

REPORT OF PROCEEDINGS OF THE HOUSE OF KEYS (QUESTIONS)

**Douglas, Tuesday, 29th October 2002
at 10.05 a.m.**

Present:

The Speaker (the Hon J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon A R Bell and Mr L I Singer (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon S C Rodan (Garff); Mr P Karran, Hon R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North); Hon D C Cretney (Douglas South); Hon R P Braidwood and Mrs B J Cannell (Douglas East); Hon A F Downie and Hon J P Shimmin (Douglas West); Hon J Rimington, Mr Q B Gill and Hon Mrs P M Crowe (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

Questions for Oral Answer

- | | |
|--|-------|
| 1. British Airways – Improvement of Standards (Mr Henderson) | KQ 12 |
| 2. Sale of Unoccupied Properties – Withholding Tax (Mr Karran) | KQ 13 |
| 3. Rented Properties – Withholding Tax (Mr Karran) | KQ 14 |
| 4. DTI – Engagement of Consultant in North America (Mr Houghton) | KQ 15 |
| 5. DTI – Jurby – Establishment of Manufacturing Industry (Mr Cannan) | KQ 16 |
| 6. Health Services – Duty Doctor in Ramsey and the North (Mr Singer) | KQ 18 |
| 7. New Hospital – Nurses – Manx-born Applicants (Mr Houghton) | KQ 20 |
| 8. Cinemas – Restoration of the 12 Certificate (Mr Anderson) | KQ 21 |
| 9. Albert Tower – Status as Registered Building (Mr Singer) | KQ 22 |
| 10. Paedophiles – Powers to Exclude (Mr Houghton) | KQ 24 |

Questions for Written Answer

- | | |
|--|-------|
| 1. Health Service – Rank and Qualifications (Mr Henderson) | KQ 27 |
| 2. British Airways – Cancellations on Birmingham Service (Mr Singer) | KQ 27 |
| 3. Sex Offenders – Rehousing on Island from UK (Mr Henderson) | KQ 28 |
-

British Airways – Improvement of Standards – Question by Mr Henderson

Question 1. The hon. member for Douglas North (Mr Henderson) to ask the Chief Minister:

Following a response from the Chairman of British Airways circulated to all members of Tynwald in relation to complaints made to him by you, what is your intended follow-up action plan to minimise, as far as possible, the unacceptable standards faced by the travelling public, including the unacceptable effects on the Island's business and finance sector?

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

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

Mr Corkill: Thank you, Mr Speaker. The purpose of my letter to the chairman of British Airways was to draw my concerns, and those of the Minister of Transport, to his attention so that he was aware of those concerns in advance of a prescheduled meeting between the Minister for Transport, the Minister for Tourism and Mr Evans, who is the general manager of the UK business of British Airways CitiExpress, and, importantly, Mr Speaker, so that Mr Evans was also aware of those concerns and that they had been registered with the chairman of the corporation.

The letter achieved its purpose and does not itself require any follow-up action. The meeting between the Ministers for Transport and Tourism and Mr Evans took place yesterday, and information on that meeting has been circulated to hon. members. For the longer term we will be continuing our dialogue with the company to ensure that the interests of the Island are protected and are promoted. That is an ongoing commitment and, in what remains a fluid situation, we will make judgements from time to time on what means are appropriate to achieve our aims.

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

Mr Henderson: Thank you, Mr Speaker. I thank the Chief Minister for the positive response in relation to this matter, but can he confirm that with these ongoing measures he will be monitoring information supplied by the airport to ensure an absolutely accurate picture is built up over the next few months with regard to any possible flight problems? Would he also give an commitment to ask the public for their views and allow a mechanism to be set up where they can submit their views so a proper, balanced and true picture of what is developing at the minute can be understood and then that, if necessary, can be conveyed back at any future meetings?

The Speaker: Chief Minister to reply.

Mr Corkill: Thank you, Mr Speaker. In answer to the first point the airport and the Department of Transport, through the auspices of my hon. colleague, Mr Shimmin, as a matter of routine have the data and information about late flights, cancellations and disruptions to the service to the Island for all airlines, and that information is there on an ongoing basis and has been very useful in terms of our case to British Airways CitiExpress.

With regard to opening up a mechanism whereby the public get involved, I think the hon. Minister for Transport and indeed my own mailbag probably show that people have been able to freely express their points of view with regard to the let-down that they have experienced in the service in recent times, and I am not too sure that a new mechanism would be worthwhile. We have plenty of anecdotal evidence, we have plenty of information from the travelling public and I am getting several letters every day from people who have been affected. I am not sure that we would learn anything more from such a process. Having said that, the Minister for Transport and, obviously, myself, and indeed the Council of Ministers were open for comment from the public.

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

Mr Shimmin: Thank you, Mr Speaker. Could the Chief Minister just confirm that he is aware that meetings have already taken place between the two departments and the Chamber of Commerce and the travel agents and a number of other bodies to try to get some of the input the hon. member requests?

The Speaker: Chief Minister to reply.

Mr Corkill: Certainly I am aware that is the case and obviously, apart from the travelling public, as individuals, there is an economic issue to this whole dimension of British Airways service to the Island and I know my colleague is airing that very strongly with the relevant areas.

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

Mr Henderson: Thank you, Mr Speaker. Does the Chief Minister not think it is important enough to open a mechanism to receive public views and expressions on this and collate it properly so that can be presented at the correct and appropriate times rather than *ad hoc* letters received from the public, and could he also confirm that whilst he is waiting for these further improvements that this will not just be a 'sitting back and seeing' exercise and that he will not allow it to drag on if there are any problems? Will he agree that if such a situation does arise his government will bite

the bullet and begin negotiations with alternative carriers?

The Speaker: Chief Minister to reply.

Mr Corkill: A few points there, Mr Speaker. I am happy to talk to the hon. member about a mechanism if he feels that perhaps he has one that would be helpful. We do have quite extensive data about the service, whether it is British Airways, CitiExpress or anybody else, collated at the airport. That information, as I have said, is routinely collected and is very important to us in the way that we present our case. We have to have our own verified information and certainly, if the hon. member has an idea that might improve communication with the public, then obviously we are always happy to listen to that, but I cannot think of what that mechanism might be as I stand here at the moment.

With regard to government dragging its feet on this, I think the actions to date show that we take the whole thing very seriously and that we have been proactive in trying to bring things to a head and I think, there is no doubt about it, that after the meeting that took place yesterday, British Airways CitiExpress can be in no doubt about the view of Isle of Man Government.

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

Mr Cannan: I fully agree with the Chief Minister's comments, but is he aware that there is a constant irritation to members in the business community visiting the Isle of Man when, for instance, yesterday a senior executive visiting a financial institution found that his business had finished early and he wished to change his flight from the evening flight to the afternoon flight and was told there would be a surcharge of £84 just to travel on a different flight? He was not taking a seat from anybody. The plane that he was going on in the afternoon was half empty and he would have made a seat available for the evening flight, but there was an £84 surcharge? Is that acceptable?

The Speaker: Chief Minister to reply.

Mr Corkill: Certainly, Mr Speaker, the charging structure, which is new - it has changed since Manx Airlines days - is a matter that is on the agenda and I have heard similar stories, similar recounts of situations like that where in fact it would seem that the flexibility that we used to enjoy is no longer there, and I know my hon. colleague raised that at yesterday's meeting.

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

Mr Cretney: Could I ask the Chief Minister to confirm that we do have an open skies policy and that other carriers are able to come and look at the Isle of Man, and that the present difficulties and the present inaction by British Airways can cause concern for the large number of local people who are employed directly by that company, and it is in everybody's interest that they get their act together?

Mr Henderson: Hear, hear.

The Speaker: Chief Minister to reply.

Mr Corkill: Well, of course, British Airways CitiExpress is a large business. It is a valuable employer on the Island and I am very pleased that, as part of the restructuring that has been going on, they are talking about expanding certain aspects of the business on the Island, and that is a good thing, but in terms of the travelling public, I can confirm that the policy which is long standing is open skies. Any company can apply to fly from anywhere to the Isle of Man subject to operating conditions, and in fact we have noticed certain activity and certain new enterprise as a result of what has happened in recent times, So I think that is proof that there is an open skies policy. But, following on from what the hon. member for Douglas South, the Minister for Tourism, has said, it is very important that this main carrier does in fact improve its efficiency and deliver what people expect at affordable prices.

Sales of Unoccupied Properties – Withholding Tax – Question by Mr Karran

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

- (1) Will you consider the early introduction of legislation whereby the proceeds of the sale or conveyance of any office building, commercial property or residential property not occupied by an owner-occupier as his or her principal residence, is subject to a withholding tax of 25 per cent on the sale value; this tax should be accounted for by the advocate handling such sale or conveyance to Treasury, and only be released to the vendor when (a) the beneficial ownership of the property is established to the satisfaction of the Financial Supervision Commission; and (b) the tax division of the Treasury issues a clearance certificate in relation to the tax affairs of the vendor; and*

(2) *will Treasury provide estimates of the benefit such a scheme would have for the Manx taxpayer, particularly those on PAYE?*

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

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

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

Mr Corkill: Mr Speaker, the answer to both parts of the question is no and, as regards the second part of the question, we do not have PAYE in the Isle of Man.

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

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that this system operates satisfactorily in the Irish Republic, and would he not also agree that, if we have to find ways of increasing revenues in other ways, then this is one of the ways it could be done instead of hitting every ordinary working man by trying to put it through the rates system?

The Speaker: Chief Minister to reply.

Mr Corkill: I listened to the comment the hon. member has made. I think the question is more of a proposal than a question, Mr Speaker, and if the hon. member wants to put this down as a proposal, then I would be happy to contribute to that debate.

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

Mr Karran: Vainstyr Loayreyder, when the Ard-shirveishagh is on one of his jollies to the British-Irish Council, maybe he can talk to some of the people in the Irish Republic and see how this works and then maybe we will have a fuller and more open debate as far as the issue is concerned.

The Speaker: Chief Minister to reply.

Mr Corkill: The 'jollies' to the British-Irish Council the hon. member refers to was a day in Jersey, so I take exception to that offhand comment -

Mr Karran: It was not the only one.

Mr Corkill: With regard to the benefit of the British-Irish Council, yes, it is a great forum for speaking to people with different experiences, and I am certainly aware of a number of tax proposals that the Irish Republic introduced a few years ago which

they are busy actually unravelling at the moment because it has had such a negative impact on their economy.

Rented Properties – Withholding Tax – Question by Mr Karran

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

(1) *Will you consider the early introduction of legislation whereby a progressive 20 per cent withholding tax is introduced on all rents payable by government and private sector, in respect of offices, commercial properties and private houses where the annual rent exceeds say £5,000 per annum;*

(2) *Will Treasury and the Financial Supervision Commission provide certificates to facilitate the appropriate repayment of such tax to the landlord when –*

(a) *the beneficial ownership of the property is established to the satisfaction of the Financial Supervision Commission;*

(b) *the tax department of Treasury confirms the tax returns and liabilities of the landlord have been dealt with to their satisfaction; and*

(c) *will the Treasury provide estimates of the benefits such a scheme would have for the Manx taxpayer particularly those on PAYE?*

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

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

The Speaker: Chief Minister to reply.

Mr Corkill: Mr Speaker, the answer to all three parts of the question is no and, as I have said in the previous question, regarding the third part of the question we do not have PAYE in the Isle of Man.

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

Mr Karran: Vainstyr Loayreyder, will the hon. Ard-shirveishagh assure this hon. House that when he is looking at ways to fund many of the white elephants that we have been inflicted with over recent years he will make sure that he looks at those who are making the wealth out of this community and not just try to hit

the ordinary man in the street as far as any taxation proposals are concerned?

The Speaker: Chief Minister to reply.

Mr Corkill: It was difficult reading the question, Mr Speaker, to know what the hon. questioner was intending. I considered that the questions were really more to do about transparency rather than raising revenue but I will pass his comments onto the Treasury, Mr Speaker.

DTI – Engagement of Consultant in North America – Question by Mr Houghton

Question 4. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Trade and Industry:

Does your department engage a consultant based in North America?

If so –

- (1) for what purpose;*
- (2) what has the consultant advised;*
- (3) what was his remit;*
- (4) what is the annual cost; and*
- (5) what are the total costs paid since engagement?*

The Speaker: I call on the hon. member for Douglas North, Mr Houghton.

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

The Speaker: Hon. member for Douglas West, Mr Downie, Minister for Trade and Industry.

Mr Downie: Thank you, Mr Speaker. Alpha International Management Group, based in New York, are contracted to the department to disseminate information about the Isle of Man to American businesses, to identify leads and to follow up and maintain contact with enquiries from potential investors. They are particularly involved in working with us on the initiative commenced in 1996, which has targeted companies engaged in the development and manufacture of medical devices.

Alpha were first engaged in 1993 to carry out market research and to build a network of contacts with professionals and entrepreneurs in America to improve understanding and knowledge about the Isle of Man as a location for future investments. They were

initially paid a fee of \$44,100 - approximately £29,000 per annum sterling - for this work prior to an increase to \$60,000 - that is, approximately £37,500 - in 1994 and not the £60,000 quoted by the questioner in today's edition of the *Isle of Man Examiner*.

The work done by Alpha during the period of their contract with the department has been successful in identifying potential projects and in encouraging representatives to visit the Island to view facilities and talk to government representatives and others. However, the United States is known to be a difficult market to penetrate owing to a prevailing conservative business culture of focusing on their own home market and this, coupled with the remoteness of the market from the Isle of Man, makes the task of winning investment even more difficult. Current developments such as a new tax strategy and the agreement recently signed with the US Treasury could well improve our chances and pave the way for new business opportunities.

The arrangement with Alpha is considered to represent a reasonable means of the Island maintaining a presence in America at a realistic cost, although I can confirm to hon. members that the arrangement is currently under review. It must be borne in mind that our competitors for investment business such as the Welsh Development Agency, who incidentally have recently been on the Island talking to some of our existing businesses and offering thousands of pounds per job for those that re-locate to Wales, the Irish Development Agency and the 'Invest in Northern Ireland' organisation all have permanent offices in a number of major cities in America and have promotional budgets for new business initiatives amounting to many millions of pounds. Thank you.

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

Mr Houghton: Thank you, Mr Speaker. I thank the hon. minister for his reply, and bearing in mind, of course, this actually started in 1993, can he circulate hon. members with the tangible proof of business received by this Island as a result of Alpha being employed? Can he also advise how many staff visitations to the USA to see this consultant have taken place also, sir?

The Speaker: Minister to reply.

Mr Downie: I cannot at this stage provide the hon. member with tangible proof –

Mr Houghton: There isn't any, is there?

Mr Downie: Well, if you just let me answer the question, hon. member, I cannot at this stage provide the questioner with tangible proof that the department's policy in the past has actually paid dividends, but there are still two issues which the

department are progressing which can be directly linked to us having a presence in the United States of America. One of the problems that we have is that, to try and get value for money, we need to have a profile in some of these countries. Now, just to make a comparison, the cost of placing a single-page advertisement in the New York Regional Edition of the Wall Street Journal is \$36,000, so if you look at what we have been receiving from this company, there have been a number of visits made to the Isle of Man from people from America who have come in on the back of Alpha's work; I have not got any information about visits that staff from the department have made to Alpha or, indeed, any other consultancy in America, but I am more than willing to provide the hon. member with that information.

**DTI – Jurby – Establishment of
Manufacturing Industry –
Question by Mr Cannan**

Question 5. The hon. member for Michael (Mr Cannan) to ask the Minister for Trade and Industry:

What progress is your department making in establishing manufacturing industry on the Jurby industrial estate?

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

Mr Cannan: Mr Speaker, I ask the question standing in my name.

The Speaker: Hon. member for West Douglas, Mr Downie, Minister for Trade and Industry.

Mr Downie: Thank you, Mr Speaker. Responsibility for the long-term development of Jurby industrial estate is vested in the Department of Local Government and the Environment who own much of the estate, act as landlords to the majority of tenants and are responsible for the development of the infrastructure. Recognising this, our rôle is to ensure that all new business enquirers are made aware of and encouraged to consider Jurby as a location to establish their business. This approach has worked in the past when, with the co-operation of DoLGE of which I was a member at the time, Packaging Matters limited, an existing local manufacturer, was successfully encouraged to locate at Jurby in a disused hangar renovated by the DTI. We are shortly to undertake some capital works to extend these premises at the request of the company.

Can I also say that we are currently involved with helping a new manufacturing operation which wishes to set up at Jurby, the process of which is mainly

dependent on the availability of suitable premises. We are working with DoLGE on this project and I am hopeful that it will proceed in due course, bringing some valuable new investment and employment to the Jurby area.

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

Mr Cannan: I thank the minister for his reply. Will he state whether there is any truth in the suggestion that a manufacturing organisation wishing to make frames for housing has applied to establish a unit at Jurby, that your department has consulted with Treasury as to whether it should have an industrial grant and, if so, by whom and why is the delay being caused in not progressing this application to have this house-frame manufacturer established at Jurby?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Yes, I can confirm, hon. members, that discussions have taken place with a company who wish to get involved with the manufacture of timber-framed houses on the Isle of Man. The department has received Treasury concurrence that we are in a position to award certain new business start-up grants and other schemes available to them under the department's financial inducements, and I am reliably informed that only this last week the Department of Local Government and the Environment were actively looking at trying to provide a suitable building in order for this operation to get off the ground as quickly and as effectively as possible.

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

Mr Anderson: Thank you, Mr Speaker. Can the hon. minister confirm that his department's initiatives in this area are not inextricably linked to any other government plans for Jurby's industrial site?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Whilst I would suggest that, if a few other issues relating to Jurby did progress and there was a huge investment in the infrastructure in the area, this would provide a whole range of new business opportunities for Jurby, I can tell the hon. questioner that this issue, as far as I am concerned, stands alone. We are continually trying to offer new business initiatives to people who come in. Jurby is, in our opinion, a very low-cost area to start up with, the ground is available, there are some existing services there, they are not perfect by any means but, for this type of operation or construction operations, concrete et cetera, there are ideal opportunities, I think, for

development in the Jurby area, but I must say this is stand-alone; it is not linked to any other proposals that government may be progressing at this time.

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

Mr Cannan: Further to the minister's reply: why is it that only in the last seven days since this question was tabled, according to you, has the Department of Local Government started to be energetic to provide premises for this firm which you have - and I congratulate you - encouraged to establish at Jurby, you have arranged financial support from the Treasury and yet only this week has the Department of Local Government decided to look for suitable premises? Will you tell us when the first approaches were made to you - how many months ago - for the establishment of this house-frame building company to establish at Jurby?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Well, in fairness, hon. member, I am not in a position to answer for the Department of Local Government and the Environment. I can tell you that since February/March of this year a number of discussions have taken place not only with the Department of Local Government and the Environment but also with the Department of Transport who it was thought may have had a suitable building in the area. This turns out not to be the case, and I understand that part of the dialogue that the Department of Local Government and the Environment have been having, has been with an existing leaseholder, and that has taken some time to be able to get into the situation where we can provide a suitable building. Albeit not perfect, it will require some investment to make it watertight and to comply with health and safety, but I get the same vibrations that the hon. questioner gets that things are now actually on the move in Jurby.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. Could I ask the Minister for Trade and Industry whether this particular company has to be at Jurby or could it be anywhere in the Island, and are there not suitable premises in Peel that could be used in the interim if this company has to be at Jurby?

The Speaker: Hon. Minister for Trade and Industry.

Mr Downie: I can advise the hon. member that there is a building available in Peel, but the high cost of the rent would be totally unacceptable to this

company. The layout of the building is really not suitable and also this construction operation could produce some significant background noise. Now, in the heart of Jurby, in the middle of the industrial estate where you have got companies pouring concrete and engaged in other operations, this will not be a problem at all, but looking at a site in Peel which is right on the top of people's houses and to move a large timber fabrication with a small sawmill unit and pressurised nail guns working all day long, I felt, following discussions with them, that that would not be a suitable location for a new business venture such as this.

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

Mrs Crowe: Thank you, Mr Speaker. Would the hon. minister agree that the department - indeed, my department - has been closely involved with the introduction of this company into Jurby from day one and in fact we have done all we can to accommodate such a manufacturing industry in whatever area in the Isle of Man it chose? We have had some difficulties in Jurby, as I am sure the minister will agree, because the building that was chosen was already tenanted, but we have done all we can to accommodate a manufacturing industry in the Jurby area and indeed have gone beyond our remit in trying to provide suitable accommodation for this firm.

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Yes, I would concur with the comments made by the hon. Minister for Local Government and the Environment, Mrs Crowe. It has been a difficult situation. Unfortunately there was not a building available that this company could just walk into and start up. I understand that the building that they are looking at now does require some considerable investment, and I have been advised verbally that that is now forthcoming and we should in the not-too-distant future be able to get on and give this company every opportunity to start up in the Jurby area.

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

Mr Cannan: Can the minister confirm that the original building which was suggested is one that is used by the Department of Transport, and can the minister give a reason as to why it was more important for the Department of Transport to use a hangar for just general storage when the importance of the manufacturing industry, according to government policy, makes it paramount that it takes place in the north of the Island, and why does there seem to be a lack of joined-up government, a phrase so often used

by the hon. Chief Minister that also is the policy of this government?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Obviously the hangar that the hon. questioner refers to was identified as one which may be suitable quite early on when we were discussing the start-up of this new business, but it quite quickly was revealed to us that, as regards the building as required for strategic maintenance in the north of the Island, there are a number of sub-leases of that building; there are people who have small aircraft and microlights there, and there would be difficulty in relocating those. The building is also used for the various gangs working in the north of the Island who, let us be honest, do not have a lot of shelter or ideal working conditions to work from, and that is when it was decided that we would have further dialogue with the Department of Local Government and the Environment and see if it would be possible to utilise one of the other buildings which at present was only being part-used. There is sufficient floor space in this other building, albeit that it does require a little bit of investment and some repairs and renewals to be carried out, but equally that should provide a good basis for this company to start to manufacture these timber-framed buildings from.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. Could I ask the Minister for Trade and Industry whether he is saying that this is a noisy occupation putting together timber-framed houses, and is he saying that it is all right for Jurby? Maybe there are no houses close by. How close would the prison be to this sort of operation, and does it not matter that there is noise from this particular operation when it comes to the prison? And is he saying that the Barford unit, which is in Peel on the Ramsey Road, is blighted because of the nearness of properties?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Yes, we are really extending this out, Mr Speaker, the Barford building. As far as I am concerned I did indicate to the hon. member for Peel that we looked at the Barford building. I understand that the rent for the Barford building is in excess of £100,000 per annum, and for a new business of this nature to start up we want to give it every chance that we can get. That is why Jurby has been decided, because within government we can make sure that we can give that new company every opportunity. We do not want problems to arise. There may even be a situation developing in the Barford case where we

would have to go for planning approval. At the least hint of a sawmill-type operation or a construction operation that could lead to planning problems. It could be 18 months to two years before we resolve that. We have got space at Jurby which is not blighted in any way. Hon. members are crying out for development in that area. I do not foresee that this building alongside an existing company which makes concrete products and blocks will create any problem for the prison or any other development which takes place. Jurby is zoned as a full-blown industrial area and is fortunately not surrounded by dwelling houses.

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

Mr Cannan: A final supplementary. Will the minister give an undertaking that he will now progress this matter with a sense of urgency and not with what appears to have been a sense of masterly inactivity since last February, and instead progress the matter and bring this manufacturing unit to fruition as quickly as possible?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Yes, the hon. member for Michael can have that commitment from me and I am sure now that the situation with regard to the building at Jurby looks like it has been overcome. We will push on with this as quickly as possible. I am all for this factory because, if it is successful, it will provide homes for the Island at affordable prices and in fact I was privileged to visit a company in northern Ireland who were making the very same units over there to the same specification and I think there is huge potential for an operation such as this in the Isle of Man; it could perhaps help us to get some affordable housing, so I am fully supportive of it.

Health Services – Duty Doctor in Ramsey and the North – Question by Mr Singer

Question 6. The hon. member for Ramsey (Mr Singer) to ask a member for Health and Social Security:

- (1) *Is there to be a change in the doctor on duty system in Ramsey and the north of the Island; and, if so*
- (2) *What are these changes;*
- (3) *Will there continue to be a doctor on call in the north of the Island for home visits and hospital attendance as at present?*

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

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

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

Mr Anderson: Thank you, Mr Speaker. In responding to parts (1) and (2) of the hon. member's question, I am assuming he is referring to the changes in the contractual arrangements between the department and the general medical practitioners which are due to take effect from April 2003. These changes, which have arisen out of detailed negotiations between my department and the profession on the development of a new GP contract, are in line with what is happening in NHS general medical services elsewhere. The effect will be that GPs will no longer have 24-hour responsibility for the care of their patients. Instead, out-of-hours arrangements will be subject to a separate contract, the details of which is in the process of being determined.

In answer to part (3) I can confirm this change will cover all practices across the Island. The future arrangements for providing the necessary medical cover for out-of-hours emergencies are still being discussed.

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

Mr Singer: I thank the hon. member for his answer. Will the hon. member agree with me, however, that any change in arrangements should not result in a poorer NHS service to the people of the north of the Island and, if so, can he guarantee the fact that that will not happen? And can I further ask: will it be the policy to use perhaps a Manndoc system and, if so, will the hon. member ensure that Manndoc doctors on duty will be based at Ramsey Cottage hospital on a similar basis to the Douglas doctors who are based at Noble's Hospital?

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

Mr Anderson: Thank you, Mr Speaker. It is the intention of the department to make sure whatever is put in place will meet the expectations of the general public. As I said in my reply, negotiations are continuing to put an effective replacement into being, and at the moment that has not reached a conclusion.

With reference to Manndoc that the hon. member referred to, the Manndoc system has worked well in the parts of the Island where it has been used up till now. It might be the case that something like Manndoc might be used, but at the moment it is too early to say.

But whatever the department does, it will certainly look forward to making sure that the future service that is provided will meet the same high standard as at present.

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

Mr Singer: In giving that assurance, the hon. member has not, in fact, said to me even what the basis of negotiations is, and would he not agree that you cannot expect as good a service if a doctor on the Manndoc system who is covering the North is actually in the South because he is based in Douglas? Would he not therefore give me some assurance that the department would guarantee at least a response time particularly, as I say, if a doctor on duty was in the South, because do we not need an assurance to ensure that a doctor is in easy reach of certainly Ramsey Cottage Hospital urgent treatment centre on a 24-hour basis particularly at weekends?

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

Mr Anderson: Mr Speaker, I am not in a position to say exactly what will happen. I will re-emphasise what I have said already: that we are looking to put in a system that gives the same cover that is given at present as far as out-of-hours service is concerned.

The hon. member makes reference to the Manndoc system and I think it is fair to say that the Manndoc system actually sees a lot of patients at present and a rough breakdown, to give the hon. member some idea of the amount of patients ringing up to those who are actually visited, may be quite useful. Out of the people contacting the Manndoc system roughly 20 per cent of those receive a home visit; roughly 40 per cent of those are consulted on the telephone and that is sufficient, and the remaining 40 per cent attend a clinic. Now, the determination of where those clinics will be will be all part of the negotiations which the department is in the process of carrying out at the moment.

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

Mr Singer: If I could put to the hon. member: if a patient needing urgent treatment - for example, a child with severe asthma - arrives at Ramsey Cottage Hospital, what assurance can he give me that that child will receive treatment urgently? The nurses cannot give medication, and that doctor may be on call in Douglas or even further south. He says that the department is 'looking to put in a system.' I am asking for a guarantee now that, whatever system they put in, they are going to work on the basis that that system is equal to the one that is there now and will look after the patients on an equal basis.

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

Mr Anderson: Thank you, Mr Speaker. I thought I had given that reassurance in my answer. We are looking to put in a service that will be equal to the system that is in operation at the moment.

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

Mr Karran: Vainstyr Loayreyder, would the member for the health services not agree that if there is any deterioration in the doctor's system in the north of the Island, what is of importance is to have a first-class paramedic service throughout the whole of the Island so that the intervention into emergencies is done on the same basis for someone who has a heart attack in Port Erin as in Ramsey or in Lord Street, Douglas?

A Member: Hear, hear.

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

Mr Anderson: Yes, I am sure we will all agree with those sentiments and we do look to make sure that the service that will be provided will not be any worse and possibly could be better than what is in place at the moment.

New Hospital – Nurses – Manx-born Applicants – Question by Mr Houghton

Question 7. The hon. member for Douglas North (Mr Houghton) to ask the Member for Health and Social Security:

With regard to the additional nursing staff required for the new hospital, will your department give an undertaking to engage Manx-born applicants who are currently employed in the UK in preference to other applicants?

The Speaker: I call on the hon. member for Douglas North, Mr Houghton.

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

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

Mr Anderson: Thank you, Mr Speaker. I can confirm that the recruitment procedures followed by the department are in accordance with the control of employment legislation. In this respect I can reassure the hon. member that individuals covered by

legislation, including Manx-born candidates who possess the appropriate skills and qualifications, will be given every opportunity to return to work for the health service on the Island.

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

Mr Houghton: Thank you, Mr Speaker, and I thank the hon. member for his reply, but may I ask if he can undertake to monitor the situation as the department does have a previous history of cherry-picking Manx-born applicants?

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

Mr Anderson: I am not aware, Mr Speaker, of any detrimental side to past performance in the department's procedures for recruiting off-Island. All I can say is that it will not just be the criterion that the hon. member has alluded to, because the qualifications laid down by the work permits control of employment legislation actually gives advantage not just to Manx-born but to those with Manx connections. We are at the moment busily recruiting for this important period of the life of the health service, and every effort will be made whereby, where people have the same sort of qualifications, those with Manx connections will be given preference.

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

Mrs Cannell: Thank you, Mr Speaker. Notwithstanding the answer and the reassurances the hon. member has provided, will he give us an undertaking today that the interviewing procedures will be looked at in preference to ensuring that our own people, who may be working abroad or working across and who are applying for jobs here, are given a fair and just interview? (**Mr Houghton:** Hear, hear.) And further, is the hon. member aware that the previous history indicates with the department that such persons wishing to return to the health services here have applied as he has advised, only to be told that they are overqualified? Will he guarantee today that he will look into this and ensure that everything is just and fair when interviewing for staff at the new hospital, please?

Mr Houghton: Hear, hear.

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

Mr Anderson: I can give the hon. member the reassurance that the department will closely look at all the relevant qualifications people have for any job that becomes available and that the qualifications will meet

all the criteria that will be laid down by the Work Permits Committee. I have no information on previous problems in this area and I have not had anything brought to my attention where workers with Manx connections have had problems in applying because they are overqualified.

Mrs Cannell: It was before your time.

**Cinemas –
Restoration of the 12 Certificate –
Question by Mr Anderson**

Question 8. The hon. member for Glenfaba (Mr Anderson) to ask the Minister for Local Government and the Environment:

Given that this hon. House intended that the appropriate way to pursue matters concerning the health and welfare of children in cinemas should be by way of regulations made by your department under section 3 of the Cinematography Act 1977, which under section 5(1) of the Act bind the Licensing Court, do you propose to make such regulations to restore the original meaning of the 12 certificate?

The Speaker: I call on the hon. member for Glenfaba, Mr Anderson.

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

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

Mrs Crowe: Thank you, Mr Speaker. As I stated in a written answer in another place two weeks ago, the Cinematography Act of 1977, which enables my department to introduce regulations, is now over 20 years old and is due to be repealed in the near future. I am sure that hon. members will recognise that there is little point in the department to make new regulations if the enabling primary legislation is shortly to be repealed. However, I am pleased to advise that the new legislative proposals are being progressed which will make new provision for the licensing of public entertainments. This will include the exhibition of films.

A Public Entertainments Bill promoted by the Department of Home Affairs is in the legislative programme for 2002-3. I understand the department of Home Affairs have already held consultations on the Bill with other government departments including my own. Under proposals outlined in this Public Entertainments Bill, the intention will be for licensed premises to remain under the control of the Licensing Court but, unless exempted, all other public

entertainments including film exhibitions will need a licence from the Department of Home Affairs.

In exercising its licensing function, the Department of Home Affairs must have regard amongst other things to the protection of public morals and, in particular, the protection of minors. The Department of Home Affairs will have power to attach conditions to licenses and to make regulations imposing standard conditions applicable to all licences or all licences of a specified class. It is intended that by this means it will continue to be possible to specify what films children of a particular age can see, and the conditions and the subject.

I am sure that the Minister for Home Affairs will take on board the concerns raised today by the hon. member for Glenfaba and I believe further consultation on the Bill is imminent, so I suggest that the hon. member for Glenfaba make his views known to the Department of Home Affairs during this consultation period. Thank you.

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

Mr Anderson: Thank you, Mr Speaker. Can I ask the hon. Minister for Local Government and the Environment: does she not agree that what is in place at the moment is what her department should be enforcing and what might happen in the future is something that is outside this question?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Well, that may well be the case, but legislation does have to progress and it is unsatisfactory when 20-year-old legislation is still on the books, but it has been thoroughly viewed and the new legislation is progressing its way shortly to the House.

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

Mr Anderson: Can the hon. minister confirm, then, that she is not willing to carry out her responsibilities until this new legislation comes into place?

The Speaker: Minister to reply.

Mrs Crowe: I think it would be inappropriate to start introducing new regulations to existing legislation knowing that the existing legislation is going to come before this House in a very short time in a new piece of legislation which will encompass all of the queries that the hon. member has brought forward.

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

Mr Anderson: Would the hon. minister not agree with me that it is irresponsible not to be implementing the regulations of this legislation until the new regulations come into effect, and also can she give some indication that she has actually consulted with the learned Attorney on the implications of her responsibilities in this area?

The Speaker: Minister to reply.

Mrs Crowe: Thank you, Mr Speaker. There has been ongoing dialogue over the Cinematography Act for at least 18 months because, as I say, the Department of Home Affairs are progressing. We have done the consultation exercise with them, we have made suggestions about what is to be included in the Bill and they are progressing the Bill. It is unfortunate that the Bill is not before us now. Presumably the member for Glenfaba has made his views known to the Department of Home Affairs, who will be bringing forward the new legislation, and when that new legislation is debated on the floor of the House there will be adequate opportunity for any amendments to be brought forward if one feels the Bill is not satisfactory.

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

Mrs Cannell: Thank you, Mr Speaker. Can the hon. minister advise when this new legislation, the Public Entertainments Bill, which is being promoted by another department, is expected to come to this hon. House? And can she further advise, as she seems to know an awful lot about this Bill, who it is being sent out to consultation on and when is the consultation period likely to be over, and further, can she explain why she keeps passing the buck from her department to another department?

The Speaker: Minister to reply.

Mrs Crowe: I am not passing the buck at all. The correct place for the Public Entertainments Bill and the licensing of it is with the Department of Home Affairs, and we have had some interest in this Bill, a very old Bill, only because of the interests of health and safety in a public place, so I think it is entirely correct that my hon. colleague, the Minister for Home Affairs, deals with what is appropriate legislation. I feel sure that he can inform the hon. member by letter when the Bill is coming to the House, but I do know that consultation has taken place because we have made our views known as a department to the new department who is going to deal with the legislation. I never pass the buck in my department.

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

Mr Karran: Vainstyr Loayreyder, would the shirveishagh not agree that the hon. member for Glenfaba has legitimate arguments when we see on our agenda paper the likes of the Property Services Charges (Amendment) Bill, which has been coming like jam tomorrow for the last eight years? Surely, would she not agree that the legislation that operates at the present time and should be enforced at the present time, that she cannot pick and choose whether she wants to apply the law willy-nilly? That is not what happens in a proper democracy.

The Speaker: Minister to reply.

Mrs Crowe: I do not think the legislation at present would enable my department to enforce any of the parts of the legislation that Mr Anderson, the hon. member for Glenfaba, is referring to at this present time. I think we would have some difficulty. That is why we are keen to progress the new legislation.

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

Mr Anderson: Thank you, Mr Speaker. Just a final supplementary from me, if I can get a satisfactory answer from the hon. minister. Given that this hon. House intended the appropriate way to pursue matters concerning health and welfare of children, cinemas should always be by the way of regulation made by her department, under section 3 of the Act 1977 under section 5(1), binding the Licensing Court, does the minister propose to make such regulation to restore the meaning of the 12 certificate and therefore carry out her responsibilities, which quite clearly are now hers at present, no matter what is coming forward in the pipeline in the future?

The Speaker: Minister to reply.

Mrs Crowe: Mr Speaker, I have no problem at all in asking our legislative department to draw up regulations to that effect. I do think it would be a waste of time when another department is going to bring forward legislation which will encompass regulations of that kind.

Albert Tower – Status as Registered Building – Question by Mr Singer

Question 9. The hon. member for Ramsey (Mr Singer) to ask the Minister for Local Government and the Environment:

Why has Albert Tower never been given the status of a registered building?

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

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

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

Mrs Crowe: Thank you, Mr Speaker. Once again, as quoted in a written answer in another place two weeks ago, the Albert Tower is amongst those buildings which have been researched for registration and on Friday last, 25th October, this building, along with four others actually in the Ramsey area, was taken through stage 1 of the formal registration process.

Being in government ownership the Albert Tower has been cared for and maintained by my department for many years and, as such, has been the subject of conservation and repair work under qualified supervision. Consequently the building has received the level of support and attention that would normally be associated with a registered building. In essence, prior to its actual designation, the Albert Tower has, whenever possible, been treated as if it were already a registered building. In other words, the Albert Tower has suffered no detriment by not being formally registered and, in fact, has been very well looked after by my department.

We are methodically and conscientiously bringing forward for registration many buildings that have been identified in the various area plans as being worthy of registration and which are judged to be of sufficient merit to follow through the necessary research. At present buildings both in Douglas and Ramsey areas are being progressed and this directly relates to the research put in place following the revision of all the area plans. The Albert Tower is amongst those buildings in the Ramsey area which have been researched and progressed, though, strictly speaking, the structure lies outside the town boundary and is actually in the parish of Maughold. I am hoping that the department will, when resources allow, be able to provide a booklet of all the registered buildings on the Isle of Man. Thank you, Mr Speaker.

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

Mr Singer: I thank the minister for her explanation, although she has not quite answered the question: why has it not been registered before? It has been built for 154 years. But, whilst the minister says that they have been treating it as a registered building the fact is that it has not been a registered building, and would she not agree with me that had it already been registered, then there would not have been the possibility of the permitted development and the placing of telecommunication aerials onto that tower without planning permission? And under the current position, why has the department also allowed permitted development contrary to the Town and

Country Planning Act 1999? What action will the minister take to remove the aerials that have defaced this national monument?

The Speaker: Minister to reply.

Mrs Crowe: I think I did explain quite clearly that it is a matter of resources. We have numerous buildings which are undergoing research prior to registration and we can only do them in a set time frame. With unlimited resources I dare say it could be done rather more quickly, and the conservation officers in my department are working extensively to make sure that all the buildings are progressed and, as I have said, the four buildings in Ramsey are being progressed as we speak and have gone through stage 1 during the course of last week.

With regard to the aerials that are on the Albert Tower, these aerials have been allowed to be put there as part of a permitted development order, but it does not mean to say that even if the building were registered these aerials could not be placed there. The difference would be that it would be part of a formal planning application and the decision would be made in a different manner.

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

Mr Karran: Vainstyr Loayreyder, would the shirveishagh not agree that the registration department of the Department of Local Government and the Environment is a very small cog in the department and that the issue is that that division should be independent from the general policies of her department because then it often conflicts with the developers who want to just let rip? And would she not also agree that what we should be seeing is that division of the department being separated as regards its function and becoming an independent body which does not have to worry about the agendas of her department or the developers or anybody else, and is that not really the bottom line as far as registered buildings on the Island are concerned, that they become a poor second when a developer wants to knock them down, as in my constituency?

The Speaker: Minister to reply.

Mrs Crowe: No, I entirely disagree. I think it is entirely correct that the conservation officer should be working within the department and, indeed, in most cases the conservation officers are consulted by developers, and registration and conservation go forward hand in hand in a great many cases. I do not for one moment suggest that there have not been mistakes made, but we now have put in place procedures where hopefully never again will that situation occur. As I say, conservation does not mean that there can be no development; what it means is that

the development has to be sensitive for the conservation area. Talking about registration, which is entirely different, it is these conservation areas that are the lynchpin in dealing with the registration of buildings on the Isle of Man and, as I say, if resources were unlimited we would be able to make a great deal more progress in the registration of buildings. However, as it is, I am delighted with the progress that is being made throughout the Island.

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

Mr Henderson: Thank you, Mr Speaker. Could the minister agree with me that it does not matter what has happened before? The point is that there is a new administration in place in the department with determination and vigour towards conservation, and the fact is that most of the aerials and bits and pieces on the Albert Tower at the minute are removable and by and large the building has not been destroyed or defaced by those things and they can be removed and things can be put back with more care in the future, and the building can be better looked after.

Mr Houghton: Hear, hear.

The Speaker: Minister to reply.

Mrs Crowe: Yes, I would agree but certainly, regarding the Albert Tower, it has been treated as if it were a registered building because it is within our ownership.

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

Mr Singer: How can the minister say it has been treated as a registered building when to put any aerial onto that building you would have needed planning permission, and in fact aerials have been put on that building under permitted development? Can I also refer the minister to the Town and Country Planning Act 1999, section 11 first of all, that says that anybody installing equipment must have a freehold or a leasehold interest for at least a 10-year period on the land? Has your department granted either of those to the BBC or Manx Telecom? Secondly, in regard to the Town and Country Planning Act (Statutory Undertakings) Order 1999, SD No. 384/99, how can the BBC have assumed permitted development rights when the antennae and masts are on a building less than 15 metres high - in fact, Albert Tower is 13.71 metres high - and within 20 metres of a highway, a footpath being recognised as a highway under the 1986 Highways Act, and therefore permitted development quite clearly under that Act is not allowed? Did your department talk to the BBC and were these facts not pointed out to them or did your department ignore the Town and Country Planning Act 1999 to allow the

defacing of Albert Tower, particularly with that BBC aerial?

The Speaker: Minister to reply.

Mrs Crowe: Mr Speaker, in no way would my department want to deliberately damage or deface a registered building, and I must stress that this has not happened in the case of Albert Tower. Now, we have a difference of opinion over whether the aerial should have been part of a permitted development order or, indeed, part of a complete planning process. Whichever, it would not mean that aerials cannot be placed on the Albert Tower. What I will say, however, is that I will make a commitment to the hon. member for Ramsey to fully investigate the terms of the permitted development order and to correspond with him as to the Director of Planning's views on this matter.

The Speaker: Hon. members, that concludes Question Time permitted under our standing orders. I call on the hon. member for Ramsey, Mr Singer.

Mr Singer: I beg to move that standing order 47 be suspended in order to allow the remaining question for oral answer to be taken at this sitting.

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

Mr Houghton: I beg to second, sir.

The Speaker: Hon. members, the motion in the name of the hon. member for Ramsey, Mr Singer, is that standing orders be suspended to permit the final oral question to be taken. All those in favour say aye; against, no. The ayes have it. The ayes have it.

I call on the hon. member for Ramsey, Mr Singer, to ask the question.

Paedophiles – Powers to Exclude – Question by Mr Houghton

Question 10. The hon. member for Ramsey (Mr Singer) to ask the Minister for Home Affairs:

What powers do you have to prevent known, convicted paedophiles from entering and settling in the Isle of Man?

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

The Speaker: I call on the hon. member for Douglas East, Minister for Home Affairs, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. From the outset I would like to categorically state that there is no agreement between the United Kingdom and Isle of Man authorities to rehouse sex offenders, including paedophiles from the United Kingdom, on a temporary or permanent basis. However, my department has no powers to prevent known paedophiles or indeed other sexual offenders from entering the Island. Current legislation in the United Kingdom relating to sex offenders places responsibilities on the offender to notify his local police force if he is leaving his recorded address even for a holiday period. Not to comply is a criminal offence. The police force in the United Kingdom would notify the Manx police if the holiday address or indeed new permanent address was in the Island.

The hon. member will appreciate that there can be Manx residents who have committed sexual offences elsewhere and have returned to the Island to live. Similarly, there may be persons convicted of sexual crimes elsewhere who seek to make their home in the Island. As the hon. member is aware, if the person wishing to settle in the Island is not residentially qualified, then they will need to obtain a work permit. Persons seeking to settle from the United Kingdom would be unlikely to obtain benefit if they were unable to find employment assuming they had no links or family ties with the Island. Those persons who have accommodation on the Island and are of independent means or are supported by their families or friends would not be prohibited from staying on the Island. The hon. member will appreciate that if any resident, from whatever jurisdiction, is legally able to live here and has served any sentence awarded by a court for their crimes they are, in effect, free citizens.

The police and the Probation Service do have certain powers under varying legislation and practices to ensure that known offenders, including those convicted of sexual crimes, are monitored and are subject to appropriate levels of supervision and rehabilitational programmes.

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

Mr Singer: Would the hon. minister not agree with me that paedophiles should be treated differently to other criminals because it is recognised that paedophiles cannot be cured because they do not believe they are doing anything wrong, so rehabilitation does not work on a paedophile (**Mr Houghton:** Hear, hear.)? And whilst the judiciary, as we know, on the Island do have powers to deport a non-resident criminal and ban re-entry to the Island, why do you not have the same powers to deport a known, convicted, non-resident paedophile? Do you not think you should be seeking such powers which would have the full support of the residents of this Island?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Thank you, Mr Speaker. I agree with the hon. member for Ramsey, Mr Singer, that in research terms sex offenders are unlikely to be cured. They can, however, be managed and the Probation Service has developed a specialist sex offenders programme with the assistance of an internationally renowned forensic psychologist who continues to work as a consultant with the service, visiting and assessing the work and carrying out risk assessments on an almost monthly basis. To exclude a person, Mr Speaker, if he has already served his sentence for a sex offence, would be against human rights, and therefore you would have to commit another offence on the Island and then, if he went to the court, he could be excluded from the Island.

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

Mr Houghton: Thank you, Mr Speaker. The hon. Minister for Home Affairs makes, of course, mention that there is no agreement and no powers with the United Kingdom and also he makes further comment that those paedophiles moving to the Isle of Man - if there are any, and we do believe that there are some - may move over with their family and their friends. Would the hon. minister acknowledge that paedophiles, once they have been found out, do not usually have much family support but they do have friends, those friends being other paedophiles? Does he not agree that this is a concoction for disaster as paedophiles do find their own, and what does he actually say about the human rights of the innocent person here, never mind the paedophile? What are his comments about that, sir?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, the Probation Service monitors all sex offenders on the Isle of Man. They have to report on a regular basis. They have to see the forensic psychologist. When the hon. member for North Douglas mentions that their friends are other paedophiles or sex offenders, those people are being monitored. My department, in actual fact, will be looking at legislation on sex offender orders, which is to be made to regulate the movement of sex offenders by statute.

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

Mr Singer: In his last answer to me, is the hon. minister actually telling me that we have to wait for a further offence to take place in the name of human rights? Surely that is not where the human rights emphasis should lie. And is he saying that we also have to manage non-resident convicted paedophiles

who are here, which is quite obviously a risk to the young people on the Island? Surely that is not what we should be doing to protect the young children of this Island? And can the minister further tell me: I understand that a convicted paedophile in the UK is permanently on the paedophile register and under surveillance even after the full length of the sentence is completed, but in fact that is not so here, and when the full sentence is completed there is no longer any surveillance. Perhaps he could, if he can, at this stage give me an answer to that or certainly find out the answer. After the total length of a sentence is completed, is there any compulsory surveillance of a convicted paedophile in the Island?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, once the conviction is spent, the convicted person, if he has been convicted of a sex offence, can have up to 10 years supervision depending on the length of sentence which the court gave to him. When he comes out, he will still be under supervision. If a person has come from the UK the Probation Service in the Isle of Man will be looking at the rehabilitation and monitoring of that person.

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

Mr Earnshaw: Thank you, Mr Speaker. This is, of course, an area which generates great concern amongst the public, particularly amongst parents of young children. (**Mr Houghton:** Hear, hear.) I think many members of the public would be interested to know from the minister just how many convicted paedophiles and how many suspected paedophiles are living in the Isle of Man?

Mr Houghton: Hear, hear.

The Speaker: Minister to reply.

Mr Braidwood: Mr Speaker, the number of people on the sex offenders register will be divided into different categories; for those under 16 who have committed crimes and also for adults. I cannot give the hon. member that answer of how many people who have committed offences for those under 16 are on the register.

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

Mr Henderson: Thank you, Mr Speaker. Would the hon. minister agree with me that the only real solution to all of this is a reciprocating 20-year mandatory sentence for people like this and especially for those who rape young children?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, there are differences between sex offenders and those who are on the register. You have to make the difference between paedophiles and those who commit sexual offences such as a young person of 16 who has a sexual relationship with a girl who is just under 16. He will go on the sex offenders register and, I am sorry, I cannot go along with there having to be mandatory sentences of 20 years.

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

Mr Bell: Thank you, Mr Speaker. Just to clarify the situation again, could the hon. minister confirm or otherwise whether in fact he is aware of any paedophiles convicted in the UK who have actually come to the Isle of Man and are living here at the moment either supervised or unsupervised? Would the hon. minister also agree that it is little more than 12 months ago that this hon. House passed unanimously the toughest range of anti-paedophile legislation that the Isle of Man has ever seen, including the sex offenders register which in some respects puts the Isle of Man ahead of the United Kingdom in terms of its level of supervision? Would the hon. minister also agree that simply deporting paedophiles is not the end of the answer at all? The key to protecting our young people, both on the Isle of Man and elsewhere, is management and supervision, and therefore would he not agree that the most important emphasis at the moment should be on making the sex offenders register work and making sure that the quality of supervision that is given to sex offenders is sufficiently robust to ensure that no further offences can take place?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: I totally agree with the hon. member for Ramsey, my predecessor of the Department of Home Affairs, in that it is management and supervision of people on the sex offenders register. The Criminal Justice Act 2001 laid down the sex offenders register and also the extended supervision which the person is under from the Probation Service. I would also like to add that if a person comes from the UK he would have to be staying here either with friends or relatives, and he would be under a supervision order which would be enforced from the UK and would be managed in the Isle of Man.

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

Mr Gill: Vainstyr Loayreyder, could I ask the hon. minister, firstly, if he would agree with the statement that some of the comments we have heard today are alarmist and simplistic in the extreme and that the public should have concern to temper their understandable concerns that we all share with a little bit of rational consideration of the matters; and

secondly, would he accept that public safety via the multi-agency assessments that he has described are of the paramount concern of his department?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: I totally agree with those sentiments, Mr Speaker.

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

Mr Singer: Can I just go back to the original question, Mr Speaker? Would the minister not agree that if he had the powers not to allow convicted sex offenders who are non-residents to come to the Island in the first place, there would be no need for him to manage them, there would be no need for them to be on a list here because they would not be here in the first place, and that would add to the safety of the people of this Island?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, the Isle of Man is not a sovereign state and therefore has no immigration policy, the immigration policy being the UK's, and therefore it would have to be on the Residency Act, and in part of that you would have to try to put in that you could not allow any paedophiles or those who have committed sexual offences.

The Speaker: Hon. members, that concludes questions for oral answer. We have three questions which were for written answer and have been circulated in compliance with our standing orders.

Health Service – Rank and Qualifications – Question by Mr Henderson for Written Answer

Question 1. The hon. member for Douglas North (Mr Henderson) to ask the member for Health and Social Security:

- (1) *Can you give the numbers of trained nurses within the health services who are in line management rôles at grade F, G, H, I and above, on senior pay spines; and*
- (2) *how many of these within each grade and pay spine as indicated have formally recognised UK management qualifications at recognised certificate diploma or at degree level from an accredited college, nurse training centre or university which also attracts CAT's points?*

Answer

The following table sets out details of the numbers of qualified nursing staff with line management responsibilities, indicating those holding management qualifications which have attracted credit accumulation and transfer (CAT's) points.

[See KQ 29 (Table 1) for answer]

British Airways – Cancellations on Birmingham Service – Question by Mr Singer for Written Answer

Question 2. The hon. member for Ramsey (Mr Singer) to ask the Minister for Transport:

- (1) *Since 1st September 2002, how many cancellations have there been on the BA CitiExpress flights from Birmingham to the Isle of Man and the Isle of Man to Birmingham; and*
- (2) *please list the times and dates of reasons for these cancellations.*

Answer

The department has been in communication with the operations department of British Airways CitiExpress and obtained the following information:

- (1) Since 1st September 2002, BA CitiExpress have cancelled their flights from Birmingham to the Isle of Man on three occasions (1.6 per cent of total), and the same for the Isle of Man to Birmingham.
 - (2) These flights were: BA4381/2 on 23rd September at 0700 hours (IOM) and 0825 hours (Birmingham); BA 4388/9 on 13th October at 1930 hours (Birmingham) and 1900 hours (IOM); BA 4383/4 on 15th October at 0950 hours (Birmingham) and 1115 hours (IOM).
 - (3) In each case the cancellation was due to technical problems with the aircraft due to make the flight.
-

**Sex Offenders – Rehousing on Island from
UK – Question by Mr Henderson
for Written Answer**

Question 3. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs:

Can you confirm or deny that sex offenders, including paedophiles, are being rehoused to the Isle of Man from the UK either temporarily or permanently?

Answer

The Department of Home Affairs has to date never rehoused any sex offender from the UK either on a temporary or permanent basis. There are a number of sex offenders living on the Island who are Manx residents and in the past, these offenders have been assisted by the Probation Service to find accommodation.

On occasions sex offenders being released from imprisonment have needed to be found accommodation and the department has through its probation service or the partnership with the Salvation Army has assisted in this.

The hon. member should be aware that Manx offenders who are in the UK and wish to return to the Island, or those who have Manx family ties, or who have obtained employment on the Island, would be given every assistance by the Probation Service, whose statutory duty it is to work with such persons.

All offenders having served their sentences, for whatever crime, are in effect free men and women and are due the same rights and responsibilities as other members of our community.

Sex offenders are in essence no different, other than they may well be under extended supervision periods and may be required to register with the police, and as such will be risk assessed and managed by both the police and Probation Service. These agencies have the duties of protecting the public, ensuring the rights and safety of the offender are protected and ensuring that the offenders adhere to their responsibilities in terms of complying with legislation and licence conditions where appropriate. To this end the probation division has experienced staff and the support of psychologist whose expertise is in the area of sex offenders. The police and the probation service work in close co-operation.

It would not be the intention of my department to alter these existing practices as they are seen to be fair, proportionate, and non-discriminatory.

Table 1 Question 1

Area	Grade										Total	
	F		G		H		I		Senior Management Grade			
	No.	Management Qualification *	No.	Management Qualification *	No.	Management Qualification *	No.	Management Qualification *	No.	Management Qualification *	No.	Management Qualification *
Nobles Hospital			15	13	8	8	2	2	7	6	32	29
Ramsey Cottage Hospital	7	0	4	0	1	0	0	0	1	0	13	0
Mental Health	6	0	7	1	2	1	3	1	0	0	18	3
Community Services							2	0			2	0
Totals	13	0	26	14	11	9	7	3	8	6	65	32

* These numbers represent only those nurses who hold management qualifications that attract CAT's points, it does not include those nurses who have received others forms of management training that do not attract CAT's points or in service training.