the trouble and the expense of standing in a local authority election this year only to have to repeat the process in a year's time.

I sympathise very much with those who stood in 2002. Anybody who stood this year knew that he would have to stand again in 2004, and anybody who stood in 2001 will have had his three years come 2004. Those who stood in 2002 will be disadvantaged because they wholly and reasonably expected to be standing for three years. However, if the Bill is passed we will have a two plus a four, so we will have two elections in six years for them to stand in. I do feel sorry for all those people who stood in 2002, but we have to break into the process somewhere. It is unfortunate, but I am afraid that that is how it must be; otherwise we will have a very untidy exercise.

Mrs Hannan, I think, was really talking about local authority reform; she talked about refuse collection and other matters. It is possible that she will get an opportunity to talk about this and advance it at a future date, but at the moment it is not an issue before us.

She commented on the four years being too long, which is at variance with what the hon. member for Michael, Mr Cannan, said. He is in tune with my views on this. If this is successful, we will get an entire team elected for four years, and that is a good thing. We will have a fixed team to represent the local authority in an unbroken manner for four years, and that will give us continuity.

The question of nine votes came up. Well, there are ways around that. It seems ridiculous to have nine votes in your hand – I doubt too many people will vote for nine members all at once. It may be that some of the commissioners will feel, in due course if this goes through, that they have too many members. I do not know; it is for them to decide. Perhaps they could work around adopting wards, so there would not be nine candidates for the whole of an area; it could be divided into smaller sections. I have thanked Mr Cannan for his support.

I am sorry that Mr Gill, the hon. member for Rushen, does not feel able to support this. I know the local authority area of Rushen, and we had objections from Rushen, Port Erin and Arbory. One of the seven objectors eventually agreed to support five years, so we have six objectors, three of which are in his constituency, so I appreciate that that makes life difficult for him. I am sorry if he feels that he cannot support this, but I understand his reasons.

I thank the hon. member for Douglas North, Mr Houghton, for moving an amendment on Onchan rural committee members. This is a slightly technical issue. It is a quirk of the system in Onchan that is unlike Kirk Michael where they had nine members when they amalgamated –

Mr Cannan: Seven, Mr Earnshaw.

Mr Earnshaw: Sorry, I beg your pardon, Mr Cannan. They had seven members when they amalgamated with the rural ward in Kirk Michael and became one complete body. Onchan became one and a bit, so this is a technical issue that was missed out earlier in the Bill; supporting the amendment will put that matter right.

I hope that we are not out of order, Mr Speaker, in referring to the amendment of the hon. member for Middle, Mr Quayle –

The Speaker: You may not talk about the amendment, as it was not successfully put before the House. You may talk about Mr Quayle's contribution, but not about his amendment.

Mr Earnshaw: In that case, I thank him for his contribution. I thought there would have been more support for it, but clearly there is not. In the circumstances –

Mr Cannan: You should quit while you are winning.

Mr Earnshaw: – we will leave matters as they lie. I will take the advice of my experienced colleague behind me. That is all I have to contribute on this clause, Mr Speaker. I beg to move.

The Speaker: Hon. members, the motion before the House is that clause 1 and the schedule stand part of the Bill. All those in favour say aye; against no –. Sorry, I will start again, hon. members, my apologies. I

am getting too excited about the Local Government (Miscellaneous Provisions) Bill.

Hon. members, the motion before the House is that clause 1 and the schedule stand part of the Bill, to which we have amendments in the name of the hon. member for Douglas North, Mr Houghton. All those in favour of the amendments say aye; against no. The ayes have it. The ayes have it.

Now hon. members, clause 1 and the schedule as amended – all those in favour please say aye; against no. The ayes have it. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys –

For: Mr Anderson, Mr Cannan, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Houghton, Mr Henderson, Mr Cretney, Mr Duggan, Mr Downie, Mr Shimmin, Mr Corkill, Mr Earnshaw, Capt. Douglas and the Speaker – 16

Against: Mr Gill, Mrs Cannell, Mrs Hannan and Mr Karran – 4

The Speaker: Mr President, the motion carries with 16 votes for and 4 votes against. Hon. member for Onchan, clause 2, sir.

Mr Earnshaw: Thank you, Mr Speaker. Clause 2 requires a local authority to make standing orders for its proceedings in business instead of merely allowing it to do so. At the moment, local authorities are obliged to make standing orders only for tenders and contracts for the supply of goods for the execution of works. The department has produced draft standing orders, and these have already been made available to all local authorities. Mr Speaker, I beg to move clause 2.

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

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

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. It says ‘Make standing orders for the regulation of the proceedings in business of its authority’. It is all very well making a standing order, but are they supposed to use them?

I can only speak about the local authority in Peel where they decided to change things. They work now without standing orders although they had them previously – they never used them but they had them. It is all very well to say, ‘To have to make standing orders’, but do they have to abide by them?

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

Mr Karran: Vainstyr Loayreyder. Will the hon. mover tell us why this clause is before us today? What is the thinking behind it? Why has it become a priority? I am not arguing one way or the other; I just want to know why this has suddenly become a problem in the Department of Local Government and the Environment. There is inconsistency: in one constituency the clerk was for it, but the elected representatives were against it. Who put this clause forward and what are its effects?

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

Mrs Cannell: Thank you, Mr Speaker. I cannot vouch for any other local authority other than the one where I cut my political teeth and that is the Douglas Town Council, the Douglas Corporation, which does have standing orders. When a member is elected to Douglas Town Council they are provided with a book of standing orders, as we are when we are elected to this place. When we sit in another place we have another separate book of standing orders.

Of course, we all know that standing orders provide for the rules of debate and for the proper conduct of business throughout a public session. For a large local authority such as Douglas with 18 representatives, it is essential that it has the mechanism of standing orders that are fully operated, fully understood, fully utilised – but not by every councillor, I have to say – very much as we operate here. On Douglas Town Council, the mayor oversees the interpretation and effective use of the standing orders to prevent abuse during public session. I imagine that on a smaller local authority the chairperson would preside and would oversee that they are effectively used.

Having clarified that for the benefit of debate and record – that a larger local authority benefits from that – I see little benefit in making it compulsory on all local authorities. In fact, I see it as over-bureaucratic. Some smaller local authorities perceive it to be dictatorial of the department to incorporate this in primary legislation. The department is saying, ‘This is what will happen and you will abide by it.’ That is wrong and I feel uncomfortable with it.

We have no legislation, such as the one that we are considering today, that says to Douglas Town Hall, ‘You will abide by this and do it this way.’ They have been doing things in their own way for a long time. They operate like us; they make changes from time to time; they have a standing committee that considers changes and floats new ideas for standing orders. However, to include that in legislation would be a disincentive for local authorities to do their own reforming and be helpful in working under the application of this legislation. I am sorry; I will have to

vote against this because it is too dictatorial. It is dictatorship at its worst.

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

Mr Downie: Thank you, Mr Speaker. I support this clause for several reasons. I understand that in some local authorities when an issue arises in which a member has an interest, they are asked to leave; in other local authorities, they are allowed to push their chair away and not take any further part in discussions.

I had the best ever example given to me last week. I received a letter from a person who belongs to a large local authority; they attended a selection committee meeting for the various committees in the local authority. One person was proposed to go to a particular committee; a seconder could not be found so the person who was proposed seconded himself (*laughter*). The person who felt aggrieved about this took it up with the chairman of the local authority and with the town clerk – so it has authority – and I took the issue up with Her Majesty's Attorney-General –

Mr Cannan: Are you talking about Douglas, hon. member?

Mr Downie: I would never dream of doing that, hon. member. I support the clause because standing orders or basic guidelines need to be laid down for local authorities to work to. Minimum criteria need to be laid down. They would all know where they stood. If they want to wear top hats when they speak or pass a three-cornered hat round to have tradition, that is a matter for them. However, let us have basic rules on the running of local authorities that we can all fully understand. Sadly, sometimes people in local authorities make the rules up as they go along and when they are challenged they say, 'We have always done it that way.' Let us see where it is written down so that people who have no experience are not bamboozled.

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

Mr Anderson: Thank you, Mr Speaker. I too support this clause. However, will the hon. mover tell us whether the department will help small local authorities to put this into place? Will it pass on a charge for its services?

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

Mr Quayle: Thank you, Mr Speaker. I support the clause, but I seek assurance that the Department of Local Government and the Environment will provide a template of standing orders to bring unanimity and cohesion amongst all the local authorities. If they all had a framework of standing orders to work to – perhaps DoLGE has this in mind or is sending it out –

at least it would give some uniformity around the Island. Accepting the contribution of the hon. minister for Douglas West, Mr Downie, if local authorities want to tweak it to individual requirements that would not be a problem. If DoLGE gave uniform standing orders across the Island, I am sure that that would make the job of local authorities more streamlined and more sensible. Thank you.

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

Mr Earnshaw: Thank you, Mr Speaker. I thank all the contributors for their comments. I start by responding to the hon. member for Douglas West, Mr Downie – the sound voice of reason. I thank him for his support –

Mr Karran: There is always a first time. (*laughter*) Do not expect it too often!

Mr Earnshaw: Behind this clause, which I will expand on, there are obviously some concerns. I hope to persuade the hon. member for Douglas East, Mrs Cannell, to vote otherwise. I may be able to do so after my explanation (**Two Members:** Ooh!) I cannot be certain.

Standing orders provide a guide for procedures for local authorities in the same way as they provide a guide for procedures in the House of Keys and in Tynwald. Most local authorities already have and use them. Part of the responsibility of the Department of Local Government and the Environment is to support local authorities and give them good guidance and good advice where we feel it is appropriate.

Mrs Hannan, the hon. member for Peel, asked whether local authorities have to abide by these standing orders. The answer is, 'No, they do not.' In the same way that we can vote to suspend standing orders, local authorities can vote to suspend standing orders if they wish. It would be unwise and I do not advocate it, but they can at the start of their evening proceedings vote to suspend all standing orders for the whole of the evening. That is their choice; they are a statutory authority and they are answerable to the public for their actions.

The hon. member for Onchan, my colleague Mr Karran, asked where this has come from. It is legal advice the department received following the Malew report. In a nutshell, that is what has driven this and why we have felt it appropriate to include it in the Local Government (Miscellaneous Provisions) Bill. There was criticism at the Malew inquiry of how proceedings had been conducted and that was a definite recommendation from it. Local authorities would be well advised to pay heed to that, particularly after what I have said today in this hon. House.

I think I have mentioned everybody. The final two contributors were Mr Anderson, the hon. member for Glenfaba, and Mr Quayle, the hon. member for Middle. Earlier this year, the department provided local authorities with a handbook for all local authority

members. It is very good; it is the bible for local authorities and has all the information they should need. It was provided to every member of local authorities, including the clerks. It was provided free of charge and contains a template of standing orders that they may wish to adopt. They can add to it or subtract from it to suit their circumstances. Those are my comments on the clause, Mr Speaker. I beg to move.

The Speaker: Hon. members, the motion before the House is that clause 2 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, Mr Earnshaw, clause 3, sir.

Mr Earnshaw: Thank you, Mr Speaker. Clause 3 is simply a technical correction. It corrects a faulty cross-reference in section 2(3a) of the Local Government (Miscellaneous Provisions) Act 1984, which deals with the procedure for the removal and disposal of vehicles.

Subsection (3a) was added by section 7 of the Local Government (Miscellaneous Provisions) Act 2001. It reads: '(3a) when a pursuance of subsection 2(b) or (3) an appropriate authority proposes to remove a vehicle which in its opinion is in such a condition that it ought to be destroyed, it shall not less than the prescribed period before removing it cause to be affixed to the vehicle a notice stating that the authority proposes to remove it for destruction on the expiration of that period.' If you can follow all that you are doing better than I am. The reference to subsection (2)(2) or (3) should be to subsection 1(c) or (2), which deals with vehicles abandoned on a road or on open land –

A Member : May we have it in layman's terms?

Mr Earnshaw: Yes, it is a change to a number, nothing more. The contents of the clause have not changed in any way, shape or form. I beg to move that clause 3 stand part of the Bill.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I beg to second, sir, and reserve my remarks.

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

Mr Karran: Vainstyr Loayreyder, may I ask a couple of points on this clause –

A Member: Bracket.

Mr Karran: Will the minister tell us how the power to remove vehicles will affect local government? It gives local government the same

power to remove vehicles that the Department of Transport has. What costs are involved? One of the concerns I have with local government is that local authorities that have some get-up-and-go are penalised for doing their duty.

Will the costs be offset by the Department of Transport? Will the Department of Transport be able to do this unilaterally as well as the local authority? If that is the case, surely we should not be discouraging local authorities from doing their job. If either the Department of Transport or the local authority has that power, the Department of Transport should be able to levy the charge for the disposal of a vehicle in the local authority's area. Otherwise, you will penalise the local authorities that say, 'Yes, we will sort out this mess.' I have not researched this, but, listening today, it is something that I wanted to highlight. If this is the case, I hope that perhaps another place will sort this problem out so that responsible local authorities that dispose of vehicles get charged to their ratepayers. Irresponsible local authorities will expect the Department of Transport to do it, and there will be no liability. In that case, the Department of Transport should be able to put the cost on to the local authority – whether they get rid of it or the local authority does.

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

Mr Shimmin: Thank you, Mr Speaker. For the benefit of the House, the removal of abandoned vehicles is subject to a working party between the Department of Local Government and the Environment and my department. Aspects of costs – how we allocate that the owner of a vehicle should be responsible for the costs – is a difficulty that we need to improve. This part of the Local Government (Miscellaneous Provisions) Act only covers vehicles that are abandoned on land owned by the local authority, whereas vehicles abandoned on the highway are the responsibility of the Department of Transport. It applies only to land owned by local authorities, and therefore they would be liable for the costs.

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

Mr Earnshaw: Thank you, Mr Speaker. I am grateful to the hon. member for Douglas West, the Minister for Transport, for his intervention. Abandoned cars are not part of my brief or my responsibility in the department. I am aware that local authorities have powers to remove vehicles and to reclaim their costs. They can ask DoLGE to remove vehicles, and costs can be claimed if ownership of the vehicle is established. Beyond that, I am afraid I cannot help the hon. member. However, I beg to move clause 3.

The Speaker: Hon. members, the motion before the House is that clause 3 stand part of the Bill. All

those in favour say aye; against no. The ayes have it. The ayes have it.

Hon. members, we have a new clause in the name of the hon. member for Onchan, Mr Karran. The new clause has been identified by the Secretary's office as 'A', but first we will –

Mr Rodan: Mr Speaker, point of order, if I may. May I have your confirmation that the new clause complies with standing orders in that it is within the scope of the long title of the Bill? The reason I ask is that the Bill is, according to the long title, to amend the law relating to election and tenure of office for members of local authorities, which clause 1 does; and to make minor amendments to local government legislation. Clause 2 is a minor amendment, 'may' becomes 'shall'. Clause 3 deals with a faulty cross-reference in another Act. The proposed clause of the hon. member for Onchan is, in my view, a major change to the first part of the long title of the Bill. I would like confirmation that it does represent a minor amendment to legislation.

The Speaker: Thank you, hon. member. The Secretary of the House assures me that the proposal does fall within the long title of the Bill, but I think it would be helpful if the Secretary covered that.

The Secretary: Mr Speaker, thank you. The reason I have come to the conclusion that you reported, sir, is that I take 'minor amendments' to the registration to mean minor in relation to the legislation affecting local government generally, not minor in relation to this Bill. Clearly, they are not minor in relation to this Bill, but in relation to the whole corpus of legislation concerning local government I believe that they are minor.

The Speaker: Okay, hon. member?

Mr Rodan: Thank you.

The Speaker: If I may return to my point: each of the new clauses will be initially moved in principle – one by one. Clause {A} will be taken first with a debate in principle. If the principle is approved, the hon. member for Onchan, Mr Karran, will be invited to move the clause in detail. In the first instance, I invite the hon. member for Onchan to move the clause in principle.

Mr Karran: Vainstyr Loayreyder, I propose this new clause in principle:

New Clause {A} for agreement in principle -

Costs of local authorities in planning matters

After section 11 of the Town and Country Planning Act 1999 insert -

“11A. Costs of local authorities

(1) This section applies to the costs reasonably incurred by a local authority in appearing in any proceedings relating to an application for planning approval by a Department or Statutory Board.

(2) Subject to subsection (3), the Treasury shall defray out of money provided by Tynwald -

(a) the whole of the costs to which this section applies, where -

(i) the local authority objects to the application in question, and

(ii) the application is refused;

(b) one-half of the costs to which this section applies, in any other case;

and those costs shall, in default of agreement, be taxed in the High Court.

(3) The amount payable under subsection (2) to any one local authority in relation to any one application shall not exceed £50,000.”.

I propose this because DoLGE moved this legislation to get people more interested in local government, in local government elections and the relevance of local government to individuals. The new clause needs to be looked at in order to help the Bill.

When central government decides to locate a government establishment – a prison, an incinerator, a tip or a school – on a site, the local authority has the right to question that decision. Under the present planning system, an inquiry can be either a full public inquiry or an oral hearing. Additionally, cases have occurred where local authorities have had to question decisions by government representatives of departments. In all these circumstances, local authorities will need to seek professional legal advice on our representation. Such professional advice – that of environmental experts, for example – can be very costly.

Accepting that – and I think everybody in the House does – all-Island facilities must go somewhere. There is always someone who objects wherever they are sited. My concern is when the objections come from democratically elected local authorities. In a democracy we, as central government, must accept that these elected local authorities must be heard – especially when they have a mandate from their constituents to query central government's decisions. It does not make it any weaker, as the government is reasonably allowed to dissent, to listen to the other side of the argument. It makes it stronger both in government and in society. We all want to see open, honest, fair government. Face it – we keep saying that we want local authorities to take their responsibilities seriously.

At present, the costs of any advice must be paid from the general rate revenue. Some local authorities are richer than others, and in some cases bigger as well. Braddan and my former constituency, which is always under attack, and Bride (A Member: Hear, hear.). They must find it very difficult to function responsibly as local authorities when they have to take on the might of government. If the ratepayers of small parishes choose to take on central government, we should have some way of helping them to have the same facility and ability as larger parishes to object.

I have proposed in this new clause that a local authority can claim up to the professional costs from tax revenue in the case of objections that are upheld to 50 per cent of the cost in any event and up to a maximum of £50,000. One of the problems with local government is that we penalise, as with the disposal of cars, progressive local authorities that want to be meaningful to their electors. Vainstyr Loayreyder, I hope that this proposal is worthy of support and debate. I hope that someone will second it in order to see why we should not be doing this. The Bill says that we want local government to be relevant. We must make sure then that we put the rungs on the ladder so that the smaller local authorities can protect the interests of their representatives in the smaller areas on this Island. I beg to move.

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

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

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

Mr Bell: Thank you, Mr Speaker. I do not necessarily wish to comment on the content of the clause at this stage, but there is one point I would like the hon. mover to clarify before we go any further. The Bill, as presented by the hon. mover, has had extensive consultation with the local authorities, and the local authorities are now well aware of what is in the pipeline for them. I ask the hon. member what consultation has taken place, not only on the clause before us but on the others that are proposed later. What was the response from local authorities? Clearly, some fundamental issues need to be considered. I am not saying that I oppose them at this stage, but it would be helpful to know the response of local authorities – the people who will be directly affected by these moves. What are their views and how do they see it affecting them? Obviously, that would make it much easier for members to consider the clauses as they come along.

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

Mr Corkill: Thank you, Mr Speaker. I speak in a similar vein and following on from Mr Rodan's intervention. The matter will come as no surprise to the hon. member; I mentioned this earlier to him, in

discussing, as he might put it, the fate of his amendments. Obviously, the Council of Ministers discussed this at its last meeting, with regard to what is a government Bill. We are aware that the title of the Bill might have been described differently. However, this is no criticism of the hon. member who has put the amendments down, because it is a miscellaneous Bill and he has issues that he wants to air, and we would support him in that.

It is the consultation that worries us in the progress of the Bill. The hon. member in charge of it has gone to a great deal of trouble in the department to consult local authorities. Progress made to date is as a result of that consultative process, and that is what has given the element of success that we have in this Bill so far. However, there is another local government Bill not too far away that addresses further issues, and that will entail full consultation. I must be careful how I discuss this now. In discussing the principle of this clause, the Council had a view to the principles involved in the other clauses on the order paper. We see varying merit in several of them, and we would certainly not wish to be seen to be simply voting en bloc against what the hon. member is trying to achieve. That said, the first clause in his tranche of new clauses is probably the least attractive to the Council of Ministers. We have been here before on this issue of Bride Commissioners, who have a particular viewpoint. There was a committee that looked at this.

I do not want to be negative about all these clauses because the first clause creates a problem for government, and we would be inclined to vote against it if it gets to that stage. However, there is a great deal of merit in the other amendments, because they do what the hon. member was saying, which is to try to improve local democracy. The Council feels that if these amendments were allowed to go back to the Department of Local Government and the Environment – and because valuations are involved the Treasury would have to be involved – to consult local authorities, we would have the same volume of feedback on the proposed amendments as we had with the first part of the Bill.

I think that would be helpful to hon. members, so I hope that the hon. member, Mr Karran, will accept a promise and an obligation from the Council of Ministers that we would ask DoLGE to consult in these areas. Obviously, we would incorporate the hon. mover of the amendments in that process to make sure that these matters are not sidetracked. The amendments could come back, fully consulted upon, to the next local government Bill. We could probably make better progress that way. It was the view of the Council last Thursday that we should do that. There was also a suggestion that perhaps the mover of the Bill might not move the Bill at this stage, as that would safeguard elements of the Bill that the government is interested in. However, we are on a timescale with what has already been agreed. We need Royal Assent to the Bill by the end of the year so that the proper notices can go out to kick off what has already been agreed in the other clauses.

It is really a matter, Mr Speaker, of how to manage the situation without being negative; to be positive about what is good, while bearing in mind that we are on an implementation time frame. I hope those comments are helpful.

The Speaker: Thank you, hon. member. Before I invite the next member to speak I should explain that the difficulty is that the hon. member for Onchan has one new clause before us, and he has already moved its principle. Unless the hon. member himself was content to withdraw that and refer it and the other new clauses that he proposes to move in the way that you suggest, the procedure in the House is straightforward. We must proceed and take the new clauses one by one. I do not know whether the hon. member for Onchan, Mr Karran, wishes to comment; if not, I take it that we just carry on. Thank you. Okay.

Hon. members, Mr Earnshaw, the hon. member for Onchan, wishes to speak.

Mr Earnshaw: On a point of clarification, Mr Speaker, I want to know whether I can respond to the Chief Minister's comments without prejudicing my opportunity to wind up formally in response to the clause.

The Speaker: No, hon. member, you are not winding up to anything at this stage. The hon. member for Onchan, Mr Karran, is moving the new clause in principle. It is his clause and he will have the opportunity to wind up; your contribution will be purely as a member of the House making a contribution towards this new clause, whether you support it or not. Is that clear, hon. member?

Mr Earnshaw: Yes, I am clear on that.

The Speaker: Do you wish to contribute at this stage or do you wish to wait?

Mr Earnshaw: I will reserve my remarks for the moment.

The Speaker: No. When the hon. member says that he reserves his remarks, I was inviting the member, now that it has been clarified, whether he wishes to contribute at this stage. He does not.

The hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr Speaker. The hon. member for Onchan, Mr Karran, has a point. I am not sure whether the solution embodied in this new clause is the answer to it, but he certainly has an important point. Of course, the position is, as I think most of us are aware, that there is provision in law for expenses to be paid in certain planning matters. The special enquires legislation makes provision that expenses and costs can be paid but that it is fundamentally at the grace and favour of the applicant. It is for the government to approve or not to approve in that case. I am aware of some ex gratia payments, but I am not

aware of any payment having been approved under that provision. That provision exists, but even so, there is a need to confront the unfairness of this because we have a central government that, to all intents and purposes, has an open budget.

Given the order of costs we are talking about, it is almost open-ended for them. They have a large vote for an incinerator, or whatever it may be, and they can devote moneys from that vote. They can build a complete case to prosecute their application, and there is nothing wrong with that. On the other hand, some small local authorities, what we usually call 'notice parties', represent the public. They do not have the same financial wherewithal, yet it falls to them to make the case on behalf of the people who live in their area. We are talking about large sums of money; sums of £50,000 up to £100,000. That said, I am not sure that what is proposed offers a solution.

The first problem is that an application 'shall not exceed £50,000.' Therefore the first line of approach would be for a local authority to say that it will not cost ratepayers anything up to £50,000; that the government will meet that. We would be, in a way, creating unnecessary opposition to some planning applications. That would not necessarily be in the public interest because although it may not fall on the ratepayer it will fall on the taxpayer. The same people will pick up the bill. Therefore I am not sure that this offers a solution.

A more practical solution might be to take a radical look at the planning procedure, and this has been proposed before, for major government schemes to minimise cost by spreading it. The practice at present is that the initial environmental assessment is done through government selecting its environmental consultants. They then consult the local authority, and sometimes the public, asking for suggestions about what should be in the terms of reference of the environmental study before they make a scoping report. Some of it may be taken on board; some may not. When it is produced it falls to the local authority to try to match it. They then have to work up their case to counter it. We should have a substantially different procedure whereby the inspector did the preliminary work; he could sound out for the scoping report and commission a report on the environmental matters. Such an independent report, not done by any of the interested parties, would significantly reduce costs and the need for local authorities to get involved to the extent that they are at present in funding objections to major planning applications.

I appreciate that that is not part and parcel of what we have here, but I am just illustrating a point. I support the hon. member for Onchan because there is an inherent fairness in this and procedures do need to be looked at. We can come at it from the point of view of pound for pound, with central and local government, for a fairer approach to it. We can also come at it through a more radical approach by vesting in the inspector the obligation to carry out the environmental and other assessments, on which everybody could base their case.

Whether we take one or the other or even a third approach to this, something needs to be done about this problem. What we do at the moment, frankly, does not stake up. Not only is it not fair, it elongates the process, as a local authority cannot start until government has made its case. The process is stretched out. Time is money and many people feed off these processes. That could be avoided with a little original thought and a different approach.

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

Mr Earnshaw: Thank you, Mr Speaker. The Bill primarily concerns local authority elections. Although it is right and proper to consider fresh clauses or amendments to proposals in the Bill, I oppose this new clause. On a legal point, I am advised that only sections 1 to 5 and certain other sections to the Town and Country Planning Act 1999 are in force at present. On a matter of principle, is it right or appropriate that local authorities should be given the option of taking legal action against a department or board, knowing that the costs, up to a certain limit, will be paid not by them and their ratepayers but out of central government funds and by the taxpayer? I think not.

More generally, I do not believe that this is the appropriate legislative vehicle for change; such a significant measure ought to be put out for proper consultation, not just with government or local authorities but with other interested bodies.

Mr Speaker, I cannot support this new clause; it would be reckless of me to support it. Therefore I urge hon. members to reject it. I beg to oppose.

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

Mr Karran: Thank you, Vainstyr Loayreyder. To the hon. member for Ramsey, I say that I have not consulted local authorities. I have talked about this issue on numerous occasions with local authorities throughout the Island. Then the issue of the central government comes along and we have to defend the rights of our constituents and our local authorities against the open purse of government. I have never heard a local authority complain when it gets money out of central government, so I imagine that there would not need to be very much consultation.

I have tried to get the issue debated in the House and to focus minds, and that means that we put this proposal. The Local Government (Miscellaneous Provisions) Bill was to create more interest in local government. The new clause is to help local authorities that cannot afford to pay costs reasonably incurred in proceedings. Mr Bell is right: there has not been massive consultation on this. I do not have the resources of government, but I have talked to people in local government over the years who have complained bitterly to me about the imbalance.

I should say to the hon. member for Onchan and the hon. member for Garff that I could have put at least

another dozen new clauses on local government into the Bill. The Bill is supposed to revitalise elections and interest in local government. I can think of a dozen other things that would be of more benefit – and I speak as a representative of the people – in getting people more interested in local government. The hon. member mentioned consultation, but it depends on what you class as consultation. We heard that consultation in one local authority consisted of getting the views of the clerk, but not the views of the elected members. When people talk about consultation, do they practice what they preach?

I understand that the new clause will mortally fail today, but I want to put down a marker to address the total imbalance. I appreciate the support from Mr Quine and his concerns when he asks: ‘Would we end up with vexatious objections from local authorities if there were an open cheque book?’

That is a legitimate problem that has to be addressed and is one of the downsides in this new clause. The problem, Vainstyr Loayreyder, is in deciding what is a justifiable reason for a local authority to be given the financial support to do this? Who would choose? We know that in this hon. House we all have different ideas of what legitimate objection is. Hon. members, we should vote for this in principle, because it would make local government do something about this issue. It is totally wrong that it depends on which local authority you live in whether that local authority can protect your interests. This would be one way of levelling it. The Minister for Local Government is in the upper House, and if amendments were needed they could come back to this House later. I beg to move.

The Speaker: Hon. members, the motion before the House is that the new clause {A} be approved in principle. All those in favour say aye; against no. The noes have it. The noes have it.

Hon. members, that is an appropriate time to conclude our business. Before you go, hon. members, as you are aware, at a special sitting of the House to be held on 20 May 2003, the swearing-in of the newly elected members of the House of Keys for the constituencies of Ramsey and Rushen will take place. Hon. members, this occasion provides an opportunity to further extend the proceedings of the House to the public by permitting the live broadcasting of the ceremony. This will give the people of our Island an opportunity to hear the proceedings of this unique and special occasion by permitting, for the first time, the swearing-in ceremony to be broadcast live and in full by our Manx Radio. I therefore seek your approval for me to seek agreement with Manx Radio to provide live broadcasting, in full, of the proceedings of the swearing-in ceremony. Is that agreed hon. members? (**Members:** Agreed.) Thank you, hon. members.

Hon. members, the House will now stand adjourned until 9.30 a.m. in our own chamber, on Tuesday next, 20th of May.

The House adjourned at 5.24 p.m.