

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

**Douglas, Tuesday, 8th April 2003
at 10.30 a.m.**

Present:

The President of Tynwald (the Hon. N Q Cringle).

In the Council: The Lord Bishop (the Rt Revd Noël Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon. C M Christian, Hon. P M Crowe, Mr D F K Delaney, Mr D J Gelling CBE, Mr E G Lowey, Mr L I Singer and Mr G H Waft, with Mrs M Cullen, Clerk of the Council.

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

The Lord Bishop took the prayers.

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Apologies for Absence

The President: Hon. members, I have apologies for absence from the hon. member of Council, Mr Singer, who will be absent for the whole of this sitting and I have apologies from the hon. member, Mrs Cannell, who will be missing this afternoon, hon. members.

Welcome to New Member of Council, Mrs Crowe

The President: I also welcome to her first sitting of Tynwald here the new member of the Legislative Council, Mrs Crowe.

Bill for Signature

The President: We have one Bill for signature, hon. members, the Medicines Bill 2003. If you are agreeable we will continue with our business while this is being signed. It was not returned from the Lord Chancellor's Office to be in time to be included on the order paper, but, as you will appreciate, standing order 2.2(3) allows me, provided that you are content, to bring it before you.

Members: Agreed.

The President: Agreed, hon. members? Thank you.

Papers Laid before the Court

The President: I call upon the Clerk to lay papers.

The Clerk: I lay before the Court:

Adoption Act 1984 –
Adoption Act 1984 (Appointed Day)
(No. 2) Order 2003 [SD No 166/03]
Adoption (Hague Convention)
Regulations 2003 [SD No 176/03]

Betting Act 1970 –
Betting Duty (General)
(Amendment) Regulations 2003 [SD
No 113/03]

Online Gambling Regulation Act 2001 –
Online Gambling Duty
(Amendment) Order 2003 [SD No
114/03]

Corporate Service Providers Act 2000 –
Corporate Service Providers
(General Requirements)
(Amendment) Regulatory Code 2003
[SD No 162/03]
Corporate Service Providers
(Clients' Money) (Amendment)
Regulatory Code 2003 [SD No
163/03]

Social Security Act 2000 –
Social Security Contributions and
Benefits Act 1992 Legislation
(Application) (Amendment) (No. 2)
Order 2003 [SD No 150/03]
Social Security Legislation
(Application) (No. 4) Order 2003
[SD No 152/03]

Pension Schemes Act 1995 –
Pension Schemes Legislation
(Application) (No. 2) Order 2003
[SD No 151/03]

Social Security Contributions and Benefits
Act 1992 –
Income Support (General) (Isle of
Man) (Amendment) (No. 2)
Regulations 2003 [SD No 153/03]

Recreation and Leisure Act 1998 –
Braddan Parish (Prohibition on
Camping) Byelaws 2002 [SD No
559/02]

Highways Act 1986 –
Highway Diversion (Ballajeroi,
Malew) Order 2003 [SD No 155/03]

Reports –
Report of the Select Committee of
Tynwald on Elections to the House
of Keys.

Police Act 1993 –
Isle of Man Police (Amendment)
Regulations 2003 [SD No 713/02]

Superannuation Act 1984 –
Superannuation (Clerk of Tynwald's
Department) Determination (No. 1)
2003 [SD No 154/03]

Payment of Members' Expenses Act 1989 –
Department of Health and Social
Security (Allowances) (Specified
Body) Order 2003 [SD No 128/03]

Road Traffic Act 1985 –
Road Vehicle (Roadworthiness
Requirements) (Approved
Documents) Order 2003 [SD No
156/03]

Post Office Act 1993 –
Post Office (Inland Post)
(Amendment) Scheme 2003 [SD No
161/03]

Appointed Day Order –
Adoption (Amendment) Act 2001
(Appointed Day) (No. 2) Order 2003
[SD No 178/03]

*Questions were taken at this point and concluded
at 12.45 p.m. They are published separately.*

Future of Post Offices – Statement by the Chief Minister

The President: We move on to the ordinary order paper again, straight to item 3. I call the Chief Minister

Mr Corkill: Mr President, thank you. In October 2002 Tynwald approved a motion requiring the Council of Ministers to report not later than the February 2003 sitting of Tynwald Court on the future of the Island's post office network. In February 2003, I informed this hon. Court that Isle of Man Post had presented a proposal for consideration by the Council of Ministers, that Council had sought clarification on certain elements in it, and that I expected to be in a position to present a report to Tynwald by April 2003. However, Council has not yet had the full information it requires to enable it to submit a report to Tynwald. Indeed, Council has asked for further information, although its report is now very near completion.

I would like to apologise to hon. members for having missed two deadlines, but I hope that members

will agree that it is important to get the way forward for the future of post offices right. I undertake to bring this report forward as soon as possible and certainly within this parliamentary session. Thank you.

The President: Hon. member Mr Houghton.

Mr Houghton: Thank you, Mr President. Does the hon. Chief Minister have difficulties with the future of post offices? He has been told that anything up to 12 post offices may be affected and that his Council of Ministers has serious concerns about the impact that that may have on their respective communities. Is this true, and is he going to make a very strong determination on whether he wishes post offices to serve their communities or be closed down in such a high number? Thank you.

The President: Chief Minister.

Mr Corkill: I do not wish to speculate, Mr President, on the content of the report, but I will reaffirm that the Council of Ministers and the board of Isle of Man Post are both very concerned about the future of post offices on the Island. I hope that hon. members can wait a little longer for the report. It is being given serious consideration, and I will not speculate on its contents.

Mount Murray Inquiry – Statement by the Chief Minister

The President: Hon. members, you also have before you today a supplementary order paper which has simply one item on it: a statement by the Chief Minister on the Mount Murray inquiry. I think, hon. members, that this is an appropriate time to take the supplementary paper, with your agreement. (**Several Members:** Hear, hear.) In that case I call on the Chief Minister to move the single item on the supplementary order paper.

Mr Corkill: Thank you, Mr President, and thank you for giving me leave to make this statement on a supplementary order paper which has been made necessary by the timings that I was involved with.

Following its request in December of last year, Tynwald was provided in January with a statement from the chairman of the Commission of Inquiry into Mount Murray on the progress of the commission's work. In that statement the chairman indicated that litigation brought against the Commission had been the primary reason for the commission's being unable to meet the original reporting timetable established by Tynwald in February 2002. The chairman confirmed that it was better to be patient so that, so far as is feasible, the whole of the Mount Murray issue might be reported on in such a way as to leave no lingering dissatisfaction that matters had been insufficiently addressed.

Having said that, the chairman was conscious that a balance needed to be struck in the public interest

between the impact of a continuing delay and the publication of a report which was incomplete because of the litigation. His Excellency the Lieutenant-Governor has now received confirmation from the commission that it sees it appropriate to proceed with the presentation of its report in the near future, and His Excellency has asked me to inform hon. members of this decision, which is the purpose of this statement today. The chairman has indicated his view that the public interest balance is now in favour of a substantive report being published sooner rather than later even though such a report would of necessity not be a full report.

While litigation is scheduled to be subject to an appeal before the Privy Council in May of this year by those who initiated the litigation against the commission, proceedings are likely to continue for some time thereafter. This, in the broadest terms, is because the Privy Council appeal will deal with principle. It has been indicated that the matter should thereafter be referred back to the High Court on the Island for further ruling concerning particular documentation.

Accordingly, the commission no longer feels that it would be in the public interest to delay the publication of much of its report any further. It has therefore been decided to publish the report in two stages. The first part will deal with matters which are not prevented by the court proceedings, and the second part will deal with such matters as are permissible after completion of the court proceedings.

I understand that the first part will not be just an interim report, as it will allow a substantial part of the recommendations of the commission to be published, as well as the final conclusions on those matters which are reported. By reporting in this way, the commission believes that its legitimate objectives and the expressed wishes of Tynwald will not be frustrated by the delay following from litigation and that the public interest will be benefited by an earlier publication of substantial and important parts of the report.

I understand that the commission has still to interview a small number of witnesses to enable completion of part 1 of the report, which it will do in the near future. Thereafter, and as indicated in the chairman's statement in January, any person or body subject to criticism in the draft of the report will be given advance notice of such criticism and invited to comment prior to the report's completion.

In the circumstances, it is envisaged that the first part of the report will be submitted to His Excellency by June of this year. This will enable it to be received by Tynwald and debated at its sitting in July. The timing of publication of the second part of the report will very much depend upon the outcome of the Privy Council hearing in May and any subsequent action.

In conclusion, may I remind hon. members that I act in this simply as a conduit from His Excellency the Lieutenant-Governor and that I am not, therefore, in a position to add anything to what is contained in this statement. Thank you.

The President: Hon. members, I think it is appropriate to take item 4 now, and I call on the Chairman of the Select Committee of Tynwald on Castletown Sub-Post Office –

Mr Henderson: Eaghtyrane, I wonder if it is in order to ask a question. The Ard-shirveishagh said that he cannot answer any question, but I think that one does need to be answered.

The President: What do you wish to ask, sir?

Mr Henderson: I appreciate the contents of the statement, sir, but will the impact of what the Ard-shirveishagh has just said be to increase the cost of these proceedings?

A Member: Of course.

The President: Chief Minister, do you wish to reply to that, sir?

Mr Corkill: I cannot comment on the cost of the proceedings, and I cannot comment on their process, Mr President. It was on a motion by this hon. Court that the Lieutenant-Governor of the Island has acted. The inquiry is in process, and I am merely acting as a conduit of information to this Court on the thoughts of the chairman and the procedures that they are now going forth with.

Select Committee of Tynwald on Castletown Sub-Post Office – Statement by the Chairman

The President: Item 4: the Select Committee of Tynwald on Castletown Sub-Post Office. I call the hon. chairman, the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr President, the Select Committee on Castletown Sub-Post Office was established by Tynwald in October 2002 to investigate and report on the manner and circumstances in which Isle of Man Post awarded the agency for Castletown Sub-Post Office to the Manx Co-op.

The committee has now held nine meetings and heard oral evidence in public session on four occasions, which were widely reported in the press. In addition, the committee has received in excess of 30 items of written evidence, many of them extensive. A good deal of material, therefore, has to be analysed and collated, but that is not why I am now making a statement to the Court. If the volume of evidence and its complexity were the only considerations we had to deal with, I would be telling hon. members that we would expect to be able to place a report before Tynwald by the end of the session.

The committee is not, however, satisfied that it has, as yet, all the relevant evidence in its possession. In particular, there is one further very important

witness from whom we wish to take evidence who has not hitherto been available to us. I cannot say for certain when we will be satisfied that we have all the facts we need, but it may be after the summer recess before we can make our report.

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

Mr Delaney: I thank the chairman of the committee for that. He has said that there is one person whom it is important to interview, and I understand that. Is this person a government employee or somebody outside the jurisdiction of government?

The President: Mr Chairman.

Mr Cannan: The person whom we are not able to interview is a senior management employee of Isle of Man Post who has been seriously indisposed.

Announcement of Royal Assent

The President: Hon. members, we agreed to circulate the Medicines Bill 2003 this morning, and it was signed by a quorum of both branches. I can tell you now that it has received Royal Assent this day.

Point of Order re Written Answers to Questions

(Editor's note: please refer to the separate publication of Tynwald Court (Questions), Tuesday, 8th April 2003 in conjunction with the following.)

The President: Having cleared that, hon. members, I think it is an appropriate time –

The Speaker: I wish to raise a point of order, Mr President.

The President: Mr Speaker.

The Speaker: Yes, Mr President, if I picked you up correctly in your introduction to written answers, you indicated that question 25 was being deferred to the May sitting of this hon. Court, and I note from the written answer that that is in fact what the minister proposes.

This is setting a very important precedent, and we must ensure that we do not get it wrong. As our standing orders make it absolutely clear that when a member asks a question it shall be answered, why are the minister and the department being allowed to say that they will answer this question at the May sitting? Do they have the permission of the person who asked the question?

The President: Mr Speaker, I drew attention to it because I too had seen or had had my attention drawn

to the written answer before it was circulated to this Court; that is precisely why I drew the attention of the Court to it. Whether or not May is the right date, I am in the hands of the Court on that, but I was aware that the department had said that it would have the information available in May. Does the hon. member for Malew and Santon wish to comment? Are you content with that, sir?

Capt. Douglas: Well I think, sir, that I have to be content, and I hope that we get the answers requested (**A Member:** Hear, hear.) at the next sitting.

The President: I expect that the minister will tell me that she is in other people's hands in seeking the information from the local authorities. Is that right, minister?

Mrs Crowe: Yes, indeed, Mr President. The information is not in my department, and we have had great difficulty in extracting it from local authorities to enable us to meet the deadline. We have done our best to get the information required of us, but, unfortunately, as you have just said, it is out of my hands.

The President: Mr Speaker.

The Speaker: Yes, Mr President. My concern is not that the minister has not got the information; my concern is the wording of the written response. It states, and I quote: 'I propose that this question be deferred to the May sitting of this hon. Court.' I suggest that it is not for the minister or any other person to propose that a question legitimately asked be adjourned until another sitting. They may say that they do not have the information but that they will provide it as soon as possible. This is a major matter of principle in relation to the rights of members of this Court.

A Member: Hear, hear.

The President: I am quite sure that the minister has listened to your comments, sir. My position was to alert the Court to the fact that that was the wording of the written answer. If, in fact, it is acceptable to the Court, we should be content. I call the hon. member for Malew and Santon.

Capt. Douglas: I thank the Speaker, Mr President, for pointing that out. It is obviously a very important principle, and I do hope that the minister and her staff can proceed with great speed, though perhaps not on skateboards, sir. Thank you. (*Laughter*)

The President: Thank you, hon. members. I think this is an appropriate time to adjourn for lunch. We will resume our deliberations at item 5 at 2.30 prompt, hon. members.

The Court adjourned at 1 p.m. and resumed its sitting at 2.30 p.m.

**Construction of Properties at
Westmoreland Road, Douglas –
Motion Carried – Expenditure Approved**

Item 5. The Minister for Local Government and the Environment to move:

That Tynwald –

- (1) *approves the Department of Local Government and the Environment incurring expenditure not exceeding £1,547,808 for the construction of eighteen flats at Westmoreland Road, Douglas;*
- (2) *authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March 2004, a sum not exceeding £1,547,808;*
- (3) *approves of and sanctions borrowings not exceeding £1,547,808 being made by government, such borrowings to be repaid within a period of 30 years; and*
- (4) *approves the transfer of £1,547,808 from the Housing Reserve Fund to the Capital Transactions Account during the year ended 31st March 2003.*

The President: Hon. members, we resume our deliberations on the order paper at item 5. I call on the Minister for Local Government and the Environment to move.

Mrs Crowe: Thank you, Mr President. When this hon. Court approved the creation of the housing reserve fund in the 2002 budget, my department was given the financial means to enable it to progress and accelerate the housing programme. Support for the resolution before hon. members today will allow funding to be released from the housing reserve fund and enable further progress to be made on the provision of much-needed affordable housing in Douglas. It will also enable a start to be made on the environmental improvements in the Douglas urban regeneration area, which is bounded by Tynwald Street, Allan Street and Westmoreland Road. The demolition contract has already commenced to remove run-down properties and workshops fronting Westmoreland Road, and that will clear the site for building work to commence on 18 apartments.

I listened to comments made by hon. members at the sitting of this Court on 1st January, and we now propose that these new homes be allocated to first-time buyers, supported by the house purchase assistance scheme. There are 432 applicants on the register who have chosen Douglas as their first preference. That is almost 50 per cent of all applicants who wish to purchase their own home. However, I also appreciate that there is a need for public-sector rented

accommodation in the same area, and therefore within the local authority housing programme an allocation of £3.4 million has been made for the provision of rented units adjacent to the site of these 18 apartments. The further phases of this development will be brought forward over the next two financial years to provide 22 apartments for rent for retired persons and another 11 apartments for rent for general needs.

I hope hon. members will accept that I am trying to strike a balance in the urban regeneration area that will meet the highest demand for both first-time buyers and those people wanting to rent private-sector accommodation. The competitive tender for the construction of the 18 apartments was received from McArd Contractors Limited, who are programmed to start the work in May. I ask hon. members to support this motion and to assist my department in achieving the objective of increasing the supply of affordable homes and promoting urban regeneration.

Mr Delaney: I rise –

The President: Hon. member for Douglas North.

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

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

Mr Delaney: I would have been happy to second this, Mr President, and I thank the minister for listening to members. I am delighted that these properties will be going to Douglas people and not to key workers. If there is a need for key worker properties – and I am sure that there is – maybe you can look at that somewhere else at some other time. Thank you.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. I ask the minister whether in progressing the plan for this area there have been discussions with the owners of neighbouring properties; whether there has been discussion about method statements of working; whether there is going to be any piledriving on the site; and about all the issues which involve working closely together with neighbours.

I welcome regeneration, and in certain areas we should have regeneration, notwithstanding the need also to have service industries close to hand. There are developments in my own area, and it seems to be very difficult to get contractors – and it is the same contractor – to work with local people to get an understanding of their concerns working in a very closely knit area with very near neighbours. This sort of development will actually impinge on the district. Will the minister confirm that these contractors are working with her department and securing information for local people? Will she confirm that it is important to do that?

The President: Hon. member Mr Braidwood.

Mr Braidwood: Thank you, Mr President. I, too, am glad that construction is going ahead in this area. It has changed from what was previously expected, which was full demolition apart from one registered building; it is now going to be the construction of flats, some sheltered housing and refurbishment of the properties in the area.

My only little caveat is on the construction of the 18 flats, which are, as the minister said, for purchase by first-time buyers. I have seen flats occupied by first-time buyers with families. Unfortunately, in those flats there are no areas to dry clothes; all clothes would have to be dried inside the flats. I hope that when the people who purchase the flats expect to start a family they can move on to other properties where these facilities will be available.

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. I thank the hon. member of Council for his support.

In answering the questions to the Court of the hon. member for Peel, Mrs Hannan, the department put on a full day and evening exhibition and consultation process for the whole of the neighbourhood. I totally agree that it is most important that neighbours know what is happening, when work is likely to begin and when it is likely to finish. One can tolerate noise for a short period, but, as the hon. member stated, a neighbour must know when these things are going to come to an end. Therefore we made quite sure – and it is a division that I head up personally in the department – that the neighbours all had full consultation on what we were doing. However, I will ensure that the contractors also make sure that people in the surrounding areas know whether there is going to be any particular noise such as piledriving. I do believe that that is not going to be the case, but I will ensure that letters will be sent out if there is going to be a noise nuisance of that kind.

I know that the hon. member for East Douglas, Mr Braidwood, has taken a personal interest in the development of this area, and I take on board his point that these apartments will not be suitable for married couples with children. However, we have an enormous number of applicants. Well over 200 applicants on our list for first-time buyer properties are single people who no longer wish to live at home and who may be in their 20s or 30s or even 40s and want to own their own property. So I do not think we will have any problem at all in finding suitable tenants for what are not family apartments.

The President: Hon. members, the motion that I put to the Court is that printed at 5 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Plots for Sale – Bretney, Jurby –
Proposed Development –
Motion Carried – Expenditure Approved**

Item 6. The Minister for Local Government and the Environment to move:

That Tynwald –

- (1) approves the Department of Local Government and the Environment incurring expenditure not exceeding £303,000 for the development of a site of 10 plots for sale at Bretney, Jurby;*
- (2) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March 2004, a sum not exceeding £303,000;*
- (3) approves of and sanctions borrowings not exceeding £303,000 being made by government, such borrowings to be repaid within a period of 30 years; and*
- (4) approves the transfer of £303,000 from the Housing Reserve Fund to the Capital Transactions Account during the year ending 31st March 2004.*

The President: The Minister for Local Government and the Environment to move.

Mrs Crowe: Thank you, Mr President. Hon. members will be aware that Jurby as a whole requires a great deal of investment to improve its domestic and industrial buildings, infrastructure and environmental appearance; all need to be renewed to bring confidence to the area. Last month, I was delighted to obtain a capital budget for the improvement of housing at the Bretney and Threshold estates. My officers will be commencing tenant consultation next month with the plan to start on improvements towards the end of the financial year.

We will also be carrying out improvements to the industrial estate over the next few months, and, although the scope of work at the moment is limited, by revenue funding we will do what we can to improve the appearance of that industrial estate. However, until the infrastructure is upgraded in Jurby, possibly as part of the prison development, there is little scope for building new houses. However, there is sufficient capacity for a modest amount of new housing development.

Some time ago, local people and politicians asked the department to consider providing plots for sale in a similar way to those that were developed in the early 1990s. After considering various options, the department drew up plans and obtained planning permission for roads and sewers to serve 10 plots for sale and three bungalows for rent. This site is adjacent

to Bretney, and the infrastructure work would allow further development on the former army camp when capacity and budget revenue allow. A plot-for-sale proposal is very similar to the 1992 scheme where purchasers will pay for the cost of the infrastructure work – that is £25,000 per plot – but obtain the land at a nominal cost. There are about 20 interested parties for these plots, mainly from Jurby, Ramsey and the northern parishes.

The plots will be allocated to first-time buyers with similar conditions to those included in the house purchase assistance scheme, and the department will require suitable legal safeguards to ensure that the houses are completed and occupied within three years. I believe that this scheme for plots for sale demonstrates a commitment to Jurby and, along with other developments, it will kick-start investment in the area. I ask hon. members to support this motion.

The President: Hon. member for Michael.

Mr Cannan: Mr President, I have very great pleasure –

Mr Henderson: Hear, hear.

A Member: You do not get much pleasure nowadays.

Mr Cannan: – in supporting this motion. The announcement of this development was made in October 1999 by the hon. member for Ayre, Mr Quine, then in the housing department. Three and a half years later, it comes to Tynwald. Well, I suppose one must count one's blessings.

However, I am delighted that at last it has come, but there is such a demand that I cannot see why it is restricted to just 10 plots: the minister said that there are 20 applicants. Three and a half years ago, there were that number or more applicants and many of them have drifted away or had to find other accommodation. Only 10 plots can be allocated, and the other 10 people, as well as the others that we will consider, could build their own home if they had the confidence. The minister has given an upbeat assessment of Jurby, but we have heard, with respect, minister, so many upbeat assessments – not just in this administration but in previous administrations about which the colleague sitting next to you well knows – that something was going to be done. Talk, talk, talk but so little performance.

Today, we have a little performance three and a half years down the line. I ask you, minister, to see whether you can motivate your department a little more to progress the whole development plan for Jurby which you say in writing to me is in preparation. I hope that it is not going to be in preparation sine die. Let us get it going. You will have no problem with planning because the people want residential development – there will be no protest movements and no village expansion.

People want to see the place developed, improved and enhanced to give the residents a quality of life in a

vibrant, self-sufficient community. They want to see the development of the industrial estate that you mentioned. A factory is due to be sited there; I was told that the hangar was to be refurbished in February. I am now told that it may be completed by the end of June. The manufacturer who wants to establish there is kept waiting. The message I am conveying, minister, is, 'Well done – at last!' However, there is so much that could still be done if there was drive and energy and commitment. A private businessman would have such drive and energy if he had that much real estate at his disposal, together with the demand for development there. It cannot be denied, minister, that there is a demand; you have said so yourself.

Finally, the department is to build three sheltered-housing bungalows. I hope that once the infrastructure is concluded you will not delay any longer but have those three sheltered-housing bungalows constructed. That will relieve three houses in public ownership on either the Bretney or the Threshold estate where a family of two is occupying a large house for no other reason than that they cannot get small sheltered housing bungalows. I am pleased that we have got this far and I ask you to keep going and not to say, 'Oh, well, I have done a bit there and I will move on to something else.' That will not be good enough and I promise you that I will be on your tail. *(Laughter)*

The President: Hon. member for Glenfaba.

Mr Anderson: Thank you, Mr President. I, too, congratulate the department on bringing this scheme forward. However, will the minister let this hon. Court know whether her department has any further schemes of this nature for the rest of the Island, and in particular for the west of the Island?

The President: Hon. member for Ayre.

Mr Quine: I am pleased to support the scheme.

Mr Cannan: Well, you should – you initiated it.

Mr Quine: That is right; I initiated it. *(Laughter)* I want to remind hon. members that we have been here before. More than two years ago, we reached the stage where we had planning approval for 17 plots of this nature at Jurby, and that was strongly promoted by the hon. member for Michael, who assured me that they were queuing up to get these plots.

Mr Cannan: They were.

Mr Quine: In the event, only five people came forward to take up any of the 17 plots. As a consequence, we had to go back to square one with planning and start all over again. That is part of this history, so it will be interesting to see whether in the last two to three years that has changed. I sincerely hope there will be take-up, but let us see just what it is. In that regard, I want to make two points.

In a way, perhaps of necessity, we have put the cart before the horse. First, we need to take a view on

what is going to happen to Jurby in the context of its overall development. A report was produced on that which went to the Council of Ministers prior to the general election with proposals for, in effect, different elements of development for the Jurby area. That proposition appears to have been shelved, because I have heard nothing of it during the course of this Court.

However, the important point is that many people who could be attracted to Jurby want to know what is happening; they want to know what is going to happen to this new township for Jurby. Of course, we have now had injected into that the question of a new prison, having had a dummy run on a dumping site for animal carcasses. Therefore the matter of the overall view being taken of Jurby should, in an ideal world, have been addressed first – if not in parallel. Perhaps the minister can tell us where that plan stands. What is happening now to this overall plan for Jurby? It involved executive housing, a greenfield industrial development and small commercial elements.

The minister mentioned that these plots will be £25,000 per plot, which will represent the cost of servicing the plot; the land in it will be, de facto, free. How does that sit with the other financial assistance schemes? Does it represent a level playing-field in how we are treating people who obtain assistance under the other schemes? What is the equation? What considerations have been taken into account in creating a level playing-field between people who can take advantage of this scheme and those who can take advantage under the revised housing assistance scheme?

There are about four different scenarios here. Basically, they vary from the building plot where the plot comes from government; the self-build, under which the government does it through a commercial entity; house purchase through a commercial entity where it is on government land; and house purchase through a commercial entity where it is on the developer's land.

All of these have a different financial structure. However, it must surely be important that consideration has been given in arriving at the proposition for these building plots to strike a balance between the different scenarios. Perhaps the minister could tell us how that all fits in.

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. The hon. member for Michael said that we would need drive and energy. My response is that drive and energy got the proposal to the floor of this Court. (**A Member:** Hear, hear.) However, I suggest to the hon. member for Michael that he knows as well as I, if not better, that the infrastructure for any more housing proposals in Jurby is not there at present. Of course, he is in the department that might be able to progress getting the infrastructure there sooner rather than later. At that time, I will be making sure that there are houses available for people to purchase.

Mr Cannan: Well done!

Mrs Crowe: It is certainly not through any lack of drive and energy. The hon. member for Glenfaba comments on 'the rest and the west', which I thought was a nice turn of phrase. I would be delighted to promote self-build plots anywhere on the Isle of Man, if any local authority, or person, came to us with a proposal for a small parcel of land that they had. As you know, I have a personal interest in self-build, which we will touch on again. I will be pleased to promote plots for sale anywhere on the Isle of Man.

The hon. member for Ayre, Mr Quine, said that this scheme was in preparation in his time in the department and that he was not able to get people motivated to build their own homes. Well, perhaps the minister of the department at the present time who has built two homes for herself may have a little more (*Interjections*) of the drive and energy to promote these schemes for young people. (**Mr Cannan:** Hear, hear.) It takes drive and energy and a great deal of commitment to build one's own home, and the people that we have energised in Jurby will take great satisfaction in the building of their own homes.

There was mention of a working party. The working party for Jurby was reactivated – I do not know whether it had a previous history, but we certainly have one now. It is an interdepartmental working party that involves DAFF, transport, my own department and others in the progression of a scheme to utilise the Jurby area and to do it with full consultation with the residents of Jurby. When the proposals are forthcoming, and I believe that schemes are being drawn up at present, there will be consultation with the people in Jurby to make sure that what we propose is what they envisage for their area.

There was also mention of the financial packages to which these plots will be linked, and this has been one of the difficulties. The hon. member for Michael knows that we have had some difficulty in making sure that this financial package is equitable, and that was one of the reasons that this proposal did not come before the Court last month. We have had, quite properly, to satisfy Treasury that we are putting in place a package that is equitable with our house purchase assistance scheme for first-time buyers. Therefore there will be no preferential treatment for the people buying these serviced plots, and it will link in with the scheme that we already have in operation in the department. I hope that has answered all the questions and I hope that we will have overwhelming support for the first phase of our development of Jurby.

Mr Cannan: It has been debated and energised.

The President: Hon. members, I put the motion to the Court as printed at 6 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Elections to the House of Keys –
Select Committee Report –
Debate Commenced**

Item 7. The chairman of the committee (Mr Cretney) to move:

That the Report of the Select Committee of Tynwald on Elections to the House of Keys be received and its recommendations approved.

The President: I call on the chairman of the committee, Mr Cretney, member for South Douglas, to move.

Mr Cretney: Thank you, Mr President. I beg to move that the report of the Select Committee of Tynwald on Elections to the House of Keys be received and its recommendations approved, although the latter part with a little trepidation, given the three amendments on our desk that have not yet been moved.

The committee was established as a result of concern felt by myself and shared by others at the falling turnout experienced in the November 2001 general election. The resolution establishing the committee directed it to examine the ways in which participation in general elections and in the democratic process may be improved and also to examine the part played by the media in its coverage of the election. The following members were elected by Tynwald to serve on the committee: Mr Braidwood, Mr Henderson, Mr Quine, Mr Rodan and myself. I was elected chairman and we were ably assisted by the learned Clerk. It was the intention of the committee to investigate as thoroughly as possible the reasons for the fall in turnout. I will not repeat all the strategies that we used to gain evidence but I would like to point out that the committee received an overwhelming amount of evidence from government, local authorities and the public. So much so that this evidence has had to be presented in the report as a second volume, and hon. members may find a copy of it in the Tynwald Library or on my desk presently.

Following receipt of the evidence, preliminary analysis was undertaken by the Tynwald Research Officer, to whom the committee is greatly indebted for a tremendous amount of hard work. Given the volume of evidence and the fact that falling turnout is a problem experienced not just in the Isle of Man, your committee decided to seek the assistance of an academic who specialises in elections to examine all the evidence and suggest possible ways to improve turnout. Professor Denver from the Department of Politics and International Relations at Lancaster University, who has a knowledge of the Manx political system and who has visited the Island on a number of occasions in a professional capacity, was recruited to undertake this task. He made two visits to the Island to discuss the evidence and a possible way forward with the committee. Professor Denver was able to bring a most helpful input to the work of the committee,

putting the Manx situation in the context of the wider problems with falling turnout and offering opinion and advice on the various ways which were being tried elsewhere. His report can be found in volume 2 of the committee's report.

I do not wish to go through all that the committee recommended in the report to seek to improve turnout but I would highlight a number of key issues which we believe are vital if turnout is to be improved.

First, we believe that the election date in November does not assist turnout and we would recommend that the date be moved to the spring, possibly spring bank holiday Monday. We noticed with some interest that few other countries actually hold any form of elections during the darker days of winter.

Some hon. members may argue that the Manx general elections have been in November for many years and, until recently, turnout was high. That may be so, but in the context of greater political indifference by the electorate we need to ensure that voting is made as easy as possible. I think it is also quite different to compare local authority and House of Keys elections in this regard. It is simplistic in the extreme to argue that local authority elections were changed to April and turnout in them has fallen, rather than the reverse. The answer to that argument is, in my opinion, a review of the local authority structure.

Secondly, we feel that it is vital to provide for on-demand postal voting. Experiments in the United Kingdom have indicated that turnout does increase where postal voting is used. We would not wish to hold an election purely by postal voting but we do feel that postal voting should be easily available for any voter who wishes to avail themselves of it. We would retain a facility for proxy voting to cater for those who are unable to fill in a ballot paper themselves.

Thirdly, we believe that polling stations need to be open for longer hours and be in the most accessible locations – schools being an obvious venue.

Some members may wonder why we do not recommend the adoption of some form of electronic voting. All the evidence we received from experiments where electronic voting had been used in the United Kingdom suggests that it makes little difference to turnout, and there are continued worries about the security of electronic voting. Electronic voting may become much more viable in future, and the committee is in no way opposed to the concept. Indeed, we recommend that enabling legislation be made to allow for electronic voting to be adopted when all the problems associated with it have been solved, but for the moment we counsel caution.

Neither do we recommend compulsory voting.

With regard to the rôle of the media and possible reforms to the manner in which it reports on elections, the committee began and concluded from the premise that the freedom of the media from political control is a fundamental principle of democracy and that overt political direction, pressure or interference is unwarranted. We felt that the scope and extent of the reporting of the 2001 general election by both Manx Radio and Isle of Man Newspapers had been adequate,

although we believed that there were some issues with some of the reporting.

With this in mind, we recommend that both Manx Radio and Isle of Man Newspapers be encouraged to develop a formal policy on election coverage. Details of this recommendation are spelt out in the report. The committee firmly believes that if the media act upon this recommendation, the Isle of Man will benefit from enhanced coverage of future general elections.

The very survival of democracy depends on the electorate being willing to participate in general and other elections. The committee's recommendations are a genuine attempt to encourage greater participation in the process. However, we must be under no illusion: the issue of encouraging voter participation is one which we will have to keep under constant scrutiny and on which we will have to take appropriate, ongoing action, not just words. Mr President, I beg to move the motion standing in my name.

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

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

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

Mr Earnshaw: Thank you, Mr President. First, I wish to thank the select committee for producing its report, which I personally have been looking forward to reading, as I have been following a similar aim for local authority elections on behalf of the local government department.

I think we are all aware that elections should be a great community event, but for one reason or another their status at present is not what it was. The modern reluctance of community involvement does not help, but, as the report identifies, the Isle of Man is not alone with the problem of poor election turnout; neighbouring countries share the same difficulty. Before we launch into all sorts of changes, we should ask ourselves how much of a problem exists, and we should be wary of a knee-jerk reaction, as this report seems to have all sorts built into it.

At this point, Mr President, I want to go into a little statistical analysis. We have 15 constituencies, and in the November 2001 elections 12 were contested. No elections were held in North Douglas, Castletown or in Malew and Santon. That was a shame, but it was a different problem, as it was due to a lack of candidates rather than a lack of voters. Of the constituencies in which elections were held, compared to 1996, according to my research, there was an increase in turnout of 10 per cent in Middle and an increase of 5 per cent in Glenfaba. So there is not much wrong there. (*Laughter and interjections*) There was a reduction of only 1 per cent in Garff, Onchan and Ramsey, so I do not think there is anything to get too excited about there either. In my own constituency there was an explanation for this slight fall, which I shall come to a little later on. (*Interjections and*

laughter) Nice to know where your support lies. (*Laughter*) Interestingly, those elected in Onchan received a collective increase of 14 per cent in the votes polled, and those in Ramsey received a collective increase of 5 per cent. (**Mr Henderson:** Gerrymandering.) I hope I am not losing everybody with these statistics. Of the seven remaining constituencies, the reductions ranged from 4 to 14 per cent. Explanations can be found for most; the exceptions were Douglas West, which I found a bit of a puzzle, and Michael. Michael in particular was unusual as, (*Interjections and laughter*) although turnout was 4 per cent down, the actual number of votes cast was 4 per cent up.

It is quite interesting, I think, to look at one or two others as well. For the members elected in Douglas East, the collective votes polled by Mrs Cannell and Mr Braidwood were very much the same as in 1996. The same goes for the members in Douglas West, Mr Downie and Mr Shimmin. The same happened in Douglas South. In Peel, the member, Mrs Hannan, polled nearly 250 extra votes, although the overall vote was down by 9 per cent. My point is that there is not much to worry about – you can quote all sorts of statistics, as we all know – but I think that is coming through in the figures that I am giving you.

A Member: Rushen?

Mr Henderson: Incidental.

Mr Cretney: He did not know that one existed.

Mr Earnshaw: The recommendations of the report are wide-ranging. Although I am happy with the sum and will vote to receive the report, I do not feel comfortable in approving its recommendations because I feel it tends to wander off into what is, in some respects, a political minefield rather than directly addressing the perceived problem. I have circulated an amendment to that effect:

Delete all words after 'received'.

I know it is shared with others. I think that Mr Cannan, the hon. member for Michael, put his amendment on the table first, and, in the circumstances, if he intends to move his I shall withdraw mine.

The President: You have the floor, sir.

Mr Earnshaw: They are all the same. Turning to the recommendations, Mr President, under 7.2(a) of the report, which is on page 31, I certainly support a change in the date from November, because November is a bit of a strange date. I do not know why it was decided on; I am not convinced about the spring bank holiday either. To maximise things, I favour an election at the end of the summer or in the early part of the autumn, which I think the mover of the report –

Mr Cretney: Not yet.

Mr Earnshaw: – yes, not yet – indicated on Manx Radio yesterday. I was listening to him and feel that he is too uncomfortable with that. I think that would maximise the opportunities for canvassing. You could do a great deal of canvassing in daylight. I found older people especially, once the clocks go back and the nights draw in, very reluctant to open their doors in the dark. (**Mr Cretney:** Candidates.) Candidates too have to negotiate garden paths. I think the same problem would arise if we had a spring election; you would find yourself canvassing in the dark again in February or March. Most people like to give themselves about three months to canvass. You would find yourself perhaps on slippery paths for example, so I firmly favour an election at the end of the summer.

Mrs Cannell: A slippery path anyway.

Mr Cretney: Some of them do. (*Laughter*)

Mr Earnshaw: Turning to 7.2(b), Mr President, that polling stations should be open from 7 a.m. to 9 p.m. (**A Member:** Hear, hear.) I certainly support extending the opening times of polling stations, but this is a little excessive. I favour 8 a.m. until 8 p.m. I think that is enough, but other members may have a different view –

Mrs Cannell: Some people start work at 8 a.m.

Mr Earnshaw: – that is my view on that one.

Mrs Cannell: You have to think of the workers, to be fair.

Mr Earnshaw: Just on the point of polling stations' opening hours: I favour legislation, if this leads to new legislation. I favour voting outside the constituency. I think this is something, particularly in Douglas, that we should be able to do – a polling station devised to be located on election day in Douglas would suit many people. The idea that is driving all this is to get as many people involved as possible. A huge number of people work in Douglas and we should be able to find some sort of a mechanism where polling stations can perhaps be open at lunchtimes, later in the day or early in the morning. A system can be worked out where we can vote in Douglas. I think it would attract an awful lot of people to do their voting in Douglas, who might otherwise not bother.

Turning to (c), the report says, 'Wherever possible schools should be used as polling stations.' A better description here would be 'where appropriate.' One of the polling stations used in Onchan in 2001 was Ashley Hill School, which did not find favour with many voters – for jolly good reasons. Paragraph 4.6.3 on page 10 talks about, 'Evidence received by the committee does suggest the lack of parking facilities, the lack of disabled access, poor signposting et cetera.' Ashley Hill School, in my view, suffered from all three. Car parking was inconvenient, because it was a long way from the car park to the school; there was a

lack of disabled access; and it was poorly signposted. It was a very poor choice of site.

Mr Corkill: All the children were there.

Mrs Cannell: Blame the returning officer.

Mr Earnshaw: Paragraph 4.6.3 plainly states, 'If polling stations are not easily accessed voters will be deterred from voting' and that may well account for the 1 per cent fall in Onchan. So we could have had an increased poll rather than a reduced one, had we not used Ashley Hill School.

Turning to (d), 'There should be an opportunity used of postal vote on demand.' Fine with me. Enabling legislation is what is called for here. I am concerned about the security of a postal voting system at the moment, but once again, as I said about voting outside the constituency, I am sure that something could be worked out there. After all, it has been successfully trialled in various places in the UK. I have been following that in my own work in DoLGE in the past year, so I look forward to something coming from that in due course.

I got into a bit of a knot with paragraph (e); I am not quite sure how workable it would be. I certainly think there is room for improvement regarding absentee voting and the proxy voting system, but the recommendation here seems a little excessive to me. I thought we might run into problems with that, and I look forward to hearing Mr Cretney's comments when he summarises at the end of this debate.

Paragraph (f): once again I thought this one was a little bit excessive. Responsibility for the electoral register should be placed where it belongs. We already have a department responsible for the register's accuracy and it should be able to find a means of ensuring accuracy. The electoral register is, as far as I am aware, all paper-based at the moment; I am not sure that it is screen-based. There must be a better way of keeping this up to date and of producing accurate records when required. However, I am not sure that what is proposed in the report will help. I think we might get into a little bit of a muddle with that.

As far as (g) and (h) are concerned, I am fully supportive of those. I like the idea of encouraging the educational process, particularly for young voters. We have had trips into Tynwald and the House of Keys by school parties during my time in this hon. Court, and it is always nice to see that. I think we had some from Kirk Michael recently in the House of Keys, and that must help the process.

I have some other comments. My first concerns the words 'Do not rule out public houses,' – this is at 5.1.3 on page 15. 'Your committee' – third paragraph down – 'did consider the wisdom of siting polling stations in non-traditional locations such as supermarkets and public houses.' Well, I ask, 'Why not?' I go back to my own constituency, which is the one I know, of course. Molly's Kitchen would have been a first-class site: it has a big car park and disabled access; it is easy to signpost and it is easily accessed. (*Interjection*) Pardon?

Mr Cretney: Nice food and beer too.

Mr Earnshaw: Yes.

The President: Hon. member, there is no need to go through every item in the report.

Mr Delaney: Leave him alone; he is standing for election.

Mr Earnshaw: I think I have covered most things. I would just like to query something under paragraph 5.1.5, Mr President. The Attorney-General may be able to comment on this one. It is under 5.1.5(b) on page 17: 'provision for someone eligible to vote, but who is physically or mentally unable to visit a polling station.' I was not too clear about what was meant by the person with a mental disability here. Perhaps the Attorney-General would consider making a comment on that one.

Mr President, my summary is that, in order to improve, the present system needs adjusting rather than changing. There is a subtle difference between the two. It is part of an evolutionary process. There is not much wrong with what we have. We had a similar situation in another place last week when we discussed changes in the process of the Legislative Council elections. I voted against that as I do not think we have to tear up drains and overturn the apple-cart to achieve improvement. To my mind, this situation is the same, and I hope the mover and hon. members will consider supporting the amendment.

The President: Mr Speaker.

The Speaker: Thank you, Mr President. I rise to second the amendment in the name of the hon. member for Onchan, Mr Earnshaw. I do so because I think that my only alternative would be to vote against the report.

Although I was one of the candidates for the House of Keys at the last general election who was returned unopposed, like all candidates I canvassed and talked with the people from whom I was seeking a vote to try and find out their views – although I was likely to be returned unopposed, which, of course, actually happened. I make that point because I think it is important that, regardless of how I was returned to the House, I am still a politician and I still wish to reflect the views of the people of Castletown whom I represent. I made the point when this matter was being referred to a select committee and was put before Tynwald Court, when I said that, in my opinion, there was no complacency from the electorate, but there certainly was much contentment. That seemed to come across very strongly. People were content with their lot, but that did not mean they were complacent.

That said, I go on to the point about the report. I think it is also worth making the point that the figures show that four members of the House of Keys were returned unopposed. That in itself had an effect on the overall turnout figures for the House of Keys general election of 2001; but I note that that is not covered in the report.

My first comment is that I found it most unfortunate that the committee has not included *any* of the evidence it received during the inquiry in the report. There are a number of papers of evidence that could, without any difficulty, and in my opinion, should have been, included in the report, the blue document that is before us. That would not have stopped it referring to all the other documentation, which I have gone through and had a look at, which is quite bulky as the chairman has shown us, being available, but there are certain bits that I believe should have been included in this report.

We must remember that if somebody asks for a copy of this report, all they get is what is in it. They may not be so fortunate as to be able to get into the reference library to see every bit of information, or any of it for that matter. Therefore the vital matter is to ensure that they understand the basis of the report and where it is coming from. Those points are important, and I will come back to them. One example is the MORI poll. That is not a bulky document; it is quite a thin document, and it is not included. Professor Denver's report, which contains 19 pages, and the results of general elections for the Keys from 1986 to 2001, which is a single sheet of A4. These are, in my opinion, critical components of the report and should not have been left out of the printed document, which is available to hon. members and the public. They provide important information in relation to our consideration of the report; and I acknowledge that we, as members, and the public have access into the library at any time to view those documents. I have done so.

I have to say that whilst there are a few matters in the recommendations that I do not have any difficulty with, I have concerns about some aspects of the report, hence my seconding of the amendment. The areas that I have the greatest concern with are those relating to the media, the matter of procedures relating to the Island's Chief Minister, and the repetitive political proposals of the committee to try and drive the Island towards party politics. These were matters where minimal evidence was provided, and, if anything, the evidence was quite the reverse.

Turnout for House of Keys elections is shown in the evidence before the committee to reflect the British Isles trend. Professor Denver states, on page 2 of his report, that: 'On the figures there appears little cause for panic about the situation in the Isle of Man. In fact, with a 58.7 per cent turnout for the 2001 general election the Island fares very well in comparison to other areas, and if the other three constituencies had been contested, then that 58 per cent of course would have increased to in excess of 60 per cent.'

Professor Denver covers the matter of single transferable voting and even identifies that such a system tends to produce higher turnouts, and this is borne out in the committee's analysis of the Keys elections. The average turnout for the 1986 election, the first time STV was used, was 70.2 per cent. In the 1991 election the average turnout was 67.75 per cent – of course at that election three constituencies, I think it was, two anyway, were uncontested. By the 1996 election the STV system had been abandoned and the

average turnout declined at each election since, to 62.2 per cent and 58.69 per cent in the 1996 and 2001 elections respectively.

Yet when we look to see what the committee's views on those matters are, what do we see? Next to nothing. In fact, the committee basically ignores the comments made by Professor Denver and the only reference to this matter is covered in paragraph 5.4.1 on page 22. The committee says it feels that the evidence provided for this conclusion is tenuous. One can only surmise why the committee did not feel it appropriate, after seeing the evidence provided by Professor Denver and its own analysis of the Keys elections, to pursue this matter further. In fact, some of us know only too well why.

Yet in paragraphs 5.4.2 and 5.4.3 the committee goes to great lengths to promote the need for party politics and matters relating to the election of the Island's Chief Minister. Both matters were barely raised. That is despite the fact that the MORI poll that the committee commissioned identified that 66 per cent of those interviewed were fairly or very satisfied with the way politics works in the Isle of Man. I suggest that this is a very positive indication of the general view of the people of the Island.

In the MORI poll, people interviewed were not even asked about their views about the introduction of party politics or how the Chief Minister should be elected. I presume that the questions asked by MORI were approved by the committee. Therefore it seems to me obvious that certain members of the committee are flying their own flag on these matters, which are irrelevant to the brief that the committee was given by Tynwald. I for one do not support the introduction of party politics. If I did I would be in a party, and I believe that that view is held by the majority of people of the Island. If party politics are to come to the Isle of Man it will be because the people want them not because Tynwald wants them. At least that is how it should be.

Whilst I do not have a problem of moving the date of the House of Keys general election, I do not agree to it moving to the springtime. I hear what the chairman of the committee said, but this change has been made in recent years to local authorities and it has made absolutely no difference at all to the turnout. If a change is felt necessary, then I would be more than likely able to support a change to September, as I believe that is more practical for many, many reasons (**Members:** Hear, hear.) such as people being off the Island, people having other commitments and so on.

The matter of the opening of polling stations for a longer period is also covered and it is recommended that the hours be changed from the present times of 10 a.m. to 8 p.m. to new hours of 7 a.m. to 9 p.m. Mr President, I do not have any real problem with this. However, it is worth noting that in the MORI poll, of those who did not vote in the 2001 election, only 2 per cent stated that they would have been encouraged to vote if the polling stations were open later, and only 2 per cent stated that the times are inconvenient. I note what Professor Denver says about this issue in his report.

I now move to paragraph 5.3.3 headed 'Improving the Quality of the Candidates'. I found this interesting, although I am not sure it is directly a matter for Tynwald, but it is clearly a matter for the electorate. However, I was interested to note the points identified by the committee, which it feels might be relevant to improving the quality of those seeking to stand for election.

First, we again see the committee trying to drive the issue of party politics through subparagraph (a). Then there is the remuneration of members. I have sympathy with this and I have expressed it here in Tynwald Court, especially in relation to certain post holders. I come to the one that really made me smile when I read the report, and that is in relation to subparagraph (c), and I quote, 'The Facilities Available for Members.' The committee indicated that an improvement in facilities might improve the quality of candidates.

Mr Bell: Nonsense.

The Speaker: I agree, but is it not interesting that three of the five members of this select committee: the hon. member for Douglas South, Mr Cretney, the chairman of the committee, the hon. member for Ayre, Mr Quine, and the hon. member for Garff, Mr Rodan, opposed improving facilities for members only two months ago in Tynwald Court? (*Interjection by Mr Cretney*).

Mr Quine: £9 million.

Mr Cretney: Absolutely.

The Speaker: The point is that we will always twist it to make it count. The point is –

Mr Cretney: We are no good at that.

The Speaker: – knowing exactly what was put before the Court. I heard what members were saying, not just the bit I have said but why those members opposed it. I understand as well as anyone how the financial system works. Mr President, I do not agree that we need to introduce a system of election deposits. I do not accept that a person should be, in effect, debarred from standing for election to any public office because they cannot afford a financial deposit. We got rid of that recently. (**Several Members:** Yes.). Everyone must have the right to stand and that right should not have a false hurdle put in its way.

Ultimately, it will be for the people at the ballot box to decide who represents them. One of the most objectionable areas in the report related to the part covering the media. I hear what the chairman of the committee said in his introduction: something like 'We started from the premise that they should be free from political pressure'. However, that is not how it comes over in the report, chairman.

In my opinion, it can only be described as someone's agenda to try to force the media to respond to how they want elections to be covered

(**Mr Cannan:** Yes.) and if you read the report carefully and read between the lines you can see what is actually being said. The committee even wants candidates who have a business to be debarred from being able to advertise their business on Manx Radio (**Mr Cretney:** Hear, hear.) during the immediate run-up to polling day. (**Mr Cretney:** Yes, absolutely.) What do they class as ‘immediate’? I certainly do not see the problem when somebody is elected unopposed. It is interesting to note that the committee does not feel that such a bar should be put on the printed media. So you will not be able to advertise on Manx Radio, but you would be able to advertise in the press. A lot of thought has gone into that.

Let me give a good example of what would happen if we followed through this recommendation. The hon. member for Garff, Mr Rodan, has a chemist business. If this proposal was taken to its conclusion it would mean that the hon. member would not be able to be mentioned in the adverts for the duty chemist rota.

Mr Downie: That is right.

The Speaker: That is clearly nonsense; absolute nonsense. I suppose he could change the name of the business.

Mr Cretney: He does not have a sale on at that time, does he?

The Speaker: Hon. members sometimes get too personal. Perhaps if they had examined the basis – and I may as well be straight – the hon. member, the chairman, and his committee are referring to my business. If the member knew his history he would know that my business advertised at that time because it had been in business for 20 years. Most businesses in the commercial world do their job, and, to be honest, politics should not interfere in private individuals’ businesses. There are plenty of controls to stop us doing business with the departments, and I for one go along with that. However, some members get a little tied up in focusing on individuals instead of looking at the overall job that they have been asked to do. It is quite easy to say, ‘Let us put a bar on this, or a bar on that’, but you have got to think through the implications, and I have given a good example in relation to the hon. member for Garff.

The report goes on to cover a number of matters relating to the media and what, in my opinion, is a direct challenge to the freedom of our media in a democratic society. Manx Radio already has onerous conditions put on it in relation to the elections as a result of its licence. After the election, the director of the Communications Commission wrote to Manx Radio expressing his satisfaction on how the station had carried out its job professionally and impartially. The media have an important rôle to play for the public, and it is not for politicians to directly interfere in how they undertake their rôle. We might get frustrated with them at times; we might get annoyed with them, but that is different from actually interfering. We should not interfere unless they are

blatantly abusing their privileged positions, and if it is felt that they are, an investigation should be carried out. Such an investigation should not be carried out by a committee of politicians, but by somebody totally independent of politics who would report on the investigation. To do otherwise would be an infringement on our freedoms and the freedom of the media.

We live in a democracy. However, I find it most interesting what the committee left out of its report on the media, and especially on Professor Denver’s comments in part 3 of his report under the heading ‘The Media and Election Coverage.’ I need to make it clear what I mean by ‘left out,’ Mr President. I know that it is part of the report because it forms part of the appendices that sit upstairs. At the moment they are here, but they not in the report. The committee makes no reference to it in the blue report before us. Professor Denver states quite clearly in his report that, in relation to Manx Radio, there are no grounds for complaint or even concern about the extent to which the election was covered on the radio. He goes on to state, ‘I could detect no serious grounds for any allegations of partiality in radio coverage.’ He further states in relation to newspapers that, ‘As with radio it is difficult to see what more could be expected in respect of the extent of election coverage in the newspapers’. He says, ‘Having carefully perused the relevant cuttings provided, I did not detect any bias towards or against any candidate’ and, ‘Most reporting was strictly factual.’ These comments are from Professor Denver of the Department of Politics and International Relations at Lancaster University, an independent person appointed by the select committee to carry out this exercise for it.

Finally, in paragraph 2, page 8 of his report Professor Denver makes a wonderful observation about the media: ‘My initial reaction to this aspect of the committee’s brief was that it must be a product of some bees buzzing in some bonnets. My investigation of the media election coverage has not changed my mind.’ That says it all. Mr President, I have to say that I cannot support this report. I am concerned at its contents. I believe that it steps over the line of what we were looking for and I urge hon. members only to receive the report. Failing that, I shall certainly vote against the motion on the order paper.

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

Mr Lowey: Thank you, Mr President. First, I congratulate the chairman and the committee on their endeavours in compiling this report. Fifteen meetings, volumes which, I may say, I did peruse lightly in the library, because they were like the Encyclopaedia Britannica. They have certainly done a thorough job. They said they wanted to do so in the initial resolution that was before the Court and I commend them for that. However, it is a little bit like the curate’s egg: it is good in parts.

Reading the report, I can see where the recommendations come from, yet I cannot accept all of

them. That is one of the reasons that I would have moved an amendment – just to receive the report. However, I recognise the workload of the members and the way the report has been presented and I thank the chairman and the committee for their work. I know that we are sometimes criticised for having only a thin report, and I note what Mr Speaker said about getting the report and not the evidence that went into compiling it. However, once you have seen the wodge of support, you realise that including it all would be over-egging the pudding. It is in the library and that is adequate.

May I come strictly to the report? Elections are about choice, and that is for the electorate; we do not need to worry too much about the choices. I will tell you why. I have a simple political philosophy and, obviously, I disagree with Mr Speaker when he says that he is not in favour of party politics. I am in favour of party politics, but I would say that, wouldn't I? Having said that, it is a choice for the electorate to decide (**Mr Cretney:** Hear, hear.) and that is what I think the word election means. I believe, from my limited education, that the word 'election' comes from a Latin word meaning 'choice'.

I use the words of the chairman of the committee when he says 'The key issues'. The first is, 'The committee's recommendations are designed to encourage greater voter participation.' I am sure they are; I am sure that is their aim. However, I do not think many of the recommendations will do that.

Take the first point in 7.2(a), 'General elections in the future should be held in the spring, a suitable date being spring bank holiday.' I have tried very hard to find out where the evidence for that comes from, because we already have local elections in the spring on the Isle of Man. Have we seen a marked improvement? (**The Speaker:** No.) I regret to say that we have not. In fact, with rare exceptions, the trend is down. The UK general election was held in spring two years ago. In the spring, May, later and later. Did it improve the turnout? It was the lowest turnout for a century. There is no evidence to suggest that the spring will achieve the desired effect of the committee, but it would be worth trying if it did. Like other hon. members, I think for many reasons that the spring is not the best time. Like Mr Earnshaw, I suggest that late summer or early autumn would be better. Perhaps a little bit earlier than we hold it at the moment in November. That is one of the recommendations that I could not go along with.

I have no objection to (b), (c), (d), (e) and (f) – whether polling stations should be open a little bit longer and the possible use of schools. I have no difficulty with that. Provision should be made for absentee voters to make it easier for them to vote. I have no difficulty with that. The electoral register should be compiled in election year by house-to-house visits. I have no objection to that. However, I do have difficulty with (g) where 'More emphasis needs to be placed on the political education, particularly of the young, which can partially be achieved through the creation of a Tynwald education officer.' That is a recommendation to employ somebody. The

recommendation says that it could be helped by that and perhaps an existing officer could do more of it.

However, the report also recommends that we have a political officer. I do not like the idea of a political officer. I am all for promoting Tynwald; I am all for promoting civic duties and responsibilities in education, and we are moving along those lines by having junior Tynwalds. I have my doubts about that recommendation. I did think that the recommendation to have political education for voters who appear on the electoral roll for the first time was a little bit off. Anybody coming from away would swear they were coming to darkest Africa where they had never had an election. Most of the people who come here are more politically astute than we locals, so I do not think that they need political education. They may not know the candidates, but that is not one of the reasons for our lower turnout.

The report does not mirror the motion. The report seems to suggest that we need to indoctrinate people – we do not. Politics should be relevant to our life and to our community. People should want to vote. I noted that the chairman of the committee, when he moved the motion, said that the committee was not in favour of compulsory voting. That would improve the situation dramatically, guaranteed, but there was no evidence. The chairman merely said that the committee did not agree with compulsory voting, but gave no reasons for that decision.

My view is – and I will be quite brutal about it – the older I get, the more I think that compulsion may be the key. We should say that people should vote. We should not tell them how to vote, but we should at least oblige them to exercise their civic duty. Before you say that I want a totalitarian state, as far as I am aware, Australia is a classic example of a country where voting is compulsory. Can anyone tell me that compulsory voting in Australia turns the electorate off? I do not think that it does; it ensures that they have a duty to turn up at the polls. That is one of the things that I would like to see tried in the Isle of Man.

I return to the point that 'Serious consideration should be given to asking candidates for the post of Chief Minister to declare their candidacy during the election period.' I guarantee that, 'Vote for me because I want to be the Chief Minister.' would be an almost unbearable yoke for a candidate to carry at a Manx election. The Manx cussedness would kick in and we would say, 'You are not in the Keys yet, mate.'

Several Members: Yes, that is right.

Mr Lowey: It would be the biggest turn-off that I can think of.

Mrs Hannan: Nobody would get elected.

Mr Lowey: Once elected, everybody should be eligible. That is the Manx trait and you know it. (**A Member:** Yes.) Hon. members, you know it. We have a wonderful way in the Isle of Man of debunking those who think they are getting a bit above their station. We

have that trait; make no mistake about it. We have it and we exercise it. I have exercised it in the past.

I understand the reasoning behind the recommendation – we do not have party politics and members do not know until afterwards which side they will be supporting. Never underestimate the common sense of the Manx electorate, because they are more astute than we give them credit for. I do not think that that is necessary.

Paragraph 5.3 of the report, which is not referred to in the recommendations, gave me a great deal of heartache when I read in it that we should try to improve the quality of candidates. You will forgive me if I dwell on this, because parliament should reflect as much of society as it can. The idea that we want to improve the quality of candidates is élitism – and dangerous élitism at that. Some of the best parliamentarians in my time in this Court have been people who could not have been called élite. I am going to name names. Forgive me if I name only a few; I could double it quite easily. People such as Matty Ward could not be called élite, but, by gum, he was a good member of this Court.

Mr Cannan: He was in the Labour Party.

Mr Lowey: R E S Kerruish, who sat on this bench and represented Ayre for years, was first class. He was a salesman. You could not call him élite, but, my word, he did more for this Island than two Eddie Loweyes, I tell you. Norman Crowe from Michael, a farmer.

Mr Cannan: Norman, actually.

Mr Lowey: Norman, yes. He was a farmer, but, my word, he was at the forefront of the abolition of surtax. He laid the foundations –

Mr Cannan: He was from Michael; he was a good man.

Mr Lowey: – for what we are reporting now. He was first class. You could not call him élite. (*Interjection by Mr Karran*) (**Mr Cannan:** No.) Arthur Quinney from North Douglas was another man who put in a great deal of work. There was Alex Moore –

Mr Cannan: He was Labour.

Mr Lowey: – I could go on. Let me put the opposite view: we have also had accountants and lawyers in this Court, and they all made a contribution. However, do not say ‘By the way, do not let the people decide. Let us decide how we can vet and improve the candidates on offer.’

I think it was Mr Speaker who said that we should not put obstacles in the way of anybody’s standing for this Court. It is a dangerous precedent even to suggest that you can somehow improve the system. Elections are about choice, and that is for the people.

Mr President, as I said, I do not doubt the sincerity of the author of the report or his hard work in compiling it. I cannot agree with all the

recommendations, but if we receive it we can cherry-pick those bits that will achieve the aims and objectives which we all share: to get more people involved in public life and in voting. Therefore I will support the amendment, but that is not a reflection on the committee and its work.

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

Mr Cannan: Mr President, I am absolutely amazed at the last member to speak. The last time he stood for election was in 1981, yet he gives us a discourse on how we should all fight our elections for the House of Keys in future. What bunkum and humbug, hon. members! (*Laughter*)

Mr Lowey: Not at all.

Mr Cannan: You are telling those of us who have fought five elections not to be afraid to face the people, yet you have run away since 1981 –

Mr Lowey: I have not run away.

Mr Cannan: – you gave us a 20-minute discourse on what sort of candidates we have, what sort of election times we have, whom we should address and whom we should hear. The hon. member then spoke of those fine parliamentarians, eight out of 10 – 80 per cent – of whom were from the Labour Party. They were good chaps, but it shows your prejudice, hon. member. I thought it was stirring stuff from a member of the Legislative Council who has not contested an election for, as I say, 22 years.

Mr Cretney: He has just had one.

Mr Lowey: I had one last month.

Mr Cannan: Twenty-two years.

Mr Lowey: I had one last month.

Mrs Crowe: Yes.

Mr Cannan: Anyway, let us look at this wonderful report, Mr President. (*Interjection by Mr Lowey*) It is a wonderful report. Paragraph 7.3 covers the ‘Summary of Recommendations to Improve Media Coverage at General Elections.’ Personally, I think Manx Radio did a splendid job. (**Members:** Hear, hear.) It did an absolutely splendid job. My only complaint was that it was biased in favour of my opponent over me. It asked him easy questions. Not to worry; I am an easy-going sort of chap, kindly and one thing and another. I give Manx Radio credit – (*Laughter and interjections*)

Mrs Cannell: Never, never, never.

Mr Cannan: – (*Laughter*) I am not going to interfere with Manx Radio. That is an outrageous

suggestion. Neither will I interfere with Isle of Man Newspapers; I will not suggest what they should or should not do or what questions they should or should not ask. (**Mrs Hannan:** No.) Let them get on with it. They are the media. I want independence; I do not want them to have a list of special questions for special people. As the Speaker said, Manx Radio has been congratulated by the Communications Commission. It said, 'May I congratulate you, your presenters and all the production team on Manx Radio's exemplary coverage of the general election.' I agree with that. I do not always agree with the Communications Commission; I do not always agree with anybody, anywhere or any time, (**A Member:** Hear, hear.)

However, having said that, this is stout stuff. We are having an election, so let the people decide. What do we want? Controlled elections, African style? (*Laughter*) Is that what you want? We have a free election at the moment, hon. members. If people do not want to stand, they do not stand. The people will vote for whom they want. Whether they are highly educated or lowly educated, it will be the people's choice who is returned, and nobody else's. (**A Member:** Hear, hear.) We do not want guidance from other people on who should or should not be elected. The only guidance that is needed is that the members of the top bench should have a public mandate, but that is an issue for another day. (**Several Members:** Hear, hear.)

This quotation from the report does not even make common sense: 'Consideration should be given to the issue of allowing candidates to advertise on Manx Radio'. It continues, 'Manx Radio should ensure none of its commercial advertising favours one candidate over another during the period running up to the polling day.' Therefore the candidate, if he has money, can advertise on Manx Radio; those who do not have money will be at a disadvantage.

Mr Cretney: They can have 20 or 30 adverts.

A Member: Why not?

Mr Cretney: That is the thing.

A Member: That is what happens.

Mr Cannan: Let them vote. Let them put their adverts there, but take the restrictions off. It will not make a great deal of difference. People are not going to vote for somebody who has notices plastered all over the constituency and notices in the newspapers. They do not win the elections, I assure you. I do a minimum of advertising; I do not even advertise. I am too mean.

Mrs Crowe: That is true. (*Laughter*)

Mr Delaney: Thank you, Meldrew, for that. (*Laughter*)

Mr Cannan: That is all right, but I go back to a bit more seriousness. Let the people choose. If candidates stand for issues on which the public feel strongly, the

public will turn out to vote. If they want their candidate to win or their representative to be changed, they will vote accordingly. Seventy-one per cent turned out in Glenfaba, as there were issues in that constituency; 69 per cent turned out in Michael, where a contentious candidate stood. What is wrong? In East Douglas 44 per cent turned out. There was complacency; let us shrug our shoulders and let it go. People will decide whether they are motivated to vote. They will not take direction. We were told about compulsory voting in Australia. The golden rule down there is that you are fined 10 dollars if you do not vote. Vast numbers who do not want to vote pay 10 dollars and go to the pub in the finest traditions of Australia.

All these recommendations are not going to make a lot of difference, but one of the alarming recommendations is for a Tynwald education officer to tell the people what Tynwald has done. Well, are you going to tell them what Tynwald has done according to the gospel of Peter Karran, according to the gospel of the Chief Minister or according to the gospel of Mr Quine?

Mr Quine: Well, that is right.

Mr Cannan: There would be a permanent argument. You have *Hansard*, you have Manx Radio and David Callister, and you have the Isle of Man Newspapers; they all have different versions. Look at *Hansard*, look at what the newspapers report, and then you can speak your mind on Manx Radio. A Tynwald education officer to tell the people? There would be endless disputes and questions asked. Why did he not put in his report what I said, what you said or what the other chap said? Why can we not leave the elections alone? Only the day needs to be changed. To put it in the third week in November in the middle of late autumn is unacceptable. I believe that it should not be the third Thursday in November, but the third Thursday in September, when at least you can see the houses, you can see the gate and you do not trip going down the garden path.

Mr Cretney: They can see you too.

Mr Cannan: They know me, my friend; I tell you, they know me. (*Laughter and interjections*) Hon. members, I have put an amendment down that this report be received. I am not moving it because Mr Earnshaw has moved it. It has been seconded. Support the amendment.

You cannot seriously impose all these recommendations on the people of the Isle of Man. They are not going to accept them. Get real! They may accept some of them. Change the date to late summer or early autumn, but do not start directing what Manx Radio or the newspapers should do or that Tynwald should publish its own annual information sheet to explain its work to the voters. To explain its work to the voters –

A Member: That will put them off.

Mr Cannan: – will certainly put them off, (*Laughter*) because whose work is it? Is it the work, as I have just said, of the hon. member for Onchan, Mr Karran, or of the hon. Chief Minister, the member for Onchan?

A Member: I thought you said work. (*Laughter*)

Mr Cannan: The electorate of Onchan will be totally confused. (*Laughter*)

Mr Delaney: Only at election time.

Mr Cannan: ‘There should be an opportunity to use a postal vote on demand.’ I am not quite sure that that should be on demand. I think that there should be some control over it.

‘Where possible schools should be used as polling stations.’ I cannot see the difference between using the school in one village and the village hall in another village. If it is convenient and central that the village hall is used, well, use the village hall.

Mr Earnshaw: Exactly.

A Member: Wherever, yes.

Mr Downie: We do not have one.

Mr Cannan: Well, we are doing that now, so why do we have to have it in the recommendations? No, the returning officers are quite intelligent; they do not need all this.

Another criticism is the electoral register. The electoral register should be compiled in election years by house-to-house visits by officials. It should be properly compiled every year, because there are two by-elections in this electoral year. Registers should be as accurate for a by-election as for the general election. Unfortunately they are not. People are on them who have been long dead – although I cannot get them to vote for me, try as I may! There are other instances; you find Mr X at Sunnyside Cottage, and then further on you find Mr Y at Sunnyside Cottage. Mr X moved out of the district three or four years ago, but he is still on the register, and these are not isolated cases. There are many on every electoral roll. So, yes, there must be more care taken over the electoral roll, and I hope that the message will get to the Treasury.

‘More emphasis needs to be played on the political education, particularly of the young, which can partially be achieved through the creation of a Tynwald education officer.’ I thought that we had a Department of Education that encourages its teachers to teach civics in the schools. We have a Junior Tynwald that brings children to Tynwald each year. In this case I will speak personally. For the last 20 years, year 6 children from my constituency have attended Tynwald every year. It is not difficult. You do not need a Tynwald education officer. It is far more important to have a medical officer in Kirk Michael than a Tynwald education officer.

Mr President, I ask people to look at the report and take out what is serious. Let us just receive it and make the amendments necessary at the appropriate time. Thank you.

The President: Hon. members, we have had good knockabout stuff; perhaps we could get serious and return to the report (**Members:** Hear, hear.). The motion is ‘That the Report of the Select Committee of Tynwald on Elections be received and its recommendations approved.’

Hon. member for Douglas West, Mr Downie.

Mr Downie: Thank you, Mr President. I think that this has been a good opportunity to give this issue a good airing. There is no doubt about it. Some members have perhaps over-reacted in some areas, but I just want to make a few comments. I am not going to go over old ground.

The main issue is the date of the election, and I cannot concur with the recommendation of the committee that we should be looking at spring bank holiday Monday. The logistics involved in choosing that day would mean winding up the proceedings of this Court in March. That is right in the middle of the budget process, the business plan – some major, major issues take place at that time of the year. Hon. members, to be honest with you, I think it is asking a lot to have to start, then to dissolve the Court to get involved in an election campaign and at the same time for government to continue in the middle of all that.

Some members may not be aware of this, but the cost of the election last time round – the money that was paid to the various lawyers and other persons involved in it – was £114,000. An election at spring bank holiday could probably double or treble that figure. (**A Member:** Absolutely.) Particularly if you are going to include the schools and bring caretakers in. I have not even taken into account the police’s time, and you know how expensive it is to tie policemen up on a bank holiday.

Mr Cannan: That is a question for Mr Houghton. (*Laughter*)

Mr Downie: It is very, very expensive. You have to bear in mind other implications as well. I honestly think that what we should try to do if we are going to bring about change is to have the last meeting of Tynwald Court in the first week in July of the election year. Then, the Court could be dissolved following the open-air sitting of Tynwald. We could then all go out for election. The elections could be held in either the first or second week of September or, if you wanted to leave it a little bit longer, I am told that half-term can sometimes be around 13th October. That is before the clocks go back, so it gives people –

Mr Cannan: All the parents have gone on holiday.

Mr Downie: – plenty of time. That would be a sensible proposition and one that could be supported

and worked into the present business planning and the present Tynwald plan. I know that the hon. member for Peel does not support the view of business planning, but at the end of the day (*Interjection by Mrs Hannan*) you have to look at government as a continual process whether we are out for election or not. (*Interjection by Mrs Hannan*)

The President: Hon. members, we would be quicker if we let members have –

Mr Downie: Some members have to stay here and do the work whether we are out for election or not. So you have to bear that in mind.

There are other issues in the report. I support the utilisation of schools and other public buildings, and this is why I think it is important. In my own constituency there are five polling stations; two are not even in the constituency and the rest of them are difficult to access. There is virtually no parking; there are all sorts of restrictions and they are very, very difficult for the members of the public to use.

The other issue that I wrote to the committee about was the lateness of printed voting papers. For some reason at the last election a lot of people were deprived of their absent vote. People who went off the Island gave plenty of notice, but for some reason a very late date was given for the printing of ballot papers, and I think that needs to be addressed. I do not agree with the view that the Chief Minister or the Chief Minister in-waiting should indicate during the hustings that he or she is a candidate for the post. That is totally wrong. I think that people should be elected first, and then they should decide whom they are going to appoint as their Chief Minister.

The report also suggests that people should go round to various addresses to make sure that the electoral roll is up to date. Sadly, this has not been done since rates valuations officers went round on a fairly annual basis looking at property, doing revaluations and also making sure that the people resident in the property were on the electoral roll, and they gave advice about that.

The situation at the moment is that the form about jury service and the electoral roll comes through the door, and, to be honest, most people just put it on the mantelpiece and forget about it. Only a very few of the more conscientious ones actually return the form. That is obvious when you go round canvassing and see how many people are not on the list. The reason that they are not on the list is that they have not returned their forms at the appropriate time. I think that perhaps a way round this is to have this measure included on the income tax form so that everybody submitting an income tax form can make sure that they are on the voting list. It is a problem.

Finally, I just want to make reference to the recommendations about the improving media coverage of the general elections. I concur with Professor Denver's view that there were no grounds for complaints. I think that some of the comments in the report regarding the media are unnecessary and that there are more than enough safeguards in place to deal

with issues like this. I think that the press do treat us fairly and honestly.

I will be voting only for receiving the report. To support it fully along with all its recommendations is too much.

Mr Cannan: Quite right, Alec.

The President: Hon. members, I still have four items on the list. Let us try to avoid repetition if we can. (**Several Members:** Hear, hear.)

Hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Eaghtyrane. I just want to tell members about the MORI poll. I do not know whether other members have had the same difficulties as my constituents. They were contacted by the MORI people who were saying to them, 'We are phoning from London, and we want to ask you about voting in the Isle of Man'. I know that my constituents got quite confused. Why was somebody phoning from London to ask about how our polling went in the Isle of Man? I think that if we are going to have polls in the future we should make the information freely available that people are going to be ringing up from London to enquire.

People were saying, 'I was not going to tell them anything', and they rang me up to tell me that they had been contacted by these people but that they were not going to tell them anything. They thought that it was very confusing and were not having anything to do with it; about four people phoned me with that response. They tended to be older people; they tended to be the people that had voted. They were asked questions such as 'Do you know who your representative is?' That is the experience of the MORI poll, so I am not sure how up to date it was.

Some of the comments have been quite aggressive. I know that we feel it quite close to our hearts, but when a report is published we should accept, reject or receive it. Some of the comments that have been made by members on this issue have not been very helpful. I aim that particularly at the member for Michael, because I do not think there is any need to be so aggressive when all members of Tynwald can discuss a report such as this. All members have something to offer because we have all been elected at some time or another.

There are several issues that I would be quite happy to accept in this report, but several concern me greatly. I see absolutely no problem whatsoever with having a November election. You have the summer if you want to start canvassing at that particular time. There is then a sitting of Tynwald, which gets all that out of the way, and then the election in November. I can see absolutely no problem with November. I have stood for election in November; except for one spring local authority election, all my elections have been in November. There were a few days when it has rained and maybe one election day when it has been quite cold, but we do not have to stand outside. There is no necessity for members to be there. Nobody, as far as I can recollect, has ever complained about the weather

and coming out to vote, so I cannot agree that there is a problem with November. I believe, however, that the opening hours should be extended, and I welcome the comments in the report on extended polling time.

The electoral register, I know, requires further consideration because of the issues that have been pointed out, such as when the register shows four or five different people living in one property, and everybody round about knows that half of them have moved. I actually had one case this time when I went to a person who said, 'We are not on the polling electoral roll', and I said, 'Oh, yes you are', and they assured me that they were not. I said, 'Yes, you are on for Christian Street, not Church Street.' They had left the first property 11 years earlier.

Those are some of the anomalies. We need a regular update, and we need somebody to go round and do that. That is not going to solve all the problems, because people are going to move house between the actual poll and the date of the register being confirmed.

Proxy and postal votes should be made available, but the rules as to who gets them and who presents for voting at a poll should be tightened up.

There are issues of education and educating younger voters and other such issues in this report. In many ways I do not think it is necessarily the young that we have to get through to; we have to try to make what we do relevant to them. I think that if we continue to object to young people – and a lot of older people in the community do – and if we continue to home in on this and be very negative about young people, then they are not going to vote. We must try to be positive about young people. They are our future. In that way, I think that education is not necessarily the answer. In some areas we have too much education and that makes the subject uninteresting. So I think that some issues will not be advanced by having an education officer or even by trying to educate the media.

However, the member of Council covered the issue of the Chief Minister's being declared quite adequately. If somebody thinks they are going to be Chief Minister, that is when the Manx electorate will bring them down. There is no place –

Mr Cannan: We have never brought you down, Edgar.

Mrs Hannan: I can honestly say that apart from the very rarest of exceptions there is no place for party politics in the Isle of Man. I can say that truly and honestly because I have polled both as a party member and as an independent, and people do not want party politics.

They do not want to see someone who is to be their representative representing himself or herself. They want to know that they can come and talk to their electorate at any time and that a little clique is not looking after and pushing for the interests of the member. I can quite honestly say that that is the position on party politics.

Our media reflect the public's interest in politics. The letters pages of the newspapers reflect the interest

in politics that there is from time to time. You have only to listen to the radio and to the comments that are made by a very small number of people. If the MORI poll had carried out a poll on who listens to the news, 'Mannin Line', 'Mandate' and such programmes – it would have found that the majority of the population listens to them from time to time to find out what is going on. That should tell us a lot about the media.

Sometimes I think that Tynwald does not get the right sort of coverage to make what is going on here appear interesting and balanced, because we tend to get the negative side of what happens in Tynwald and in the House of Keys. All the coverage is of the questions and who poses them, as opposed to the answers, the general debates that go on in Tynwald, and, more importantly, the legislation that is passed.

There is not proper media coverage. I feel that that is not covered properly and I think that the coverage should extend beyond what may happen in Question Time. I would like to hear more instances of Manx Radio advertising the fact that it covers every sitting of Tynwald and the House of Keys. I would prefer them to say 'We bring you information of every sitting and coverage of the House of Keys of the legislation that is passed'. What is more important to people than the legislation that will change and shape their lives? That is what should happen.

We talk about Tynwald all the way through this, but really it is the House of Keys that is having the election; and it is the work of the House of Keys that is the most important work before us.

Before I end, Eaghtyrane, if I could mention that just the other day somebody brought to my attention that they did not think that members of the Legislative Council should be ministers. I explained to them what was most important about the House of Keys, the Legislative Council and Tynwald.

These, I would say, are quite educated people, and they did not know the difference between the House of Keys, the Legislative Council, and they did not know what Tynwald did. I am sorry, but these are educated people and they did not know how –

Mr Houghton: They are not educated people.

Mr Delaney: They cannot be educated if they did not know how their government runs them.

Mr Houghton: They act educated –

The President: Hon. members.

Mr Houghton: I saw loads of them in the post office.

Mrs Hannan: You can only take horses to water; you cannot make them drink. You can provide all the education that you like. You can have people on the radio every day talking about it, but there are certain people that will switch off.

However, these people were interested, because it was raised on the radio about members being ministers and Legislative Council members. I explained to them

that Tynwald is where the ministers matter and where we all come together to look at policy, finance and secondary legislation. That is the important part of it. What we are considering today does not necessarily relate to elections to the House of Keys.

I shall be supporting the receiving of this report, Eaghtyrane. I think that some of the issues are important to the future operation of Tynwald and also to the House of Keys and to the Legislative Council. There is a difference between each of those. Thank you, Eaghtyrane.

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

Mr Gill: Thank you, Eaghtyrane. I will be brief. (A Member: Hear, hear.) Not that brief. I will begin with page 21 of this report, which we heard the hon. member, Mr Speaker, talking about earlier when he suggested that there is an agenda that permeates this report. I have to say that I agree with that. That is a shame, and if I could perhaps refer to page 21 as an example of that.

The final paragraph of 5.3.2 talks about 'Your committee would like to recommend that all newly registered voters have to undertake some form of voter education course but it recognises that this is impractical and might even discourage people from being willing to put their names into the register.' Why would you want to do that if it is impractical and discouraging unless there is another agenda? I will look for some advice about that when the hon. mover responds.

What is the basic problem? Is it voter numbers?

Yes, we should look at those. We should review those all the time, but the answers that we seem to be jumping to are those of compulsion. I for one am very much against anybody who says to me 'You must do this or you must not do that.' We need to give voters on this occasion the informed opportunity to decide whether they wish to vote for us or not, and we have to respect the fact that they might not. There seems to be a problem with that; we feel that we must oblige people to engage. We have heard the member of Council, Mr Lowey say that we should follow the Australian rôle. Well, we have heard from Mr Cannan, who I believe has got some direct experience of that country, that compulsory voting is widely ignored and abused in Australia and does nothing but bring the system into disrepute. It is hardly a working system.

Likewise, we have a bit of a prissy bossiness about it. We are saying that we should have a Tynwald education officer. With respect, sir, we should have a Court full of education officers. That is our job. If we are not informing and advising our constituents and their families of our work, successes and failures, we are failing, and we can expect the consequences. However, it really is unnecessary, cumbersome and bureaucratic to say that we need an extra government post when we have shortages elsewhere. It could be a part-time job or an existing member of staff could extend their job. It is more work; it still does not prove

the point that it is necessary. That is my opinion; others will disagree with it.

Mr Cannan: I support it.

Mr Gill: My final point is that the idea of a house-to-house method of ensuring that we have an up-to-date electoral register, frankly sounds so outdated, bureaucratic and costly that it beggars belief that it would even be considered. At a time when we have clear administrative capability to undertake an upgrading of an existing roll, we really should be looking at that, and the people who are responsible for that should be held to more account if they are failing.

The other point I would strongly concur with, sir, is the change of the election date to late summer or early autumn. That is a preference. I am not fussed about it, but I have a strong view that the better weather would encourage people, both candidates and voters, to engage more readily in the system.

We will move on to the potentially more sinister part of this report, which relates to interference with the media. From my own experience, I announced my candidacy late because I had to resign from the civil service. The bottom two lines of page 26 tell us that Manx Radio must seek to be as flexible as possible in the future to ensure that all candidates can be accommodated. Now, the method of that accommodation is a separate matter. I am sure that the lateness of my announcement caused Manx Radio some inconvenience, but they were extremely forthcoming in working round their schedule to allow me the same opportunity as other candidates. There is not much ground for that.

I refer to a letter dated 23rd November, which was mentioned earlier, from Mr Hewitt, the director of the Communications Commission, in which he congratulates Manx Radio on their coverage. If I am correct in my understanding, that letter was endorsed by the full Communications Commission, which was chaired by Mr Braidwood, who is a member of this select committee and who prepared this report. So there is certainly some inconsistency there, and I look for some advice on that.

The report is, as we heard the member of Council, Mr Lowey, describe it, good in parts, and that is a very good summary. I do not mean to be negative in my comments, and I fully recognise that and will endorse it. However, it leaves me in the vaguely uncomfortable and certainly unusual position of finding myself in agreement with the substance if not the style of the wise man of the West, the hon. member for Michael.

Mr Cannan: (*Laughter*) I have a friend at last!

Mr Gill: I endorse many of his comments as they are based on more experience than I can bring to this hon. Court. So I am minded to support Mr Earnshaw's amendment despite the fact that to do so will lose some recommendations that I would be happy to have had approved. However, they are more than outweighed, Eaghtyrane, by the recommendations that I certainly would not be comfortable to support, and which I

doubt that the Court would have supported had it come to a vote.

To conclude, it is a pity that it had not been decided to put the report to this Court in such a way. Standing order 3.12 allows the facility to vote on each of the recommendations separately. That is a cumbersome way of doing business, but perhaps, ultimately, it would have been a more satisfactory and balanced way to proceed than this good and bad report being considered in one part.

With that reservation, I will support Mr Earnshaw's amendment. I welcome the report in parts, but in other parts I do not welcome it. Thank you, Eaghtyrane.

The President: I point out to the hon. member that what can be put in parts is the motion on the order paper, not the recommendations of the report.

Now, hon. members, perhaps we can speed up. We have taken an hour and a half already, and I think I can already foresee what the ballot is going to be. (*Laughter*) However, I call the hon. member for Middle, Mr Quayle.

Mr Cannan: Vote, vote, vote.

Mr Quayle: Thank you, Mr President. Like a few members here today I congratulate the committee for all its hard work in bringing this report before us. (**Several Members:** Hear, hear.) However – (*Laughter*)

The President: Hon. members, I will pull you all up very quickly soon. Come on.

Mr Quayle: As much as I would like to support all the recommendations in the report – and I can go along with the majority – there are certain ones that I cannot support.

It was suggested that the election should be moved to the spring bank holiday at the beginning of May. However, it would be better to have the election in September or October, perhaps working in with the summer recess of Tynwald. That would allow members to canvass in the summer months to make the best use of the weather.

The altering of the hours is very acceptable, and should encourage voting; the provision of postal voting is also to be welcomed, as it will enhance polling numbers. It is acceptable to me, if at all possible, to use schools for polling stations as an improvement on their location, but I suggest that the use of existing polling stations should be considered if they are more conveniently situated.

While I welcome the enhanced provisions for the absent and proxy voting forms to be obtained 72 hours beforehand, I wish to ensure that there will be no possible abuse of any system of voting, and certainly not in the proxy vote. That provision needs to be tightened up as it seems rather lax at present; for example, allowing people to appoint proxies only if they are likely to be absent from the Island. The emphasis there is on 'likely to be absent'.

Improving the accuracy of the electoral register is to be welcomed and is most important in order not to deprive people of their right to vote.

I note that electronic voting has been considered and rejected, and probably it is best to leave it until any problems have been ironed out, and I support that. I am pleased to see that although compulsory voting was considered it is not a recommendation. It is far better to seek to educate, encourage and cajole people into voting. I accept that I should not have said cajole, because it is probably against the electoral rolls; however, people should be educated and encouraged so that they are minded to vote, rather than to deprive people of their right not to vote.

I share the concerns already expressed by other people about improving the quality of candidates. Without repeating what has been said, I feel that that was dangerous ground to venture into and too much of a focus was given to the encouragement of the introduction of a parliamentary party political system where one has not been required or demanded by the electorate so far.

In relation to the election of Chief Minister, I see no reason or benefit for anybody to have to declare their candidacy in the run-up to the general election. The member of Council eloquently referred to that, as did others, and I support the hon. member's contribution. I certainly appreciate the wisdom of those people on the upper shelf and hope that they continue to impart their wisdom to us.

I agree with the others about the media. I congratulate Manx Radio and Isle of Man Newspapers on their impartial and accurate reporting during the whole of the run-up to the general election. As has been mentioned, the letter from the director of the Communications Commission puts our thoughts into words very well indeed.

The report gives far too much direction on how the media are to operate when they are working quite well as it is.

I disagree wholeheartedly that potential candidates who have businesses are at a disadvantage. They are not guaranteed to be elected, and could be deprived of the lifeblood of their business if they are to continue because they did not get elected. They may have lost a lot of business in any event.

Candidates ought to be able to advertise, and I notice that the amount is being limited. The amount spent by any one candidate on the election process could have been considered, and that might encompass advertising their manifestos and circulars. That has not been covered, but usefully could have been.

In relation to the rôle of the Tynwald education officer, we must do even more to educate the children. I note that an existing member of staff could cover that rôle.

In summary, the feel-good factor of the Isle of Man economy over the last few years has probably led to a lowering of the turnout. I imagine that if the economy were in dire straits or disarray many people would be making their feelings known, without any shadow of a doubt.

I had been minded to table an amendment to suggest that the report should be referred back to the committee. (*Laughter*) Submissions could then have been put to the committee from members, because we do not want to lose any of the parts that we can all support, and that worries me. I would have hoped that in just receiving the report today, if that is what happens, we do not lose many of the recommendations that can be wholeheartedly supported.

I congratulate the committee for its hard work. I am sorry that I cannot support all the recommendations, but I can support most of them.

The President: Hon. member, Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr President. From the outset it was never the committee's intention to influence the media. People are looking into these recommendations and making inferences. It has been mentioned that Professor Denver said that the newspapers were fair and balanced and that the Communications Commission said that Manx Radio was balanced too. As the hon. member for Rushen, Mr Gill said, Manx Radio accommodated him when he was late in announcing his candidature. Mind you, it could not accommodate me, Mr President, but it did not make any difference. (**Mr Cretney:** Hear, hear.)

It was not the committee's intention to target individual members of this Court in advertising on Manx Radio –

The Speaker: Family relationship.

Mr Braidwood: – it says in the report that candidates should be allowed to pay for adverts on the radio as they do in the press. What is the big difference? The President mentioned it. The difference is that the majority of people of the Isle of Man listen to Manx Radio. Many do not buy the newspapers, so that could be the difference.

I am not going to go through all the recommendations, because I have been on the committee. The point was raised about people not being able to vote outside their constituency. One reason for extending the hours of voting from 7 a.m. until 9 p.m. was to enable those people who work in a different area and who start work at 8 a.m. to vote. We kept closure at 9 p.m. because the recommendation states that we are using additional postal voting, which would alleviate the problem of extending the voting until 10 o'clock.

When the chairman was interviewed on Manx Radio he said that the May date was not set in stone and that he would look at September, depending on this hon. Court. I would not go into October. If it was the preference of this hon. Court that September was the date then it should be before the schools go back in September. That would be preferable to me.

Mr President, I know that other members wish to speak and that it has been a long debate. I will leave it up to them.

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

Mr Rodan: Mr President, until the last member got to his feet I rather feared that it was going to be a complete demolition job, but I shall try to answer one or two of the points that have been made.

My good friend, Mr Gill, accused the report of being bossy, prissy and sinister. Other members –

Mr Bell: Just the members.

Mr Rodan: – have trivialised (*Laughter*) and rubbished the report. (**Mr Cannan:** Never.) Mr President, let us get one thing absolutely straight: this report is about making democracy better. It is about getting people out to vote and strengthening our democratic system. The report warrants serious consideration as it contains serious recommendations. It would be a great mistake simply to throw it overboard.

The report is divided into three sections, the first of which details the mechanics of elections. We all have individual views to which we are quite entitled about the time of year, the hours of polling, the use of schools, the use of education officers and all the rest of it. There is much in these recommendations that is worth going with.

The second part of the report relates to some of the long-term reforms that address the question of falling turnout at elections. Those reforms are reported in some detail and commented on, and some have found their way into the recommendations.

We then come to the section about the media. Mr Speaker was rather unfair in attributing to the committee recommendations that it did not actually make. After the section on the mechanics of elections, which goes up to page 19 of the report, in paragraph 5.3, the committee clearly states that it appreciates that there are also a number of longer-term reforms that may deal with the longer-term causes of falling turnout. These are: encouraging younger people to vote, and there is some discussion on that subject; initiatives concerning citizenship; the use of a Tynwald education officer to promote the work of Tynwald amongst students, a perfectly sensible suggestion that found its way into the recommendations. The next paragraph is to do with encouraging new residents to register and vote, and that also found its way into the recommendations.

When you look at the section on improving the quality of candidates and consider the criticism that was made of facilities for members of Tynwald and requested election deposit that is not in the recommendations at all. It has merely been highlighted and is among a range of issues that might be relevant to improving the quality of candidates seeking to stand for election. However, that is a subjective matter; it is not one of the recommendations.

The Speaker: I did not say that it was.

Mr Rodan: The next section, Mr President, which Mr Speaker was most critical about, was to do with two matters that the committee is certainly not proposing. Under paragraph 5.4 the report states there are a number of other longer-term strategies, in addition to the ones just mentioned, which could be adopted, but which the committee is not proposing.

Mrs Hannan: It is in the report, though.

Mr Rodan: They include changing the electoral system, and Mr Speaker's view on the electoral system is well known. I agree with his view (**Mr Cretney:** Hear, hear.) on proportional voting. The committee felt, for a very good reason, that the evidence cited in Professor Denver's report for the conclusion that where proportional election systems are used turnout tends to be higher was tenuous. What Mr Speaker did not read out was that turnout is said to be higher where a number of factors are present, including a more proportional system. However, no information was given about the relative importance of the electoral system used, compared with other factors that have increased turnout. That was why we felt it to be inappropriate to discuss the electoral system; that is an exercise for another day. Similarly, developing a parliamentary party political system is not one of the recommendations, because the committee states clearly that detailed examination of that issue is well beyond its remit. So all the members that have been on their feet criticising the report for advocating party politics have not read the report thoroughly.

The Speaker: Oh, yes I have.

Mr Rodan: One of the Committee's recommendations that I wish to discuss is the election of the Chief Minister. That has attracted very little comment, surprisingly.

Before I do, I will briefly revert to the other section of the report to do with media recommendations and the question of advertising. In response to Mr Speaker's point, there is a difference between paid advertising and public notices, which are to do with out-of-hours NHS contractual arrangements. It was a bit disingenuous of Mr Speaker to try to make out that, in my own particular case, that was paid advertising and somehow fell into this category.

The Speaker: No, I did not say that.

Mr Rodan: On the question of recommendations about the media, there is no interference. The report went out of its way (**Mr Cretney:** Hear, hear.) to avoid the suggestion that there was any real problem with media coverage of the elections, such as to justify a raft of new regulations. The committee would rightly be accused of trying to impose regulation, uniformity and standardisation for the sake of it. There are existing codes.

The committee received evidence of the present codes: the Press Complaints Commission Code in the case of the written media, which seeks to avoid

misleading coverage; and the broadcasting codes in the case of radio requiring balance and impartiality. The report acknowledges that these codes exist and are sufficient and offer only the degree of control that is felt necessary. The committee avoided recommending codes of practice because clearly gross political interference into matters of editorial judgement would rightly be seen as a threat to a free press.

I suggest, Mr President, that one must look at what the recommendations actually say and one will see that what the committee has said is the lightest of touches. In summary, it says that Manx Radio should be encouraged to draw up a policy on election coverage to do with certain aspects that were in the evidence brought to the committee; that consideration should be given (**Mr Cretney:** Right.) to allowing candidates to advertise; and that the Isle of Man Newspaper or any written media should be encouraged to draw up a statement of intended practice on the conduct of elections. There is nothing interfering about this, Mr President. (**Mr Cretney:** Hear, hear.) Now I think –

Mr Cannan: Just encouragement with your arm up your back.

Mr Rodan: – that those who have looked at the evidence in the library – and I concur with the criticism that in retrospect it is regrettable that the report did not include some of the other reports – will see a tendency for the record to make reference to this; and the question of the context of Professor Denver's report, and the MORI poll will be lost.

What will also be lost is the large body of evidence submitted by members of the public – 50 letters were submitted. One typical letter highlights one of the real problems in the Isle of Man to do with turnout at elections and the way the public relate to the political system at election time. We would do well to listen to two or three parts of this typical letter. The writer says that when the electorate 'is faced with the meaningless repetition of platitudes which characterise most of last year's manifestos, it is not surprising that the election did not raise any excitement. There was virtually nothing to distinguish one candidate from another. (*Interjection by Capt. Douglas*) It is not surprising that most people felt it did not matter whom they elected, so why should they bother to vote? We feel helpless, forced to vote on personality because we have no way of knowing what policies will be pursued after the election. Consensus politics appears attractive and appropriate for a small Island, but seems in effect to rob the voters of meaningful choice. At the worst it means that difficult issues are not addressed'.

That leads on to the most important point that Professor Denver made on pages 22 and 23 of the report, which relates to the factors influencing levels of turnout. He said that the most important source of variation in turnout relates to the salience of the elections in each country. That means the extent to which the electorate believes that significantly different policies will be implemented, depending on the outcome of the election. It varies from election to

election in any single country. Professor Denver makes the point that legislative elections are only weakly linked to government formation and executive power and hence to policies implemented; and that in these turnout is low. Elections to the House of Keys, he says, clearly fall into this category. The election of Members of the House of Keys does not determine the make-up of the executive or the implementation of a specific policy programme; therefore, in a comparative context, low turnout would not be at all surprising.

Mr President, when one notes that and looks at many of the letters in the evidence in which the public complain of a sense of frustration and a feeling of being disenfranchised, we must take note. There is an underlying weakness in the system that encourages the view that general elections to the House of Keys are not really relevant to people's lives. One of the recommendations in this report seeks to address that in a way that is not going down the route of party politics.

That lack of interest is not confined to new residents necessarily, but certainly they must have a particular difficulty relating to a political system that is based on personality rather than on competing national policy choices. Our general elections are not directly relevant to the future of the Island, because they are not national elections determining the leadership and broad direction of the next government. There is no connection between how people vote and the sort of government they will get for the next five years.

A Member: It is true.

Mr Rodan: Successful candidates, after all, may or may not be ministers and in a position to do what they promise the elector. They may not even have policies, and having policies is not necessarily a requirement for a successful election. A candidate may have no policies, but be well known and have a high public profile in the community and still be elected. What we have is a series of 15 local popularity contests, localised elections, which I call beauty contests. They produce constituency representatives in parliament, after which a national government emerges by a largely secret process of in-house horse-trading, in which the public plays no part and with the all-important vote for Chief Minister taking place by secret ballot.

There is a 'blind date' type of relationship between the Manx voter and the government that he finds himself stuck with for the next five years.

I do not think that this is wholly democratic, and because there is no direct connection between general elections and the formation of a national government, there is no real focus on national issues at election time. There is no choice of national policies or choice of potential national leader. For general elections to be national, relevant and truly democratic we need to find a way to make a direct connection between the act of voting and forming a government. Instead of 15 localised election contests limited to largely local issues and personalities, it is high time, as this report proposes, to inject national policy debate into our

general elections and actually involve the public in the election of the Chief Minister.

If there is no enthusiasm for full-blown party politics – and that certainly seems to be the case – surely a system of direct input into the selection of a Chief Minister before an election could be devised. In that situation, Keys candidates could and should nail their colours to the political mast (**A Member:** Hear, hear.) and provide a reason for voters to vote beyond the personal appeal of the individual candidate.

I am convinced that if chief ministerial candidates published their manifestos by a set date, well before an election, for public scrutiny rather than after an election for the scrutiny of MHKs alone, this would make for a far healthier and more transparent democratic process. There would be time for a national policy debate and for other candidates to decide and declare which Chief Minister they would support. It may be that prospective members might not like to be pinned down in this way, (*Interjections*) but there is, I believe, a strong democratic argument to involve the public, albeit indirectly, in choosing the Chief Minister.

In such circumstances, election reporting and media coverage of elections would be invigorated, and there would be far wider debate – political debate nationally – and far more reason for voters to go to the polls. That was the thinking, which was based on evidence and on reading what the public were actually telling the committee about –

A Member: How many?

Mr Rodan: – advocating a system, as we have done in this report, of national policy decision-making at election time. I think it would be a pity if, because of particular parts of this report not finding favour, we were not able to consider the recommendations separately. To avoid misunderstanding, under standing order 3.12, given that the terms of the motion refer to recommendations being accepted, would it not be possible to vote separately on the various recommendations? Thank you, Mr President.

The President: Hon. members –

Mrs Hannan: A point of order: that should have been moved initially, should it not?

The President: Hon. members, I thought that we would finish this debate before we had a tea break. I still have four members (**Members:** Oh.) on my list. We are not making very fast progress at all. I propose to take a break now until twenty minutes past five, and the first to speak when we return will be the hon. member for Ramsey, Mr Bell. Thank you, hon. members.

The Court adjourned at 5.00 p.m. and resumed its sitting at 5.20 p.m.

**Elections to the House of Keys –
Debate Continued –
Select Committee Report Received –
Amended Motion Carried**

The President: Before we continue the debate, I wish to say that I thought I had made it quite plain to the hon. member for Rushen, when he asked about dividing the report's recommendations, that the motion before the Court is printed at item 7 on your order paper. It is simple; it states: 'That the Report of the Select Committee of Tynwald on Elections to the House of Keys be received and its recommendations approved.'

Hon. members, with a motion you can approve it, reject it or amend it. In this case, we already have one amendment proposed. On a number of occasions when reports have come before this hon. Court, people have proposed that the committee report, for example, be approved with the exception of item (a), (b), (c) or whatever. There is no provision in standing orders, hon. members, to subdivide the report. Hon. member for Ramsey, Mr Bell.

Mr Bell: Thank you, Mr President. Hon. members will be happy to know that it is not my intention to go through this report at all, but just to raise two points which I feel have been missed. My own view of the report is that it is obviously a worthy exercise and that it contains recommendations that may or may not be beneficial to the electoral process. At best, though, I believe it is an irrelevant tinkering with the mechanics of elections. If it were to be implemented, you might see an improvement in turnout of 1 or 2 per cent at best. It would be marginal, and it would have no real impact.

My own view – and I have repeated this many times over the years – is that the real issue of election turnout is actually won or lost well before the election itself takes place. What we have to recognise – and it is not just an Isle of Man issue but it is becoming more and more obvious locally – is a general growing disillusionment with politics and politicians. What we have to fight to achieve is a re-engagement with the public in the political process. (**A Member:** Hear, hear.) That is what is missing. Tinkering as proposed in this report is not going to achieve that in any way at all.

We have to rebuild trust with the electorate. Doing that involves more than a scramble three months before the election knocking on doors to persuade people that we are all the best thing since sliced bread in order to get them out; it is a consistent delivery of service over the whole preceding five-year period. Then the public, when they vote for us, can feel confident that in the next five years, the government in whatever form it takes, will deliver services to the standard and the quality that they are looking for. We have been doing that, but we have not been getting our message across.

The biggest handicap I believe we labour under now is one which is self-inflicted: this parliament,

Tynwald, and the House of Keys in particular, spends so much time denigrating itself. It is denigrating itself as an institution week after week after week. We are hearing allegations of corruption and incompetence; that the government is not listening, and that we do not respond to urgent issues.

No matter how sophisticated the electorate, in the main they get on quietly with their lives. They do not listen to the finer points of politics. They listen to the message that is being broadcast week after week, day after day on the radio and in the press, and you cannot blame them for turning off from the political process if all they hear is the Tynwald squabbling, bickering and generally undermining itself as an institution.

We have heard about a number of issues, even in the short time that this new House has been in place. Some of the claims have been quite outrageous, but nevertheless they have been broadcast on the radio, and they are already having an impact on the willingness of the people that we represent to continue to trust us and to give us their support.

We must break the cycle of denigration of the government that we represent. We represent a very proud, historical, long-established institution. We should recognise that instead of spending all our time fighting amongst ourselves and trying to undermine the very thing that we hope at the end of the five-year process people are prepared to come out and put a cross on the paper to continue. Why should they continue to support an institution when we tell them every week that does not work? There is no logic to it.

You can either tinker or not tinker with some of the recommendations in the report. I really do not care one way or the other; it is not going to make any difference. This is not going to solve the problem that we are confronted with. The only solution is in this chamber and in ourselves individually – to re-engage with our constituents.

The other point, Mr President, and this again I do not believe has been touched on in the report, is that we have to find some way of stopping this erosion of the difference between a national parliament and local government. Over the last few years, the two institutions are being increasingly drawn closer and closer together. The lines are getting blurred. When the public go out to vote, frankly, they do not know what they are voting for. Is it a national government? Is it an extension of Ramsey Town Commissioners? Is it an extension of Malew Commissioners? What is it they are voting for?

They are genuinely confused because, with the greatest respect, most people are not interested in politics; they get on with their lives. I find at election time – and I know talking to other members that they find very similar situations – that most of the issues raised with me on the doorstep are not national issues; they are local issues, and that should not be the case. We have to recognise that we are the national parliament and raise our own sights to broader horizons instead of getting dragged down into what are essentially local authority issues. We have local authorities to deal with them; that is what they are there for.

We have to apply ourselves to the bigger issues. Considering the way the Island is developing, it is more important than ever that we focus on those big issues and do not get drawn down to hedge trimming, potholes and trivia. Those issues may be important to individuals at the time, but we are getting mired with trivia instead of focusing on strategic planning for the Island. Until we can show ourselves capable of developing an approach of that level we will not get the sort of candidates who are willing to contribute to that. We will be viewed by the general public as essentially an extension of local authorities, and I believe this is damaging to central government. It is also damaging to local authorities. There is no clear difference in the public's eye between one from the other at the moment, and we need to get back to basics and rebuild that differentiation.

I have only those two points. As I say, as far as the main report is concerned, I am not going to go into it; I think it is irrelevant. I do not believe for a moment that whatever recommendations we introduce will make any difference to the actual turnout – perhaps only 1 per cent or 2 per cent. However, we need to get back to those fundamentals. The government of Tynwald has to govern; it has to be seen to be governing. It has to deliver the service that the public expect of us, and we have to stop undermining the very institution that we expect people to vote for.

Secondly, as I say, we need to separate in the public's eye – and in practical terms – the rôle of central government from local government. Until those issues are addressed, we can have all the reports in the world and after every election a committee will produce the same report with the same recommendations, and we are still not going to get any closer to the real nub of the problem.

Mrs Crowe: Quite right.

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

Mr Rimington: Thank you, Mr President. I have five quick points. First, in support of the hon. member of Council, Mr Lowey, I point out to the hon. Court that, as a member of the socialist party, he managed to persuade a past constituent of mine who was an extremely right-wing elderly French lady to vote for him. I think with that experience he can definitely say he knows something about elections, but that is another matter.

Mr Cannan: Where is the elderly French lady now? (*Interjections and laughter*)

Mr Rimington: The second point, Mr President, is essentially that we live in what we could call either a capitalist or market economy – it does not really matter which term you use – and the majority of services, wealth, jobs and commodities are provided by that market place. The government is predominantly the secondary provider of matters which affect people's lives. When that market place starts failing and

unemployment increases, issues such as housing come to the fore; but when the market place fails, the rôle of government becomes more acute. You would probably find interest in the electoral process rising at such times.

The third point is that the section on the media, 7.3, is not at all appropriate. I voted against the amendment that included the scrutiny of the media on the original motion in this Court some time ago. It is not our rôle to take such a view on this very intimate issue of elections. By and large, I accept that they do what they do as best they can; and where there are weaknesses and failings then hopefully they overcome them and build on them. That is the same with everything in life.

My fourth point is the issue of interest in elections, and we seem to focus on that. We have looked at some of the mechanics. Other members, such as the colleague who has just resumed his seat, asked where interest in elections comes from. To my mind, it equates to a reflection on the interest in government, and the government is what it is about.

What are those elections for? I have encountered in this hon. Court a misconception about what those elections are for. Yes, they are to elect a parliament, but electing that parliament is a means to an end, and the end is forming a government because that is what people want. They do not want a parliament in itself as a talking shop or as a sort of circus arena at Question Time. Out of that process they want a government, and one that will provide them with services, policy direction and that will try to improve the quality of their lives. Unless we recognise that the process of government is the reason for our being and it is not just about ourselves as a talking shop, then all else will be lost.

Therefore, like the hon. member who has just resumed his seat and others, I believe that we need to focus on improving our government and our process of government. A very strong part of that is the parliamentary side – parliamentary scrutiny. The purpose of an election is not to elect an opposition nor to elect parliamentary scrutineers; it is to elect a parliament that provides a government for the Isle of Man.

I have words to say about the press. It is not the coverage of election time that concerns me about the press; it is the five years in between election times that concern me. The press has a rôle to play in lifting the debate about the process of government and politics. It should not go down to the lowest common denominator; it should not trivialise government. It should try to elevate the situation by looking at the policies, the issues and the different viewpoints and deal with them far more comprehensively than they have done. Then we might actually elevate the question of government and politics in the focus of the electorate. Thank you, Mr President.

The President: Hon. member for Douglas West, Mr Shimmin. No, sir?

Mr Shimmin: No, sir.

Mr Delaney: Good lad! (*Laughter*)

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

Mr Corkill: Thank you, Mr President. I am aware that some hon. members feel that perhaps this debate has been repetitious and that there is a certain amount of tediousness to some of the points that have been raised. However, I congratulate the committee for the work that it has done. (**Mr Delaney:** Hear, hear.)

We ought to start from the point that the hon. chairman of the committee, fresh from the elections, as we all were not too long ago, had in mind. The hon. member for Douglas South, Mr Cretney, felt that work was required to stimulate people to participate in our democratic process. I congratulate the hon. member for Douglas South, Mr Cretney, for going forward with something that was on his mind, because that is what we are here to do. He was straight off the starting blocks to make sure that that got aired.

I feel that when the motion was put to this hon. Court and part 2 of the original motion was added to include an examination of issues to do with the media, we immediately made the job of the committee that much harder. Therefore I voted against the amendment. I did not think it was helpful, although, having said that, I have had motions down about the media myself in this hon. Court on previous occasions. Of course we all get frustrated at times with media coverage, but that has, to an extent, sidetracked, for a time anyway, some of the workings of the committee.

Something else that this motion did, which hon. members may or may not be aware of, particularly new members elected last time, was that on a regular basis after a general election, executive government usually asks a working party of senior officers of government to examine the most recent election. That is usually kicked off straightaway after the general election to look at the mechanics.

Since we knew the committee was looking at the mechanics of the last general election, that was deferred. I use the word 'deferred' because I am hoping perhaps to throw a few crumbs of comfort to the committee, which has worked hard at this. As you yourself said, Mr President, you could perhaps detect earlier how the vote on this motion may go. The committee must be concerned if that is the case. How will some of the recommendations that have gained some sort of consensus today be taken forward?

After the debate I will most certainly ensure that the deferral of this working group – which we would normally have put into play – on how our elections are run will be put back on the agenda for the Council of Ministers. It will see whether we can, with the help of this debate, the committee and the senior officers, improve our system.

I am conscious that the hon. member for Ramsey said that the report may be tinkering with things. However, we have done that in the past and we have not done it this time. The committee may find it useful if this Court discussed the date of the election; several members said that September may not be a bad idea.

They are not too happy with May, although I understand the committee's reason for choosing May.

I understand why they chose the bank holiday – the schools are off. The facilities are there to have proper polling stations. That is all very logical thinking. Certainly, my experience in my own constituency was that this time round instead of one central polling station for all the people of Onchan there were three. One of them was a school that was open for business as usual. The children came out at playtime in the afternoon, people with prams came to collect other children, and there were people at the school to vote. It was absolute chaos. There was also no disabled access, so it was not a good idea; but then neither was the single access point for everyone from the whole of Onchan in previous times.

These are the things that returning officers are asked about subsequent to any election and which they have not been asked about this time. I hope that we can get it back on the agenda (**A Member:** Hear, hear.) and save some of these better ideas.

I am not going to make any comments about the media as that has been discussed at length. However, I have to say, Mr President, that if we continue to pander as a parliament to an industry standard that works on sound bites, that is what we will get. That is what the people whom we represent will hear, and we have to be wary of that. You cannot blame the media for that; it is how we approach the media that is important.

There are other issues concerning the mechanics of elections; for example, it is past time that we had a boundary review. There is an independent process for that to take place if Tynwald so wishes, and these are the sorts of things that would normally have been reviewed after the election.

The other issue is about proxy and absent votes. I have a general feeling – and it is only a feeling – that proxy voting is, if I may use the expression 'open to creative electioneering'. I am aware that in a recent Board of Education election there were one or two hundred proxy votes cast for a particular candidate. We all obviously as members when we are in an election work the rules as keenly as we can to maximise our vote, but I wonder whether that was the intention of proxy voting when it was introduced.

Perhaps a more flexible absent vote system, which we have had for many, many years, is not so structured that you have to give a lot of notice that you are going to be absent. Many of our constituents these days live a different way of life and they may be off the Island at short notice. Those are the sorts of things that the committee picked up on; they are important issues to take forward.

I am afraid that I have to disagree totally with my colleague, Mr Rodan. I hope my assurance that the Council of Ministers will look at the positive things that this debate has put forward and the agreement in certain areas will help him to understand that the consensus process does work. To have things cast in stone at an early stage in an electioneering process, vis-à-vis party politics as they may well be in the UK, does not fit a small jurisdiction such as ours.

I really do have to disagree with some of what he said. He was right to highlight the defects in our system: the public not knowing who the Chief Minister or the ministers will be. All these things perhaps come after voting. He is quite right to highlight that because it is a failing in the system. However, he did not highlight the failings of a party political system or the type of structure that occurs in other small jurisdictions. For example, the validity of this hon. Court would be severely undermined if we had a majority party. That has been the experience in other small jurisdictions and in some larger jurisdictions as well to an extent.

He did say that it is a type of personality competition. Judging by his comments about the beauty competition, then obviously I am slightly less beautiful than the hon. member for Onchan, Mr Karran, and slightly more beautiful than the hon. member on my right, Mr Earnshaw, if you were to use that grading scale.

Even in a party political system like the United Kingdom's you get the odd breakthrough of the individual, thank goodness; the man in the white suit who was the news reporter was elected. I am not aware that he had any policies that were clearly left or right, (*Interjection by Mr Delaney*) but he was still elected. Even in such situations, individuals' policies are not always clear-cut. However, I want to make it clear that in my election in Onchan there were issues of housing supply, residency control, the economy and immigration.

I made it quite clear in my manifesto that the powers regarding immigration control that are vested in His Excellency the Lieutenant-Governor's control needed to be reviewed.

There are national issues that we can all promote through our own manifestos and I am sure many of us do. I do not believe that it is all parochial matters, but we all know that the parochial issues in our own constituencies are important as well.

I hope I have been able to say to the committee that there are some seeds of comfort here in terms of the issues they have raised. I thank it for that work. I will be supporting Mr Earnshaw's amendment, because there are other things in this report that I cannot possibly agree with; on that basis I would have to vote against the report if I did not vote to receive it. Nevertheless, I want to give an assurance that certain issues will be looked at.

I will end with one comment, Mr President, on electronic voting. The big question that I was hit with by several people is 'Why won't young people vote?' We all ask the question 'How do we get the youth to vote?'

We have talked about education officers. We have talked about several ways of getting young people into the system, of getting them to take their civic duties seriously and to cast that vote. As someone with three young children, watching them use electrical and electronic apparatus, it may be difficult for me to understand, but it is second nature to them.

Hon. members, if we do not provide electronic voting for the next generation of voters, fewer of them

will be voting because it is not part of their normal way of life. They press buttons; they watch screens; they know how to use menus, and they are already confident in the electronic age.

This report only talks about the people who feel uncomfortable with computers. That is true of our generation and older people, but we must look to the future if we want people to vote. I am very pleased that the committee left the door open on the issue of electronic voting, because it is a must in my view.

The President: The hon. member for Ayre.

Mr Quine: Thank you, Mr President. The hon. member for Garff, when he was dealing with the media, said that the recommendations in this report represented a very light touch. I agree with that; that is exactly what it represents. However, here today we should also recognise that it is perfectly legitimate for this hon. Court to look at the part that the media can play in persuading and inducing and facilitating a greater number of people to turn out to vote. I think that that is perfectly legitimate.

This has nothing to do with taking away freedom of speech or any of those other phrases that are trotted out to try to preserve a favoured domain. We should recognise here on the Island exactly where we are in relation to our media. I am putting this down for the record because I appreciate that not many members of this hon. Court would be ready or perhaps willing to speak about the media. Some members seem to have an innate fear of the media. Well, that is entirely up to them. What I have got to say about them I am quite happy to say. (*Interjection by Mr Downie*)

Mr Delaney: He is a big lad.

Mr Quine: Here in the Isle of Man the media boil down to Manx Radio and Isle of Man Newspapers. There are one company and three titles, and the one company is an off-Island company as far as the newspapers are concerned. That is my first point and it is very relevant.

So my initial concern, a concern which we should all at least be prepared to look at, is that local media are therefore a virtual monopoly. It matters not that government may be the beneficial shareholder in respect of Manx Radio. The fact is that it is a virtual monopoly.

You can split hairs if you want. You can say 'Oh, it is not a monopoly; there is this and there is that; there are all the other little bits and pieces', but if it is not a monopoly, it is assuredly in a very dominant position.

It is my conviction that this places on the local media an extraordinary requirement for fairness in the treatment of all issues and not least political issues. I am not being judgemental; I am simply saying that because of their position that is a responsibility that they can be legitimately expected to take on board and to recognise.

In the UK of course, for example, the situation is somewhat different. There is some legislation there, at

least that relates to the newspapers, albeit geared more to newspaper or newspaper assets and the transference of one party to another who may be involved in the media. However, there is a recognition there that you have to keep this balance right and that a monopolistic position is not desirable.

We live on an Island, so that is something we have to live with. That is fair enough, but it does not change, in my view, the special position of the media. Therefore it is not unreasonable for us to expect them to play their part, not least in general elections.

There is no code of practice for the Island's newspapers on the coverage of elections. They have a policy on the matter and that policy is to ensure fair, accurate and balanced comment, which is perfectly acceptable to me. I have no problem with it. They have qualified that in a letter to the committee and I think that this is significant.

In that letter of 7th February, Isle of Man Newspapers said that in their treatment of information at general election time they will ordinarily carry information put out by a candidate or a candidate's view, based on the news value of the issue. However, if what the candidate has to say reiterates policy, then it is unlikely that they would carry that story.

That must be set against the basic requirement that they set for themselves for fair, accurate and balanced presentation. That is the aspect, I suggest, that your committee has been looking at. It has sought to look at that by addressing several questions effectively, and the answers are in the report. I would have thought that hon. members would have expected no less.

Did the media display a public service ethos? That is a perfectly legitimate question to ask in relation to general elections. How did they seek to measure up to this expectation? That is also a perfectly legitimate question. What specific mechanisms, policies did they have in place? Did these mechanisms and policies reflect that impartiality and that fairness? Was this coverage achieved? How can that situation be strengthened if there were weaknesses?

The committee has recognised that position, has asked those questions and has put before hon. members what we believe to be a legitimate assessment and answers to those questions. It has come up with what has been described as a 'light touch' – and that has not been disputed. I believe that the committee has done its job in relation to the media in as sensitive a manner as could possibly be expected, sir.

A I say, it creates no concern for me. I shall sleep perfectly easily tonight knowing what I think of the media. (*Interjections*) I shall sleep well, because I have an absolutely open mind on the matters and I can take all this in my stride.

A Member: A clear conscience. (*Laughter*)

Mr Quine: The position remains that it is not beneficial for any of us to be hypersensitive. We can all expect others to look inwardly and determine whether we are doing something as well as we could do or not. If somebody decides to do that about the

media, they will not immediately throw their hands up and shout about freedom of speech.

I believe that your committee has addressed this sensibly and properly and come up with the lightest possible touch. It has steered itself through this very difficult exercise with, I think, expert force.

Moving on Mr President, and I think it is important to build on this, various reasons have been put forward as to why we have been unable to catch the imagination of the electorate and to get more people to turn out to vote.

The report identifies several possible areas that have contributed to that. However, I, and other members, believe that one of the problems is the ability to put a proper focus on policy issues. In fairness to the media, unless we can do that we cannot expect the media to give publicity to those issues of their own volition.

If we can package the issues – and I honestly believe that this is one of the key factors – and put them before the electorate and put them to the media in that form, we will get the coverage and enable our voters to judge in their own interest. They can understand what is on offer and they can take a view on it.

Many issues are reduced simply to manifestos, some of which are brief to the point of absurdity. Others cover a whole range of issues that may not be as digestible and might have some mixture of local and national matters mixed in. Until we can reduce it to a package of national policies that can be put across by the media and understood by the voter, then I am afraid we are going to be at a disadvantage.

That is why I feel that it could be well worthwhile to ask those members who intend to allow their names to go forward, subject always to election, to declare their position before they go into the general election so that the voters know where they stand on the issues. That will cultivate greater interest. The idea that to do that is the kiss of death is ludicrous. I have done exactly that for two elections and I have had over 80 per cent of the vote. So it does not follow that if you declare what you are for – (*Interjections*)

Mr Downie: What was the opposition you had?

Mr Quine: – you are sunk. That is not the case at all. If you declare something that does not stand scrutiny you may be sunk, but that is a different issue. I do not see why our voters should expect any less. Why should they not be able to consider the potential future leadership of a government and judge it against the inclinations and the direction in which that person would take the government? I do not find that unreasonable at all.

Mr President, I am conscious that we have covered a great deal of ground here. I wish to make one further point if I may.

We have had a very mixed reception to what this report proposes, if for no other reason than that it proposes a long list of proposals; and the longer the list, the more difficult it is to get everybody to go along with what is in it.

However, is this any different from what we do in debates? Is it any different from what we do in relation to government policy, or government policy reports? All sorts of different items are built into it, but the Chief Minister stands up each year and says to us, 'receive and approve'. In asking us to do that, he accepts that as individual matters come forward for funding for example, the next step may be in progressing those matters. It is then that people are going to take a deeper and more clinical look at those propositions. That is the position we are in today.

Mr Cannan: Rubbish.

Mr Quine: If we are sincere in seeking to strengthen the election process and to accommodate the voters to come out in greater numbers to vote, the last thing we want to do is to send the message – as has been unfortunately given here today by some – that it does not matter what you do to kick it into touch. We do not want to send out the message that it is not going to make any difference.

We should be trying to get across a positive view by saying that these matters may well help; that we are going to take them further; that we are going to progress them, and that eventually some, but not all, will materialise into variations of policy or practice. That is the positive and constructive way to look at it and that is the way that I invite hon. members to look at it today. Thank you, sir.

Mr Cannan: Vote for the amendment.

The President: Minister to reply.

Mr Cretney: Chairman of the committee, Mr President.

The President: Chairman of the committee.

Mr Cretney: Thank you, Mr President. I had the honour in the 1985 by-election and in 1986, 1991, 1996 and 2001 to be elected by the good people of South Douglas, along with my colleague Mr Duggan who has been an hon. member for longer than me.

After Mr Quine, in the last election, I obtained the highest percentage of the votes polled in any constituency. I am very grateful for that ongoing support, but I am concerned about falling turnouts on and off the Island.

In short, I describe myself as a democrat. I hope we all are, and I hope that we all are concerned about this ongoing trend and would like to do something about it. I feel a bit battered really, because I am not convinced that this debate has done much to take things forward.

I heard the remarks towards the end from the Chief Minister about the review process that goes on normally after general elections. Perhaps that is the way forward. Perhaps I will be back to try to take forward those things for which there is some general support. I will not refer to all hon. members

specifically, but if I can go through some of the points that were raised that would be helpful.

We cannot afford to be complacent or to attribute everything to specific constituency issues. It was obvious that there was a great interest in Middle and Glenfaba, and as a result their turnouts increased overnight in 1996 – by 10 per cent in Middle and by 5 per cent in Glenfaba. Great!

It would have been really nice if that had happened all over the Island, but it was nice to see some fresh faces. There are obviously issues there and it is up to us to create those interests in the election to get people involved in the democratic process. That is the most important thing. (**A Member:** Hear, hear.)

I object to the suggestion that this report is a knee-jerk reaction. The available evidence clearly proves that that is not the case. We have tried to go into this in some depth and I apologise that it obviously does not meet the requirements of all hon. members.

Election time is certainly an issue. The report says that 'Polling hours should be extended and postal voting made more accessible to encourage interest and enable all people to exercise their vote.' The report does not say that schools must be used, but should be used where possible to assist voters.

Unopposed members obviously affected the turnout and Professor Denver took that into account in his report. It was felt there was far too much information in the two volumes. What would we have included in part 1 and what would we not have included?

I accept that we perhaps erred on the side of caution and I apologise if that has caused any difficulty for hon. members. However, these documents have been available for their perusal and that of the general public, which is perhaps more important if we want them to be involved and interested in the process.

It would have been very misleading to include, for example, Professor Denver's report as evidence, as the evidence it is based upon could not have been included. The report does not aim at achieving a party political system.

Despite the fact that I have been a member of the Manx Labour Party for many years, I went out of my way to ensure that the way this report was written clearly defined that we were not moving towards a party political system. I acknowledged that the vast majority of the people on the Isle of Man do not wish to imitate what goes on in adjacent parliaments where when one says 'black' the other says 'white'. It becomes a bit of a pantomime and we do not want that. So I do not know where the inference that this is moving towards a party political system is coming from.

Is a 58.7 per cent turnout satisfactory? Can we ever be satisfied? A 58.7 per cent turnout means that 41.3 per cent did not turn out. That is not good enough, hon. members. The election of the Chief Minister is not party politics. The issue flagged up in the report is to try to promote voter interest via the media in this particular element.

The evidence plainly showed that the timing of the election is best in lighter months, whether that is spring

or autumn after the Manx Grand Prix. Please let us make a change from November. Much of the evidence received referred to the polling hours. They need to be extended to facilitate democracy. People have difficult working hours sometimes and we need to accommodate that. What we are talking about is in general elections once every five years. I accept the point from the hon. member for Michael that by-elections come as well in relation to the voters' lists. I think that he has a good point there.

A point was raised about better facilities for members. Well, the report was trying to say that those facilities could be provided at perhaps a fraction of the cost of the current project, but I do not wish to go into that. That is history now.

An issue was raised about section 5.33 of the report regarding the quality of candidates. The wording of the report suggests that these factors might be relevant. Equally, they might not, and no recommendation is made. It is just that we are trying to look at all the elements; it is something that was raised by a number of contributors.

The report does not suggest a new post of education officer; it could be an existing officer. It is, after all, a position that several other parliamentary democracies have in place. It is not rocket science. We are trying to make sure that people are properly informed, on top of the free press and the free radio which we have and which most of us think does a good job.

All the evidence on turnout in places other than on the Island is that it is falling more in urban than rural constituencies, which is obviously the case here as well. The MORI interviewers explained what they were doing and why they were doing it. Sadly, it was just too expensive to do a door-to-door poll.

Comments were made about the suggestion on voter education courses, but it was clear that this was not practical. Therefore we did not take it any further. However, we mentioned that it had been looked at.

I do not know whether it has happened to other hon. members – it certainly has to me – but new members coming from a party political system often do not understand the differences on the Island. Therefore it is up to all of us to explain the differences that make us unique. I do not see that that –

The Speaker: We are not unique.

Mr Cretney: – is contentious at all. Mr President, it is blatantly obvious, as the hon. member for Michael said, that the electoral roll needs to be improved. Instances from all around the Island highlighted difficulties in that, and also that in certain constituencies polling cards not being delivered. The mechanics for a general election should be in place. *(Interjection)*

The report indicates that enabling legislation could be introduced to allow for electronic voting. However, the evidence suggests that it has had very little impact on voter turnout.

If I could just turn to the media, which seem to have taken up a major part of the debate. When I was

moving this resolution in December, I said that their coverage was good, but that there was always room for improvement. The Lord Bishop has gone, but had he been here I am sure that he would have told us that there is only one perfect being and that that was not me or any other member of Tynwald or Manx Radio or the newspapers. We can all improve.

Mr Downie: Was it Phil Kermode?

Mr Cretney: Well, he certainly was not perfect. I have always tried to be open, but none of us is. We can all be improved upon. I have always tried to be open to my electorate in communicating with them via newsletters, the press and radio. All of us need to do more of that so that the electorate will understand and trust what we are trying to do. That point was made clearly by the hon. member for Ramsey who did not think much of the rest of the report, but I share that concern.

I was out this morning, Mr President, with my dog, as is my wont. I go out and I listen to Manx Radio on my earphones as I jog along with my dog. I nearly fell over when I heard what the managing director had to say about this report. I met the managing director yesterday and he did not say anything to me about his concerns, nothing at all. So I rang him up at Manx Radio and –

Mr Houghton: What did he say?

Mr Cretney: Mr President, he said that he had not read the report until yesterday. After he met me, he read the report last night. Unfortunately, I think that the managing director, like several hon. members, has not read the report properly. I do not know whether you are reading the report that we wrote, because he clearly did not.

Mr President, I do not mean to be personal, but this is something we have tried to do our best with. Clearly it has not met the expectations of the Court. However, I assure hon. members that whether or not the Chief Minister, via the Council of Ministers, does anything to bring forward those elements that we can, I certainly will be back. I beg to move.

Several Members: Hear, hear.

The President: Hon. members, the motion that I put to the Court is that printed at 7, to which we have the amendment moved in the name of the hon. member, Mr Earnshaw, which says 'Delete all the words after received.' Hon. members, first I put to you the amendment. Those in favour of the amendment please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys –

For: Mr Anderson, Mr Cannan, Mr Quayle, Mr Rimington, Mr Gill, Mr Houghton,

*Mr Duggan, Mr Downie, Mr Shimmin,
Mrs Hannan, Mr Bell, Mr Corkill, Mr Earnshaw,
Capt. Douglas and the Speaker – 15*

*Against: Mr Quine, Mr Rodan, Mr Henderson,
Mr Cretney and Mr Braidwood – 5*

The Speaker: Mr President, the amendment carries in the House of Keys, with 15 votes in favour and 5 votes against.

In the Council –

*For: Mr Lowey, Mrs Christian, Mr Gelling and
Mrs Crowe – 4*

Against: Mr Waft and Mr Delaney – 2

The President: In the Council, hon. members, with 4 votes in favour and 2 votes against, the amendment therefore carries.

I put to you the motion as amended. 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 Gill, Mr Houghton,
Mr Henderson, Mr Cretney, Mr Duggan,
Mr Braidwood, Mr Downie, Mr Shimmin,
Mrs Hannan, Mr Bell, Mr Corkill, Mr Earnshaw,
Capt. Douglas and the Speaker – 20*

Against: None.

The Speaker: The motion, as amended, carries in the House of Keys, with 20 votes in favour and no votes against.

In the Council –

*For: Mr Lowey, Mr Waft, Mrs Christian, Mr Gelling
and Mrs Crowe – 5*

Against: Mr Delaney – 1

The President: In the Council, hon. members, with 5 votes in favour and 1 against, the motion therefore carries.

**Adoption Act 1984
(Appointed Day) (No. 2) Order 2003 –
Approved**

Item 8. The Chief Minister to move:

*That the Adoption Act 1984 (Appointed Day)
(No. 2) Order 2003 be approved. [SD No 166/03]*

The President: I call on the Chief Minister.

Mr Corkill: Mr President, I seek approval from the Court for the introduction of the Adoption Act 1984 (Appointed Day) (No. 2) Order 2003. The amendments that we are seeking to introduce concern the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption that was approved in 1993.

The convention seeks to regulate adoptions from abroad and to prevent unregulated adoptions from taking place. Approximately three adoptions from outside the UK take place each year onto the Island. Manx adoption law has traditionally followed that in the United Kingdom. This has been a deliberate policy to enable children to be placed for adoption on the Island from the UK and vice versa.

For some time, concern has been expressed internationally about some adoption practices between countries. Many adoptions from abroad were conducted in a proper manner, ensuring that the best interests of the child were met by the adoption. Some, however, notably from Third World countries, have not been to the same standard and have involved allegations of buying children through adoption. The convention that was passed in 1993 seeks to avoid that; it aims to ensure that inter-country adoptions are made in the best interests of the child and with respect to his or her fundamental rights and to prevent the abduction, sale and traffic of children.

In 1999, the United Kingdom Government introduced the Adoption (Inter-Country Aspects) Act, which enabled the United Kingdom to ratify the convention and establish the various parts of it into law, thus ensuring that the process of inter-country adoption is well managed and regulated and that children are protected.

The convention states that each signatory state should 'recognise that the child for the full and harmonious development of his or her personality should grow up in a family environment in an atmosphere of happiness, love and understanding.' However, the convention recognises that while the child should, wherever possible, remain in the country of origin, inter-country adoption may offer the best opportunity of a permanent family to a child for whom a suitable placement cannot be found in his or her state of origin.

The appointed day will enable, with other items before the Court today, that adoptions from convention countries are safe and in the best interests of the children involved. I beg to move the motion in my name.

Mr Bell: I beg to second.

The President: The hon. member for Ramsey, Mr Bell, seconds the motion. The motion I put, hon. members, is item 8 on the order paper. Will those in

favour please say aye; against, no. The ayes have it.
The ayes have it.

**Betting Act 1970 Betting Duty (General)
(Amendment) Regulations 2003 –
Approved**

Item 9. The Minister for the Treasury to move:

That the Betting Duty (General) (Amendment) Regulations 2003 be approved. [SD No 113/03]

The President: The Minister for the Treasury.

Mr Bell: Mr President, the purpose of the regulations is to amend the Betting Duty (General) Regulations 2001 by replacing the monthly duty return form reproduced to the schedule by the 2001 regulations.

The monthly return serves two purposes in the Isle of Man. First, it serves as an authority for a bookmaker to take bets, and for this purpose it is issued in advance. Secondly, it is submitted by the bookmaker as a statement of his duty of liability. The changes being made to the return known in legislation as the authority and statement are minimal, and they are unlikely to have any significant revenue or resource implications. I beg to move. Mr President.

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

The President: The motion, hon. members is item 9 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Online Gambling Duty
(Amendment) Order 2003 – Approved**

Item 10. The Minister for the Treasury to move:

That the Online Gambling Duty (Amendment) Order 2003 be approved. [SD No 114/03]

The President: Minister for the Treasury.

Mr Bell: Mr President, the purpose of this order is to amend the Online Gambling Duty Order 2001 by replacing the monthly duty return form reproduced in the schedule to that order with a new version.

While the basic information required by the return remains the same, the format is being brought into line with that used for similar duty returns required from bookmakers. The new return will be used for periods from April onwards. The order is expected to have minimal revenue or resource implications. Mr President, I beg to move.

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

The President: The motion, hon. members, is item 10 that the Online Gambling Duty (Amendment) Order be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Corporate Service Providers (General
Requirements) (Amendment) Regulatory
Code 2003 and Corporate Service
Providers (Clients' Money) (Amendment)
Regulatory Code 2003 – Approved**

Item 11. The Minister for the Treasury to move:

That the Corporate Service Providers (General Requirements) (Amendment) Regulatory Code 2003 be approved. [SD No 162/03]

Item 12. The Minister for the Treasury to move:

That the Corporate Service Providers (Clients' Money) (Amendment) Regulatory Code 2003 be approved. [SD No 163/03]

The President: The Minister for the Treasury has stated that we can take items 11 and 12 together. **(Members: Agreed.)** Mr Bell.

Mr Bell: Thank you, Mr President. The Corporate Service Providers (General Requirements) (Amendment) Regulatory Code 2003 and the Corporate Service Providers (Clients' Money) Regulatory Code 2003 amend the Corporate Service Providers (General Requirements) Regulatory Code 2000 and the Corporate Service Providers (Clients' Money) (Amendment) Regulatory Code 2000.

The effect of these measures is to apply the Corporate Service Providers Regulatory Codes to all CSPs unless exempted under the Corporate Service Providers Act 2000. Therefore CSPs, under the transitional arrangements in the Corporate Service Providers (Appointed Day) (No. 2) Order 2001, are permitted to continue operating without a licence, pending the determination by the Financial Supervision Commission of their licence application. The issue of a licence will be subject to the code in the same way as CSP licence holders.

The Corporate Service Providers Act 2000 introduced a regulatory régime for the existing CSP sector. The majority of the provisions of the Act came into force on 1st November 2000. Thereafter, the commission invited applications for licences. On 1st January 2002, it became an offence to operate as a CSP without a licence unless exempted. However, under the transitional arrangements, a CSP licence applicant is permitted to continue to act as a CSP without a licence until the commission has determined its application and the licence has been issued.

The Corporate Service Providers (General Requirements) Regulatory Code 2000 and the Corporate Service Providers (Clients' Money) Regulatory Code 2000 set the standards of conduct for

CSP businesses. However, the Clients' Money (Regulatory Code) does not apply to category 2 CSP licence holders, because the only regulated activity a category 2 CSP is licensed to undertake is acting as a director of companies. That activity does not involve handling clients' money. The regulatory codes came into operation at the same time as the Act.

The FSC's licensing policy, which gives guidance on the criteria that it applies in its assessment of a licence applicant's fitness and propriety, notes that the commission will assess the ability of the applicant, once licensed, to comply with the Act and the regulatory codes.

At present, the regulatory codes apply only to licensed CSPs because when the legislation was first introduced it was considered fair and reasonable that existing CSP businesses should be given time to prepare for the new regulatory régime before applying for the licence. When the Act came into operation on 1st November 2000 until 1st January 2002, when it became mandatory to apply for a licence, any CSP wishing to continue in business under the licensing régime would have reviewed its practices and made the necessary preparations to enable the business to operate under the regulatory codes.

The majority of applicants are now licensed, and it is anticipated that by the end of July 2003 the commission will have completed licensing. In addition to those cases that will be outstanding at the end of July, there are a further small number of CSPs in respect of whom matters are currently outstanding. All those CSPs have, however, been able to continue acting as CSPs without a licence while not being subject to the same regulation by the commission as applies to licensed CSPs.

To ensure that the CSP licensing régime fulfils its aim of, among other things, protecting the public, and in fairness to the majority of CSPs who have satisfied the Financial Supervision Commission in respect of their fitness and propriety, the commission now considers it appropriate to end the honeymoon period and to apply the same standards of conduct and obligations on unlicensed CSPs as currently apply to licensed CSPs. That will enable the commission to monitor the activities of all persons who offer their services as CSPs.

The IMF considers it a weakness in the CSP regulatory régime that some CSPs are not yet subject to regulation. Before making those regulatory codes as required under the Act, the FSC has consulted the bodies that represent the interests of those affected by these measures, namely the Association of Corporate Service Providers and the Institute of Chartered Secretaries and Administrators. Both bodies have confirmed that they support the measures. The commission has made those who will be affected by the measures aware of their impending introduction by writing to all licensed applicants who are operating as CSPs under the transitional arrangements. Therefore, Mr President, I beg to move items 11 and 12.

The President: Hon. member, Mr Gelling.

Mr Gelling: I beg to second items 11 and 12, and reserve my remarks, Mr President.

A Member: Well said, Donald.

The President: The motions are that the Corporate Service Providers (General Requirements) (Amendment) and the (Clients' Money) (Amendment) Regulatory Codes 2003, printed at items 11 and 12 be agreed. Those in favour please say aye; and against, no. The ayes have it. The ayes have it.

Social Security Contributions and Benefits Act 1992 Legislation (Application) (Amendment) (No. 2) Order 2003 – Approved

Item 13. The Minister for Health and Social Security to move:

That the Social Security Contributions and Benefits Act 1992 Legislation (Application) (Amendment) (No. 2) Order 2003 be approved. [SD No 150/03]

The President: The Minister for Health and Social Security.

Mrs Christian: Mr President, this order makes minor amendments to the qualifying conditions for family income supplement and the winter bonus. In respect of family income supplement, it replaces the existing wording in the regulations in relation to the exception from the residential qualification with more appropriate terminology.

In respect of the winter bonus, additional wording is added to the legislation in order to clarify the entitlement conditions. I beg to move.

The President: Hon. member, Mr Earnshaw.

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

The President: The motion, hon. members, is that at item 13 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Pension Schemes Legislation (Application) (No. 2) Order 2003 – Approved

Item 14. The Minister for Health and Social Security to move:

That the Pension Schemes Legislation (Application) (No. 2) Order 2003 be approved. [SD No 151/03]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, this order applies three United Kingdom Parliament statutory instruments in relation to occupational personal pension schemes. It is a reciprocal arrangement matter. The provisions are designed to reduce unnecessary administrative burdens on pension schemes administrators, but without detriment to the members of the scheme. They now require that certain types of schemes provide to their members an illustration of the likely future pensions benefits that might arise under that scheme to help the members plan their pension arrangements for the future. I beg to move.

The President: Mr Earnshaw.

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

The President: The motion, hon. members, is printed at item 14 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Social Security Legislation (Application) (No. 4) Order 2003 – Approved

Item 15. The Minister for Health and Social Security to move:

That the Social Security Legislation (Application) (No. 4) Order 2003 be approved. [SD No 152/03]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, this order makes changes, again under our reciprocal arrangements, to the provisions for incapacity benefits, maternity allowance and jobseeker's allowance. It replaces the existing rules whereby certain persons in receipt of incapacity benefit may be permitted to undertake some work but still be regarded as incapable of work and therefore remain entitled to benefit. It increases the maximum period for which maternity allowance is payable under the regulations and makes changes to the way in which the amount of the maternity allowance is calculated. It also introduces new provisions to the jobseeker's allowance regulations for persons on maternity leave and adoption leave and relaxes the requirement to be available for work in respect of persons who undertake voluntary work. I beg to move.

The President: Mr Earnshaw.

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

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

Mr Gill: Will the minister confirm that there will be no financial detriment to any of the claimants under the proposed changes?

The President: Minister to reply.

Mrs Christian: Yes, Mr President. The issue of no financial detriment is a difficult one to answer. The area where this may impact – and it may be the sort of answer that the hon. member is looking for – is in relation to the provisions for permitted work. It has been the case that people who claim incapacity benefit are also allowed to do some work that does not affect their benefit. That is surrounded by various rules as to how much they are allowed to earn and for how long they can continue to receive that benefit. One of the changes in the regulation is that, in future, permitted work is regarded as work which is designed to enable a person to go back to full-time work unless there are circumstances such as a permanent condition which means that they will never be able to go back to full-time work.

The people in that category are protected under the legislation, provided that the department's disabilities employment officer supervises their work. People who do not fall into that category, but who are randomly incapacitated and receive sickness benefit, can continue to receive sickness benefit and earn up to £67.50 a week on top of that benefit, without now getting the doctor's permission to do such work –

The President: Therapeutic.

Mrs Christian: – and that will be therapeutic work. However, they will have to notify the department that while they are claiming incapacity benefit they are going to carry out some work within the parameters of earning less than £67.50 a week, but that cannot continue indefinitely. It can go on for six months, and then they can no longer continue to earn £67.50 a week unless they get a medical report stating that to continue that work will enable them to go back to full-time work. If they do that for a full year, with two periods under those rules, and they are still not back into full-time work, they lose the capacity to earn £67 a week on top of their benefit. They would then go back to the original provisions, which were £22.50 a week, and that work was not supported or supervised by our officer.

This is a reciprocal arrangement, which will be tested on an individual basis here. In the United Kingdom, there has been a tendency for people to continue to receive sickness benefit, incapacity benefit while continuing to work. Fraud is perhaps too strong a word, but there have been concerns in the United Kingdom that benefits were paid in such circumstances that should not have been paid. This is why the change has come about. I reiterate that people whose condition is such that they will never get back to full-time work, provided that they are under our disabilities employment officer and fit into the categories that are described, will be able to earn those sums indefinitely.

I hope, Mr President, that that response covers the part of the order to which the hon. member was seeking an answer.

The President: Hon. members, there was one query and the minister has replied. However, I am aware that the hon. member who raised the query seems a little anxious. I will permit you, sir, to ask one question of the minister, if you wish.

Mr Gill: Thank you, sir. I am grateful for that reassurance from the minister. However, will the minister reassure the Court that there will be no processing delays or backlog of work in the Disability Employment Service that would prevent an otherwise eligible candidate from being able to undertake therapeutic earnings employment?

The President: Minister.

Mrs Christian: Yes, I am happy to answer that, Mr President. At the moment, we do not know how much change there will be if the Court accepts the motion. Therefore we do not know how many more people will need to be supervised by the disability employment officer. However, we will monitor it. I have discussed this via e-mail with the officer, and she will keep us informed of the workload. We will certainly ensure that nobody loses their benefit because we cannot provide sufficient capacity in that officer's post.

The President: Hon. members, the motion is that printed at item 15 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Income Support (General) (Isle of Man)
(Amendment) (No. 2) Regulations 2003 –
Approved**

Item 16. The Minister for Health and Social Security to move:

That the Income Support (General) (Isle of Man) (Amendment) (No. 2) Regulations 2003 be approved. [SD No 153/03]

The President: I call on the Minister for Health and Social Security to move.

Mrs Christian: Mr President, this order makes a number of miscellaneous amendments to the income support regulations. It introduces new provisions concerning entitlement of persons on paternity leave and adoption leave. It also extends the period for which a woman is entitled to claim income support on account of maternity, and it amends the rules relating to the maintenance certain persons are treated as receiving. I beg to move.

The President: Mr Earnshaw.

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

Mr Waft: On a point of clarification, Mr President. With regard to income support as opposed to sickness benefit, two young people could be off sick with one earning up to £67 a week and the other earning only £20 a week, purely because one of the young people has been in prison the previous year. Therefore he is allowed to accrue only £20 a week, whereas someone who is off sick in the normal course of events is allowed to earn £67 a week. Is that still the case?

The President: Minister to reply.

Mrs Christian: Mr President, from the example that the hon. member has given me, I cannot say off the cuff that a person who has been in prison would not be entitled to earn the same amount as anybody else. It is not a contributory benefit.

Mr Waft: He is on income support then; he is not allowed to draw sickness benefit.

Mrs Christian: Income support relates to a person's income; it is not contribution-based. Therefore I would expect a person who has been in prison to be on a level playing-field with anybody else in terms of their income support payment. However, if the hon. member would like to confer with me after the sitting I would be happy to run through that particular example. The hon. member has referred to the amount of earnings that a person is allowed to make. This provision does not deal with that issue.

The President: The motion at item 16 is that the Income Support (General) (Isle of Man) (Amendment) (No. 2) Regulations 2003 be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Adoption (Hague Convention)
Regulations 2003 – Approved**

Item 17. The Minister for Health and Social Security to move:

That the Adoption (Hague Convention) Regulations 2003 be approved. [SD No 176/03]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, I seek the Court's approval for the introduction of the Adoption (Hague Convention) Regulations 2003. This is related to the item that was moved earlier by the Chief Minister.

The Adoption (Amendment) Act seeks to introduce to the Island the Hague Convention on the

Protection of Children and Co-operation in Respect of Inter-country Adoption and, as he has stated, that was agreed in 1993. The motion before the Court now therefore seeks to regulate adoptions from abroad and to prevent the difficulties that can develop with the unregulated adoption of children. The convention aims to ensure that inter-country adoptions are made in the best interests of children and, as the Chief Minister has already stated, to prevent the abduction, sale and traffic of children and to protect their rights.

We are now dealing with the regulations that can be introduced after the Court accepted the Appointed Day Order. Part 1 of the regulations concerns citation commencement and interpretation. Part 2 of the regulations sets out the procedures to follow where the Island is the receiving country. Part 3 introduces procedures where the Island is the country of origin; that, however, is likely to be used on very rare occasions. Part 4 contains miscellaneous provisions.

The regulations, if approved, will come into effect in October 2003. I beg to move this item standing in my name.

Mrs Hannan: I beg to second and reserve my remarks.

The President: The hon. member for Peel seconds the motion. I will put the motion standing at item 17. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Braddan Parish (Prohibition on Camping) By-Laws 2002 – Approved

Item 18. The Minister for Local Government and the Environment to move:

That the Braddan Parish (Prohibition on Camping) By-Laws 2002 be approved. [SD No 559/02]

The President: I call on the Minister for Local Government and the Environment to move.

Mrs Crowe: Mr President, the purpose of the by-laws is to prohibit camping on Cronk Grianagh Park and to provide for a fine not exceeding £500 on summary conviction of contravention of the by-laws.

Braddan Parish Commissioners have become increasingly concerned about the instances of people camping in Cronk Grianagh Park. The park is open to the public, and complaints have been received regarding anti-social behaviour and nuisance. The commissioners will ensure that the necessary signage is erected at the entrance to the park. They have also given assurances to the department that they will be prepared to enforce the by-laws.

Hon. members will recall at the February 2003 sitting of Tynwald that approval was given to the Recreation and Leisure Parish District of Braddan Order 2003. The effect of that order was to apply to the parish district of Braddan sections 1 to 5 of the Recreation and Leisure Act 1998, which confers

modern powers to provide recreation and entertainment facilities. Mr President, I beg to move.

Mr Houghton: I beg to second, sir.

The President: Seconded by Mr Houghton. Mr Speaker.

The Speaker: Thank you, Mr President. I have a couple of questions that I would like to ask the minister and the Attorney-General, as it would be helpful for clarification. Paragraph 1.3 of the by-laws clearly states that ‘movable dwelling includes a tent and a caravan’. It goes on to state that ‘caravan means a vehicle, including a mechanically propelled vehicle which is designed or adapted for human habitation’. Therefore, under these by-laws, anybody in that sort of vehicle or in a tent would not be able to go there. However, if a vehicle is not adapted for human habitation but a person uses it to camp in, they might not be in contravention of the by-law. Therefore the local authority would have no powers to have them removed because they may sleep in a van that has not actually been adapted for human habitation.

Secondly, paragraph 2.3(b) states: ‘Any person who spends a night or part of a night.’ I understand that this is a difficult question, as the minister may not know the answer. However, did the commissioners not give any thought to somebody who may sleep in such a vehicle in the daytime? In other words, if somebody goes to the park during the daytime and pitches a tent or caravan and sleeps there, they would not be committing an offence under the by-laws. I would like the minister to clarify that.

My question for the Attorney-General concerns paragraph 2.3(b), which states: ‘In relation to any person who spends a night or part of a night in the dwelling there’; but ‘dwelling’ is not defined. A movable dwelling is defined, but as ‘movable’ is not included, could it be taken that the by-laws are deficient, Mr Attorney? Thank you, Mr President.

The President: Do you want to reply minister?

Mr Delaney: What about a fellow on a hang-glider? You have covered everybody else.

The President: Mr Attorney.

The Attorney-General: Thank you, Mr President. As usual, the hon. member has raised an interesting point on the construction of the by-law. In relation to 2.3(b), it seems that the natural construction would be that ‘dwelling’ must relate to movable dwelling. It must mean movable dwelling. I agree that it would have been preferable if in 2.3(b) it is specifically stated ‘movable dwelling,’ but, in the absence of that, the reference to ‘dwelling’ must mean movable dwelling. That was the specific question, and I have tried to answer it in a specific way.

The President: It has ‘movable dwelling’ in the principle at part 3. Minister.

Mrs Crowe: Thank you, Mr President. As far as I know, vehicles are banned in this area at the present time, and I am not sure that there would be a suitable vehicular entrance or access for motor caravans or vehicles for persons to sleep in as it is. I feel certain that Braddan Commissioners will make sure that their notice will state that vehicles for the purpose of camping or the purpose of anything else will be excluded from this area. It is a recreational area where children are running around playing, and I am certain that no vehicles are allowed in at the present time and that they will be disallowed by notice in future.

The Speaker: By daytime?

The President: Hon. Members, I will put the motion standing at item 18 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Highway Diversion (Ballajeroi, Malew) Order 2003 – Approved

Item 19. The Minister for Transport to move:

That the Highway Diversion (Ballajeroi, Malew) Order 2003 be approved. [SD No 155/03]

The President: I call on the Minister for Transport to move item 19.

Mr Shimmin: Mr President, this order diverts part of an existing section of public right of way no. 214 at Ballajeroi Farm, Malew. It is intended that the footpath will commence at Mullinaragher Road approximately 30 metres south-west of its present commencement point at Ballajeroi Farm entrance. The footpath will sweep through adjacent fields west and south of the farm and then rejoin the existing route approximately 370 metres from the Mullinaragher Road.

It is confirmed that the owner of the farm requested the diversion of the footpath and that he agreed to pay all associated costs for this to be done. Subject to Tynwald approval, if the footpath is diverted away from the farm entrance the diverted route will be 25 metres longer than the original one and will be more spacious and straightforward offering uninterrupted views for walkers towards the south of the Island.

The order has been made following statutory public consultation whereupon no objections were received to the proposal. Mr President, I beg to move the motion standing in my name.

The President: Hon. member Mr Houghton.

Mr Houghton: I beg to second, sir.

The President: Mr Earnshaw.

Mr Earnshaw: Thank you, Mr President. I have a question for the minister. In common with several members of this hon. Court, I am a keen walker of the countryside. Therefore I wish to ask the minister to assure me, on behalf of all walkers, that if this order is approved he will use his powers to ensure that the proposed replacement footpath is completed prior to the existing footpath being abandoned. (**Members:** Hear, hear.)

The President: Hon. member for Council, Mr Gelling.

Mr Gelling: Yes, Mr President, I rise because members who are walkers could be excused for thinking that this is a new footpath. The footpath has been there for about five years. It has been diverted temporarily to its existing position. By the plan you will see that it now comes up through what it calls the 'farmyard'. It has not been a farmyard for 20 years; (*Laughter*) it is now a private residence. The footpath used to come up the old farm road and through the hacket, which is now the front garden of a very nice home.

As I say, people going there could be excused for being a bit confused as to where it is being diverted to. It has not been diverted at all, and all I am doing is putting down a marker with the minister. I think that he will find that this has already been temporarily moved by the department – something for which it does not need Tynwald's permission.

The President: Yes.

Mr Gelling: I ask the minister to reconsider. I know of other paths that have been temporarily moved but which have become permanent; and which have never come before Tynwald. We have always jealously guarded these footpaths. (**Several Members:** Hear, hear.) Diverting footpaths because people do not want them going past their houses and up their front drives could be a dangerous precedent. However, I still think that members should be aware of what is happening and that the minister should have a look at other temporary removals and diversions – a few of which have existed for a number of years and which have never come before this hon. Court, sir.

The President: Mr Delaney.

Mr Delaney: I am delighted that somebody from the area has raised that point. I took a trip down to see this, because I am always concerned when any of our heritage is endangered. I might not agree with it all the time, but sometimes footpaths and ramblage in particular suddenly disappear for the benefit of an individual or family who have arrived on the Island. Therefore I was interested and went to see it.

Like Mr Gelling, I had an interesting conversation with one or two of the old locals down there. It is not my patch in any way, but they told me some interesting stories about this site, and I am getting a bit worried. Are we getting to the stage where we are

going to allow these footpaths to be moved, as Mr Gelling said, just because a new resident does not like the idea of anyone walking near his house? They are not all that big, and virtually every footpath affects somebody living somewhere. I would like somebody . . . Mr Gelling has asked about this, but we have an officer who is responsible for highways. In this Court a couple of months ago, I mentioned some of the paths that are totally overgrown because of the foot-and-mouth problem we had and other reasons. They have not been returned to the state they were in prior to foot-and-mouth.

Mr Gelling also said that one or two footpaths seem to be veering away from the area originally designated. I wonder whether the officer concerned is allowing it to happen or is notifying the people who are doing it that they cannot do it. These are the ancient rights of ramblage for the Manx people and our visitors and they should be left. If they do not have your permission they should be left as they are.

The President: Hon. member for Malew and Santon, Captain Douglas.

Capt. Douglas: Thank you, Mr President. I would like to say, Mr President, that the order was open to public consultation. It was of interest to me, and I fully support the previous hon. member for Malew and Santon, the hon. member of Council. It is of interest to me, sir, because my great great-grandfather came from that farm. I think that the gentleman concerned, Mr Wood, is a conscientious man, as is his department. (A Member: Hear, hear.) He goes round at all times checking the footpaths. However, the hon. members of Council are quite correct that a close eye should be kept on it. Thank you very much, sir.

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

Mr Karran: Eaghtyrane, I have a couple of points. Now that it does not go up the main driveway, what liability is there for extra maintenance in order to keep the footpath open? Was there any reflection on that extra commitment? Obviously it adds value to the property for the owner. Has there been any reflection when moving this that extra payment has been made to the department in order that this footpath obviously is not up the main road? The main road would have to be maintained for the owner. Now that the footpath is being put away, the owner gets extra value for his property. He also gives the department extra liability. We know how our footpaths are, and I understand that the priorities have to be for the roads, Eaghtyrane.

I am glad to see that this minister has not butchered away public footpaths like previous ministers in the Department of Transport have. I take my former seat as the member for Middle and I think of the appalling way that footpaths were given away. The likes of Speedies Meadow, which was almost the South Douglas national glen, and the footpath at Lough Ned – the burial path – was thrown away.

While I am pleased to see that we are retaining some sort of way for this entrance, I find it disappointing that if we were talking to the people at the bottom end of the market we would be wanting something out of it for it. However, here we are with a situation where we will enhance this property. We will almost certainly add more liability to the Department of Transport – and that is all right; we can be generous in that case. That is the only thing I would like to say about that.

I am glad to see that he has not gone down the road of the likes of Mr North, who butchered away at many of the paths in my ex-constituency of Middle. I am glad to see that, but I do hope that these points, whilst we will not get a decent reply today, are taken on board by the minister.

The President: Minister for Transport to reply.

Mr Shimmin: Thank you, Mr President. Yes, the public access and rights of way are a serious concern to me and to all hon. members. This has drawn attention to a number of issues, and I encourage the hon. member for Council and others to inform the department and me of the temporary removal or replacement of some of these footpaths that have taken place over the years. Each of these cases where there may have been a temporary relocation or an attempt by a landowner to relocate a footpath will always be closely investigated by the department.

The only reason that I am here today is that this benefits ramblers: it does not cause any further problems. The department will passionately hold on to the rights for public ramblage, and the only time we would support a removal is when the landowner can justify its benefits for the public rather than for the individual. Although I do take the hon. member for Onchan's point that he may find some minor benefit.

The owner will be responsible for legal and advertising costs, and all the fingerposts and access to what has been referred to as the temporary path will be made more accessible to the public. However, that could not be done until it has Tynwald approval.

I am concerned about allegations that footpaths have been moved without Tynwald approval. That is against the policy of the department; however, if it is occurring, please let my department know through the office of Mr Wood.

Mr Delaney, member of Council, talked about paths being overgrown. We do what we can. We wish to be made aware of those that are causing concern, and we will do what we can within our resources. There are many people with eyes and ears in the countryside, so please talk to the department so that we can try to improve it for everyone.

The hon. member for Onchan raised a number of issues. The extra commitment to the department is in effect only a further 25 metres –

Mr Karran: No, it is not.

Mr Shimmin: – that would be –

Mr Karran: The drive would be maintained anyway.

Mr Shimmin: We have many miles of footpaths throughout the Island, and that is beneficial to the rambles. The value to the owner and payment from the owner has not been something I have been aware of. He praises me for not butchering footpaths. I would love to take the praise, but I do not know what he is talking about. The area is something which is delegated to my hon. friend for Malew and Santon who knows this area well. We do not attempt to butcher footpaths, nor those that are overgrown. If people hear about butchering, please let us know. We will do the job as best we can. That is not done lightly, as it is something we believe to be beneficial. I would welcome the Court's support.

The President: Hon. members, I will put the motion standing at item 19 on the order paper. Those in favour please say aye; against, no. The ayes have it.

Isle of Man War Pensions Committee Appointees – Motion Carried

Item 20. The Chief Minister to move:

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

Lady Sharonne Walker; Mr Arthur John Sayle; Professor Roger Berry; and Mr D Griffiths

The President: The Chief Minister to move.

Two Members: Agreed.

Mr Corkill: Mr President, following an increase in the workload arising from widening responsibilities, the War Pensions Committee made a representation to Council seeking an increase in the number of members. The Council agreed to allow four further committee members to be appointed. The new nominees are Lady Walker, Mr Sayle, Professor Berry and Mr Griffiths. Hon. members will see from the information circulated that these nominees are well qualified for the responsibilities of the War Pensions Committee. I am pleased to request that this hon. Court approve the names before us. I beg to move the motion in my name, sir.

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

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

The President: Hon. members I will put the motion standing at item 20 on the order paper. Those in favour please say aye; against, no. The ayes have it.

Transparency and Integrity of Government – Amended Motion Carried

Item 21. The hon. member for Michael (Mr Cannan) to move:

That Tynwald is of the opinion that in the interests of transparency and integrity of government, all purchases of real estate, costing in excess of £250,000, by government departments are to receive Tynwald approval before contracts are signed.

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

Mr Cannan: Mr President, all members of Tynwald are quite rightly charged with the responsibility of the proper expenditure of public money. It is part of the policies and procedures that when we spend large amounts of public money we come to Tynwald for approval.

I will give an example of some expenditure in the last six months. Last October, the general practitioners' surgery at Castletown cost £675,000 and the prison redevelopment programme contract fees were £1,695,000. In December, £550,000 was spent on Ramsey police station. In January of this year, the demolition of properties at Westmoreland Road cost £63,000. In March, the residential development at Red Gap, School Hill, Castletown cost £6 million and whey disposal at the Milk Marketing Association cost £700,000.

That is all right and proper, Mr President. We vote and debate; the money is then approved, and the necessary executive actions take place. When I first came to this hon. Court 20 years ago, if the government wished to purchase land or property, it came to this Court and the Court decided whether it wanted to buy the property. Then suddenly the policy changed. Members might be interested to know that in the written answer that you have this morning, the government, without any reference to this Court or to anybody else, has spent £6,148,845 in two years. That excludes the £1,200,000 for land purchased from the International Business School.

I am of the view, as I have always been, that the public should know how their money is properly spent. There should not be secrecy in the expenditure of public money. (**A Member:** Hear, hear.) The Chief Minister tells us from time to time that he is in favour of transparency and integrity – and quite rightly so.

However, did anybody here know – well we know now, because I brought it to the attention of the Court some months ago – that 4.5 acres at Red Gap, Castletown were purchased for £1,814,000 at £400,000 an acre? (*Interjection*) You may have known because you were in the department. That is inflation, one of the highest prices paid for building land.

People are saying that we must reduce or stabilise the cost of housing, and when that becomes public knowledge – and it becomes public because it is

registered in the General Registry – it sets a marker. However, there is other expenditure that none of us seems to know about: land was purchased in Marown for £399,000; and a public house was purchased in Laxey for the doctors' surgery for £325,000. I am all in favour of it. Land was purchased at Castletown for a doctors' surgery; land was purchased at Laxey for a doctors' surgery; land was purchased at Ballasalla for a doctors' surgery or money was provided for one. One area, however, missed out entirely – Michael. I wonder whether I am being targeted. Never mind. We move on.

There is land at Braddan, £310,000; land at the airport, £450,000; a house for residential purposes in Ramsey, £300,000. The Braaid Farmhouse, £550,000, was bought and now it has been sold because Tynwald, or its members, exerted pressure because it did not want that place to be used for the purpose for which it had been bought.

If there has been a loss of money it could have been prevented had Tynwald known that the Braaid Farmhouse was to be purchased and for the purposes that it was to be done. I will be brief. If it is the wish of Tynwald members that property purchases are to be secret – over £6 million in two years – then that is the wish of members. At least let the public know – and they will know because it is a debate and it is voted on – who wants secrecy in the purchase of land and real estate.

If the motion fails, the only way that Tynwald will be able to find out how much money government is spending will be for me or another member to put down a written question every year or six months asking what land has been purchased and registered in the General Registry. That would be wrong. I believe that members should be kept informed, and we are not being kept informed at all. The only person that may know is the hon. member who is in the local government department. He has just said so. Why should he be privileged to know when others have no idea what taxpayers' money is being spent on? They must find out through some general source or through the grapevine and the money has been spent or may be spent, as in the case of property at the foot of Richmond Hill.

They heard about it on the grapevine and wrote to the minister to ask whether it was true. The minister said that she was acting on behalf of the Minister for Trade and Industry. Nobody knows. If you are spending over £250,000, you should let Tynwald know, because it is not logical. On the one hand last month, to ask Tynwald permission to spend £63,000 –

Mrs Crowe: After?

Mr Cannan: – and then not require Tynwald approval to spend hundreds of thousands of pounds on property deals. It is inconsistent. Fifteen to twenty years ago Tynwald had no problem with large purchases coming before it for whatever purpose. I know that another debate is coming up. However, if Tynwald wanted to buy shares in the Steam Packet or spend money on other projects it came and got

authority. Here, the only authority appears to be the minister and with the permission of the Treasury. One or two members know, but the rest are kept in the dark. That cannot be right.

Mr President, if members want the present system to continue, so be it. The public will know that members want land deals to go on in private. The public will know that the only way to find out is by a written question some time afterwards asking what has been done in the General Registry.

I ask members to consider the motion. Do they want transparency in the expenditure of public money or do they want these purchases to continue privately between the minister and the vendor? I believe that members should know, even if it is only through receiving a circular in confidence from the minister or department. It is wrong for members to find out through gossip outside. Mr President, I will say no more; I leave members to judge. I beg to move my motion standing in my name.

Mr Delaney: I second and reserve my remarks.

The President: Seconded by the hon. member of Council, Mr Delaney. Hon. member for Onchan, Mr Karran.

Mr Karran: I second and reserve my remarks.

The Speaker: It has been seconded, sir.

Mr Karran: I move my amendment, Eaghtyrane, because without transparency, hidden debts and liabilities will be built in for future generations. We heard this morning when we had the nonsense from the Minister for Trade and Industry over the £185 million and the way one was being belittled over the fact that the MEA was talking about making a £6 million profit and about what it was going to cost.

The truth was that we were going to get some truth as far as the real accountancy – proper balanced accountancy – was concerned. These national debts are being taken in the back door. The water board loan should be on the same criteria as the MEA loan. That was repayment, and that is another.

These are the sort of things that concern me about this debate. It is important that hon. members should have a clear picture of the liabilities. I believe, like the hon. member for Michael, that that has seriously changed to the detriment what members of this Court know about liabilities. I move this amendment because I wish to draw to the attention of hon. members one example of the justification for proposing my amendment to the hon. member for Michael, Mr Cannan's timely and judicious motion.

In the recent past the Department of Trade and Industry made a long-term commitment to rent Hamilton House. In fact, at the February sitting in 2001 of this hon. Court, the hon. member for Douglas North, Mr Houghton, asked the Minister for Trade and Industry a number of very important questions. The replies to these questions are worth repeating to hon. members now.

The answering brief said that in October 1999 the department entered into an agreement with the owners of Hamilton House under which the department stood as lease guarantors for an e-commerce company which was negotiating to become established on the Island. Hon. members may wish to note that the Department of Trade and Industry was the lease guarantor for the unnamed e-commerce company. Therefore under usual and established business practice, the e-commerce company must have signed the original lease with the owners of Hamilton House, not with the Department of Trade and Industry, which was the guarantor of the lease payments.

Does any hon. member know of a single case of default in which the guarantor of a lease became the leaseholder who took over the lease? The answer stated that the unnamed e-commerce company did not set up in the Isle of Man. The department took over the responsibility for the lease, the arrangements for the property to be put on the market and then made the availability known to government departments seeking extra space. This must have pleased the owners of Hamilton House, as the department was now paying the rent and looking to get other departments to share the cost.

This extraordinary, if not bizarre, answer caused hon. members no surprise. It seems that we have become indifferent to such answers, although the minister is saying that he took it upon himself to commit the department to a 21-year lease at a rental of £185,512 per year.

If that was not shocking enough, remember the glib contents of his reply; I will repeat it for hon. members' benefit. The company did not set up here, and the department had committed the public purse to a potential expenditure of £3,895,752 over 20 years – which is all right when we are in boom, but some of us remember the time before there was a boom. *(Interjection by Mr Downie).*

It seems that we were intended to be reassured by the reply that there was a mutual break option at 10 years. So that was all right then. That was what was said. I do not think that it was all right, neither would the Manx taxpayers think that it was all right. This fiasco was then capped with the statement from the minister to the effect that the Department of Trade and Industry was in the business of taking risks.

Well, it is clear, hon. members, that in this case the risks were all on the backs of the Manx taxpayer. Hon. members may be interested to know that it would seem that the name of the e-commerce company that was the stated reason for the commitment of £3,895,752 of your money and mine would not be publicly revealed to us. The minister in office now says that the information is protected because it is commercially confidential.

Hon. members, let us have none of these disgraceful abuses of public trust. My amendment to the motion of the hon. member for Michael, Mr Cannan, would prevent such reckless risk-taking from ever happening again. I urge hon. members to vote in favour of the motion and the amendment. Let us say today that we will have no more examples like

Hamilton House, yet there are more. We know that, because one is asked questions about other places that will use up something like £30 million to £40 million of our national reserves in long-term commitments to rental agreements for the accommodation of civil servants alone.

Finally, this hon. Court will be able to prevent a fiasco like that of Hamilton House from happening in future. It is not an isolated case. Hon. members, it is important that we remember that these long-term commitments – and I have not gone into the full repair and lease side of it – are done on a wink and nod. They are all then hidden from democratically elected members on the grounds of spurious commercial confidentiality. Everybody knows that that is nonsense and is that it is wrong.

I hope that hon. members will support the motion and the amendment. I will be making sure that people outside this hon. House know that you want to cut back on the sick, the poor and the weak by allowing this lot to put the Court into such a situation once again. The bum's rush is supposed to have been banned, but we have been cajoled into this; we are ignorant in the matter.

I hope hon. members will see that this is important. I calculate that about £30 million to £40 million of our national reserve is tied up in long-term rental arrangements. I am being very generous on that. If the shoe was on the other foot, and my colleague next door or Mr Downie were not ministers they would be saying the very same thing as I am saying today. It is an appalling abuse of power, and this hon. Court is being treated with contempt. I beg to move.

The President: Hon. member for Ayre.

Mr Quine: Mr President, I am not seconding the amendment, but I want to make a point on the substantive motion. The problem with the substantive motion is timing –

Two Members: Hear, hear.

Mr Quine: It is perfectly legitimate for this hon. Court to be advised of these purchases; there is nothing wrong with that (**Mrs Crowe:** Absolutely.) That is as it should be. However, having been involved for a number of years in DoLGE and having had to deal with land acquisitions, I found the problem was the other way around (**Mrs Crowe:** Yes.). You were getting pressured, quite properly, by this hon. Court and by other parties to build houses, but to do so you needed to acquire land. So, you went into the marketplace and found land; you then did your honest best to strike a market figure to acquire that land. That is where we lost out, because we had to go back to the Treasury and ensure all the checks and counter-checks. By the time that was finished, the big developer had been there, put his money down and taken the land. We had to come back into the process at a higher level and pay more per acre. We had to have another try to see whether the developer was sufficiently

disinterested to give us a little bit of time to try to buy the land.

If you think about the substantive motion, you say ‘That is bad enough when you are in session, but what happens between July and October?’ (**Mrs Crowe:** Exactly.) If we take this motion at face value, it goes on to freeze. I suppose it would be open to us to try to negotiate contracts, subject to Tynwald approval – we have done that before – but how many vendors (**Mrs Crowe:** Yes.) want to take that on? In particular, how many want to take it on in the present market conditions, when they have got another person offering the same money without that encumbrance attached to it?

I can see where the hon. member for Michael is coming from, and it is absolutely right that Tynwald should be informed about such purchases. However, the proposition that they should be approved by Tynwald, in addition to all the other approvals that you must get to acquire land, is really a straightjacket. It is not going to be in the public interest. It will fire this upwards spiral, (**Mrs Crowe:** Cost.) push prices up, cause further delays and handicap us in trying to acquire land. Perhaps there is a compromise or another way around it; however, the motion, at face value, is not a workable proposition.

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. I wish to reinforce completely – and that perhaps does not happen too often – the comments of the last member to speak. The hon. member for Ayre is absolutely right. I support the mover of the motion and some of his arguments.

This issue is not new; the hon. member put down a written question in another place, and the government’s policy on this matter was made quite clear. However, I echo the point that Tynwald obviously has a right to know where the finances have gone, and as members we have a right to know in advance – it is that balance. That is why we have the land acquisition fund – to give the department flexibility in a very aggressive and difficult trading environment. In order to deliver government policy and to ensure that policies are approved by Tynwald – and that is what we all want, particularly on housing – we must make sure that the department has flexibility.

In his argument, the hon. member for Michael put forward a few issues that were straightforward budgetary items; for instance, the Castletown surgery was clearly laid out in the Pink Book and approved by this Court in the normal way. A number of issues are included in the Pink Book in the appropriate columns, and some of the other examples were also there.

However, at the same time, we vote for a set amount of money for the land acquisition fund, and that is there for the department to use in the public interest. That is the way it is.

I took from some of the comments from the mover of the motion that he perhaps would accept a retrospective account of where the money had been spent; that he wanted better information on how the

money had been spent. That would be better than the wording in the motion that purchases over £250,000 must receive Tynwald approval before contracts are signed. I do not see that there is a problem in that. I think that that is what the hon. member is highlighting, and what the hon. member for Ayre has reinforced. The word ‘secret’ was used a few times, but I wish to stress that there is no intent to be secret. It often occurs in public life that we have secrecy on the one hand and confidentiality (**A Member:** Hear, hear.) on the other. There is a big difference – it is a subtle difference at times, but it is an important one if we are to be successful in dealing with vendors’ confidentially. Obviously, as time goes by, the sale of a piece of land becomes public knowledge through the registries anyway. Thus, it would not be difficult for the departments involved to collate that information and let members know on a regular basis.

However, much of that information has already been divulged in public in answers to questions. There is no requirement at all to be secret at that point. The hon. member for Ayre is quite right: the issue of timing is crucial.

I wonder why the hon. mover of the motion has put down the figure of £250,000 – why does he think that that figure is inappropriate? Does he feel that it is not a large amount of money, compared to some of the things that government does? As he pointed out, we have had motions for some £60,000 here for approval. I wonder why that figure was chosen? If we were to go down that road, we would have the handicap of the old board-type system; before my time, we had four months of stagnation during which things got away from us.

There was one other issue about the Red Gap land and its high value that the hon. mover mentioned. I would like to say that I was Treasury minister at the time that that was given Treasury concurrence, and I can say that it was given the utmost scrutiny. I certainly felt, at that time, that it was in the balance as to whether it should have had concurrence or not, because of the high price of the land. However, there was one driving issue which made the concurrence go through, and that was that Castletown needs that particular development to go forward; it needs the redevelopment of Janet’s Corner and the decanting options. Of course, we have had that debate since, and those were the reasons that I felt it was in the public interest for that money to be spent, knowing that it would set a high level for the price of land. The government valuer agreed that it was at the top end of the market. It is unfortunate that a number of circumstances came together, with regard to availability of land and the requirements of government policy, which put us in that position. I certainly hope that the way in which we zone and develop land in future will not put the government and the taxpayer in that position again. If we were to arrange our stall differently in other areas there would be no need for this to become a hostage to fortune, as was the case with that particular piece of land.

The hon. mover has used a mixture of reasons to justify his motion, some of which are valid and others

invalid. However, the information must be provided retrospectively, and I do not believe that there is a problem in doing that. Indeed, I see the Minister for DoLGE nodding her head.

The President: Mr Speaker.

The Speaker: Thank you, Mr President. I think that even the mover of this motion was basically saying that all he wants is to be informed of what is happening.

I have to say, as a former Minister for Local Government and the Environment, that the greatest problem for government was having to seek Tynwald approval every time it wished to buy land or houses – especially land to provide houses. All that happened was that we were being gazumped. I remember well when we were in a position to have a piece of land for a new police headquarters in Castletown. However, the person involved did not want his name put before Tynwald; he therefore would not agree to the sale, and it fell through.

At the end of the day, we have to do two things: one, ensure that government can act properly and practically in the market; and secondly ensure that there is transparency in the government's actions. Take what the hon. member for Onchan, Mr Karran, said about 'actions of individuals who are ministers'. My view is quite simple: if it is proven that a minister has acted irresponsibly, or has taken actions that are not in the best interests of the Isle of Man, that minister should be answerable to the Chief Minister and to Tynwald Court. Action can be taken. However, we should not confuse those issues with ensuring that we have a practical system so that the taxpayer does not pay extra for land or property; we must ensure that the taxpayer does not lose opportunities that may come once in 20 years. The hon. member for Ayre, who, like me, has been in DLGE, knows only too well the practical problems that will arise through not doing that.

We have to be practical and straightforward. All this money is approved in the budget because these items are column 2 items. Therefore when Tynwald approves the budget, it automatically approves that expenditure as a block. It is nonsense for us in Tynwald to be asked on occasions for £60,000 as a capital project when it could easily have been a capital 2 item. The government needs to review what is acceptable as a column 2 item and what is not. The government must be given responsibility to act in the best interests of the Isle of Man in this matter.

The next point was raised by the hon. member for Michael. He played it a little bit, but if you listen carefully, what he really means is, 'but we should be informed of land purchases and real estate purchases that government have made'. I have no problem with that. It is important that we get something out of this debate. I do not support the motion on the order paper as written because it is totally impractical; it would drag us back in time and cause us all sorts of problems. Therefore I move an amendment, Mr President, which states:

Delete all words after 'departments' and add –

'and statutory boards should be identified in a report from the Council of Ministers and said report should be laid before Tynwald as soon as practicable after the year end.'

I beg to move.

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

Mrs Crowe: I would be pleased to second that amendment, Mr President. Two former ministers of DoLGE have spoken most eloquently about the difficulties with land purchase. They know only too well the problems with which I am faced at this present time, and that is without having to come to Tynwald to seek approval. Given that swift decisions need to be made in the marketplace, it would be nigh on impossible to say to vendors 'Well, if you could just keep it on hold. It is now July, but by October I will be able to see if I can possibly get approval.' It is nonsense; one cannot possibly negotiate in such circumstances. I do not wish to reiterate the interventions of the two former ministers because what they said is absolutely correct.

I see no problem at all with the department doing what the Chief Minister and the Speaker have suggested: presenting to the Court a list of acquisitions after they have been signed and sealed.

I want to get the wording of the motion – 'for acquisitions in excess of £250,000' – into perspective. In the calendar year 2002, there were two transactions; in the calendar year 2003, there was one. I would have no problem at all with circulating that information, and the purposes for which the acquisition is to be utilised, to the Court in any way at all if that is helpful to the members of the Court.

The President: Mr Cannan to reply.

Mr Cannan: Thank you very much, Mr President. At least my motion has produced something: the amendment from the member for Castletown, the Speaker. At last, an amendment calling for members to be informed (**A Member:** Hear, hear.)

Up to now, unless you search for information and ask questions, you will not get the answers. If you ask questions, you are told, 'it is all confidential.' Six months ago, I asked the local government minister, in a question in this Court, for information about land purchases. Even though they were in the General Registry, I was all told that it was all confidential –

Mrs Crowe: No, it was said that it was public knowledge.

Mr Cannan: It is not, because that was the answer given in the House of Keys. I had to bring it to the Chief Minister to ask whether he approved the answer you gave me. This debate has moved a step further.

I recognise the practicalities of coming to Tynwald for land purchases. I do not see the problem with somebody not wishing it to be known that they are selling their land – once it has been sold everybody knows that they sold it to government anyway. There may have been sensitivities and urgencies in purchases, but nobody was ever being informed. Nobody could find out; that is the cause of the irritation. When the minister said it was confidential in the House of Keys, I had to get the Chief Minister to revoke that decision.

Hon. members, I will not keep you. I will support the amendment that all members be informed and that purchases should not be kept under confidential cover. After all, land purchases over £250,000 will have been registered in the General Registry. It is no good saying, 'Ah, but under the Land Acquisition Act you had the £6 million'. So what? Nobody knows what it was being spent on.

At least from now on – I hope – members will be informed. I hope that, notwithstanding the words in the amendment, they are informed on a yearly basis. I hope that when ministers have completed the transaction, they will at least have the courtesy to send a circular to members to say that they have bought this land or that property for whatever purpose. It is in the public domain, and it is being registered in the General Registry. Members should not have to scratch around or be asked by external voices, 'Did you know that government have bought that farm?'

Ministers should have the courtesy to send a note around after the transaction has been completed. The amendment also calls for a full list to be sent. I hope that the Chief Minister and his ministers will, in future, treat us with courtesy when they complete a real estate transaction. Mr President, I support the amendment.

The President: Hon. members, the motion before the Court is that printed at 21 on the order paper. To that we have the amendment in the name of Mr Speaker. Hon. members, I appreciate that it has not been circulated so I will be deliberate in telling you exactly what it says:

Delete all words after 'departments' and add –

'and statutory boards should be identified in a report from the Council of Ministers and said report should be laid before Tynwald as soon as practicable after the year end.'

Everybody content, hon. members?

Several Members: Yes, agreed.

The President: In that case, hon. members, I put to you the amendment as moved by Mr Speaker. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Therefore I put to you the item at 21 as amended. Hon. members, those in favour please say aye; against, no. The ayes have it. The ayes have it.

Isle of Man Steam Packet Company – Motion Not Seconded

Item 22. The hon. member for Onchan (Mr Karran) to move:

That a select committee of three members be appointed to examine urgently the desirability of the government purchasing a controlling interest in the Isle of Man Steam Packet Company and to report to the Court as soon as possible, but no later than the end of the current session.

The President: Hon. member for Onchan.

Mr Karran: Eaghtyrane, I move this debate on the Steam Packet Company so that the hon. Court can give this issue of national importance the attention that it deserves. There can be no misunderstanding – the Steam Packet Company provides a lifeline and an essential service to and from the Island.

The Chief Minister, the Ard-shirveishagh, has provided us with a statement, describing this as a matter of interest and importance to our Island. The Ard-shirveishagh told us in the statement that the Steam Packet Company is for sale, and that the owners of the company have described it as highly profitable.

I invite the Ard-shirveishagh to tell us what valuation is to be made of the linkspan user agreement so generously provided to the company by the government of the Isle of Man. I ask because the Ard-shirveishagh gave the linkspan user agreement such prominence in his statement. The Ard-shirveishagh has told us that this agreement provides protection.

The agreement gives the Steam Packet Company use of Douglas harbour in return for undertakings on service and fares. It requires the company to consult the government on the proposed timetables every year.

In June 2001, the company indicated its wish to extend its option to extend the agreement for a further five years, taking it up to the year 2010. The Ard-shirveishagh has told us that the opportunity was taken to raise the levels of service in the agreement. I invite him to tell us what the levels were before this option was extended. Will he also tell us what the extent of the rise will mean to improving services? How does he measure that?

The Ard-shirveishagh has told us that, additionally, the Steam Packet now has to provide a minimum of seven return sailings a week to Liverpool during the summer season. It must also provide at least 7,000 lane metres of freight capacity a week, and a minimum of 10 per cent more freight lines metreage year on year. Will he please tell us what this means in a language that we all can understand?

Finally, the Steam Packet must provide a minimum of 764 return sailings a year to north-west ports. The Ard-shirveishagh said that the security of the user agreement has given the Steam Packet Company the confidence to embark on a positive growth-basis strategy that ensures standards of service to the Island. It has certainly given the company that owns it the confidence to embark on selling the Steam

Packet Company, the company that it describes as a highly profitable asset.

In his statement, the Ard-shirveishagh also said that this company has served the Island well in recent years, offering services beyond the requirements of the user agreement. He said that the company has been established as a successful profitable business operation, having undergone a period of investment and modernisation, but it is now up for sale.

The Ard-shirveishagh tells us that no one likes uncertainty and that he appreciates that the prospect of a change of ownership may be unsettling for the Steam Packet Company's loyal workforce. He tells us that he believes that the company is in contact with its workforce. We may take comfort in the fact that the Chief Minister says it is not unsettling, although the employees of the company might be unsettled. The Chief Minister believes that the company has already contacted its workforce.

The Ard-shirveishagh is giving us the benefit of his business philosophy, no doubt honed during his many years of experience in the business world. However, the business is a dynamic activity and cannot be predicted with certainty. I am sure that his Treasury minister would agree with that statement, especially with our investment portfolio. However, we are to take a small measure of comfort from his understanding. We must not forget that the Isle of Man Steam Packet Company Limited has strong leadership and management, so in his own words 'there is no need for undue alarm at this stage'. I trust that he will remember to tell us at what stage we should be alarmed.

There are those who might say that the Chief Minister's, statement is weak and typical of his administration, which upon close examination has very little to commend it. I invite the Ard-shirveishagh to say something meaningful about why the opportunity should not be taken to have a select committee to investigate the desirability of government purchase, of its having a controlling interest or golden share to test the truth regarding the user agreement. Is it as effective as the Ard-shirveishagh believes it will be in giving us protection? Should we open up the market to market forces? We all know that the Ard-shirveishagh is a great believer in market forces –

Mr Corkill: No I am not.

Mr Karran: Especially when it comes to the property sector, Eaghtyrane.

A Member: That is very personal.

Mr Karran: Could we – should we – set up a Manx company with a charter to take over or produce a new form of Steam Packet Company; or should we nationalise it as it is of such national importance?

A select committee could investigate how other island communities deal with this issue and make recommendations accordingly. A select committee could tell us whether the Ard-shirveishagh's

confidence in the strong management of the Isle of Man Steam Packet Company Limited is well founded.

A select committee could say something about the reality of the company's management structure and how it will survive the sale, after taking the opportunity to invite prospective buyers to tell us what they intend to do with it.

A select committee could also recommend a policy to Tynwald to correct any inadequacies that might be found in the user agreement concerning the protection of the interests of the Manx people.

Hon. members, so much depends on this sale that we must avoid taking unnecessary chances with such a vital national interest as this company. I invite this hon. Court to support the motion, and by doing so demonstrate to the people of the Isle of Man that it takes their concerns regarding the Isle of Man Steam Packet Company Limited seriously. I beg to move.

The President: Hon. members, the proposal fails to get a seconder. Therefore the motion does not go before the Court.

Hon. members, that means that we have completed today's order paper.

Tribute to the Lord Bishop upon Retirement

The President: As this is the last sitting of Tynwald Court that will be attended by the Lord Bishop before he retires and leaves the Island, I would like to say before we wind up that we are grateful for his valuable and thoughtful contributions (**Several Members:** Hear, hear.) to the work of this hon. Court.

Hon. members, over the past 14 years, I have certainly valued his friendship and the work that he has undertaken, whether it be in this Court or in his departmental work. I am sure that members will join me in wishing him and his wife a long, healthy and happy retirement. Perhaps the fishing rods will come out again.

Members: Hear, hear. (*Applause*)

The President: Hon. members, having completed our business, the Legislative Council will now retire and leave such business as Mr Speaker wishes to place before the House of Keys. Thank you, hon. members.

The Council withdrew.

THE HOUSE OF KEYS

The Speaker: Hon. members, the House will now stand adjourned until next Tuesday, 15th April 2003, at 10.00 a.m. in our own chamber.

The House adjourned at 7.50 pm.
