

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

**Douglas, Thursday, 20th February 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 Corlettt QC), Hon. C M Christian, Mr D F K Delaney, Mr D J Gelling CBE, Mr J R Kniveton, Mr E G Lowey, Dr E J Mann 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 and Mr L I Singer (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon. S C Rodan (Garff); Mr P Karran, Hon. R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Mr 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. J P Shimmin (Douglas West); Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill and Hon. P M Crowe (Rushen); with Mr M Cornwell-Kelly, Clerk of Tynwald.

The Lord Bishop took the prayers.

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Expression of Sympathy to Mr John Crook, Tynwald Messenger

The President: Hon. members, you will have noticed this week that our messenger John Crook has been missing. You may have been informed, and I am sure that our sympathy goes with him: we did hear that his son had died suddenly in London. I am sure the sympathy of the Court goes to our messenger in those regards.

Members: Hear, hear.

Expression of Sympathy to Relatives of Accident Victims

The President: Equally, hon. members, when we listened to the news this morning and heard the tragic news, I am sure that the wishes of the Court go to the families of those people who were involved in last night's tragic accident.

Members: Hear, hear.

Address by the President

The President: We have had two eventful days, hon. members, and on Tuesday evening you unanimously accepted a budget which in today's global terms was both positive and sound. Inevitably, outside events will have an effect on internal affairs on our Island. There are many who regularly make comment on such without any responsibility. You, hon. members, hold a mandate from your constituencies to act with the knowledge of informed opinion, looking at the whole picture irrespective of the populist view. The future of the Island is best attained by listening to the parliamentary debate in this Court and thereafter working together in unity to carry forward the majority decision. It may be comfortable to be populist, but having the responsibility for decision making lies in your hands. It is not the time to lack confidence and be backward looking; rather the need is to show confidence in the people of the Island, its business and its future.

Old Government Office – Refurbishment – Debate Continued – Motion Carried

The President: Hon. members, I hope we get through today without any interruptions and we can complete our order paper. The hon. member for Rushen had commenced her brief on item 6. I leave it in her hands as to whether she starts again from scratch or wishes to summarise the bit which she had presented to the Court yesterday afternoon before we were rudely interrupted. Hon. member for Rushen.

Mrs Crowe: Thank you, Mr President. I am sure hon. members of the Court will be pleased to know that I did in fact summarise what I was going to say and what was said yesterday, so I shall reiterate some of the important dates.

I began yesterday with the history of the search to relocate the legislature and the Clerk of Tynwald's Office, which began in 1990. In 1993, 10 years ago, plans were proposed for the use of the Wedding Cake and the old registry building which were becoming vacant when the Courts of Justice were completed, and in February 1995 this hon. Court approved a capital scheme for the reorganisation of the top floor of Central Government Offices, the Chief Minister's Office, Council chambers et cetera, but this scheme also provided two private rooms for the 32 members of Tynwald. In approving this scheme, this hon. Court was informed that this reorganisation of the top floor was but the first phase in a programme which would include the refurbishment of the Wedding Cake building and the registries.

So it was with close co-operation with the Tynwald Management Committee, the Clerk of Tynwald's Office and the Department of Local Government and the Environment that the Office of Architecture in the department were asked to complete a comprehensive feasibility study. The option appraisal which followed concluded that the best option was to refurbish the two historic buildings and link them with an infill scheme.

Subsequently, it was agreed with the Tynwald Management Committee that this option was indeed the preferred option, as it would maximise the use of the location and give government a much enhanced asset. In consequence of this decision, the Department of Local Government and the Environment and the Tynwald Management Committee submitted a successful bid for capital funding as part of the budget process.

On 9th May 2000 members of the legislature were invited to a presentation of what we now call the 'infill scheme'. This is the innovative joining of the two

buildings by very much a glassed infill section. Later in the month of May, this hon. Court approved a capital sum not exceeding £400,000 for precontract fees.

Mr President, I have summed up the history which I gave yesterday, so I hope the dates are relevant. I wanted to impress on hon. members that the scheme before them today is the product of much hard work by not only the Tynwald Management Committee and the Clerk of Tynwald's Office, but also my officers in DoLGE who have worked so hard to produce this scheme.

This scheme is as much for the Island as it is for today's politicians, who, as we all know, are but birds of passage. The legislature and the Clerk of Tynwald's Office have been more than patient. Over that period since 1995, it has seen government responding to the office requirements of various departments, statutory boards and other agencies in the need to ensure that government's employees have modern working conditions. The Financial Supervision Commission, the Financial Crime Unit and the Company's Registry have all been centralised in one location, while enhanced accommodation has been found for the Passport Office, Probation Division, the Department of Home Affairs, the Department of Education, the Department of Agriculture, Forestry and Fisheries and indeed for my own department in Murray House. Against this background, the legislature and the Clerk of Tynwald's Office can hardly be accused of putting their own interest before those of the Island. Mr President, if anything, they have remained patiently at the back of the queue waiting for their turn to arrive, while we in the department have accommodated many other divisions of government.

Hon. members who attended the informal presentation earlier this month and those who have studied the plans and the model which has been on display, will know that from the aesthetic point of view this scheme is an exciting and successful means of linking two important and well regarded buildings of the 19th century by means of a 20th century building of a simple and transparent structure. As a statement, it boldly emphasises that the legislature is firmly rooted in the best values and achievements of the 19th century, but from this vantage point looks forward to the challenges and opportunities of a new century. In addition the important historical structures on site will be preserved and protected, which meets my department's objective as guardian of these buildings.

This complex will provide a most appropriate start to the eastern boundary of the government triangle and it will add to the counterbalance to the new Courts of Justice and Registries complex on the opposing boundary of the triangle. From an operational point of view it will be providing shared offices for members, with interview rooms for meeting constituents in private. There will be an improved library service, not only for members, but for the general public and given that our library is the sales point for many government publications, the provision of extra space is indeed necessary. Also, it will be easily accessed on the ground floor level. The size of this chamber will be

increased and for the first time will provide access for disabled members and disabled members of the general public.

This is a unique opportunity which is unlikely to be repeated. Generally there will be better access and circulation for all occupants and users, with a rationalised entrance off Finch Road. There will be additional room for the staff of the Office of the Clerk of Tynwald, who we all know presently operate in cramped conditions. There will be a whole additional floor for general government office use to assist in addressing the needs of my department's property strategy: 2,000 square metres of office space, a whole ministry could be accommodated in that area.

Tenders were invited from both on- and off-Island and the advertisements were placed both on- and off-Island. After much work involving the department's Office of Architecture and with significant design input from the late Ian Brown, the final design was agreed in 2002. The lowest tender was slightly in excess of the design team's pre-estimate tender of £6,915,000. However, following negotiations with the lowest tenderer, it has been possible to bring this tender down to the pre-estimate figure. In consequence the overall cost of the project is in accordance with the Pink Book budget estimate.

To the contract figure needs to be added moneys for the fees, site investigations, the bond, furniture and fittings and the client's contingency fund and in respect of the provision of temporary accommodation for the legislature during the contract period. Once the contract has been awarded the sequence of events would be as follows: to create the temporary debating chambers for the legislature in rented accommodation on the ground floor of St George's Court in Upper Church Street, Douglas so that the accommodation would be available for the start of the parliamentary session after this year's summer recess. Thereafter the contractor would commence work on this site with a view to the new complex being completed and in use by the legislature and the Clerk of Tynwald's Office at the start of the parliamentary session after the 2005 summer recess.

Mr President, it has been suggested that for financial reasons this scheme should be scrapped, or at best deferred for consideration in a few years' time. I would say that this is false economy and is based on the false premise that we can merely mothball the Wedding Cake and the old General Registries building and carry on as we are at present. The old Wedding Cake is displayed on much of the government's promotional literature and regularly features in both local, national and international press. To many it is the most recognised symbol of government. We just cannot let it lie. The old General Registry building is similarly placed. All that would happen would be decay. These buildings need extensive repairs to their external envelopes and we all had an unexpected opportunity to view them yesterday. They need external and internal refurbishment. Health and safety will dictate that we need to have new lifts and many other features that need replacement in the buildings. All of which would obviously be addressed as part of

the new scheme, but any deferment would mean that these would have to be addressed. The Wedding Cake building, as we have all seen, is looking very shabby indeed.

The department's technical officers have estimated that it would cost in excess of £4 million to bring these two buildings back into use as offices, and I do need to serve notice, Mr President, that, in the unfortunate event of this motion failing, it would only be a matter of time before I would be back before this Court for substantial capital sums to rehabilitate these two buildings.

Realistically, if the motion before us today fails then I do not see how this particular scheme could be reactivated. I think we would be starting completely afresh and possibly would have to consider alternative sites at a considerably greater expense. As far as the department is concerned, this window of opportunity would have been firmly closed. Mr President, I wish to commend the acceptance of this motion to the hon. Court today. Thank you.

The President: Mr Speaker.

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

The President: Mr Earnshaw.

Mr Earnshaw: I was going to second, sir.

The President: Mr Gill.

Mr Gill: Thank you, Eaghtyrane. I am sure that none of the arguments we have heard so far, nor indeed in all probability those we have still to hear later today, are new. They have been aired both on the Island and elsewhere. The design and construction of civic buildings has always excited public interest and exercised politicians. This has certainly always been the case in a democracy, indeed probably even of the sternest and most oppressive régimes have attracted subdued but widespread criticism. One only has to think of the fate of the tyrant Ceausescu of Romania, of all his excesses, human rights violations, police state, widespread and abject poverty and almost medieval levels of healthcare. Certainly all these privations led to opposition, resistance and his overthrow, but the main unifying issue which brought the Romanian people together most was the disgust of the extravagant lifestyle of the President, his family and cronies, exemplified by grandiose and tacky palaces. Clearly no-one would suggest there is any comparison between the Romanian experience and our situation here, but given some of the excessive comments we have heard in the press recently, I hope that I will be proven right in hoping that we do not have any extravagant and extreme comments in this debate, sir.

The point is that all civic building projects, especially town halls or legislative buildings, lead invariably to a feeling, sometimes an outright allegation of 'Snouts in the trough', or 'It is all very

well them looking after their wants when we are suffering hardship', or 'Selfish unnecessary expenditure to promote egotistical and lavishly excessive schemes'. We have all heard such claims recently. Now I accept that this motion in the background has not been helped by the recent experiences in London and Edinburgh. In Westminster with the new Portcullis House, an impressive addition to the palaces of Westminster, the costs there have greatly exceeded the original amount, largely because of wrangles over a windows contract and those of us who have had the chance to visit Portcullis House will appreciate that most of the building seems to be constructed of glass, and also because of legal costs, but the damage is done. The public perception reflects all the concerns I have listed before and the effect is, of course, against the body polity, which is already held in lowest regard and will suffer a further blow to its credibility. Similarly the cost of the Scottish Parliament building at Holyrood has risen ninefold from its original estimate to £338 million. As if this is not bad enough, and most certainly it is bad enough, the response from the providing officer, Sir David Steele, certainly has made a bad situation worse by his high-handed, dismissive and arrogant rejection of public concerns. Again the damage is done in the public's perception, and that is a crucial consideration in these deliberations. In the public perception, Holyrood became another symbol of waste, avarice and unaccountability.

Calming such fears – fears which have been stoked up by some opponents of this scheme – is a challenge facing the hon. mover of this motion and her supporters. I would look to her for clarification about the amounts to be spent, and reassurance about the safeguards against overspending. I know these are issues which can be addressed and that the argument of funding for improvements to these chambers and its environs against any particular parochial demands is simply not comparing like with like, but I trust that the hon. Minister for DoLGE, in summing up, will offer these reassurances, because I believe the premise of investing in our built infrastructure is a sure reflection of our belief and confidence in our political and national identity.

Eaghtyrane, as I have previously said, a scheme such as this always attract criticism both from some sectors of the public and opportunistic politicians eager to take advantage of these misunderstandings or misgivings. This is not new: I dare say that whenever plans were being drawn up for the construction of the new Tynwald Hill at St John's the very same debate would have been abroad. I am sure that whoever the chieftain responsible for the hill was, he would have had to consider comments such as: 'There has been a lot of grumbling about this hill idea'; or, 'The word on the mud path is that it is unnecessary and it is over the top'; and, 'Just think how many sages, soothsayers and leaches you could buy instead of this'; or, 'If you have to go ahead with the hill, at least chop the fourth tier off'; or even, 'Where will it end? With a tent on top of it!' (*Laughter*) Well, thank heavens that those responsible had the foresight, wisdom, courage and

determination to ignore such negative and unimaginative comments!

Today we face a similar decision: do we invest in our future, do we reflect our confidence in our national identity, or do we shy away from a decision because of here-and-now misgivings or mean-spiritedness? I hope we will have the courage to embrace the former and reject the latter.

In concluding, Eaghtyrane, I was looking for a form of words to reinforce my views and I hope these will suffice: 'As the Isle of Man grows in stature, with a worldwide-based economy, creating international awareness, there is a need for a modern parliament building with modern and efficient facilities, equipped with the most modern information and communications technology to meet the nation's increasingly sophisticated legislative requirements. This proposed new landmark parliamentary building succeeds in setting out new accommodation and projecting the Island's status appropriate for the 21st century.' These were the hon. member for Michael, Mr Cannan's views in 2001. At that time, of course, he held the position of Speaker. He was right then, he would be right now to maintain his view and I hope hon. members will have the courage, commitment and confidence to support this motion. Thank you, Eaghtyrane.

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

Mr Kniveton: Yes, thank you, Mr President. I am well aware, sir, that we are talking about the most controversial subject today. At this stage, sir, I have not quite finally made up my mind as to which way I will go. Having said that, I have to recognise that there are many reasons why we should agree to go ahead with the refurbishment and all else it involves.

There are many factors to be taken into account and I know mention has been made of some already, but I will go through some, not necessarily in priority order. I would say, firstly, access for the less mobile as I would like to call them, for the general public and hon. members is a most essential reason in this modern day. We chase hotels and other public places to do so; even the planners insist where the public is concerned and as an example, Peel Town Commissioners did just that for a member and visitors to go up and down to their board room.

Secondly, the cramped and unsatisfactory working conditions of the Clerk of Tynwald and his staff – surely this is a case for health and safety to look at.

Most importantly, not only for hon. members, but also the general public. Mention has already been made of our library which is so grossly overcrowded in every way. The viewing galleries' areas do not entice the most interested people, the visitors. We have four people in this morning for this very, very important debate. When going into detail, members' facilities are totally inadequate which is why some of us, Mr President, do much of our work at home privately or at our departments. Last week I saw the presentation put on by DoLGE and its officers and architects and

whoever. I have to say the plans for the future were quite magnificent and I congratulate those who produced the presentation.

However, Mr President, I can understand the reluctance of some members to spend nearly £9 million with the economy on the downturn, with the recruitment of staff held back and our capital programme cut, let alone many other factors. Whilst acknowledging that there is so much to do with this property, I cannot but read with interest the briefing notes in the name of Mr Halliwell when he says, and I quote: 'Another option considered was to only refurbish the additional accommodation and bring it up to current-day standards. Analysis of the cost report 1998 updated to the present time would suggest the cost of this option would be in excess of £4 million. Mr President, there is a huge difference of nearly £5 million. Perhaps I have missed something, sir?'

Mr Lowey: Yes, you have: the infill building.

Mr Kniveton: How will I go on, on this one? Will the hon. minister confirm to me exactly what we would not be getting for that extra £5 million difference? I just want confirmation of it: that is, the difference in the motion and the other option turned down.

Going on from there, sir, I ask: does this motion mean that different departments of government renting properties around the area and paying huge rents could be moved into a refurbished property and if so, how many and to what extent and what rents could possibly be received? I have to say, it would be very foolish for any owner of a large property such as the one we are debating, which is in need of refurbishment, not to spend money on it rather than continue to pay expensive rents elsewhere.

Mr President, I await with interest the confirmation to the points I have raised and then, sir, I will decide how I go on this one. Thank you.

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

Mr Earnshaw: Thank you, Mr President. I have not found it easy reaching a decision on this motion and I think some other members may have had the same problem. At present, and I do not think it has been made as clear as it could have been, the old registry buildings in Finch Road and the building known as the 'Wedding Cake' are, as far as I am aware already lying largely unused. There is a lot of office space there and the fact that it is unused carries a cost. We have already got a lease on a floor in St George's chambers waiting for us, which we are tied into for some years anyway, and this too bears a cost. We have also spent a considerable sum in researching and preparing to build on the proposed site. So there is another cost, and there are probably a few others I have not even thought of, Mr President.

So one way and another, there is a lot of cost piled up which will be money down the drain if we vote against today's motion. This is all gathered up under the heading, in my mind, of 'the cost of doing

nothing'. It is considerable, and to add to this many of these costs will simply be repeated if we do nothing now and pick up the scheme again at a later date.

We must not forget there is also the weight of expectation of staff needing better working conditions, and we should not underestimate this. I have spent a working life in offices, some good and some pretty hopeless, and I know the frustration and inefficiency that arises from poor conditions.

So what have we got? On the one hand we have got a prestigious site in the middle of our capital. Our presence probably attracts and anchors other businesses in the area. It is a symbolic site with the Wedding Cake and the Tynwald Chambers being the most recognisable parts, although I believe the new courthouse at the other end looks very impressive, and the public are generally comfortable with this site as our place of government.

What have we got on the other hand? We have got a landlocked site in the most expensive part of the Island. It is difficult to access and it is beset with parking problems for those who work here and the public who wish to visit. It is a site we seem to keep outgrowing. It is a site which seems to influence our choice of sites for other government departments which suffer similar fates, and it is a site whose limitations should perhaps have been recognised more clearly 30 years ago prior to the 1970s office development and bolder action taken then.

Interestingly in the last few days I have been reading some extracts from *Hansard* from 1977 which were provided for me by the Research Officer. In them, Mr Crowe – there were Crowes about then as well –

Mrs Crowe: Oh yes!

The Speaker: You can't get rid of them!

Mrs Crowe: All over the show! (*Laughter*)

Mr Earnshaw: – was seeking additional finance from Tynwald to complete the 1970s extension, and the debate highlighted the different opinions which existed at that time with the member, I think he was for Ayre, Mr Percy Radcliffe, defending to develop the town site and the member for Castletown, Mrs Elsbeth Quayle, saying, 'We shouldn't have'. We are possibly going to have rôle reversals for those constituencies today. (*Interjections*) So the arguments over developments on this site are not new and we are continuing it today.

So, where are we now? What are our options? We can move to a different site, walk away from this site altogether, sell up and relocate somewhere else. We have got valuable real estate here and we are all aware of the shortcomings for our needs. I believe that is what we should have done in the 1970s. Planning requirements were more liberal in those days. Many sites were available which have now been built upon. More options existed, and we had not then invested in this site and area in the way that we have. This is the rub we have now: we have the 1970s extension;

Murray House; the new courthouse and the registry; a huge investment locked into this site and a substantial number of staff working on it. We have passed the point of stopping; we have reached a situation where realistically we have to go on. In summary, we are fully committed to this site and after careful thought these are the main factors which have influenced my decision.

This is not about members of Tynwald feathering their nests, which is the popular view which has been painted; it is about fulfilling some real working needs for employees, the press and members. It is about caring for the Island's image, investing for perhaps another 100 years and achieving this by redeveloping a tricky and costly site.

As I said at the outset, I have not found this a straightforward decision to reach. It is a decision I have arrived at for a variety of reasons with some reluctance. But I have arrived at the view that to vote against today's motion is, in my opinion, shortsighted and the easy way out. It will be something of a cop-out. Many of the electorate will give members three cheers, because without doubt there are other significant pressing needs in the community but, Mr President, I shall be supporting the motion.

The Speaker: Hear, hear.

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

Mr Rimington: Thank you, Mr President. I have always had very deep reservations about this scheme right from the word go and, indeed, have taken quite a public position on the issue in times past and in recent weeks and some time ago, feeling that there were excessive costs involved in this project. I still actually feel that there are excessive costs involved in this project, and I was concerned with the way it was promoted in times past: from some quarters it was promoted with a degree of pomposity which made me cringe.

I do believe that we collectively, in Council and in our departments need to provide greater scrutiny of our capital projects as they come forward to make sure that we can maximise the value of our money, and maybe this project was one where that exercise should have taken place much more rigourously. But it has not and we are where we are today.

I actually believe that we have dug a hole for ourselves, and it is a hole that we cannot actually get out of very easily, and that to look at the opportunities for rejection you would have to say, 'Well, what can we gain by that process?' Now I have been committed, as I said, for two and a half years against this scheme, but the crunch has come this week, today, and I have had to turn my mind very closely to: 'Well, if I vote against this, what will I achieve if that goes down? Will I be able to put in process something that will gain us greater value for money? And the conclusion I have come to is that it will not. And I have changed my mind, as the hon. member for Michael has said, 'in time-honoured tradition', because I think that the

benefits that we might achieve by starting again will not outweigh with any degree of significance the benefits by continuing.

I was ruminating on these issues after the presentation that was given to hon. members last week, and discussions, and I must admit there was a certain radio interview, with views broadcast on the radio, which solidified my change of mind because I could not agree with the false and shallow arguments that were being projected on that occasion.

So I do have some concerns, though, about the design and I would hope that the hon. minister – and it is not just the hon. minister, there are obviously more who are involved in that process – will look at those concerns. They do not involve the substance of the scheme and would not in any way in my mind delay the progress of this scheme, but there are two areas of concern. One is the floor which contains the members' accommodation which has been set out with good intention – and there is no criticism involved there – but I do believe that the design could possibly be better and that possibly there is not the need for the extent of members' accommodation that is presently there. Now, again we need to consult and look more carefully at that and whether or not some of that floor could be then utilised for other purposes, whether they are government office purposes or whatever, but I do believe that a further look at the internal layout, the design of that floor should be readdressed and considered more carefully by the Tynwald Management Committee and the architects, obviously taking on board the collective views of members.

I do welcome, I must say, the fact that the library is going to be in a better position and have more space because the library at the moment struggles to provide the service that the people of the Isle of Man should expect from their parliament. That is not a criticism of the library but of their restriction, and if we are going to be a mature parliament in democracy then the Tynwald Library has to be a central and important element of that.

The last area of concern in the design is the kitchen facilities and how that might work, and I do think that needs to be looked at, because there just are physically not the numbers of people in the building at any one time, except for days like today – Keys sitting days – which are a minority of days within the month, and certainly over the year with recesses et cetera a great minority of days; that facility should be readdressed and I would actually – I do not know if it is at all possible – prefer to see something more open to the public. If we were going to have catering facilities there then it should be something open, have a wider aspect and not be as there at the moment, which I find unsatisfactory and will not add up in any cost efficient manner and needs to be reconsidered.

With that, Mr President, I am prepared to deliver my vote in favour of the motion.

The President: I call on the minister to reply. Hon. members, I have waited an appreciable time.

Mrs Crowe: Thank you, Mr President. I have a few questions that have been asked of me and I will respond to them individually. The hon. member, my hon. colleague, Mr Gill: yes, I can reassure him with his queries about overspend. The scheme is a fixed-price contract and has been a scheme that has been very detailed in its costing. In fact, we have our own quantity surveyor in-house as well as external cost elements, and we have gone through this contract with a fine-tooth comb.

Now, the hon. member of Council, Mr Kniveton, asked me what he would be getting in this newly refurbished building: what would be the extra attractions and the utilisation of the space and at what cost or what saving? Well, as I have said before, there will be an extra floor, over 2,000 square metres of space, disabled access, the new library on the ground floor, the member's offices, especially working space for the Clerk of Tynwald's Office and all who are employed there. And just to put it into some kind of perspective, if we were to lease the top floor of the extra office accommodation space at today's prices in the market place that would attract a rental income of half a million pounds per annum. So that would actually mean if we were to bring officers and ancillary satellites that are scattered throughout Douglas – and I think, in fact, Treasury operates from 11 different locations at the present time – that would be a cost-saving of half a million pounds per annum. This is a substantial area that would be freed up for use by officers, and would centralise them as well.

Now the hon. member for Onchan, Mr Earnshaw mentioned the 'do nothing option' and, of course, the cost, but quite rightly he has evaluated the options, and I know he always does evaluate the options before him. He has indeed come to the correct view. He has not copped out – that is with apologies to my hon. colleague, the Everton supporter (*Laughter*). It is quite right to say that he has come to the correct view and that the correct view is that it would be no cost-saving to scrap this scheme at all.

My hon. colleague for Rushen, Mr Rimington once again asked if there had been a rigorous examination of the costs and I can categorically assure him that not only has there been a rigorous examination of all the costs, it is an ongoing examination. One of the points that has been made on a number of occasions is the fact that maybe the catering facilities would be better utilised if it were open to the public and if we could utilise it when needed, so we are looking at that option at the present time. Again, the option for the members' accommodation: we can evaluate that and, of course, if need be, we only need to use half that floor for members' accommodation and the other half could house employees from whichever division is short of office space at the present time.

So with those comments, I think I can only reiterate what my hon. colleague, Mr Gill, said earlier and repeat the words of the Speaker of the day, Mr Cannan, in 2001: 'As the Isle of Man grows in stature with a wide-based economy creating international awareness, there is a need for a modern

parliament building with modern and efficient facilities equipped with the most modern information and communication technology to meet the nations' increasingly sophisticated legislative requirements. This proposed new landmark parliamentary building succeeds in setting out new accommodation and projecting the Island's status appropriate for the 21st century.' I do not think those words could have been said any better. Thank you, Mr President. (*Interjection by Mr Quine*)

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

A division was called for and voting resulted as follows:

In the Keys –

For: Mr Anderson, Mr Quayle, Mr Rimington, Mr Gill, Mrs Crowe, Mr Henderson, Mr Braidwood, Mr Shimmin, Mrs Hannan, Mr Bell, Mr Singer, Mr Corkill, Mr Earnshaw, Capt. Douglas and the Speaker – 15

Against: Mr Cannan, Mr Quine, Mr Rodan, Mr Cretney, Mr Duggan, Mrs Cannell and Mr Karran, – 7

The Speaker: Mr President, the motion carries in the House of Keys with 15 votes for and 7 votes against.

In the Council –

For: Lord Bishop, Mr Lowey, Mr Waft, Mr Kniveton, Mrs Christian, Mr Delaney and Mr Gelling – 7

Against: Dr Mann – 1

The President: With 7 for and 1 against in the Council, hon. members, the motion therefore carries.

Data Protection (Functions of Designated Authority) Order 2003 – Approved

Item 23. The Minister for the Treasury to move:

That the Data Protection (Functions of Designated Authority) Order 2003 be approved. [SD No 26/03]

The President: Now, hon. members, we made progress on Tuesday evening up to item 22, which we completed yesterday at lunchtime, so we now turn to item 23 on your principal order paper. I call on the Minister for Treasury to move.

Mr Bell: Mr President, the Data Protection Supervisor is a designed authority in the Island for the

purposes of article 13 of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. This order requires the supervisor to co-operate with any foreign designated authorities as required by the convention. This order also requires the supervisor to assist a resident in the Island wishing to exercise their rights in the country outside the Island. Similarly, where a person resident in a foreign country requires to exercise their rights in the Island, the order requires the supervisor to assist that person with their request. Mr President, this measure is simply a re-enactment of an already existing provision. I beg to move.

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

The President: The motion, hon. members, that I placed before the Court is 23 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Isle of Man Data Protection Tribunal Rules 2003 – Approved

Item 24. The Minister for Treasury to move:

That the Isle of Man Data Protection Tribunal Rules 2003 be approved. [SD No 860/02]

Mr President: Minister for Treasury.

Mr Bell: Mr President, the Data Protection Tribunal provides an important balance over the powers of the supervisor. For example, if the supervisor issues an enforcement or information notice against the data controller, the data controller has the right of appeal to the Data Protection Tribunal. The tribunal consists of a chairman and deputy chairman who must be barristers, advocates or solicitors of at least seven years' standing and at least one or not more than three other members. The Governor in Council appoints each member. These rules propose the procedures to be followed by the Data Protection Tribunal and I beg to move.

The President: Mr Gelling.

Mr Gelling: I beg to second, Mr President.

The President: Hon. member for Peel.

Mrs Hannan: As this is the last item on the data protection rules and regulations, Eaghtyrane, I wonder if I could ask the Treasury minister if at some early occasion he could get the supervisor to give us a presentation on data protection because I think that the rules have changed. They do give us responsibilities under these rules and I do think that we should be made very well aware of our responsibilities under these new data protection regulations.

Mr Anderson and Mrs Crowe: Hear, hear.

The President: Minister to reply.

Mr Bell: Thank you, Mr President. I would remind hon. members that they have already had a presentation on the Data Protection Act when it was brought in, as I remember sadly to my cost, a few months ago but certainly there is no question at all that these are really quite complex and, in fact, quite difficult to understand proposals and requirements put upon us all. As I think has already been said, we have to go through with the implementation of these to comply with the European standards to enable a free-flow of information between European institutions and the Isle of Man so we do not really have much choice in the matter. Nevertheless, I take on board the hon. member's comments and will certainly arrange at an early date a presentation for all members who wish to partake. I beg to move.

The President: The motion, hon. members, I place before the Court is 24 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Value Added Tax Act 1996 (Amendment) (No. 3) Order 2002 – Approved

Item 25. The Minister for Treasury to move:

That the Value Added Tax Act 1996 (Amendment) (No. 3) Order 2002 be approved. [SD No 860/02]

The President: Again, it is in the hands of the Minister for Treasury.

Mr Bell: Mr President, the purpose of this order to amend the Value Added Tax Act 1996 inserting a new section 26AA. The effect of this new section is to automatically disallow input tax on supplies where the business has not paid the consideration within six months of the relevant date. The relevant date is six months from the date of supply or other agreed date. Where such input tax is disallowed, the business concerned is obliged to repay to the Treasury any input tax claimed in respect of that supply. The new section also provides the Treasury with power to make regulations concerned with the disallowance. Consequential amendments are also made to section 36 of the Act.

The change made by this order and other legislation is intended to simplify the procedures associated with bad debt relief allowed in respect of VAT of the Treasury. Resource implications will be minimal. Mr President, I beg to move.

Mr President: Mr Gelling.

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

The President: The motion, hon. members, is that printed at 25 that the Value Added Tax Act 1996 (Amendment) (No. 3) Order 2002 be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Banking Business (Compensation of Depositors) (Amendment) Regulations 2003 – Approved

Item 26. The Minister for the Treasury to move:

That the Banking Business (Compensation of Depositors) (Amendment) Regulations 2003 be approved. [SD No 30/03]

The President: The Treasury minister please.

Mr Bell: Mr President, the Financial Supervision Commission was approached with a request by Close Trustees (Isle of Man) Limited to act as a trustee of pure international collective investment schemes. The law requires that such an entity must be an Isle of Man licensed banking institution. Close Trustees (Isle of Man) Limited thus applied for a banking licence. Close Trustees (Isle of Man) Limited was granted a banking licence on 15th January 2003; a condition of that licence is that it cannot accept customer deposits or engage in any other banking business. As a result of this, Close Trustees (Isle of Man) Limited is not a member of the Isle of Man Depositor Compensation Scheme. Therefore, the schedule to the Banking Business (Compensation of Depositors) Regulations 1991 was required to be amended.

Whenever an addition is required to be made to a schedule the FSC review the most recent schedule in force. The last amendment was made in 1998. The FSC identified two other changes that could be made for completeness purposes and they are as follows: (1) Jardine Fleming Bank Limited changed its name to Standard Bank (Asia) Limited in September 2001; and (2) C P A Vanderpump as liquidator of Bank of Credit and Commerce International (SA) surrendered its banking licence in April 1999.

The regulations provide an updated schedule to the Banking Business (Compensation of Depositors) Regulations 1991, include the name of Close Trustees (Isle of Man) Limited as not being a participant in the Isle of Man Depositor Compensation Scheme, change the name of Jardine Fleming Bank Limited to Standard Bank (Asia) Limited and delete the name of C P A Vanderpump as liquidator of the BCCI (SA).

Mr President, these are very minor amendments and I beg to move.

The President: Mr Gelling.

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

The President: the motion, hon. members, is printed at 26 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Forestry (General) By-Laws 2003 –
Approved**

Item 27. The Minister for Agriculture, Fisheries and Forestry to move:

That the Forestry (General) By-Laws 2003 be approved. [SD No 2/03]

The President: I call on the Minister for Agriculture, Fisheries and Forestry to move.

Mr Rimington: Mr President, our national glens and hill lands are valuable assets which my department manages with the aim of providing the greatest possible benefit and enjoyment to the greatest number of people. Many people enjoy the opportunity to walk in pleasant surroundings away from roads and traffic. The use of some vehicles in our glens and on the hills is unavoidable for carrying out certain works and where there are tracks which are designated as highways. These by-laws continue to control access of these lands to vehicles to preserve the amenity and enable people to enjoy a safe and, as far as possible, traffic-free environment. With regard to horse-riding, my department is in the process of developing extra tracks over the hill lands which can be used by horse-riders. My department has therefore dealt with this as part of the by-laws. These tracks will be in addition to the paths that already exist. With the amount of traffic on our roads I feel that it is very important to develop a safer off-road alternative for horse-riders. (**Three Members:** Hear, hear.) Hon. members may well have seen from this week's paper that my department is also offering access to plantations so that horse-riders can enjoy hacking in safe and scenic surroundings.

My department recognises that people like to exercise their dogs in these areas but it is also mindful that this can cause a nuisance to other users. Dogs should be kept under control so that wildlife is not worried or chased and no nuisance or annoyance is caused to other people using these facilities. The by-laws specify particular areas where dogs should not be taken or allowed to go. In particular, the presence of dogs around children's play areas can cause unpleasant situations stemming mainly from dog fouling. Fouling by dogs can be a particularly unpleasant form of nuisance. By-laws require dog-owners to behave responsibly and remove any fouling if their dogs foul on or near the footpaths in the glens and on the hill lands. Being unprepared or lacking the wherewithal to remove fouling is not an excuse. Dog owners must be suitably prepared for the situation because it is not a question of 'if' it occurs, but 'when' it occurs.

The object of these by-laws, Mr President, is to reinforce best practice and common sense. I would like to foster a spirit of shared responsibility for a shared

resource. Our shared aim should be to make our glens and hill lands a pleasant place for all who use them and enjoy their facilities.

The President: Hon. member Mr Henderson.

Mr Henderson: Thank you, Eaghtyrane. I beg to second and reserve my comments, sir.

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

Mrs Hannan: When introducing by-laws, obviously we need somebody or some bodies to implement them and make sure that they are abided by. Could the agricultural minister explain how they will be enforced?

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

Mrs Christian: Mr President, could I, by way of clarification, ask the minister to indicate whether or not the wording of the by-laws referring to 'any person other than with the consent of the department', and the wording of the explanatory note relating to the use by the public of certain lands, mean that tenants who use vehicles, quads and motorbikes for the purposes of carrying out their legitimate business as tenants are covered by the requirement to have the consent of the department?

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

Mr Singer: Could I ask the hon. minister in relation to dog fouling: he talks about shared responsibility, which no doubt is undertaken by the department – can he tell me how many bins the department are going to provide in these areas to ensure that there are receptacles available for people who are walking their dogs to place the faeces in, and at what cost is that to the department? What is in your budget to allow to put these bins in place?

The President: Minister to reply.

Mr Rimington: Thank you. In time-honoured tradition I will take the last first if I may, and I am sorry I do not have that information to hand, but I am sure what you have pointed out makes sense. There is no point in bringing in by-laws and asking for people to remove dog faeces without supplying suitable receptacles, so I will follow that one up and I will have to come back to the hon. member on that and give him an idea of the cost; obviously that is a necessary move.

On the question of any person otherwise under the consent of the department from the hon. member of Council, it is not envisaged in any way that this should restrict the normal activity of the tenants in managing the hill lands and yes, they do use quad bikes et cetera. As far as I understand, there is no implication in there or desire by the department to be restrictive on the

tenants in the proper course of their work; sometimes they need to take four-by-fours up onto the hill lands and that is all quite genuine and logical activity which must continue. I do not know if that satisfies the –

The President: Mrs Christian, if you are prepared –

Mrs Christian: Mr President, may I just ask for clarification, the question is: will they need consent from the department?

Mr Anderson: No, surely not.

Mr Rimington: Well, I would say I would agree with the hon. member for Glenfaba: ‘surely not’ would be the answer. I will look at that obviously and clarify that, but no, it would be illogical to suggest that a hill tenant would have to ring up and ask for consent to go and feed his sheep (*Laughter*). If the wording was per chance wrong then I would see that it be changed. That would answer that.

On the last issue, enforcement, yes, this was the very same question I asked my officers when they brought this forward for signing: ‘Well how can we enforce these by-laws?’ I think we are faced with the same difficulty that we all are in respect of many aspects of legislation we put forward. If I put a 20-mph speed limit in my local area I know that there will not be, for quite logical reasons, policemen sitting in my road waiting to catch somebody who is going 25 miles an hour, but you do need to establish those laws. You need to establish what is allowed and what is not allowed and what we expect of the public, and where we can enforce them we will, whether there are wardens, forestry officers or members of the public who are prepared to give us the appropriate information. I do look forward to the time when we have the mechanisms to actually apply greater enforcement, which I think you quite rightly say does not exist in these by-laws at the moment. I do look forward to the progress of the Dogs (Amendment) Act –

Mrs Hannan: I do too.

Mr Rimington: – and the ability to apply fixed penalty notices on people who do misuse our public facilities, and I would hope when that occasion arrives that we can be incorporated within that process. Thank you.

The President: Hon. members, the motion that I will put to you is that the Forestry (General) By-Laws 2003 be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Legislation (Application)
Order 2003 – Approved**

Item 28. The Minister for Health and Social Security to move:

That the Social Security Legislation (Application) Order 2003 be approved. [SD No 40/03]

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 existing social security benefits legislation. It increases the amount a person receiving industrial injuries disablement benefit can earn before being disqualified for unemployment supplement. It allows for a person to regain entitlement to incapacity benefit in youth following a period abroad, and it increases the amount a person in receipt of incapacity benefit can earn without being treated as capable of work. It makes changes to the invalid care allowance regulations as a consequence of the change in name of the allowance from ‘Invalid Care Allowance’ to ‘Carers’ Allowance’ from 1st April 2003, and it extends the period for claiming bereavement and funeral payments from three and six months respectively to 12 months after the date of death. All the changes, Mr President, are beneficial to recipients. The position has been explained in some detail. I beg to move the item standing in my name.

The President: Hon. member Mr Earnshaw.

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

The President: The motion, hon. members, is that printed at 28 on the order paper. Those in favour please say aye; and against, no. The ayes have it. The ayes have it.

**Social Security Legislation (Application)
(No. 2) Order 2003 – Approved**

Item 29. The Minister for Health and Social Security to move:

That the Social Security Legislation (Application) (No.2) Order 2003 be approved. [SD No 41/03]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, this order applies to the Island the appropriate provisions of Social Security Contributions (Amendment) (No. 5) Regulations 2002 of the United Kingdom as adapted for the purposes of the Isle of Man. Those regulations make a number of miscellaneous amendments to existing national insurance contributions legislation, principally for clarification. 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 29 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

National Insurance Contributions Act 2002 (Application) Order 2003 – Approved

Item 30. The Minister for Health and Social Security to move:

That the National Insurance Contributions Act 2002 (Application) Order 2003 be approved. [SD No 42/03]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, this order applies those provisions of the National Insurance Contributions Act 2002 of the UK Parliament which it has been decided are appropriate to the Isle of Man. In particular, it increases by 1 per cent both the rate of secondary class 1 contributions payable by employers and the rate of class 4 contributions payable by the self-employed on their net profits falling between the lower and upper end profit limits. The proceeds of the increase is to be used for National Health Service purposes. The principle of such change was endorsed by this hon. Court at the November sitting of Tynwald. I beg to move, Mr President.

The President: Mr Earnshaw.

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

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

Mr Cannan: I would be grateful if the minister would advise us in her response as to what purpose she is going to put this money which is now going, presumably, as she said in her address when we debated this matter in principle, for the benefit of the health service. Is she going to provide new facilities or is it just going to go into the general melting-pot? You will recall that this is a national insurance increase that is copied from the United Kingdom and the purpose of it was, in the United Kingdom anyway, to introduce new services to the National Health Service. I would like to know in particular whether the minister is going to improve primary healthcare in the Isle of Man?

The President: Minister to reply.

Mrs Christian: Thank you, Mr President. The purposes to which this funding will be put were set out in the department's business plan, as circulated with documentation attached to the budget. The provision of this money means that some of our otherwise general revenue funding is not available. The money will be

used both for the purposes of sustaining a growing demand for existing services and additionally for expanding into new services, Mr President. The balance between primary care and any other NHS services is set out, as I say, in our business plan.

The President: The motion, hon. members, that I put is that the National Insurance Contributions Act 2002 (Application) Order 2003 be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Social Security Act 2000 (Amendment) Order 2003 – Approved

Item 31. The Minister for Health and Social Security to move:

That the Social Security Act 2000 (Amendment) Order 2003 be approved. [SD No 43/03]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, the Social Security Act 2000, which is an Act of Tynwald, provides the department with enabling powers to apply appropriate United Kingdom legislation relating to social security to the Island by orders approved by Tynwald. This is the only function of that Act. The Act contains a list of the United Kingdom Acts to which the enabling power applies. The order before the Court today simply adds one Act to that list, namely the Tax Credits Act 2002. The order does not apply at this stage any provisions of the Act. It is a technical measure, Mr President, and an enabling mechanism. I beg to move.

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

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

The President: The motion, hon. members, is printed at 31 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Local Government Superannuation Scheme 2003 – Approved

Item 32. The Minister for Local Government and the Environment to move:

That the Local Government Superannuation Scheme 2003 be approved. [SD No 61/03]

The President: This is in the hands of the Minister for Local Government and the Environment, Mrs Crowe, please.

Mrs Crowe: Thank you, Mr President. This scheme applies to the Isle of Man, subject to the appropriate exceptions and modifications, a number of regulations that have been introduced in England and Wales during the period 1997 to 2002. These regulations make provision for the superannuation of local government staff and have been in effect in England and Wales under the Superannuation Act 1972 of their parliament. This scheme replaces the old Local Government Superannuation Scheme 1988 and the Local Government Superannuation (Amendment) Scheme of 1990 which applied previous regulations regarding local government superannuation.

The scheme provides for the applied regulations to have retrospective effect as authorised by section 12(2) of the Superannuation Act of 1984. Mr President, the new scheme will bring the Isle of Man in-line, subject to appropriate exceptions and modifications with the changes that have occurred in the United Kingdom superannuation scheme. There has been extensive consultation with local authorities over these details in the last few months. Further details have been circulated to hon. members, and I beg to move, Mr President.

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

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

The President: The motion, hon. members, is printed at 32 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Recreation and Leisure (Parish District of Braddan) Order 2003 – Approved

Item 33. The Minister for Local Government and the Environment to move:

That the Recreation and Leisure (Parish District of Braddan) Order 2003 be approved. [SD No 557/02]

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

Mrs Crowe: Thank you, Mr President. This order applies to the Parish District of Braddan sections 1 to 5 of the Recreation and Leisure Act of 1998, which confers powers to provide recreation and leisure facilities in place of the provisions of the Local Government Act 1916 to 1963, which are repealed so far as they apply to the Parish District of Braddan. Once this order has been approved by this hon. Court the local authority will be able to make by-laws under modern legislation, which will enable the authority to address local issues such as the prohibition of camping in public parks. Further details have previously been circulated to hon. members and, Mr President, I beg to move.

The President: Hon. member, Mr Earnshaw.

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

The President: The motion, hon. members, is printed at 33 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Braddan Parish General By-Laws 2002 – Approved

Item 34. The Minister for Local Government and the Environment to move:

That the Braddan Parish General By-Laws 2002 be approved. [SD No 558/02]

The President: Minister for Local Government and the Environment.

Mrs Crowe: Mr President, these by-laws regulate various activities and also relate to the prevention and suppression of certain nuisances within the parish district of Braddan. The by-laws cover a variety of matters, including for example, regulating processions in streets or public places, regulating street collections, forbidding touting and regulating bill-posting. There are other matters forbidden or restricted such as the use of indecent language and behaviour in public places and streets. The by-laws amend and revoke the Braddan Parish General By-Laws 1991 which were approved at the Tynwald sitting of May 1991. Further details have been circulated to hon. members. Mr President, 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 Peel.

Mrs Hannan: Thank you, Eaghtyrane. These by-laws forbid the playing of ball-games in street and certain off-street car-parking places. Could I ask the minister if provision has been made for ball-games off streets with playparks and those sorts of areas so that young people can get rid of some of their energy (**A Member:** Hear, hear.) by playing ball-games, by running, playing and screaming? I can accept that there are certain streets where you would not want this to happen, but if there is nowhere else why should the young people be attacked (**A Member:** Hear, hear.) by these by-laws. I think we have got to look at the wider issue, Eaghtyrane. We have got to look at providing space for, not only young people, but also older people – parks, open spaces and areas such as this. It is all very well having houses, but if you have not got the quality of life as well, then we are wasting our time

really and we are building up other problems for ourselves.

Two Members: Hear, hear.

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. I would totally agree with the hon. member for Peel, and I feel certain that the use of these prohibition notices will be only for the likes of main roads and dangerous areas where it is dangerous for youngsters to play, knock around a football or whatever and I will make sure that indeed those regulations are applied in a sensible way. What I would say is that I do think Braddan does have excellent provision for play areas and indeed we need to encourage these play areas throughout the whole of the Isle of Man for youngsters' ball games and what have you. I would agree with the hon. member and I will certainly pass that on to Braddan Commissioners.

The President: Hon. members, the motion I put then is that the Braddan Parish General By-Laws 2002 be approved, as printed at 34 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Natural Gas Pipeline Construction – Provision of Funding – Amended Motion Carried

Item 35. Mr Cannan to move:

Tynwald is of the opinion that provision for funding should be made during the financial years 2003-4 and 2004-5 for the construction of a natural gas pipeline to serve the north, south and west of the Island.

The President: I call on the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr President, all of us in this Court are aware that the natural gas pipeline has been brought ashore at Kirk Michael and taken to Douglas. It has been done at a multi-million pound cost and that is a cost for which the MEA has obtained the funds on the international money market. The MEA is paying the interest on that loan and the interest, of course, is not paid by the MEA, but by its customers, throughout the whole of the Isle of Man. So that is the good news, and the electricity will now be fired by natural gas with a subsidiary cable to the UK.

An offshoot of that is that natural gas will then be provided to Manx Gas for the provision of natural gas in Onchan and Douglas. Now as we all know, natural gas is a certain price and liquid petroleum gas, which the Isle of Man is supplied with at present, is becoming very expensive. Many people who have had their gas bills recently are quite horrified and with the cold

weather that is permeating this week and last week they fear for their next set of gas bills.

However, that is by the by. Natural gas will be provided to Douglas and Onchan. Manx Gas state that there will be no difference in price between the petroleum gas and the natural gas that they supply because there will be the costs of conversion. However, there is at present no check on the prices of gas and the price that the MEA will provide to the gas company and what the gas company then retail. Through ferreting around, it has come to my knowledge – which I obviously cannot vouch for – that it may be that the MEA will provide the natural gas and that the retail price will be 200 or 300 per cent greater, and the excuse will be: 'we are paying for conversion'. The question that must be asked, because we have no gas regulator, is: is the cost of conversion to be recovered within three or four years or is it a long-time conversion?

Manx Gas is a private company – the one public utility in the Isle of Man that is private. Water and electricity are in public ownership. The controls, therefore, of Manx Gas retailing and recovering the costs on the natural gas conversion need examination, but the fundamental problem is that sooner or later Douglas and Onchan will have natural gas at a reduced price and the rest of the Island will be supplied by liquid petroleum gas, which is controlled by the international oil market and so we will have two types of electricity bill. Members should recall that 20 years ago, up to 1982-3, there were two sets of electricity bills in the Isle of Man. There was the electricity bill for Douglas and Onchan, provided by the electricity works in Douglas, which was corporation owned and there was the electricity provided to the rest of the Island by the Isle of Man Electricity Board. Tynwald eventually found that this was iniquitous and so there became an all-Island Manx electricity board – I was here in Tynwald when it was debated – and everybody pays the same rate of electricity whether you live next door to the power station or at the Point of Ayre or at Regaby or at Bradda Head. That is quite right and it has come to be accepted, but what we have got now in hand is that, rightly so, Manx Electricity will be selling natural gas to Manx Gas. They will arrange to sell it in Douglas and Onchan. The rest of the Island – Peel, the whole of the south, Ramsey – will be petroleum gas.

Now, at Kirk Michael there are two T-pieces placed in the pipe, one heading towards Peel, and another T-piece to go north, and of course the pipe has gone to Douglas and there is no reason then why it cannot be extended to run down through Ballasalla, Castletown, Port Erin and Port St Mary. So what this motion is for, hon. members, is for proper consideration to be given to requesting at least the Manx Electricity Authority to look at the costs of providing a pipeline north, south and west so that all the Island can benefit from natural gas, because at the moment all the Island will be paying for natural gas to go to the consumers of Douglas and Onchan through the gas pipe, which is on the electricity bills, subsidising it, and the rest of the Island cannot benefit. I believe that if we are bringing natural gas to the Isle

of Man then there should be natural gas for all, because otherwise we are going to pile up a lot of trouble in the future when people see Douglas and Onchan having a natural gas bill and the rest of the Island having a liquid petroleum bill, which will most certainly be very, very much higher.

So I am not going to go on, hon. members (**Mr Duggan and Another Member:** Hear, hear.) – well of course they are saying, ‘Hear, hear’ in Douglas, I mean they are getting the natural gas, aren’t they? They are getting the advantages of it.

Mr Duggan: I supported you, didn’t I?

Mr Cretney: He agrees with you!

Mr Cannan: Oh, sorry! (*Laughter*) What I am saying is that Tynwald should make an indication that this matter should be addressed by the MEA and at least come forward with proposals. I am not asking that we spend any money – ‘provision be made’. At least they can come forward with a document to say that is what will happen if we provide natural gas to the whole of the Isle of Man. Mr President, I beg to move.

Mr Duggan: I will be pleased to second, sir! (*Laughter and interjections*)

Mrs Hannan: Well done!

The President: Hon. members, seconded by Mr Duggan. Chief Minister.

Mr Corkill: Thank you, Mr President. I am moving an amendment today in the absence of the Minister for DTI, who would have moved this amendment on behalf of the DTI if he had been able to be here today, sir. I am moving this amendment not because we want to oppose in any way the hon. member’s stance that natural gas be provided to the north, south and west of the Island, but simply to allow for proper procedures and research to be undertaken within a workable timescale.

I would just like to remind hon. members and this hon. Court, and to some extent the hon. member for Michael has alluded to the history of natural gas so far on the Island: it is only two years ago, June 2001, that this hon. Court agreed that we should bring natural gas ashore to the Island from the Irish Gas interconnector. So in what is relatively a short period of time we have witnessed tremendous engineering developments and progress (**A Member:** Hear, hear.) undertaken by the Manx Electricity Authority – and I wrote those words before yesterday’s power cut, Mr President (*Laughter*) – but nonetheless the progress is substantial. The amendment to the Electricity Act has been brought into force to enable the MEA to bring gas across the island from the gas interconnector spur and this pipeline has now been laid and constructed. Pulrose power station has been the subject of intense construction work, as we are all aware of, to provide for gas-powered electricity generation and this will be fully operational

this year. So what I would say to hon. members, all this has happened in two years since this hon. Court’s decision. So nobody – I get the feeling in this hon. Court – is saying that we do not want gas for the north, south and west, but what this amendment is saying is that it should be part of a detailed, costed, well-thought-out strategy. We need to research, consult and most importantly of all we need to cost and then incorporate our findings into a detailed timetable strategy to put before Tynwald Court.

I was interested in the hon. mover’s comments in relation to this, in the way he has introduced this motion today, because a lot of his contribution was about cost. He is right: the MEA customers are paying, financing what has been happening with the bond issue, but all MEA consumers around the Island will be getting the benefit of that investment because the prime reason for natural gas coming ashore is to generate electricity. Of course, the opportunity is taken also on a domestic side, but yes, they are paying through their bills and also getting the benefit of security of supply and value for money for supply of electricity through the energy strategy that the MEA are pursuing.

There is something else that the hon. member has alluded to which I think is most interesting and that is the impact on the LPG market, because obviously that is going to be a smaller market around the rest of the Island, whether that is mains-delivered LPG or indeed bottled LPG. That will be affected and I think this is something that needs to be researched properly so that we know what the impact on the energy market will be by the introduction of natural gas, which we are all so supportive of.

Yes, in the Douglas and Onchan area, the company involved in distribution of gas has got the costs of conversion to bear in mind. There was one comment which the hon. mover made that I do not think we know the answer to yet, and that is that he said there will definitely be a reduced price in Douglas and Onchan with regard to the introduction of natural gas. He raised this argument, this debate about where the capital costs for conversion fit – are they returned in some way through the price charged to consumers and over what period of time? The very same arguments apply to the distribution of natural gas further afield as well, and so there is this need, I believe, for research. Can I say that funding cannot be provided for until we know all the aspects of the project, and I do believe these need to be developed and costed in a professional manner. How can we put aside funding for an amount we just do not know at this time? Bringing gas ashore is only the first step.

The DTI has been heavily involved in this project since its inception and what I am recommending is that they be charged with continuing this work, undertaking the research and costings for the ultimate goal of providing natural gas to as many customers as is technically possible and achievable. I am asking hon. members to support that they be asked to report back to this hon. Court with their findings by October 2003. That is not actually in the amendment moved, but that is what the DTI themselves feel comfortable with: that

the DTI and the MEA will be able to come back to this hon. Court by October 2003.

So with those comments I hope hon. members can support the general thrust of the hon. mover's motion, supported by the Council of Ministers' amendment, which I move on behalf of the DTI and I hope hon. members will support it. So I beg to move, sir:

That the following be substituted after the words 'Tynwald is of the opinion' -

'that further research be undertaken to develop a long-term strategy for the provision of natural gas to serve the north, south and west of the Island.'

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

Mr Singer: Thank you, Mr President. I am happy to second the amendment. I do understand fully the motion that has been put forward by the hon. member for Michael. I think all the people of the Island should benefit from advances that come to the Island but I think, as I have said at other times as a member for Ramsey, we often feel that outside the Douglas area we are somewhat second-class citizens.

I will support this. Douglas and Onchan are benefiting from the supply to the power station and that is quite obviously a sensible thing to do, but we do have to look at a wider area of the Island. So I believe that this amendment will ensure that proper consideration is given to the proposal by Mr Cannan, certainly to look into the situation of expanding the gas supply to other areas of the Island. I obviously have – and I am sure Mr Quayle as well – specific interest, being members of DTI, that we should look into this. We do have to determine the demand as well. It is unfortunate – I do say 'unfortunate' – that I am aware that many gas customers have been lost, certainly in my area, because of the continual high price of gas compared to oil, and it has been a shrinking market for gas in the North for quite a long period of time now. Perhaps if natural gas could come to the North then that would redress the balance.

I think it is an extremely relevant motion by Mr Cannan that he has brought forward today and I hope that he will accept this as a *positive* response from the DTI and the MEA, particularly in that the DTI and MEA hope to get the report forward to this hon. Court by October, which I think is quite a short time. So I do hope that Mr Cannan will accept this amendment, and I hope members of this hon. Court will also do the same.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. I rise in support of the motion, and the amendment, I think, is a good way forward for this particular motion. The comments made by the member for Michael and also the member for Ramsey do bring home to us the actual cost of energy and the actual cost of gas. In my area the cost of gas is extremely high. People have been

concerned about it for a long time and they have – as Mr Singer, the member for Ramsey, has said – been moving from gas to other forms of energy for that reason, because they can no longer afford the extortionate price of gas within our area. There was hope that once there had been an amalgamation of the gas companies there would be a realistic price for gas in the areas outside of Douglas and Middle. This has not happened; people still have a high price of gas and I wish the Department of Trade and Industry well in bringing some sort of realism to the problems that ordinary people on very limited incomes have when it comes to energy costs. So I will support the motion and the amendment.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. This is a very important issue and I think that the motion on the order paper is opportune to enable us to express points of view about this matter. As we all know, the issue of bringing natural gas to the shores of the Isle of Man was considered by this Court and the funding is provided through a statutory board of Tynwald. The big concern that I do have – I very much welcome natural gas coming to the Isle of Man and have been somebody who has been supportive of the Island having that opportunity at some stage – is that we are continuing to go down a road, without our understanding, of providing a private company with the ability, at no cost to themselves in terms of getting access to it, of getting access to natural gas. The gas will be brought to the Isle of Man at the cost to the consumer/taxpayer and the benefit for Manx Gas which is a private company now owned by a Jersey company, which it was not at the time when the negotiations started out, in fact is that they have a lot to gain from this. I have to say again to the Chief Minister: I do not understand the reluctance of the government to introduce at *this* time a specific gas regulator to ensure that the gas company, which is a private company, is in fact making sure from a government point of view that they are not implementing policies and price structures that are beneficial first and foremost to them and not to the consumer.

Now my understanding from going to a presentation on this issue is that Manx Gas are doing the conversions in the Douglas area, that the write-down period for the cost of that conversion is five years and that that write-down period means there will be very little, if any, change in the gas price as against LPG because it has been crammed into a five-year period. Then after the five years, we do not know what is going to happen, (**Mr Cannan:** No.) and we have nobody who will actually be able to instruct the gas until after the event, to actually deal with this issue.

I know the Chief Minister previously has mentioned about the Office of Fair Trading. I know about the Office of Fair Trading and how it works in terms of investigating prices on the Isle of Man, and I think we just have to say: what is the success rate when the Office of Fair Trading have tried to get

involved? They are able to insist on changes but it is after the event; it often takes a couple of years before they are able to report in depth and make decisions, whereas a price regulator acts *prior* to the actual operator being able to increase prices and also investigates what the potential investment programme of the operator is, and gas is an important utility. We control the water and the electricity but we do not have any influence, in real terms, over the gas company, which is now one private gas company owned by people in Jersey.

I do not believe it is in the Island's interest or the interest of the consumers for the Isle of Man Government not to have a gas regulator; I just do not understand it. If you are going to do it, in my opinion, now is the time to do it before the new system is up and running.

We are going to have a situation if we are not careful like the old Electricity Board/Douglas Corporation, electricity generating organisations, where you had Douglas with cheap electricity and you had the rest of the Isle of Man paying an arm and a leg for its electricity. It was only resolved when we enacted legislation and forced the company to become one and when we actually had a price structure graduated that allowed for the changeover, which took 10 years (**Mr Delaney:** Hear, hear.). Then you got the benefit of all the consumers putting into the pool, which has meant the electricity undertaking has become very effective. We are in danger, in my opinion, of going down the road of allowing the gas company to just drift on to a situation where those out of Douglas will be paying higher for their gas and those within Douglas will have cheaper gas eventually, and the arguments will be the same: 'Ah well, in Douglas the number of consumers per square mile is far greater than it is outside.' We know that, but Manx Gas are not putting the capital investment into bringing the gas ashore; we are.

So I have to say: I do not believe it is the rôle for, nor can it be effectively done by, the MEA to control the gas price to the consumer. I do not believe that the Office of Fair Trading can undertake that rôle because they come in after the event and then it takes them a period of time, possibly up to two years to actually carry out the full investigations and make recommendations, and it has been proven in other countries that in fact a gas regulator or a utility regulator is the only effective way to keep under control a party which has such a big monopoly – and that is what it is: a big monopoly on the Isle of Man. I do not believe the consumers, the people we represent, will thank us if we do not get this sorted out, and now is the time to sort it out.

I scribbled on the amendment from the Chief Minister an amendment which was going to put a timescale on it. It is not on it –

The President: Quite right.

The Speaker: – and I think it is important for it to be on it (**Three Members:** Hear, hear.). I do not in any way throw any dispersions on the Chief Minister – we

all know if he says he will do it, he will do it – but I do believe it will be helpful to concentrate the mind if we have an amendment which actually puts a timescale on it, and also I have to say, I wish them also to consider and report back on the merits or otherwise of having a gas regulator. I therefore would move an amendment, Mr President, which I will pass to you:

That the following be substituted after the words 'Tynwald is of the opinion' –

'that further research be undertaken to develop a long-term strategy for the provision of natural gas to serve the north, south and west of the Island and that consideration be given to the introduction of a gas regulatory body and that the Council of Ministers report to Tynwald no later than October 2003.'

Mr Delaney: Hear, hear.

The Speaker: I beg to move.

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

Mr Delaney: I simply rise to second a very worthwhile amendment of the Speaker of the House of Keys. If we are going to do the job, let us look at the whole job rather than just part of it. It is quite right to say that we might not be here, but a lot of the other members are going to be here when this comes into operation and they need to have some muscle with which to work. I have great pleasure in seconding the amendment of the Speaker.

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

Mr Quine: No, the task has been done. Thank you very much.

The President: I thought you had a separate amendment, sir.

Mr Quine: No.

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

Mr Lowey: I rise also and I would add to the support, not detracting from the mover of the resolution and the first amendment but again, some of us have been around a long time and remember very well the debate on the electricity (*Laughter*). We did pass the electricity, but I would remind the members of the Court who were there at the time that we did give a six-year lead-in period for the residents of Douglas, but then we discovered after we passed the resolution, because we had not put it in writing, as Mr Speaker says, we really did then have to change the primary legislation –

Mr Delaney: We did.

Mr Lowey: – the intent was quite clear to this Court but because it was not in writing we had to . . . So I would urge members to be very careful when they are dealing with it.

Now, the Speaker has done the job for me because I too had decided that whilst not decriing, as I say, the Chief Minister's clear intent, and I am sure he would have introduced it, history proves that unless it is in writing you could always say: 'Well, that was the resolution and we are sticking strictly to it.' So I would happily support Mr Speaker's amendment.

The President: Chief Minister. Speaking to the amendment.

Mr Corkill: In speaking to Mr Speaker's amendment, I would be happy to concur to the detail that is added to the amendment and to the motion and hope hon. members can support that. As I said in my remarks to my amendment, I know that the DTI is comfortable with reporting back in October 2003. The one other caveat is whether they would be able to do that with the additional work with regard to –

The Speaker: Interim report.

Mr Corkill: – the regulator, I do not know, because they are looking at the economic aspects of it, but it is the intention of the DTI through the offices of the MEA to conduct this work. I suppose I left my amendment slightly open so that I was not a hostage to fortune (*Laughter*), but having said that that has been well spotted by hon. members. I was, I have to say, in two minds as to whether to put a timescale in it myself, so if Mr Speaker's amendment does that and members are happy with that, I am happy with that (**Two Members:** Hear, hear.) and hope everyone will support it.

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

Mr Waft: Thank you, Mr President. Just one small item which came up at the presentation with the MEA with regard to the importation of gas pipeline to the Island and the possibility of Douglas gas, or whoever, being the contractor: when I asked, 'What about the contract?', he replied that this will be a commercial contract between the MEA and the gas company. Now the regulator might be in hindsight a little too late once the contract has been signed because I do not think – at least he did not give me the impression – that it was to go by way of Treasury –

Mr Corkill: It will not affect the price of gas coming down.

Mr Waft: – to look at the contract and what is happening, because it was a commercial contract between the two bodies. So I think it should be borne in mind that before these contracts are signed we examine the situation and whether we are doing something after the event. Now I just put a note of

caution to those people who are involved in these contracts. Thank you, Mr President.

The President: Mr Cannan to reply.

Mr Cannan: Thank you, Mr President. I am very pleased with the debate and I am very pleased with the contributions and I support wholeheartedly the amendment. Just one or two comments I would like to make, starting with Mr Waft: I fully concur that the gas regulator needs to be in situ before any legal and binding documents are drawn up between the gas supplier, that is the MEA and the gas distributor. Manx Gas are going to be just a distributing agent and that is the first point.

The second point that has been raised by the mover of the amendment, Mr Speaker Brown, is that the costs of conversion must be very closely examined and if he is correct, and I suspect he is, that the costs of conversion are going to be recovered within five years – remember we are dealing with a company registered in Guernsey whose shareholders are in Guernsey – then the price of natural gas or gas supplies in Douglas and Onchan must be, if there is a proper gas regulator, considerably lower than those provided by liquid petroleum gas throughout the Isle of Man.

I cannot emphasise too strongly how we must have proper control over gas prices. We have endless questions, hon. members, here and in the House of Keys about the price of gas year after year and until we have some mechanism to control it, the problems will continue and people in the Isle of Man will be dissatisfied. It has been mentioned before: new houses, new homes, new offices have gas installed and once it is installed the costs of conversion to another form of heating are astronomical. It may be, as has been mentioned before, that while we have two of the utility services in public ownership, a consideration might be given, I do not know, to having a united utilities board – in other words some form of take-over of Manx Gas – because the natural gas is not owned by Manx Gas, it is going to be owned by the Isle of Man Government, because we are paying for the gas before it comes ashore and the MEA are then going to sell the gas on to a distributor. These are matters that I would like to be looked at and the options given in the report that is to come before us in October, and I hope members would agree with it. I am not offering any opinion; they are suggestions that should be looked at in this overall report that comes to this Court.

So otherwise, hon. members, I am delighted to support the amendment of the Speaker and I hope all members will do and we can move on from there and look forward to a comprehensive report in October this year. Thank you, Mr President.

The President: Now, hon. members, the motion that I have to put to the Court is that printed at 35 moved by the hon. member for Michael, Mr Cannan. To that hon. members we have the amendment in the name of the Chief Minister, and further to that we have that amended by the hon. Mr Speaker. As Mr Speaker's amendment has not been circulated, hon.

members, I propose to give you some time if you wish to write it, please do so now. If you have the Chief Minister's amendment, the Chief Minister's amendment reads: 'that further research be undertaken to develop a long-term strategy for the provision of natural gas to serve the north, south, and west of the Island.' Add to that for Mr Brown's amendment: 'and that consideration be given to the introduction of a gas regulatory body and that the Council of Ministers report to Tynwald by no later than October 2003.' Those in favour of the Chief Minister's amendment please say aye; against, no. The ayes have it. The ayes have it.

That then becomes the substantive motion to which I add: those in favour of Mr Speaker Brown's amendment please say aye. The ayes have it. The ayes have it.

Now then, hon. members, the amendments having been joined together and passed, I put it to you the motion as amended. Those in favour of item 35 as amended please say aye; against, no. The ayes have it. The ayes have it.

**Health Services Consultative Committee –
Deferment of Establishment for
Further Consultation –
Debate Commenced**

Item 36. Mr Cannan to move:

Tynwald is of the opinion that the establishment of the Health Services Consultative Committee in accordance with Appointed Day Order – National Health Service Act 2001 (Appointed Day) (No. 2) Order 2002, be deferred for further consultation with the medical profession and the professions allied to medicine.

The President: Again it is in the hands of the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr President, members may recall that this matter was raised by me at last month's Tynwald sitting but the matter was not debated due to the failure to suspend standing orders. I have placed this motion at the request of the medical profession; there is nothing wrong in that. Members of Tynwald from time to time bring motions forward on behalf of outside bodies, whether it is the Chamber of Commerce or whatever, so that they can have a voice in Tynwald and that is, after all, what we are elected for (**Mr Corkill:** Hear, hear.), to give people outside who have very strong feelings on a matter something that Tynwald can debate.

The motion is, and I hope that you will all have your papers in front of you: 'Tynwald is of the opinion that the establishment of the National Health Service Consultative Committee in accordance with the Appointed Day Order – National Health Services Act 2001 (Appointed Day) (No. 2) Order 2002 be deferred

for further consultation with the medical profession and professions allied to medicine.'

I think it would be easier if I went through the papers that the medical profession have handed to me, and the first paper is the press release which is from Mr Fayle, the president of the Isle of Man Medical Society and chairman of the Isle of Man Medical Executive Committee. He says that at an extraordinary meeting of the Isle of Man Medical Society they voted *unanimously* not to participate in the Health Services Consultative Committee until voting rights of members have been fully discussed and agreed by the Isle of Man Medical Society.

The background to all this is that the Health Services Consultative Committee may only refer matters to the Department of Health and Social Security and in turn the department may refer matters to the committee where they relate to services provided under the National Health Service Act, and 10 persons: 4 lay, appointed by the Council of Ministers; and 6 appointed by the Department of Health and Social Security – these are one representative from the hospital consultants, GPs, nurse practitioners, general dental practitioners, pharmacists and opticians, nominated by their representative bodies in the Isle of Man. What we are talking about, hon. members, is the medical profession advising the department. The department is unable to have any useful purpose unless it has the full co-operation of the medical profession. When you are ill and when your constituents are ill, hon. members, they do not get cured by the Department of Health and Social Security; they get cured by doctors and nurses. It is important that if we are to have a health service, and we are proud of our health service in the Isle of Man, there must be the fullest co-operation between the department and those who provide for the health of the nation, the professionals.

The National Health Service Act says there must be a consultative committee. There used to be a Health Services Advisory Council but that was disposed of for many reasons, not least because there was, to say the least, some friction between that advisory council and the department's officials – in fact there were some extraordinary shenanigans going on, but I will not go into them.

However, to support the argument as the doctors have asked me, I now refer to the second document you have, which is the minutes of the meeting of the Medical Staff Committee held in the vice president's room in the Postgraduate Medical Centre on Monday 6th January 2003 at 4.30 p.m. You have a list of all the doctors and consultants present and the apologies for absence, and the minutes of that meeting were, regarding what was referred to as the Health Service Consultative Committee: 'and the members agreed unanimously' – I read from the last line – 'that it would not be appropriate to nominate a consultant member for the committee as presently proposed.'

So that is the doctors boycotting the consultative committee. And then last month the minister said that it was only the doctors that were not sending a member of the consultative committee, and indeed in her

briefing note yesterday said: 'At this stage, with the exception of the doctors, all members have been nominated and appointed, including a secretary, arrangements being in hand for the inaugural meeting to take place. The department would encourage the medical society to come forward with two representatives as soon as they feel able.' This was the first briefing note yesterday, before the minister got hold of my papers which I distributed. But that is not true. I enclosed a letter to the Medical Society, to the chairman, saying the Isle of Man Dental Association are also not going to, they have withdrawn.

Mrs Christian: But they have not told us!

Mr Cannan: I am sorry; *they* have withdrawn.

Mrs Christian: They have not told *us*.

Mr Cannan: You will have your chance, hon. minister. The doctors say they will not be part of this consultative committee. The dentists will not be part of this consultative committee. Well, what is the point of the consultative committee? You can have a nurse representative, an optician, a pharmacist and that is it, but the most important members are the doctors and the dentists, and they are dissatisfied.

Now, the previous advisory council, which was disbanded by the minister and replaced by a new one, which was perhaps the doctors' complaint, is more user-friendly to the minister – that is their complaint. You cannot, hon. members, run a health service in which the medical profession unanimously withdraw their consultation from the minister and then the dentists do. You have the list of doctors, they are up front. It is not 'what he said' and 'my friend said' or something anonymous; it is all here, there they are. They are standing up and being counted. The dentists are standing up and being counted.

I will not go on, I think members have got the gist of what I am saying. They are asking Tynwald in this motion, Mr President, that the establishment of the consultative committee be deferred for further consultation with the medical profession and professions allied to medicine. That is all the doctors are asking. I am only the agent of the doctors, and I am proud that they have actually come and asked me to put a case for them. What other place can they put their case to the people than to the people's elected representatives? Mr President, I beg to move.

Welcome to Mr Wong and Mr Cho, Guests from Hong Kong

The President: Now, hon. members, before I progress any further I think – just forgive me for a moment if you would – I would like to recognise the distinguished visitors which have joined us in our Court here this morning. We have visitors as guests of the Treasury; they are from Hong Kong, as I understand it, and are Mr Joseph Wong and Mr Cho, so it is very pleasant to have you here on the Isle of

Man and I hope you find that your journey to our Island will be fruitful.

Members: Hear, hear.

Health Services Consultative Committee – Debate Continued

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

Mr Delaney: Thank you, Mr President. I rise to second the resolution and reserve my remarks.

The President: Mrs Christian.

Mrs Christian: Mr President, I think it is rather sad that we have a motion such as this before us today, believing that much progress has been made in the last few years in relation to the consultative structures in the health service. I would not oppose, Mr President, any member or any group of people using a member to come and express their concerns here; my only concern is that it has appeared to be necessary, but I would like to give members some background so that they can have a full picture of this situation.

The National Health Services have been delivered since the inception of the 1948 Act and under that legislation there was created a Health Services Advisory Council made up of various professions and two lay people, one with experience in hospital management and the other with experience of local government. In addition there were two ex officio medical members, so it was very highly predominantly a professional body. Quite rightly, it was giving advice to the department on professional issues.

As members are aware, in 2001 we enacted a new piece of legislation providing a modern statutory framework for health service delivery. Leading up to that, Mr President, the department commissioned two reports – the Hine and Hands reports, which have been referred to in some of the documentation dealing with the advisory, consultative and management structures in the health services which resulted in new networks of communication between the professions and the department, examples of these being the joint consultative bodies which now exist with all the professions – individual consultative bodies for each profession.

At the same time a very distinguished contributor to that report, Dame Deirdre Hine, saw value in retaining in some form a multidisciplinary body which could examine general issues pertaining to the National Health Service. There were very considerable consultation exercises during the formulation of the new legislation and, as you will see in the papers circulated by the mover, there was some concern from the advisory council that the modern legislative format of primary legislation is less detailed than the original Act and relies much more on secondary legislation in the form of regulations to provide the detail. Now members are very familiar with this format, but

perhaps people outside are not, and we know the reason for it is to give us as legislators flexibility to meet change through secondary legislation as and when it is needed, rather than going through the more cumbersome route of changing primary legislation. Under section 2 of the new Act there is created, following the consultation process and the advice of Dame Deirdre, a new consultative body, the Health Services Consultative Committee – I will call it the HSCC from now on for brevity. Under section 42 of the Act any regulations made under the Act must be referred to that committee and in addition, Mr President, they must be referred to the professions appearing to the department to be affected by them, quite separately from that consultative committee. Only then can the department submit them to Tynwald for approval. It is therefore necessary, Mr President, that if we wish to bring modern regulations forward that the committee is brought into existence so that we can refer to it.

As a side issue, but quite importantly, under the same section of the Act, the department can establish other bodies, for example to consider the provision of services or indeed to advise the department on the provision of health services. That is set out in a paper circulated by the hon. member for Michael, but to revert to the HSCC, that body after consultation may also tender its views to the department in terms that have been set out in the paper which I have circulated. That was a response to the consultative procedure allowing them to introduce issues to the department, not only the department taking issues to them.

Now, the department has accepted the view that there should be a multidisciplinary body for consultation purposes, but is also in cognisance of the fact that there have been calls from time to time in this Court for there to be an avenue through which the lay population may have input on health service matters. It was therefore considered appropriate to have lay representation on this committee.

The question of professions allied to medicine has been raised. There are quite a number of those professions, and it was considered that to have each one represented would be an unwieldy body of considerable size; and secondly they are not listed, as are the other professions under schedule 2 of the Act as they do not have overarching bodies to represent them. It was therefore felt that the five main professions should be invited to submit nominations, the Medical Society be given two places, as you see in the constitution which is circulated to you.

With regard to lay membership a balance of six lay and six professional people was considered by the department. It was thought that this might be unwieldy and the lay representation was therefore reduced to four people, one being the chairman nominated by the Council of Ministers – indeed all the lay people being nominated by the Council of Ministers – and with a requirement that in the event that any vote was taken on an issue, two lay members should be in support for it to succeed. Now the thinking behind that, Mr President, was to offset the imbalance in the professional lay ratios.

If we move to the substance of the motion, Mr President, there are points in the briefing paper which was circulated, the author of which has now been identified as the Chairman of the Health Services Advisory Council, which the department is very happy to consider, but others which it does not accept. Our response to it is set out in the second set of papers, which have been circulated to you and members may wish to note that the HSAC comments on the constitution, which was sent on October 28th were received by the department on 17th January just four days before the Tynwald sitting.

In particular, Mr President, I would draw members' attention to our response in relation to the consultative process, and I think here there is some misunderstanding on the part of the HSAC. It is not for the department to consult the HSAC under clause 2(3) as they have stated, but it is for it to consult the new body, the HSCC and indeed, Mr President, nor do we accept the comments about the department wishing to have, in the chairman's words 'a more compliant HSCC'. Steps have been taken quite deliberately to remove the appointment of the lay persons from the department and hand that responsibility over to the Chief Minister and the Council of Ministers.

I am aware, Mr President, that the Medical Society informed the Chief Minister on Wednesday of this week of the outcome of a meeting held some 11 days before, indicating that they would not be sending members to the HSCC and would be supporting the hon. member's resolution. In some of these communications, it would appear that there is a fear that by introducing lay membership that the professionals will somehow be under attack and it will somehow introduce a bias towards the department. I will not tell you what it referred to the lay members as being, but it did not reflect very well on the integrity of those people (**Mrs Crowe:** No.). Indeed, I have not met half of the lay people so I cannot pretend that they have any influence on me, nor I on them. I do think it is interesting with the perceptions that are going on here, Mr President. I do not think the medical profession know how often I – and perhaps I can use an unparliamentary expression – am slagged off by members of the public for being on *their* side. (**Mrs Crowe:** Absolutely.) I think perhaps somewhere I am getting the balance right.

Members, I hope, will recognise in our response to the HSCC in January that we have no wish to slight any of the professions, and we certainly want the principal players to be a part of the committee. We do wish to make a start in driving forward the new Act, and I note with some regret, hon. members, that whilst briefing papers have been circulated by the hon. member for Michael, press releases sent to the media and letters sent to the Chief Minister setting out some concerns, formal notification of the position of the Medical Society has not been received by the department, nor have we had any indication from the Dental Association that they do not intend to participate in the committee at this time. You will note in that letter that their membership, at the time of the writing of that letter, had not met to consider the

nomination and that the chairman had previously indicated that he would undertake that rôle.

To recap, Mr President, under the new Act regulations have to be referred to the new body – before we can have regulations pertaining to the constitution of the committee, we have to have a body to refer them to. Now you will agree that this is somewhat of a chicken-and-egg situation. Legal advice indicated that we could establish the HSCC administratively in the first instance. Indeed, exactly this procedure was used for the HSAC itself in 1948, with its constitution being set up administratively and established in regulations some two years later. We have, in the informal communications with the Medical Society representatives and in a letter to the HSAC indicated that we would be very happy for the new body to consider its constitution and voting powers and refer back any concerns to the department, and I would include within that, and I am quite sure such a body would consider the position of, the professions allied to medicine, they are free to take to that forum any issues which they feel are appropriate.

As I say, we would be happy for them to consider the voting powers and refer back concerns to the department, and I am moving an amendment, Mr President, to that effect. I am quite sure that it can be done, if Tynwald so opines, in a way without invoking any of the voting requirements; indeed, it was not expected that such a consultative forum would often lead to the recording of actual votes. Indeed I am not quite sure whether it leads to the recording of actual votes in some of the documentation that we have had before us this morning. That of course, though, is a matter for the consultative committee itself, Mr President, as to how they conduct their business. It is clear from the constitution, apart from the quorum and the voting balance as is set out in the current proposal. I would suggest that it will be possible, it is up to the consultative committee to formulate whether or not they want to submit minority reports on any particular issue where they do not agree.

We do see merit in following the procedure which was used with the HSAC in allowing the body to be put together, for it to consider its own constitution in the light of its working experience. I do hope, Mr President, that Tynwald accepts that it was the wish of the Council of Ministers and the department to have a consultative body which had a reasonable balance between lay and professional representation, but what we are setting out with is not set in stone, and I do believe that much of the concern about future consultation, as expressed by the HSAC, is based on their misunderstanding or misreading of the 2001 Act, as reflected in their communication. There is clearly a requirement for consultation with the new body on any regulations. I do hope, Mr President, the Court may feel inclined to endorse the way forward as proposed in this amendment:

The words from 'establishment' to the end to be deleted and replaced by –

'Health Service Consultative Committee be invited to consider its present constitution and report to the department thereon.'

The President: Hon. member for Glenfaba.

Mr Anderson: Mr President, I rise to second the amendment and reserve my remarks.

Mr Delaney: You cannot reserve your remarks, it is an amendment.

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. The Minister for the Department of Health and Social Security, who has resumed her seat now, made reference to my involvement at a late date in this situation. Can I say that I was very pleased that the president of the Isle of Man Medical Society telephoned me some days ago now, Dr Birken, to discuss with me this particular situation, because I think he felt uneasy about the lines of demarcation that were being drawn, and he was looking for a way forward and I welcomed that contact because in a free and open society as we have, obviously it is up to any member of any part of our community to contact any elected member and to air their views.

So I think this debate is actually quite useful to clarify one or two things in relation to the changes that the National Health Service Act 2001, which both branches have agreed, and to clarify the fact that the Department of Health and Social Security has a duty under that Act to now move things forward. Change is not easy, but I think the one thing that has come out of all of this is that the change of culture, as it were, that the Medical Society is struggling to come to terms with is this change of 'advisory' to 'consultative' – and there is a difference between a body which is described as 'advisory' and a body which is 'consultative'. Now that may on the surface appear that the advisory input has gone –

Mrs Christian: Yes.

Mr Corkill: – but of course that is not the case, that the Medical Society and other health professionals do have avenues into the health department on an advisory and professional basis, and thank goodness we have those avenues open! We do want our people to benefit from that expert advice, but this body that we are talking about is a consultative body, and I was interested in the comments by the mover of the original motion, the member for Michael – I may be wrong – but I am not sure that he even mentioned lay input into the structure of the committee; and yet it is the will of Tynwald, it is the will of the elected representatives on behalf of the people we represent to make sure that there is an element of lay input in this forum, and I think that this is the nub of the problem, the reality of this change.

Now I contacted Dr Birken again, and said that I thought it was unfortunate that this decision not to

participate had taken place, because I do not think that that actually moves us forward. I have not had a reply yet, because time has run out and we are in the middle of this debate now, but I did ask that they might reconsider the situation, to convene for the first time, because if they were to do that then the amendment in the name of the minister will come to fruition. We are not going to be able to get any feedback from them – and it is not just the Medical Society, it is other people on that committee as well, we want their feedback. I made a commitment that in fact – and I know the minister already had mentioned this – that within a period of six months it would be important to see how this committee functioned, how the voting was going, and the structure of it, and they would have a full input back to the department to review that.

I am concerned, and I must admit I draw the line where it comes to sidelining lay input; that has to be there as far as I am concerned (**Mrs Christian:** Yes.), and I think it is unfortunate that some of the correspondence has given an indication that lay input in a committee will always take the side of government. They are there *not* to side with the department (**Mrs Christian:** Absolutely.), which is why in the Act it is quite clear that these lay appointments are Council of Minister's appointments, and as the minister has said, she does not know some of the lay input members who are being nominated for this committee.

So, it is a difficult situation that we find ourselves in, and I think it is useful that the hon. member for Michael has given this an airing (**Mr Delaney:** Hear, hear.) and I think the fact that it has been a month since it was first brought to our attention has given time for reflection, but we still have not made a breakthrough yet. Maybe this debate will help with that. I certainly want to see the Medical Society clearly represented in this forum, along with other health professionals and also importantly along with lay people.

I think also, in terms of how this committee is set up, there does appear to be a lack of communication going on and I am not putting any blame on any shoulders here, but the fact that the department has not yet been properly notified of the Medical Society's thinking shows that there is something not right there, which is another reason in my mind why this forum, why this consultative committee should come together. Once that happens that will improve the communication into the department; as it says in the Act, the department *must* consult with this body in terms of drafting secondary legislation.

So, there we have it, Mr President, an unfortunate set of circumstances, but one that I feel that we can still make progress on, and I think we will only make that progress by improved communication. I think that is crucial to this, and I think it is difficult or will be difficult for the lay input in this committee now, running into the formation of this committee. I think it puts the lay members into a bit of a difficult position, but I am sure they will be able to increase the dialogue and communicate as well with the medical profession.

So, all in all, I would just ask that everyone comes together and tries to make this work. Certainly I have expressed the willingness from the government's point of view. I know the minister has done that; it may appear to be a bit late in the day, but nonetheless it is genuine, and I would ask hon. members to support the amendment in the minister's name, which cannot function unless the committee functions – 'that the committee be invited to consider its present constitution' – so, that is an open agenda – 'and to report to the department thereon', so I ask hon. members to support the amendment.

The President: Now, hon. members, I have five on my list in front of me. I think it is, judging by the clock, impossible for us to finish before lunchtime on this particular motion, so I think it is an appropriate time at which we adjourned. We will recommence with deliberations, the first to speak being the hon. member for Council, Mr Delaney, at 2.30 p.m. Thank you, hon. members.

The Court adjourned at 12.58 p.m. and resumed its sitting at 2.30 p.m.

Health Services Consultative Committee – Debate Continued – Amended Motion Carried

The President: Hon. members, we continue where we left off with the deliberations of item 36 on your order paper and, as I indicated before we broke for lunch, I call on the hon. member of Council, Mr Delaney.

Mr Delaney: Mr President, everything on the Tynwald agenda has some relevance and importance to groups of people, but on this month's agenda there are obviously two items which had major things to do with all the people: one of course is the budget, which affects everyone and through which we run this Island; and the second one, if you have any real values in life, is the health service. What saddens me, as it did other speakers, is the fact that we have got down to this, but nevertheless it is a matter that has to be resolved.

I am grateful to the mover of this and the reason I was keen to second it was that the situation has to be resolved for everyone's satisfaction – the people who are the professionals in the business have to work closely with the administrator of the business on behalf of the people who require the service. That has to be true; as a recipient over the last three years of a lot of these services, I can tell you that the most important thing you worry about is how and who cures you, if you can be cured. I cannot see or understand: in the directions that are soon to be put out is that we have a system of administration that allows a system which we have been told is only there for advisory purposes to the administrators, which then is incorporating a voting system, which is explained here, which to me has no logic to it. I mean I cannot understand how . . .

the only person I can think of who has a similar system where his representatives have to be in support of something before the resolution goes through is Saddam Hussein. If you look at it, you have got here a situation where a minority of people have to be in support of something that is put forward before it becomes the course of action they are going to take.

When you say that you have to have these people who are not going to be connected with the health service – well, they are going to be connected with the Council of Ministers' appointments, they have to have a connection with the health service because that is what has made it up: the Council of Ministers, the Minister for Health. If that in fact is going to be the situation, it should be down to some other body to appoint them; but if it is going to be the Council of Ministers who appoint these people and then under the rules they have to be the ones that have to be listened to, not on equal terms, but the most when it comes to decision making, if they are going to have a decision-making rôle of any sort. Otherwise we should take the vote away from them altogether if they are only going to be advisory. They can write to the minister regarding what they have decided would be the best course of action, but once you give them a vote that means they have some decision to make, therefore it has to be on a balance of the representatives on that body. It cannot be done by some people who are more equal than others, and that is exactly what they have got.

The amendment goes a long way to satisfy my concerns that they are prepared to have meetings with the people, with whom this row should never have broken out in the first place, at an early stage, and we all welcome that. Therefore that course of action as far as the mover is concerned should be welcomed, because at least it will give time to consult with this important body who will be carrying out the important part of health, of curing and healing people, rather than people who just do the administration. Both are important, but I would suggest to anybody that when a person sees you when you are lying on your back, it will not be an administrator who is important; it is the doctor who is going to give you some course of action that will help to get you off your back.

Mr President, I think that the mover of the resolution has done and is doing a good service, as it is making us all aware that these things are below the surface and hopefully correcting any errors that will be made in the future of where departments seem to, for some reason, lose this contact in this very small community – and we are very small – with the people who matter most. Mr President, I will support the amendment, but on the agreement that they do not have to join the club first before they start talking.

Mr Cannan: Yes, that is it.

Mr Delaney: That is what worries me –

Mr Cannan: That is right.

Mr Delaney: – if you have to come into the club before we listen to you.

Mr Cannan: Yes, that is nonsense.

Mr Corkill: It is in the Act.

Mr Delaney: Are we that huge that we cannot see that these people are sitting round the corner and go and talk to them? Are we that important that we are not prepared to go out and talk to them before we ask them –

Mr Corkill: Have they got any respect?

Mr Delaney: – to make the decision, to admit they were wrong, because that is what it seems to me they could be doing.

Mr Cannan: You are absolutely right.

Mr Delaney: Now the Chief Minister has an awful lot more experience on this than I have, because he has sat on one of these similar committees in the pharmaceutical sections –

Mr Corkill: I never worked in them.

Mr Delaney: – so he will know how important it is. I take it that he did not sit on it for the fun of it; he sat on it because it was necessary to get the views of the professionals across. So surely now, as the Chief Minister, he will accept from me that the situation is just the same: that these professionals do need to be heard and they do have to have an overall corporate decision-making function on what they believe in the professional side is the right way to go. If that is not true now, it could not have been true here, because nothing has really changed in the Isle of Man, we are only a few thousand more people than we were then.

Mr President, it is important that the talking is done before people again start saying who was right and wrong. Nobody is right and wrong in this, it is a matter of getting round the table and getting the job done, and I will support it – and I have seconded the resolution – but I will support the amendment as long as somebody will give me an understanding that they are not going to say, 'Ah, well, before you can do this you have to come inside and join us.' I think it is more important than that and credibility is at stake here – the credibility of the medical profession – and I think that is the important section in the health service: those that cure, not those that administrate.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. I rise to my feet really because of the comments made by the Chief Minister. He gave me the impression that there were no lay people on the advisory council now –

Mr Corkill: No.

Mrs Hannan: There are lay people on the advisory council now; there is just a larger lay representation on this new consultative committee. So the situation is that there were lay people, but there is now going to be a greater number of lay people.

The other comment that he made was about consultation and I think consultation can be two-way and it can be up to us to consult and to listen and to understand some of the difficulties. Some of these areas that are being represented within this consultative body do have to represent quite a number of people with differing views, and I think we have to understand that they might have a difficulty in actually acting within the consultative process, to actually cover the views that might be held by people within their area, whether it is within the hospital or whether it is dental practitioners, general practitioners or the like. These people are giving up their time and their knowledge when things are not getting any easier. If members read the paper yesterday with regard to the new contract, some doctors are doing a considerable amount of work at the moment and will be expected to do even more in the future, and then we are saying to them that we change from an advisory to a consultative rôle and I think that needs to be explained what that is and who is going to take any notice of anything that is going to be said on one of these committees. So I think there are a number of issues which should actually be developed during this process and the communication and consultation I think is important. I get the impression just from what has been said, that there has been a bit of in-fighting or not listening or whatever in the past, and this will change it because there are more lay people on and things will have been discussed in a much more open way.

I think if that is what we are looking for then I think obviously we have got to work with the people who are going to appoint members to this advisory council and as the Chief Minister has suggested that there has been a lack of communication, but I wonder in which way he is suggesting that there has been a lack of communication –

Mr Corkill: I am not apportioning blame to anyone.

Mrs Hannan: – because I do feel that communication is two-way, just in the same way as consultation is two-way.

If I could just say before I resume my seat, Eaghtyrane, with regard to the Medical Society there was no vote taken because the vote was unanimous. I did not make a big issue of it, but I have checked the feeling of the Medical Society vote out during the lunch break. I do feel this is an important issue and I support the comments made by the member of Council, Mr Delaney, in regard to the amendment and talking to people, trying to bring them with us in this change.

The President: Hon. member for Ayre.

Mr Quine: Thank you, Mr President. This is not an issue which has just arisen, put it that way. Indeed it is asserted by the medical professionals that they took issue with the lack of detail in the Bill in its draft form and particularly in relation to clause 2 as it then was, section 2 as it now is. They contend that to obtain their support for the Bill they were assured that meaningful discussion would take place on the secondary legislation and that that meaningful discussion has not taken place and indeed, to use the term that they have used, that it has been reneged upon by the department. So that is not a foundation for moving forward nor for developing trust between the two sides, if that represents the situation.

Certainly problems inherent in clause 2 of the Bill were raised by me at the second reading, at the clauses stage and at the third reading of this Bill. Just coming back to what I believe are the fundamental flaws here, this section deals with the establishment of consultative and executive bodies and it does so in such an abridged form or fashion and in such a confusing manner that subsequent understandings I think were almost inevitable and that is just taking the basis from which it flows – that is just looking at section 2 – not news, it was well drawn out, it was well focused on within the Bill. Indeed I contemplated moving an amendment to it, but as I had earlier moved a resolution in relation to committees and community health council which had not carried, there was no point in me doing that, because that had been done previously.

At first glance, Mr President, I think it could be asserted, probably unfairly, that clause 2 was designed to confuse; you have just got to read it and you will see it is in such a fashion that it essentially could be read as being designed to confuse. The first three clauses relate to what is a statutory requirement to establish a consultative body on matters relating to services provided under the Act, but then it goes on to say: ‘but only on general matters’ and then that is left in the air. Now what is a general matter? You have got an immediate area for contention and dispute, because ‘general matters’ excludes specific matters and therefore specific matters cannot be debated or raised within this committee.

The subclauses provide that the DHSS *may* establish other committees of a consultative or executive nature, but beyond that it is silent. So the point I am making, Mr President, is that I think we were heading for some sort of confusion and an impasse based on those two circumstances alone: firstly, according to the medical professionals, they raised this with the department when it was in draft form and their concerns were not so much brushed aside, I suppose, as quietened down by this promise that they would have further consultation on the secondary legislation and that has not happened; and secondly, because of the actual wording of this clause itself.

The order in question, sir, quite frankly – and I am talking about the order now, the actual wording of the constitution et cetera – lacks clarity and logic, and assuredly the blanks have not been filled in. That was

part and parcel of the commitment that I understand was given to the medical professionals: that the blanks would be filled in when we came to the secondary legislation. So the parameters of jurisdiction of this committee as constituted remain quite unclear. However, I gather from what the minister said today that this committee is also intended to meet, in part at least, the absence of a community health council, and I just wonder how a committee constituted on this basis is going to achieve that.

Turning to the membership, again the logic is particularly difficult to follow. We have got 10 medical professionals and four lay people and the chairman is going to be a layperson. Then there is provision for observers, so it is going to be a real 'teddy bears' picnic! You are going to have 14 people making up the committee, a lay chairman and on top of that you can have observers present. Then after all of that, the DHSS are going to determine the agenda, so what they can discuss is going to be dictated by the DHSS themselves, but beyond the undefined term of 'general matters' it is as clear as a mud pie. I am afraid on that foundation, if it is not sorted out now, it will certainly be with us and will create problems for the future.

On a practical basis, given such a weighting in favour of medical professionals it certainly, as I said, could not fill any part of the rôle of a community health council. The chairman will need to walk on water with a 10:4 line-up, he has got the casting vote and that casting vote is going to be of little or no value given that split. What value is the casting vote given those numbers? Then he is going to be working to a DHSS agenda. He is going to be little more than a puppet on a string for the department. So I am not surprised at all that the medical professionals are sceptical about what lies behind this.

The amendment in the name of the Chief Minister takes us nowhere. The committee is in being and a majority of its membership will have nothing to do with it –

Mr Corkill: Not my amendment.

Mr Quine: I beg your pardon, the health minister's amendment, yes. It seems unlikely to me that it will be acceptable for them to enter into negotiations over their constitution when the precondition for that quite clearly is they are going to have to accept the constitution, but that is the basis of the whole dispute. So how is that amendment going to take them anywhere? It is not going to take them one step further. It is just going to be a further bone of contention and that stalemate is going to remain there.

Mr President, I wish the department well in trying to resolve this matter, but I am afraid we are into another long haul. Unless there is some backtracking, a more realistic view taken of this, some concessions made on both sides perhaps and a way found through that makes greater sense than what has been proposed today, then this problem is going to be with us. We have been three or four years now trying to negotiate a position in relation to new conditions for dentists. I

suspect in three or four years' time we are still going to be here asking questions as to why we have not got this committee in place.

The President: Hon. member of Council, Dr Mann.

Dr Mann: Thank you, Mr President. First of all I have to declare an interest in as much as I am a member of the Isle of Man Medical Society, if a retired one. At the same time, I have not been involved in any of the procedures leading up to this resolution and, as most of you would realise, during the time I have been in this Court I have always deliberately stood back from detailed consideration of relationships between the profession and the department; but as I am just about to go I think it is about time that I made one contribution.

First of all the very fact that this resolution is before this Court is itself deplorable. (**Mr Delaney:** Hear, hear.) It should never, ever have got as far as this, and the first and immediate response one should have is that somehow some heads have got to be knocked together and a resolution of some of the problems sorted out. Unfortunately I was not present in Council when the actual legislation was passed through the Council, so I cannot comment on what happened during its parliamentary procedures, but if the present situation continues and if the various professions – we are not just talking about the medical profession, we are talking about a whole range of medical professions – do not put forward people to represent them on this council it will not function. I am not suggesting that that is how we will go from here, but that is the possible way out: that until the matter is resolved none of these professions are going to take part.

Before looking at ways of resolving it – this confrontation has got to stop – any idea that bringing lay people on to this consultative body would be opposed by the professions would be entirely untrue. It is accepted from the General Medical Council downwards that lay representation is accepted, it works and strangely enough it does not work in the way that many of the administrators thought it would work. If one looks at how lay membership with the professions has worked in the UK, one will find that, surprisingly, it has worked extremely well and many of the lay people who have been brought onto these committees, very rapidly realise the difficulties between the professions and the administrators and they are a means of resolving some of the confrontations.

Unfortunately, the existing, or pre-existing now the law has been passed, advisory committee actually had a very, very tempestuous history when I first came as a medical practitioner here in the 1970s. There were continuous arguments and friction between this committee and the then Health Services Board and unfortunately this history is not helping. It is something we cannot do anything about, but the history does not help the situation. If one looks at the way in which this new committee is being established, most of the medical – I do not mean 'medical' just

from the point of view of the narrow medical, but all the associated professions – would be immediately suspicious of having a chairman appointed above them, whoever it was, whether it was appointed as a doctor, as a dentist or an optician. The very fact that the department – I know it is going to be done through the Council of Ministers, but the Council of Ministers will almost certainly rubber-stamp what the department wants – are going to appoint –

Mrs Christian: Not so, sir.

Dr Mann: – the chairman. Now, there are not many bodies in government where the chairman is appointed first before anything else happens. So there are issues that need to be discussed. The minister is quite right, that this new body has a key rôle to play, and certainly if the department has to introduce or run their regulations through this consultative committee before they bring them to this Court, one can quite see how it becomes a key committee within the whole organisation. If that is the case then it adds to the urgency of having to talk.

Now, I have been a medical administrator in past years. I know the difficulty departments have in dealing with the medical profession. It is not an easy relationship, and equally well the attitude of many doctors almost starts by being against any administration. It has taken a long time for the department to appreciate that they have to have specially trained people with a deep knowledge of how the National Health Service works to find a way through some of these difficult relationships.

I am not saying it is going to be easy, but we certainly cannot let this just happen or rather not happen. When I saw the amendment in the name of the minister I thought that here was the first stage of resolving the issue, but of course unfortunately it is not, because it does presuppose that the structure that everybody is arguing about is put into operation. The Chief Minister is nodding his head, but if the committee has to be formed in the way in which it is set out, before we start talking about how it is going to function or how it could improve its function, I can see that getting nowhere. It is almost like solving an industrial action by saying, ‘You have got to come to our terms first and we will talk about it.’ The fire brigade’s union is not agreeing and I doubt whether any other professional organisation will agree. Certainly talk, but let us talk without preconditions, to a time limit possibly, and if necessary even get some sort of person who will come from outside and knock the heads together, but this sort of situation cannot continue. It must not continue because the real functioning of this new committee is an integral part of the health service following the new Act.

I have to say in the absence of any other amendment that really the original resolution has to be the immediate answer. I am sorry to have to say that, because I thought the minister had produced the answer, but I cannot see . . . We may accept it, we may think it is a good idea, but in the end it is whether it is going to be accepted by the people involved. I am not

speaking for the people involved, but I can understand why the trouble exists. Please do not fall into the trap of saying that the professions are just resisting lay membership. In many ways they see lay membership as being helpful –

The Speaker: I hope so.

Dr Mann: – and supportive, and let us face it: a lay member would be just as interested in producing the best possible service as anybody else. This is not the conflict; the conflict is how that committee is going to function. Most of us sitting round here would not go to a parliamentary committee set up in that way, and I do not think we should expect the professions to do any different.

Mr Delaney: Hear, hear.

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

Mr Singer: Thank you, Mr President. I think the hon. members for Council, Mr Delaney and the last speaker, Dr Mann, have made an important point and that under the wording of the health minister’s amendment you do have to, I think the words were, ‘join the club’ before discussing its present constitution and perceived or real problems.

Therefore I wish to move a further amendment which I hope members will agree to, which can get round this problem, and it reads, if members could refer to the health minister’s amendment:

The words from ‘establishment’ to the end to be deleted and replaced by –

‘members and prospective members of the Health Services Consultative Committee be invited to consider its present constitution and report to the department thereon.’

I believe it offers a suitable compromise because members and prospective members will be able to get together to discuss the constitution and hopefully to determine matters by discussion, and if there is then agreement then the constitution can be changed and the committee itself can move ahead.

I think the hon. member for Ayre referred to the fact that within this hon. Court discussions on community health councils were rejected and that would have made a community health council with lay people with medical advisers, and a separate medical consultative committee, and I do think that perhaps at this stage, and there was a warning from the hon. member for Ayre, that the chickens have come home to roost.

Mr Quine referred to the many gaps, and perhaps discussion outside of the committee, by prospective members and appointed members, does not commit the prospective members to become members, but in this way I do believe that the general constitution can be practically and frankly discussed so that it might be

possible for the consultative committee to function with general agreement. I wonder whether perhaps the health minister would accept this as a suitable amendment to her amendment in that, as I say, discussion will take place with all the people who are directly involved, it does not give them the commitment that they do not want to take at this particular stage, but it certainly does not wreck the whole of the intention of having a health service consultative committee. Thank you.

The President: Lord Bishop.

The Lord Bishop: Mr President, I hesitated in joining this, but I do so on a very small and personal basis. The medical profession, rather like the clergy, are not bodies that are renowned for their involvement in politics and – (*Laughter*)

Mr Gill: Sit down then!

The Lord Bishop: – well apart from me (*Laughter*) – on the whole we are not people who go in for lots of political activity and very rarely read the small print. By that I mean that it is only my experience here that has taught me to know what regulations are all about, if you are doing an Act or a measure I look at the regulations and I am getting quite good at those now, I never obey them, but I know what they say. I am quite prepared to accept that in this sort of situation quite a lot of the medical people now confronted with the situation have not looked hard at what regulations say and mean, and one or two who have talked to me personally about the situation see it as a more personal thing, not as a great sort of political thing. They hate being dragged into a political scene, and I think we ought to bear that in mind when we are trying to resolve this issue. We cannot always do it politically and I think to bring a human face to bear, as one or two speakers have tried to do, is paramount.

If I may say so in this context, the main sticking point that has been relayed to me is the perception, rightly or wrongly, that the health minister has made up her mind with the department and whatever is said nothing is going to shake that and so there is a frustration in the background that you cannot get through to the minister because she is not prepared to listen. (*Interjection by Mr Cannan*) Now I know the minister better than that, over many years of sitting in the Council and in this Tynwald Court: she is eminently a person who listens (**The Speaker:** Hear, hear.), but in this instance the perception is that the minister is not. I would make an appeal that perhaps, amongst all the political activity that you might want to get going, part of an easy resolution would be for the minister herself to take this group together to talk things through and if that is what is meant by her amendment I would rejoice in that. Again perhaps I am being a bit naïve, but as I read it, if you are invited to consider the present constitution, perhaps considering it means you can change it. It does not mean to say it is set in concrete (**Mrs Crowe:** Absolutely.) and if the consideration of something is what is said and meant

here, then I would rejoice in that we are making some move to say, 'Let the meeting meet'; but I want it to be the minister not the department. A department is a terrible, faceless civil service organisation (**Mr Houghton:** Hear, hear.) and we know that they are not always faceless, but the perception is they are. If the minister is going to take charge and say, 'I will meet you and talk this through and we consider what we can do', I believe that some resolution is possible.

So I am sorry to be a little personal about this, but I feel that that is what has been relayed to me, and I would hope that perhaps with that in mind we could go forward on this amendment if it means what it says.

The President: Now, if the other two members on my left who have indicated they wish to speak will forgive me, I will call the minister because I understand she wishes to second Mr Singer's amendment.

Mrs Christian: Yes, Mr President, I would be very happy to second Mr Singer's amendment, and I value the comments of the Lord Bishop. Whilst he is right in the sense that the amendment which I have proposed does allow the . . . Am I not allowed to second it?

The President: No.

Mr Cannan: No, you cannot go against your own.

The President: Carry on.

Mrs Christian: I will wait for it to be seconded and then –

Mr Delaney: I move suspension of standing orders so she can do it.

The President: All right. We will revert to where we were. I thought we might have short-circuited. Hon. member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr President. I think I will take the privilege of seconding the hon. member's amendment –

Mr Delaney: Well done!

Mr Rimington: – and allow the minister to speak and expand (**A Member:** Absolutely.) in due course, if that is okay. I do think there are some issues that have been raised which I really ought to respond to on behalf of the Council of Ministers and also myself as the person in terms of being part of the process of seeing the legislation go through, and also like the good doctor, but from a different angle, having had some background in relation to the issues involved.

Can I just first of all talk about this issue of the Council appointments and whether they are rubber-stamped, according to who the department wishes to put forward and whether these lay members are

stooges, automatons of the Council of Ministers and the department who are wheeled into the consultative committee and will automatically put their hand up and vote the predetermined Council of Ministers' line: I think that is most definitely not true. (**Mrs Crowe:** Absolutely.) The process – and we have recently gone through that process of appointing those four members – I would most genuinely say was done with utmost integrity. We had a list of people who had expressed interest and it was they who had put their names forward and had expressed interest in serving in such a capacity or similar capacity, and we were left the job of selecting the four lay members. First of all, I would like to say that other than in terms of general advice very briefly at the beginning of that process about what the expectations should be in those members, the minister took no part in that selection process and it was really the other members of the Council that were there and went through that. We chose people who would not be allied with the medical profession or management in the service, and we deliberately chose people who would represent the general public (**Mrs Crowe:** Yes.), and that was the sole and total outcome of that procedure. Most of us did not know most of those people on that list, but we were obviously going on the qualifications and the experience that those people had had, and I think we came to what I hope would be a very good conclusion and that those people who are appointed will represent genuinely the people of the Isle of Man, the general, public interest on that body. In no way would I have wished to have been party, and I do not think the other members would at all, to that process if we were in any way selecting stooges of a department or the Council of Ministers.

If it is a requirement under any body of legislation, whether it is health service or whatever, that you appoint people who are independent of that department that is in consideration, where do you turn to to make that appointment? The Council of Ministers is the obvious body which stands aside and above all those issues, and it would be ridiculous that, say, Tynwald Court was asked to appoint an appointments body to make the appointments, it would be an unwieldy and unrealistic process – that could only be the other possible alternative to that.

In response to some of the comments that have been made, certainly the letter from the Isle of Man Dental Association is not in any sense there a detailed rejection of what has been taking place, nor, obviously, as I say, is it one that the department itself was aware of, but if you read it, it is quite frankly saying that they have not actually met. The chairman was going to put himself forward as a stopgap measure, but has since found out that there are problems and at that point was standing back and was not actually making any comments. Now whether they have or not beyond that is another matter, but in terms of the evidence presented there is nothing in that evidence which passes comment one way or the other on the integrity of the process that is being considered.

If we look at the particular objections of the medical society – and fair play, they are right to

consider these issues and make their points and put them forward – one of the important pieces in their view was that they were concerned that the chief executive should attend on a regular basis to take part in discussion and keep the consultative committee briefed on issues and that there should be psychiatric and public health representation on the body. Now I cannot speak in terms of the psychiatric side, but what is there are the observers of the constitution of the committee, which has kindly been circulated to us, which the hon. member for Ayre denigrated and started talking about as being a dogsbody. The observers that are listed there, the very clause that you are referring to in derogatory terms, meet some of the objections of the Medical Society –

Mrs Crowe: That is right.

Mr Rimington: – i.e. the persons holding the offices of the chief executive of the department and the director of Public Health, which I have been entitled to receive in advance, copies to the committee of the committee agendas, of relevant papers and 'they should be entitled to attend in an advisory capacity but shall have no right to vote at any such meeting'. So there is, built into that process, whereby the chief executive and the director of Public Health can be involved on a regular basis, which is really one of the main points that the Medical Society was making and they are actually meeting that and that is in there.

The hon. member for Ayre, I think quite maliciously, started talking about an agenda being set by the DHSS and again, possibly he has only been looking at one set of papers, I am not sure, but if he had read what is there: 'Agenda. The secretary in consultation with the chairman shall be responsible for preparing agendas for the committee meetings. The agendas shall comprise such business as may have been referred to it –

Mr Quine: By the DHSS.

Mr Rimington: – by the department –

Mr Quine: Right.

Mrs Crowe: Yes.

Mr Rimington: – together with such business as a member may wish to have included on an agenda', i.e. anything that any member of the body wishes to have on that (*Interjection by Mrs Crowe*) –

Mr Corkill: Normal.

Mr Rimington: – and that is completely within line of the Act, the primary legislation, which we should refer to again, as it has been kindly circulated to us. In that it says: 'Clause 2, the department shall establish a body with whom it shall consult such general matters relating to the services provided under this Act, such questions relating to those matters as the department may refer to it.' That is the department's

input: 'Yes we want to consult with you on these issues' – but that is right, that is what having a consultative committee is for. You say: 'Look, these are issues we want to consult upon.'

Section 2: 'the body established under subsection (1) may tender to the department its views on any general matters relating to the services provided under this Act' – i.e. it is a two-way process. (**Mr Corkill:** Anything.) Any matter which any member wishes to put on the agenda to be discussed by that body if they feel that is of significant concern and that they wish to put that forward to the department on a formal or informal basis. It is there, and that is the obvious nature of such a body, but if you start off from the basis that the chairman is a stooge and therefore the stooge will do whatever the department says, then you might have a valid point, but that is not the case. The chairman is an independent person, and I have great faith in the integrity of the chairman so appointed (**Mr Gill and Mrs Crowe:** Hear, hear.) and I would not for one minute think that this said person would be a stooge with anybody.

The purpose of the body is to look at general, wider issues. It is not there to look at particular professional and medical issues, because there are lay people on that body and there are professional people who do not have the knowledge – the optician may not have the knowledge on medical procedures to cast firm judgement upon them and that is obvious.

Mrs Crowe: Consultative Committee.

Mr Rimington: The issues related to the professions are managed in other ways and quite rightly so. This is general issues only, and what I find so disturbing is that this procedure now is being used to drag an aspect of the new Health Service Act down because it was not modified in a different way when it was going through its primary legislation, which was on the nature of lay membership. The hon. member for Ayre and colleagues were arguing very strongly for increased lay input, admittedly by different means, into the health service. Now this is bringing that lay input in. You may argue that it could be greater than that – you could argue that it could be six and six, whatever, but it does not matter. This is what it is starting off with, as a body and I think that this Court needs to stand firm on that principle of bringing lay membership in.

Now, Dr Mann quite rightly referred to the fact that across the water the concept of lay membership has been widely accepted by the medical professions and so on, because it has actually been in there for quite a long time, but it has not, to be honest been there on the Isle of Man yet, and I detect a certain amount of reluctance by the medical profession to have that lay input there (*Interjection*) and that, I think, is underlying. I do not think that is something that they need to be afraid of, because from my experience and my lay membership in that field, across the water admittedly, lay membership is beneficial to the service. The chairman of the health authority that I was a member of was appointed by the Conservative

government, so you could say, 'He is a Tory stooge' and you could say that the predominant lay membership of that health authority were also Conservative appointees. I was not a Conservative appointee, I was a nominee from the other side, (*Laughter and interjections*) but – and this is the important point – despite any origin of that appointment we worked together fantastically and politics as such did not come into it. It was all to do with providing the service and trying to improve the service in many little ways and bigger ways, and that is the whole ethos behind having lay members involved in there, consulting on general issues.

So, accepting that the minister has said, 'We will try and bring people together' and I think that is the right way to do it, I did feel it was necessary to try and correct some of the misinterpretations of what the situation is –

Mr Quayle: No, *your* interpretations.

Mr Rimington: – and we must, I believe, look forward and look positively to having lay membership and to involving them in the management of our health services because it is going to be of great benefit to the people of the Isle of Man.

The President: Mrs Christian.

Mrs Christian: Thank you, Mr President. Again speaking to the amendment moved by the hon. member for Ramsey, I do see it as giving us a way forward. I think it does offer us an opportunity for the consultative committee as constituted, with those people who have indicated a willingness, or had hitherto and we have not heard anything yet, to participate in that consultative committee and at the same time to discuss with the representatives of those bodies who at this stage have doubts. It does seem that the doubts focus on the constitution. I did say this morning in my remarks that it is not our objective to have strife here (**Mrs Crowe:** No.); it is our objective to try and get a body which balances the views of the professionals and the lay people of the Isle of Man in producing information and feedback to the department for the benefit of the health service.

The hon. member, Dr Mann did refer to the fact that the Medical Society are not opposed to lay membership. I have certainly seen some documentation to that effect and I do believe that to be the case (**Mrs Crowe:** Yes.). However, it is difficult when you receive correspondence from them saying that they object to this proposal because it is giving the minister's side a veto. Mr President, there is no minister's side in this. (**Mrs Crowe:** Absolutely.) I said it this morning and I will say it again: I am piggy-in-the-middle all the time, as between the health service providers and the recipients of the service, and I have no doubt at all that the independent lay membership of this committee –

Mrs Crowe: The recipients.

Mrs Christian: – will be as challenging to the department as anybody else will. (**Mrs Crowe:** Absolutely.) (*Interjection by Mr Gill*)

So, Mr President, I do feel that the hon. member has given us, at least through this amendment, a way in which the committee can be constituted, and I would give an undertaking at this point that, if they are going to have discussions about the constitution going forward with those bodies which are not yet willing to participate, the department would not, until the issue of constitution has been reported back to us, submit any regulations for consideration, because I think that would be inappropriate given the light and tone of this debate.

I do hope that if the amendment is accepted by the hon. Court and the committee, along with the medical profession, who are but one of the professions which are to be involved in this multidisciplinary body, will as speedily as possible make some progress on coming together to report back to the department with their views on what would, in the view of all parties, be a workable constitution. If they still disagree at that point then at least the department would be aware of where the concerns lie.

Mr Cretney: Vote.

The President: Mr Cannan to reply.

Mr Cannan: Thank you, Mr President. I want first of all to say that when the medical profession asked me whether I would consider moving this motion I had a long conversation with them and they made clear to me that they were very reluctant to get into the political forum, to come to Tynwald and have an issue debated like this with documents showing the names of doctors and professional personnel being bandied about, but so serious was the situation they felt that they had no other alternative. I think it is sad that they felt there was no redress other than to come to Tynwald; indeed, it was deplorable that relations between the DHSS and the doctors and dentists had deteriorated to such an extent that we have been here discussing and debating the matter for one and a half hours.

Mr Cretney: Let us just have a vote, then.

Mr Cannan: The amendment first of all put by the Chief Minister was wholly unacceptable to me and to the medical profession and I cannot understand it. He was virtually saying, ‘We want you to join the club, but you have got to join the club first and then we will think about what the rules are’, and you are saying now, ‘No, I will not join the club because I do not like the rules.’

Mr Corkill: A point of information, Mr President.

Mr Cannan: Sorry, it was Mrs Christian’s first, wasn’t it?

Mr Corkill: No amendment.

The President: Hon. member for Michael, the Chief Minister would like to . . .

Mr Cannan: I have apologised, it was the amendment –

The President: Thank you.

Mr Cannan: – from Mrs Christian. Fortunately it has now been further amended and I believe it says and correct me, Mr President, if I am wrong: ‘members and prospective members of the Health Service Consultative Committee be invited to consider its present constitution and report to the department thereon.’

What I am going to say now, without going through most of what people had to say, but there are one or two issues that need correction, is that that is acceptable because it is virtually word for word of what the resolution in the first place said. The resolution in the first place said: ‘that the matter be deferred for further consultation with the medical profession and professions allied to medicine’. (*Interjection by Mrs Christian*) So this is ‘consultation with members and prospective members to consider the present constitution’ –

Mrs Christian: With lay members.

Mr Corkill: And lay.

Mr Cannan: – and the lay people. This business of the lay people: I asked the medical profession and they said they had no problem whatsoever with the lay membership. What they asked for was a level playing field – that is all. Medical representatives, lay representatives and the voting would be as the voting of any select committee. When we choose a select committee, except in exceptional circumstances, we do not choose the chairman; we vote for the committee and the committee then choose the chairman and then we do not have a system where certain members, unless they are not present . . . Or only if they are present and their votes are being weighed against the other members can the resolution be carried. All they are asking for is basically a level playing field. So the Council of Ministers can appoint the lay members, they have got no problem with that.

They have a problem with two things: that the Council of Ministers then says who shall be the chairman and who shall control the meeting; and they have a problem that the voting is controlled as between lay members and medical members. That is their problem, and I hope that the problem is resolved. As I understand it, and I am only the messenger, the medical profession, who most people hold in the highest esteem, you can have the most wonderful NHS organisation and administration, but if you have not got any doctors it is not going to function. At least you can see a doctor without the NHS –

A Member: Privately, if you have got enough money.

Mr Cannan: – so it is important that there is a coming together, an arbitration in this. As the Lord Bishop says, it should be the minister and not officials – very, very, important. The minister says it is the minister who is the problem; I cannot speak for that.

Mrs Christian: He did not say that.

Mr Cannan: It should be the minister in this serious issue. (*Interjection by Mr Delaney*) This is a serious issue. I am sure all of us want the medical profession and the administrators to work together for the betterment of everybody out there (**Mr Houghton and Mr Delaney:** Hear, hear.), not spend their time going to meetings and extraordinary meetings –

Mr Houghton: And accounting to the department.

Mr Cannan: – and accounting to the department. They want to get on with the care of patients, not these rows with the DHSS. I suggest, hon. members that this is just symptomatic of what has gone on before, because I have been given information that quite frightens me at what has gone on before. I will not mention it, minister –

Mrs Christian: You could and I would respond to it, sir, yes.

Mr Cannan: You would not like me to –

Mr Delaney: Now, come on girls and boys, let us behave ourselves.

Mr Cannan: – but what I am saying, hon. members, to bring this to a close, it is time (**Members:** Hear, hear.) for the strife to stop. (**Mr Houghton:** Hear, hear.) I do not know whose side it is on, both sides, probably six of one and half a dozen of the other, but it is time minister that you and the doctors started to work together (**Mr Houghton:** Hear, hear.) for the benefit of everybody in the Isle of Man. I hope you will support the amendment from the hon. member for Ramsey.

The President: Now, hon. members, the motion which I have to put to the Court is that printed at 36 on the order paper. To that you have the amendment moved by the hon. member, Mrs Christian, and then there is a further amendment which amends that by putting at the beginning of Mrs Christian's amendment the words 'Members and prospective members of' –

Mrs Christian: Mr President, with your permission, I would be content to withdraw my amendment, if that was felt –

The President: Okay, fair enough. In that case, hon. members, we will simply have the one amendment and I will not need to add one to the other; it will simply be the one amendment as moved by the hon. member, Mr Singer. So I shall read what that

amendment is and it will read: 'the words from "establishment" to the end be deleted and replaced by "members and prospective members of the Health Services Consultative Committee be invited to consider its present constitution and report to the department thereon."'

Mr Delaney: Hear, hear.

The President: Those in favour of the amendment please say aye; against, no. The ayes have it. The ayes have it.

I put then the amended motion to the Court. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Hon. members, item 37, 'Announcement of Royal Assent', we dealt with yesterday afternoon. So that draws to a conclusion our order paper for today.

Tribute to Retiring Members of Council – Mrs Christian, Mr Kniveton, Mr Lowey and Mr Crowe

The President: Hon. members, this is the last sitting of the Court to be attended by four members of the Legislative Council before the end of their present term of office. Fuller tribute will be made in due course in all practicalities in another place. However, I am sure that you would wish me to place on our record today the appreciation of this Court of the service which has been given by Mrs Christian, Mr Kniveton, Mr Lowey and indeed Mr Crowe, who as we all know is indisposed. Their service to Tynwald has without question been highly valued and valuable. (**Members:** Hear, hear.)

These members have all given fully of their time and energies in the furtherance of the business transacted in this Court, and I can honestly say their contributions have been well received and well looked forward to. Our best wish is for their future wherever it may be spent. (**Mrs Crowe:** Hear, hear.)

Tribute upon Retirement to Dr Mann, Member of Council

The President: Hon. members, it is also the last sitting of the Court to be attended by the hon. member, Dr Mann, who has announced his retirement from the Council for health and family reasons. Dr Mann has served in both Keys and Council and chaired very many select committees. He has served the Island as Chairman of Executive Council and of Treasury. His view has always been forthright, clear and given with conviction.

Although the 1970s to some of you may seem a long time ago, Dr Mann and myself as Young Turks enjoyed many a debate in those difficult years and although not always necessarily being on the same side, the need and his desire to improve the lot of the Island's people was always paramount and uppermost

in his thoughts. Tynwald Court will miss his incisive contributions (**Mr Houghton:** Hear, hear.) and, hon. members, again we all wish him and Joan many years of retirement following his years of distinguished service here amongst us.

Members: Hear, hear. (*Applause*)

Procedural

The President: Hon. members, that is the conclusion of our order paper, as I indicated, and the Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may wish to place before it.

The Council withdrew.

HOUSE OF KEYS

The Speaker: Hon. members, the House will now stand adjourned until Tuesday, 25th February at 10 a.m. in our own chamber. Thank you, hon. members.

The House adjourned at 3.40 p.m.
