

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

**Douglas, Wednesday, 22nd January 2003
at 10.30 a.m.**

Present:

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

In the Council: The Lord Bishop (the Rt Revd Noël Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon. C M Christian, 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 J R Houghton and Mr R W Henderson (Douglas North); Hon. D C Cretny and Mr A C Duggan (Douglas South); Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Hon. A F Downie and Hon. J P Shimmin (Douglas West); Capt. A C Douglas (Malew and Santon); Hon. J Rimmington, 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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**Commission of Inquiry into
Mount Murray –
Further Expenditure Approved**

Item 3. The Chief Minister to move:

That Tynwald –

- (a) *approves the expenditure of a further sum not exceeding £200,000 in addition to the £500,000 previously voted, to meet the continuing costs of the Commission of Inquiry into Mount Murray; and*
- (b) *approves the expenditure of a total sum not exceeding £200,000 from General Revenue for the year ending 31st March 2003.*

The President: I call on the Chief Minister to move.

Mr Corkill: Mr President, hon. members, today we have laid before us a statement of progress from the chairman of the Commission of Inquiry into Mount Murray which was requested at the December sitting of this hon. Court. In the statement it is indicated that should the Privy Council find in the commission's favour in respect of the outstanding litigation, the commission is aiming to present its report to His Excellency the Lieutenant-Governor during July 2003. It is on the basis of this indicative timescale that I am now, on behalf of the Lieutenant-Governor, seeking Tynwald approval for an additional £200,000 to fund the commission's work over and above the £500,000 previously voted.

As at 31st December 2002, £326,000 has been spent by the commission. Taking account of outstanding invoices for goods and services and for additional costs committed between now and July 2003 it is presently envisaged that the overall costs of the commission of inquiry will total £700,000. Of this figure it is estimated that approximately £550,000 will relate to fees and salaries, the balance covering non-staff costs such as travel,

accommodation, expenses and the hiring of offices et cetera. It is very much hoped that this additional funding will be sufficient to enable the commission to conclude its work and that it does so within the timescale indicated within the chairman's statement.

Finally I would like to reiterate my comments made in December that I act in this matter purely as a conduit from the commission to Tynwald through His Excellency the Lieutenant-Governor; this is not a governmental motion. However, it is important that the commission is provided with sufficient funding to enable it to complete its work, and let us hope that this will see us presented with a report in July of this year. Mr President, I beg to move.

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

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

The President: Hon. member Mr Henderson.

Mr Henderson: Thank you, Mr President. As I have said all along, as far as I am concerned this carry-on is a sham and a travesty, a waste of taxpayers' money and is completely unfair, and I do not see why we are here today with the begging bowl out again. I think it is time to close the door on this sad, sorry episode and let us move on to something different.

I have said all along that, whatever the commission finds at the end of the day, we cannot prevent the fact that there are well over 100 homes for young Manx families now in place at Mount Murray and there is not a lot we can do about it. Going back over 10 years is just going to rake up bits and pieces of old scraps and, if there is anyone at fault, we are looking at a long, long time ago, and the fact of the matter is that what has happened cannot be changed now. We have to learn from what has gone on, move on, and if there are any lessons to be learnt it should be put into the new planning regulations in anything else that may be appropriate. The expenditure of public funds on this misguided tour of whatever you like to call it, I think, is absolutely atrocious and the amount

of houses that we could have built for this money leaves a lot to be desired; it has turned into a shameful sideshow as far as I am concerned, Mr President. (*Mr Karran interjecting*)

Now, also I would like again to remind hon. members that what is actually happening here is a very clever manipulation of a situation, with the briefing notes supplied by the hon. member from Onchan and the hon. members are allowing themselves to be painted into a corner. That is the real fact of the matter.

Mr Karran: Point of order, Mr President.

The President: Hon. member, Mr –

Mr Karran: I have not brought any notes to this hon. Court and I think I am tired of people distorting the truth. (*Interjections*) What briefing notes have I brought? Please explain.

The President: Mr Henderson.

Mr Henderson: Thank you, Mr President. As far as I am concerned, as I say, hon. members are allowing themselves to be painted into a corner. They are allowing themselves to be bullied in this matter and if we had the strength and backbone to suddenly stop and think and realise what is going on and just say, ‘Hang on a minute’ and register a ‘no’ vote for a change I do not think the public would mind, to be quite honest, and I do not think we need to be afraid of the public at the minute, because the message I am getting back at the minute is that people are fed up with the large expenditure that is going on with this charade and really, Mr President, hon. members need to think about that and have a little bit more backbone in this situation and do not let egos rule the common-sense situation that we should be applying here.

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

Mrs Hannan: Just really on some of the comments made by the previous speaker, I am extremely concerned that it has been suggested that this should not be proceeded with and that this should not be looked at. We should all be aware that everything that we do should be considered and explored if things are not done correctly, and we know that things did not happen correctly within the Department of Local Government and the Environment at that particular time. We do not know whether it is still going on. What we do know is that there was a report done by Crow, it was not followed through by the Council of Ministers; there are issues there that have not been fully explored and not made available to the public; we know that we did not get the full document. You have only got to drive past the place to see that it is extremely bad planning. The land was not zoned, we know that, and I do believe, from what has been said by my constituents, that they do want to get to the bottom of it, they do want to know

what has gone on there and what has gone wrong with this particular site.

Mrs Crowe: At what cost?

Mrs Hannan: So I support this further expenditure. I welcome the report that we asked for from the inquiry and I would hope that we can get to the bottom of what happened there. If anything did go wrong, we do know what the Crow report said: that things did not happen in the way that they should have done; that there were things within the documentation that were not brought up to the Planning Committee by the officers. Now, if that is not something that is wrong . . . and the chair of the Planning Committee is saying that it should not be investigated. Does he know that everything is presented to him now? These are things that I think we should know in this hon. Court and we should be held to account for what we do.

The President: Now, hon. members, both sides of the coin, I think, have been fairly put (**Mr Houghton:** Hear, hear.) and I would remind members that in fact what we are looking at is approving the expenditure, not debating what is or what is not in the report. Hon. member of Council, Mr Kniveton.

Mr Kniveton: Yes, thank you, Mr President. On the very point you have just mentioned, I understand what the hon. member for Peel, Mrs Hannan, is saying. I do have a lot of sympathy with the hon. member for North Douglas, Mr Henderson. Therefore I must put, very briefly, one question to the Chief Minister: ‘What would be the position, sir, if this Court refuses this motion today?’

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

Mr Karran: Eaghtyrane, let us get something straight: If people understand democracy, the independence between parliament and the executive is as important as the independence between parliament and the judiciary. The statement here today is not from me, hon. member for North Douglas, nothing to do with me; it is written by a Queen’s Division High Court judge, not by the hon. member for Onchan.

Hon. members, once again I declare my interest as a witness at the Mount Murray Inquiry. I support the Chief Minister’s motion. Last year we voted unanimously to ask His Excellency the Lieutenant-Governor to set up a commission of Inquiry into Mount Murray, an independent commission of inquiry, independent of me in Tynwald and of the Council of Ministers and of anyone else. Inquiries such as this must be allowed to be independent, Eaghtyrane. They may have a remit set out by this hon. Court and they may be governed by the Inquiries Act 1950 but by definition they are independent, so it is up to them who they choose to have as their witnesses and who they call; it is up to them to choose what they want to say; it is up to them to choose when they are ready to report, not me in Tynwald, nor the Chief Minister or the

Council of Ministers nor anyone else. That is the whole idea of an inquiry. So it is not for this Court or anyone else to frustrate this inquiry.

Mr Henderson: It sure is!

Mr Karran: And it is not for this Court or anyone else, hon. member for North Douglas, to frustrate that inquiry. The inquiry will proceed as it chooses to and it will come to an end as it chooses to. That is the whole idea of a proper functioning democracy. That is what we allowed ourselves to get involved with. As the chairman says in this statement of progress, the commission members, as I quote, are determined that the commission's legitimate objects will not be frustrated merely because litigation has been commenced and because of the consequential delays and costs. Our only rôle here today simply concerns the request, like the Chief Minister beside me, to get the Governor's request for funds.

So, hon. members, we have had the inquiry's statement of progress. This also refers to the judgement of the Staff of Government Division of 1st November 2002, and I hope a number of you have gone to find out what it says. It is quite interesting to see what it says, especially looking at clause 13 on page 5. Taking the two together, the request for funding is more than reasonable. The inquiry has made speedy progress, and I quote, 'In the face of complex issues, difficult circumstances. If it had not been for the legal proceedings, it is clear that the inquiry's report would be in our hands in Tynwald and the commission has made every effort to ensure that the litigation progress has been as expedient as possible.' We also have had a clear schedule of further progress. As far as the costs are concerned the statements made are quite clear, and I quote, 'The litigation has not only caused the delay in direct costs but those delays have caused the cost itself.'

Hon. members, the members of the inquiry did not ask to be sued, nor did the Assessor of Income Tax, but they were sued, and so they defended themselves not least so that they could carry out their obligations to this hon. Court, and may I remind hon. members that the Staff of Government Division found in favour of the commission of inquiry and the Assessor of Income Tax. So neither the commission nor the Assessor of Income Tax has been on some legal frolic at the taxpayer's expenses like some members in this hon. Court have tried to make out. In fact the Appeal Court makes it very clear that the commission has acted within its remit. The statement of progress also sets out various economies which the commission has made to keep costs down. So all the evidence is that the commission is spending its funds wisely. There is no evidence whatsoever of waste of taxpayers' funds and it is deeply hypocritical for certain members in this Court to squawk on about the unreasonable costs of this inquiry especially when they fail to support many of the campaigns to prevent tens of millions of pounds of taxpayers' moneys to be wasted on projects within this hon. Court – the likes of IRIS and a number of other things.

Mr Henderson: I supported it.

Mr Karran: Approximately £135 million can be wiped off the value of our government investments, and remember, hon. members, the original figure was only an estimate. As the Chief Minister himself said on 15th October, it was always acknowledged that the original estimate was a speculative figure arrived at without knowing how long the commission would sit, and we have also had a clear schedule of the specific target dates.

In addition, the inquiry may be a chance to improve many of our procedures to help public money. Until this inquiry, our procedures have failed to prevent the types of disasters that happen time and time again, and let us not forget the seriousness of the subject matter of this inquiry. The chairman makes it clear that the circumstances surrounding the irregularities identified by Professor Crow, and I quote, 'include and involve the negotiations to achieve the taxation benefits based on presumed tourism use at Mount Murray.' He continues, 'there is no doubt in the commission's mind that any reference to the planning and development history of Mount Murray must include –

Mr Corkill: Point of order, Mr President.

The President: Yes. Chief Minister.

Mr Corkill: Well, I have listened a couple of times to the hon. member referring to the report which is laid before the Court today, Mr President, and it is not part of the motion in my name.

The President: Quite right. Hon. member, you have currently had just short of 10 minutes already. I would assume that we will come straight back to the motion, which is for the approval of money, and I appreciate that you are wanting to make your case but, nevertheless, let us not go over old ground too often.

Several Members: Hear, hear.

Mr Karran: Eaghtyrane, all I am trying to do is, instead of having the onslaught, I just think that we do live in a democratic state, and the interlink details of the negotiations for the grant of tax relief which supported the development. He adds the fact that his report, or the issues that have come out from this inquiry, that Professor Crow chose to make no reference to the tax methods does not alter the fact that they bear upon and form part of the planning and the development of this site.

The chairman's comments have been approved by the Appeal Court. I told this hon. Court last month that the matters raised by Mount Murray development are serious indeed. I was not joking, they are. So, hon. members, the commission has made substantial progress. It has proceeded as quickly as possible despite the legal action. It is the legal action, not the fault of the commission, that is largely responsible for the extra costs. The commission has not exceeded its

remit and the matters raised by the commission are very serious.

Hon. members, His Excellency the Lieutenant-Governor appointed the court of inquiry. To stop it now would be to frustrate the will of Tynwald and to risk turning the Island into an international pariah state incapable of independent scrutiny and above the rule of law. Is that what hon. members want? So, hon. members, let us stop squawking on about the cost, let us support the motion of the Chief Minister, let us vote for £200,000 to allow the commission to continue its important work, and let us see when it reports. Then let us have the detailed debate, hon. members, and we will see who is right and who is wrong.

The President: Hon. member for Malew and Santon.

Capt. Douglas: Thank you, Mr President. There are a number of my constituents whose quality of life has been very much affected by the whole Mount Murray situation. They, if no-one else, deserve an answer, so it is with reluctance that I would have to vote for the additional funding, but I am very concerned that the situation such as we now find ourselves in does nothing for our image as a nation ably managing our affairs. This affair must be brought to a swift conclusion. Thank you.

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

Mr Downie: Yes, I, too, would like to rise to support the motion. Having, whether we like it or not, embarked on this venture, I think we have to see it through to the end. We have no alternative, and the hon. member for Onchan may put his own particular spin on this, but the allegations that were made in this Court at that time were extremely serious. (**Mrs Crowe:** Corruption.) I have read the relevant section in the report and it is 'legal-speak' as far as I am concerned. It does not say it was and it does not say it was not. As far as I am concerned, the sad effect took place on the first day of the inquiry when the hon. member withdrew his allegations. (**Mr Henderson:** Hear, hear.) I think where we have failed is that we have not given – or maybe it was His Excellency the Lieutenant-Governor who in accepting responsibility for setting up this inquiry did not give very clear and precise guidelines. My view is that, for whatever reason the inquiry has now has broadened its remit into other areas, they have hit litigation –

The President: Hon. member, I do not want to broaden the remit any further.

Mr Downie: No, that is not of our making and neither is the delay. I just hope that this issue can be dealt with, the inquiry can come back on course and it can report as soon as possible, but as far as I am concerned, having embarked on this I think we have no other alternative but to see it through to the end and then be bold enough to adhere to the findings and not

have a retrial in this hon. Court, which is going to waste even more time and resources.

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

Mr Braidwood: Thank you, Mr President. I now believe we are on an unstoppable train and that we have to support the motion in front of us. Last month I tried to have the motion adjourned until a statement was made, and now we have the statement in front of Tynwald Court, and I will not make any comments on the statement of Mr McLeod QC. All it is, as far as I can see, is a progress of what has happened at the court of inquiry and, as he says, he did not think it was appropriate to make any substantive matters of findings now in his side. He now feels: 'I do not consider it appropriate of me to refer to any substantive matters of findings which may appear in the commission's report.' If he could have come out and said, as Professor Crow said, that 'in the course of my inquiries I found no evidence to substantiate any charge of corruption against any of the officials concerned' – if he could have said there is no corruption or maladministration, it might have been different but we cannot stop now, Mr President, we have to carry on to the end and hopefully, after the Privy Council, it will be finished but I do believe the matter will not rest there, it will go on to a higher court in Europe and how long we are going to wait until the inquiry finishes I do not know.

The President: Hon. member, the Chief Minister, to reply.

Mr Corkill: Thank you, Mr President. The issue before us is straightforward, as the contributors to this debate have made clear.

The hon. member for Douglas North, Mr Henderson, was consistent with his approach last time to the moneys and he does, I guess, feel that the resource that is being requested today could be better utilised in some other way, (**Mr Henderson:** Absolutely.) but I would refer him to the comments of other hon. members who have said that, really, once you go down this road you have to finish the job, as it were, and a number of speakers point to that end. But at the same time, I think, as members of this hon. Court we are looking for a speedy conclusion and we know the reasons why that is difficult. Can I just say that, in terms of how government is responding to this situation and how government did respond to the situation at Mount Murray, I would not want it to be forgotten that executive government, albeit the previous administration, deliberately commissioned the Crow report because it was aware that there were certain things people were not happy with, and that Crow report is there in the public domain and it is available, obviously, to the commission of inquiry to consider.

There is a difference of opinion, I think I would say, in terms of how I feel about the recommendations that were in that report. The hon. member for Peel,

Mrs Hannan, said that government did not implement the recommendations and I would dispute that. There was one outstanding recommendation which I took under my wing when I became Chief Minister to try and resolve. There had been legal opinion to decline this particular recommendation but, nonetheless, I thought it worth pursuing, but this commission of inquiry has now come about and that last remaining recommendation was put on ice immediately Tynwald made its decision.

The hon. member for Onchan, Mr Karran, is right: there was a vote in Tynwald. I think it was a unanimous vote. I think we, as members of this hon. Court, are aware of our responsibilities in the way that we spend money. The fact is that this Court is the final arbiter on how money is expended and a decision was taken to go down this route that we committed to at that time, and we are committed to it. We may have differing opinions as hon. members as to why we cast our vote in a particular way at that time but, nonetheless, votes count and they were cast in a particular way and a set of circumstances was put in train and that is what we are, I would say, honour-bound now to follow through. That money is being estimated as best we can and as best the commission can, and that is the detail I have given to hon. members today to support.

I specifically have not, in my presentation, referred to the report by the chairman of the commission. It is a 'laid before' paper, it has been done in that way, but I take on board the comments from Mr Braidwood that it is a progress report rather than anything substantive about any findings but I think any chairman of any commission would obviously be very cautious about releasing any conclusions before the end of the job. The job has not been completed, so I would not expect the chairman to be so, perhaps, reckless to make conclusions in advance.

So we have a sum of money, hon. members, and I know for some it is a bitter pill to swallow, but I would remind hon. members of their vote in this Court at a particular time and that we set the train in motion, as other members have said. I beg to move, sir.

The President: Hon. members, the motion I put to you is that printed at 3 on the 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 Cannan, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Gill, Mrs Crowe, Mr Houghton, Mr Cretney, Mr Duggan, Mr Braidwood, Mrs Cannell, Mr Downie, Mr Shimmin, Mrs Hannan, Mr Bell, Mr Singer, Mr Karran, Mr Corkill, Mr Earnshaw, Mr Douglas and the Speaker – 23

Against: Mr Henderson – 1

The Speaker: Mr President, the motion carries in the House of Keys with 23 votes for and 1 vote against.

In the Council –

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

Against: Mr Waft – 1

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

Commission of Inquiry into Mount Murray – Further Expenditure Approved

Item 4. The Minister for the Treasury to move:

That Tynwald –

- (a) *approves the expenditure of a sum not exceeding £100,000 to meet the additional legal costs arising from the Commission of Inquiry into Mount Murray; and*
- (b) *approves the expenditure of a total sum of £100,000 from General Revenue for the year ending 31st March 2003.*

The President: The Minister for Treasury to move.

Mr Bell: Mr President, this sum relates partly to expenditure that the Treasury has already incurred and an estimate of further expenditure that will be incurred shortly. The expenditure is in respect of legal costs arising from the Income Tax Division of Treasury responding to the commission of inquiry requirements. In May 2002 the commission served notice on Treasury requiring it to produce certain documents relating to 'The granting of relief in respect of any taxes including income tax.' In June 2002 the Assessor of Income Tax was summoned to give evidence to the inquiry, and prior to his attendance a written statement and relevant documentation was required to be submitted.

Due to the confidentiality requirements of section 106 of the Income Tax Act 1970, before complying with the requirements of the commission of inquiry advice was sought from the Attorney-General's Chambers. However, as the chambers had already provided legal advice to the commission, it was recommended that the Assessor and the Treasury seek separate legal advice. This advice was obtained from local advocates and was to the effect that the information and documents should be produced to the inquiry. The statement and documentation was then provided to the commission of inquiry. However, prior

to the Assessor of Income Tax giving evidence to the inquiry, the companies concerned became aware of the production of the documents and sought an injunction. Following those proceedings the companies then made an appeal to the Staff of Government Division. After that hearing the companies then sought leave to appeal to the Privy Council. Leave to appeal to the Privy Council has been granted and the hearing has been set down for May 2003.

The legal costs incurred to date represent the cost of advice from a local advocate and his continuing advice in respect of the injunction, the appeal to the Staff of Government Division and the subsequent application for leave to appeal to the Privy Council. The services of a UK Queen's Counsel were required to provide representation at the application for leave to appeal. Costs incurred to date are £30,000 but all the bills have not yet been received.

Further costs will consist of the cost of the QC's fees and the cost of representing the Treasury at the hearing in London. There will be the cost of preparing for the case before the hearing in May and the cost again having a QC to represent Treasury at the Privy Council hearing itself.

The total cost of this legal advice and representation is expected to be in the region of £100,000. The Treasury and the commission of inquiry are listed as separate parties to the appeal and therefore require separate representation. My department had no expectation of any requirement for such legal representation, and so no financial provision has been made.

I should also warn hon. members that in addition to the application which I am making today, if the decision of the Privy Council were to go against us, very significant costs could be awarded against Treasury. With that in mind, Mr President, I beg to move.

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

The President: Seconded by Mr Karran. Hon. member for Ayre, Mr Quine.

Mr Quine: Yes, I would just ask the Treasury minister to explain why we appear to be veering away from what is established procedure. I quote examples to my own notice that this was the Department of Local Government and the Environment – any other department of government who were unexpectedly drawn into court cases and I know we have been to Treasury – if you were to go there when these expenses are anticipated and, say, 'I could be committed for £30,000, I could be committed for £100,000. I now want this vote added on to my vote,' you would be shown to the door pretty quickly, and I am just wondering, why have we adopted an extraordinary procedure in respect of Treasury? Why are they different from other departments, apart from the fact, of course, that they hold the purse strings? There must be a good reason why Treasury have gone outside the established procedure and the established

response that any other department will get from government in taking this course of action. I hope it is not a political manoeuvre. I do not believe that that is the case, but this is, I would suggest, an extraordinary procedure and it is not a facility which any other department of government involving sums of this dimension would get Treasury concurrence for. There must be a reason and I think Tynwald should be made aware of that reason.

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

Mr Delaney: Yes, Mr President, I understand the difficulty that the Chief Minister and everybody else seem to find themselves in, but there is one thing that I have said to my colleagues and I will say it here – and you will tell me quickly enough if it is *sub judice* – that to my knowledge no question has ever been asked in this Court on this matter, a straight question, to any of the Treasury ministers since this event has unfolded: At any time were any tax benefits given to the company who constructed the houses at Mount Murray? And if the answer to that was no – and I do not know of any time or anyone who put themselves in the position to be put as a liar in this Court – surely that would have covered this matter? (**Mrs Crowe:** Absolutely.) So may I, without causing any *sub judice*, ask the question of the Treasury minister; therefore maybe then we can at least know on our part whether or not there is any case to answer.

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

Mr Henderson: Thank you, Mr President. Here we are again, same situation, same scenario and I have to draw hon. members' attention to the endeavours of some of the last speakers in the last motion where we were castigated in a way where it seemed impossible to pull back. We are running down a track and there is no way back, the snowball is rolling and all the rest of it. If hon. members had some backbone and realised what we were doing was throwing good money after bad, of course we can put the brakes on things, and of course we can ask the commission to make an intermediate report of conclusions so far and make an assessment from that.

The way I see it, Mr President, is that at the minute we have spent enough money to build 10 or 15 new houses and, by the time we are finished, we are going to have not a million pound inquiry, we are going to have a multi-million pound inquiry. Just think of the new houses we could build with all of that. I would strongly urge hon. members to reconsider their position on this one and have some backbone.

The President: Hon member Mr Cannan.

Mr Cannan: Mr President, I just ask members to steady the ship a little bit. We have set course; we yesterday said that we were to present ourselves to the international community as a government of integrity.

(**Mr Karran:** Hear, hear.) (**Mr Henderson:** Blackmail!) Whether or not we did the right thing at the beginning is a matter for our own judgement but, having set our face to have the integrity of the government of the Isle of Man examined, then we go all the way, because what would be our standing in the community outside of which we talked so much yesterday? If the finger was pointed that we had an investigation into government irregularities – I will not use the word ‘corruption’ because we do not know whether there was or not, but we do know there were irregularities – and we just did not like what was happening and we pulled the plug, imagine the rumour and innuendo that would go on. If we are examining the cupboard, let us examine it and have it declared clean and, if it was not clean, let us clean it when the report comes out. It is ridiculous to say to the commission, ‘We are not giving you any money’; we know what the answer would be: ‘Well, thank you very much’, they would pack their bags and go. If they are not going to be paid, they are not going to do any work.

Moving to this motion I concur with what the hon. member of the Legislative Council has said. We want a clear statement from the Treasury: were there any special tax concessions given to the developers on the subject of this inquiry or not? I view the actions of these development companies; if they have nothing to fear, why are they trying to stop the inquiry? If they have nothing to fear, open the books. If somebody says to me, ‘You are cheating,’ and I say, ‘I am not cheating on my finances, here are my bank statements, look at them’ –

The President: Hon. member, would you come back a little closer to the motion, please?

Mr Cannan: I will. I am trying to indicate, Mr President, that if we are fighting a case now on the basis of the disclosure of taxation to the commission –

The President: I accept that, sir, but do not widen it too far.

Mr Cannan: What I say is we need to know the grounds for this action. What are the developers trying to hide from the disclosure of taxation? But, having said all that, we have set our face on this course and we must see it to the end.

The President: Minister to reply.

Mr Bell: Thank you, Mr President. I am going to be circumspect in some of the comments I make. I must say I am rather astonished that members should even raise one of the issues; we seem to learn nothing in this Court at all as time goes by.

First, I am obviously involved in this inquiry myself as a former Tourism minister and therefore there is a limit to what I can say, but equally, Mr President, there is no way at all at this stage I am going to comment on the tax position of allowances or

otherwise to the developers. This issue is now clearly *sub judice* as far as I would see it, and –

Mr Delaney: With due respect, Mr President –

The President: Hon. member, Mr Bell is giving his reply. I think we can accept it.

Mr Bell: – any comments I make at this point could well jeopardise whatever takes place in the future. I think we need to be very careful and conscious of the responsibility we bear on that matter, and for those reasons I would decline to make any comment on that particular point at this time.

Very briefly I want to assure hon. members that this is not a political manoeuvre by Treasury for whatever dubious reasons the hon. member for Ayre may consider. This is a straightforward financial problem that this particular process has faced the Treasury with. The hon. member suggested it is an extraordinary process. It is an extraordinary position we find ourselves in, and the advice I have had that this is a totally appropriate way to deal with this unexpected open-ended – and I highlight the point ‘open-ended’ – expenditure which we may be embarking on.

The hon. member for North Douglas – and again I do not want to make too much comment on it but I have a considerable sympathy for his position – does say, ‘Why can’t we put a break on it and stop this action now?’ Sadly we cannot put a break on it now. We are committed. We are locked into a legal process and we have to see it through; whether we like it or not and whether that process finishes with the Privy Council or goes on to the European Court beyond that is not for me to comment on at this stage, but obviously to point out that if it does there will be considerably enhanced expenditure required to see that process through, one which we cannot back off from, and I would point out that, if government did pull out now, we could well be faced with a very substantial bill for damages because in effect we will be conceding the case. So we are locked into almost a no-win position, frankly, but which we have to see through to the end of its conclusion.

The hon. member makes comment that it is likely to be more than a £1 million inquiry. Again, that may very well be the case. I will not comment one way or the other on that. I would simply leave the point for hon. members to reflect on that that will be at least £1 million less next month that is going to be available in the budget for expenditure on public services.

I am very pleased to note Mr Cannan’s observations on integrity but I would not wish, again, to comment on the points that he is making as to what tax concessions we are giving to the developer. That will come out in due course as part of the inquiry’s process.

I would just finally point out the developers are not trying to stop the inquiry. They are objecting on a specific issue of confidentiality of tax matters. It is not an attempt to stop the inquiry.

It gives me absolutely no pleasure whatsoever to be here today with this measure. I can think of much better ways of spending this money than the process that we are locked into, but it is a process we are locked into and therefore we have no option but to pay these figures which are being demanded of us. With that, Mr President, I beg to move.

The President: The motion, hon. members, is printed at 4 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 Cannan, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Gill, Mrs Crowe, Mr Houghton, Mr Cretney, Mr Duggan, Mr Braidwood, Mrs Cannell, Mr Downie, Mr Shimmin, Mrs Hannan, Mr Bell, Mr Singer, Mr Karran, Mr Corkill, Mr Earnshaw, Mr Douglas and the Speaker – 23

Against: Mr Henderson – 1

The Speaker: Mr President, the motion carries in the House of Keys, with 23 votes for and 1 vote against.

In the Council –

For: Lord Bishop, Mr Lowey, Mr Waft, Dr Mann, Mr Kniveton, Mrs Christian, Mr Delaney and Mr Gelling – 8

Against: None

The President: With 8 for in the Council, the motion therefore carries, hon. members.

**Westmoreland Road, Douglas –
Demolition Costs –
Pre-Contract Development Costs –
Expenditure Approved**

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

That Tynwald –

(1) approves the Department of Local Government and the Environment incurring expenditure not exceeding £63,216 for:

- demolition of garage properties on Westmoreland Road and workshops to the rear of Parr Street;

- pre-contract costs for the development of 19 flats at Westmoreland Road;

(2) authorises the Treasury to spend out of the capital transactions account during the financial year ending 31st March 2003 a sum not exceeding £63,216 with the unspent balance being carried over to the financial year ending 31st March 2004;

(3) approves of and sanctions borrowings not exceeding £63,216 being made by government, such borrowings to be repaid within a period of 30 years; and

(4) approves the transfer of £63,216 from the housing reserve fund to the capital transactions account during the year ending 31st March 2003.

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

Mrs Crowe: Thank you, Mr President. When this hon. Court approved the creation of the housing reserve fund in the 2002 budget my department was given the financial support to enable it to accelerate the housing programme. Support for the resolution before hon. members today will enable preparatory works for much needed affordable housing in Douglas to proceed and a start to be made on environmental improvements in the Douglas regeneration area surrounded by Tynwald Street, Allen Street and Westmoreland Road. The demolition contract will remove unsightly buildings fronting onto Westmoreland Road and a run-down workshop premises at the rear of Parr Street and clear the site ready for the construction of 18 apartments. This latter measure will improve the local environment by providing additional parking, affording better natural light and access to the adjacent houses.

It is expected that further developments under the local authority housing programme, together with the promotion of the department's existing home improvement and energy conservation scheme, which provides grants to owner-occupiers, will encourage private investment in this area and a general improvement in the housing stock around the Island.

One of the principal objectives of the urban regeneration initiative is to make it a more desirable residential area, putting life back into the town centre. Tenders for the construction of the 18 apartments on Westmoreland Road are currently being obtained, and I expect to return to this hon. Court in April with a motion for the funding of the work.

I urge hon. members to support this motion to assist the department in achieving the objectives of increasing the supply of affordable housing and promoting the area's regeneration. Thank you, Mr President.

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

Mr Earnshaw: Thank you, Mr President. It gives me pleasure to second this motion, which I believe will herald the commencement of major redevelopment work and regeneration in this part of Douglas.

For many years only modest investment has taken place in isolated pockets of the Westmoreland Road, Allen Street and Tynwald Street areas, and, in common with pleasing improvements being seen elsewhere in the town, in due course this too will play its part in progressing that trend.

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

Mr Downie: Yes, thank you, Mr President. I rise to support the motion because I feel that in the history of the town of Douglas we are again making a major step and a major commitment to the future of the town itself. I was very pleased some years ago to have been involved in the original acquisition of the Automart building and some of the other properties on Westmoreland Road and, in fact, this vision of regeneration of this area has been about in government for some years. It is excellent news to see this scheme starting to come to fruition.

I have absolutely no doubt whatsoever in my mind that the area would not otherwise be regenerated if it had not been for government's intervention and as this is the pilot scheme, I hope now that there will be an opportunity taken by the department to have some involvement with private sector partners and we can eventually see this whole area relocated and then, when the new hospital comes in line, a decision can be finally made about the future of the two schools which are in this area and we can see a really positive refurbished development taking place within the town centre and one that is going to be much credit to the town and to the Island itself.

I fully support the scheme it is just sad that there were some comments made about who is going to occupy some of these premises but let us put that behind us. (**Mr Delaney:** No!) Let us get the scheme built –

Mr Delaney: Do not put it behind us!

Mr Downie: – and let us decide then who is going to occupy it. Let us get the bricks and mortar down and the buildings arising from the ground and deal with that issue later. Let us not sour the day. We have seen a milestone; let us get behind it and support it.

A Member: Hear, hear.

The President: Hon. member for Ayre.

Mr Quine: Thank you, Mr President. I am very supportive of this scheme. Indeed, this scheme is much smaller than the original. The original scheme was that we were going to provide 35 units, if I remember

rightly, in this area, but I understand the reasons why we cannot proceed with the 35 now, because there are issues of acquiring certain properties to make that possible, so I am not querying that. What I am asking for some information on is that there were some quite profound discussions between the department and Treasury over the unit costs, because this of course, being the first substantial urban regeneration project, the cost equations that we use for other schemes, which were potentially green field schemes, did not stack up in this one, and although we were at that time – and I know there have been some slight change in the ceiling figures – talking of putting them onto the market at up to £79,000, this left a gap to be filled. The current thinking was that that would come from government and that would be considered as a government investment in the environment. In other words, these prices were not going to be inflated. The government would carry the sum of money in order to keep these houses at or below that ceiling price, and I am just asking what the current position is, because if we are now running with this because we are going to commit £60,000-odd, I must assume that the thinking on the pricing structure is now clear. I would assume that the discussions between the department and the Treasury have now been finalised, and particularly I would like to know: is it a fact that government, or in this case DoLGE, now that you have your own housing vote, will be carrying a slice of the cost as our contribution to the general enhancement of the environment in that area?

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

Mr Delaney: Thank you, Mr President. I am interested to see if people put this behind us go ahead. This was never going to be stopped. This was the policy of this Court and this property to be developed for housing stock for the people of the Island, and particularly for the town. Only this morning, minister, I made a phone call on behalf of someone who has three children and has another fourth on the way, a Manx family – they have to be because they are in a part of South Douglas and they are one of many, many families that are living in units which are too small for their purposes. Now, these units that are proposed are just down the road from a play area, as limited as it is; they are in the area of other council houses, and a number of questions on the future of what is going on here have to be raised because I, at least, not as a member of the House of Keys but as a past member for Douglas, have spoken to many people with housing problems and assured them that the policy of the government unilaterally is that housing is the priority.

So you can imagine my distress and their distress more importantly, to be told that these units that I have been saying and others have been saying were to be given to people whose families had grown up and left the area, by Douglas Corporation when they were developed, believing that to be the plan so that larger houses could be released. That is the simplicity of what was going on, and then to find out that somehow the

rules had changed – rules that you part-implemented for housing allocations – and that people, key workers regardless of the fact that you now explained to us yesterday that this is going to be Manx key workers – a different little form on that. These houses are going to be allocated to them.

Mrs Crowe: I did not say that.

Mr Delaney: Now, I want to know: are these houses going to be for the Douglas Corporation housing stock for their use under your rules and allocation, or are they going to be kept separately by the local government department to be allocated by them in the region of Douglas, who are the traditional housing authority? Tell me that. If they are staying with you, that will be an impingement, in my view into the Douglas housing stock or the policy of letting them look after the housing in Douglas, but if they are going to go to Douglas Corporation, are you telling me you are going to be telling them, ‘They are yours but the rules are they have to be allocated to A, B, C and D’ or, as we say, ‘Manx key workers?’ That is changing the rules as well. The situation has to be clear, and I am still waiting to find out, if I may, from you who made the decision to change what we thought was going to happen in these properties to put key workers in them, because you never answered, madam. You never told us. I believe we have a right to know who made this decision.

Mrs Crowe: No decision has been made.

The President: In reality we did go over that ground, hon. member.

Mr Delaney: We never got an answer.

The President: Hon. member, we had an answer from the minister. How the minister decides to reply is entirely up to her. The answer was given. If you are unhappy with the answer, I can accept that, but there is no need to gild the lily.

Mr Delaney: I am asking her again to give us the answer which is more acceptable to the people who have been upset by the decision she or somebody else took, and I think I am entitled to ask that, Mr President.

The President: You are entitled to your answer and I am sure the minister will answer.

Mr Delaney: I am asking again: at least tell us who made the decision to associate this with key workers. The development of these properties . . . if you think it is funny, minister, I do not, and if you think you are having a rough time over the last two days, you will have a rougher time the next two years! (**Mrs Crowe:** Ha!) The situation is that you think you can make policies affecting people’s lives after we have made decisions. Do you wish to raise something?

The President: Hon. member for . . . Have you resumed your seat, sir?

Mr Delaney: No, I have not.

Mrs Crowe: A point of order, Mr President.

Mr Delaney: She wants to take the floor on a point of order.

The President: Minister.

Mrs Crowe: Mr President, I replied quite clearly yesterday that no decision has been made.

Mr Delaney: Well, why was the public told through the press that that was the decision?

Mr President, I will keep it brief then, but I will put down a series of questions to get to the bottom of it anyhow. The fact of it is that these were clearly indicated for the purpose I indicated, and to change the policy without reference to us is, at least, discourteous, and I believe the members for East Douglas who have been saying the things they have been saying have a right to at least half an apology because it is their constituents who are going to be hurt, with the rest of Douglas people on the housing list, by your decision. Thank you, Mr President.

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

Mrs Cannell: Thank you, Mr President. This particular scheme and regeneration of part of my constituency, which I share with my colleague, Mr Braidwood, has been under discussion for many, many years and, indeed, when I entered this hon. place we – my colleague and I – were invited on numerous occasions by the then chairman of planning, the hon. member for Garff, Mr Rodan, to witness presentations, discuss what should happen with the area in general, and I welcomed those days because they were very informative and we both of us felt we were being listened to. Well, I think it is true to say that originally there was a much larger area that was hopefully going to be regenerated by government, and because of cost and the ramifications for Treasury et cetera, it was slowly whittled down to this one apartment block, but originally there was going to be a whole mix: one-bedroomed, two-bedroomed apartments, two-, three-bedroomed family units and so on, and I think hon. members should be made aware that during this course of time the department has acquired all sorts of properties in this particular area; they have actually been buying a lot of the properties, outwith this particular area of Westmoreland Road, going down Parr Street, Allan Street and right the way down to the bottom there, so they have in fact got a quite a number of properties landbanked for something in the future.

When we were invited to consult, with respect, on this particular scheme, the 18 flats – the minister refers to them as apartments but on the order they are termed as flats – we were asked what our opinions were, and

we did make a submission to say that we felt that there should be a mix of one-bedroomed and two-bedroomed flats in this particular block and that we should be aiming for single economically active people because there is not enough provision there, but that they should be first-time buyers or a proportion of first-time buyers, a proportion to be available for rent with the option of purchase at a later date and rent being taken into account, and that was to help where we have actually got a gap in provision. Now there are all these wonderful plans the department claims to be pushing forward for housing provision, but all too often in debate in here and in another place we have recognised that there is a shortfall in terms of the young economically active, who want to be independent, who want to have their own premises but (a) they are not earning enough money to be able to but currently and, as indeed is the case in the last five years, properties on the market because they are not earning quite that amount of money to be able to pay such high prices; and (b) they may be earning just too much to be accommodated by local authority housing considerations, and so there is a grey area where these people for families fall in the same area –

The President: Hon. member, you have now been on your feet for five minutes and I yet do not know whether you are supporting or opposing the motion. Try to come back to the motion, please.

Mrs Cannell: I will Mr President and time will tell whether I am supporting it or not, I have no option but to support it, Mr President –

The President: Well, then, in that case let us not go through a housing debate. (**Two Members:** Hear, hear). Stick to the motion, please.

Several Members: Vote!

Mrs Cannell: Mr President, I have been very well behaved during the last two years – the last two days rather – (*Laughter*)

A Member: That is more like it!

Mrs Cannell: – in this place; this is very important to me (**Mr Cretney:** Hear, hear.) And very important to the people that I represent, sir.

The President: And it is also important to the Court that it deals with this measure respectfully –

Mrs Cannell: Okay, Mr President –

The President: Hon. member, please! I was well aware that yesterday we were in a policy debate. I was well aware that members would want to widen it out and make their own views known. Today I am intent, hon. members, on trying to get you through your order paper (**Members:** Hear, hear.) as speedily as is practical and I am not going to permit you to wander too far off the motion. We will not develop a housing

debate on a matter which is down purely for the demolition of properties at Westmoreland Road. Resume, your contribution, hon. member.

Mr Delaney: A point of order, Mr President, if I can ask. Surely – ?

The President: Hon. member for Douglas East has the floor.

Mr Delaney: I am raising a point of order.

The President: I am content that the member for Douglas East should continue.

Mrs Cannell: Mr President, dealing with the motion on the agenda that is calling for money to be able to clear the site so that development can commence and a vote presumably will be agreed or come forward in April for moneys to do just that, I also have to refer to the answers given by the minister in respect of this order, two questions that were posed to her yesterday, and the answers which I recorded.

In answer to who will decide the allocation and whether they are for merely open rent or for key worker, the minister replied it would be her department that would decide the allocation. I think we will have to be clear on that. There is an infringement in some respects, if that is the case, in that it is the local authority, the Douglas Town Council, the corporation, that operates the housing stock within Douglas, not the Department of Local Government and the Environment, who do have housing stock but not in Douglas, so there is a principal policy change there as I understand it, unless the minister can explain when she sums up.

On the order, under 3, it says, ‘Effects of the measure. The measure will assist the department to meet its target for construction of an average of 120 public sector properties to rent (which include key workers’ properties) and 120 first-time buyer houses per annum referred to in the Isle of Man budget 2002-3, page 50.’ Can the minister, when she is summing up, give us some guidance on what her interpretation is of a key worker? She was confused yesterday when she was trying to make a case for answering the question in that a head teacher from a Douglas secondary school had made comment that there is problem trying to recruit and retain teachers who, one would assume, are key workers, as are hospital staff and medical staff. So are we correct, then, in saying that this whole scheme for which the minister is asking us to approve the order so that they can clear the site for this development is going to accommodate people such as I have just outlined? And if they are, are these people are own local home-grown teachers and medical workers –

A Member: Because she changed the rules.

Mrs Cannell: Or are we looking to bring in more people from off-Island, being able to present them a nice new two-bedroomed unit and say, ‘You can live

there'? I need to know, I need some clarification and I think it is incumbent upon the minister to give us that at this session before she comes forward in April, possibly, for the money.

The minister did say yesterday that in respect of 'key worker' it is under discussion, so am I correct in assuming, therefore, that nothing has been decided? If nothing has been decided, why are hon. members, Mr President, being asked to approve an order which includes key workers? This is supposed to be an explanatory note to members, but on the explanatory note there is no explanation as to what definition would you –

Mr Delaney: She has denied it has anything to do with that!

Mrs Cannell: What is a key worker and when did key worker accommodation for properties to rent feature in the housing provision strategy? I do not remember reading it in the housing strategy. Key worker accommodation was provided years and years ago in the Isle of Man for specific workers, but we have not had key worker accommodation provided for a long, long time. It has not featured in any housing strategy report that I can recall; perhaps it was before I was put into this place six years ago, but it is on the order and we are being asked to approve the order, so I want an explanation please, Mr President, what definition would one give to a key worker? What is a key worker? Is it a local professional person that you regard in here? I mean, teachers are key workers and we need them now; hospital workers, doctors, nurses, medical staff are key workers; we need them now. We may not be short of such workers in five, ten years' time, so what is a key worker? I want a definition, please.

On point 5 on the reverse of the order, 'expenditure of a capital sum not exceeding £63,216', as these are preparatory works only, there are resource implications, revenue costs for the apartments proposed, so we have apartments on the back but we have got flats on the front. Is there a difference between one description and another? The apartments proposed on this site will be met from rental income – which rental income? Is it rental income that comes in from somebody else who is presently paying a rent to the department or is it the rental income that you will take from the person who is going to be living in the units? I think we need a little bit more than just a bit of lip service that is actually on here. And further, can the minister advise: she did say that tenders had gone out, has she had any interest from the local construction industries and do they have a chance of development here, bearing in mind her comments about our local construction industry not less that two weeks previously?

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

Mr Cretney: Mr President, I will be brief but it is important, as far as I am concerned, to make points

with regard to this matter. For many years now, since the original Douglas Town Plan and before, some of us have been saying how important it would be, for a number of reasons, to have more people living in the town and I think that applies equally to either young economically active people or to retired persons; it is for the convenience of shops and all the services and facilities of the town centre, and I think we need to learn from history and some of the history is where people have been moved out of the town centre to the periphery but it has not been successful, so I think I support a hundred per cent the move being made here today; I think it is a very welcome development. I do hope the minister gets a unanimous vote on that.

With regard to the key worker discussion which is taking place, my understanding is – and I raised this with both the Minister for Education and the Minister for Local Government and Environment before the head teacher spoke at the speech day – what we have is examples of young Manx people who have gone through the Manx education system, have gone away, have been equipped and are having difficulties presently. If that is the definition of a key worker then I think we should all support that as well – an element of these apartments being made available for our own people who are currently having a difficulty, there is no doubt about that.

The third point I would like to make, Mr President, is that, contrary to the hon. member for East Douglas, I do not believe that we should have any one-bedroomed units; I think they should be two-bedroomed units. The price differential between one and two is insignificant, and I think we should make a policy that we should have two-bedroomed rather than one-bedroomed properties.

The final point I would like to make is that if it is ultimately decided that these units are going to be for sale to those people on the first-time buyers list, including those people who are skilled and are Manx and are key workers, we do also need to look in this area in relation to persons who are elderly, who have brought up their families and who are currently occupying houses which could be worthily used by families currently on the housing list and living in grubby accommodation who would welcome family accommodation, and equally those persons who are elderly would welcome more manageable, well insulated, nice properties, but it needs to be in the area where they have brought up their families.

Several Members: Hear, hear.

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

Mr Waft: Thank you Mr President, I wholeheartedly support this recommendation. My only worry is that it was a much bigger scheme that I envisaged a few years ago when this was recommended, and they were going to go right down to the end of Allan Street and Tynwald Street and take over the whole area. I am very sorry to see that it is only limited to this small area where you are putting 18

flats. If it was a developing part of the Isle of Man, you would put all kinds of limitations of what he should and should not do: there should be play areas, et cetera. That play area in Westmoreland Road area has been there since when I used to live down there. That was many, many years ago, and it has not increased. There have been a lot more people living in that area and they are going to another 18 flats. I think you should have given some thought as to the play area in that particular place, especially if you are thinking in the future, as has been said by the previous members, of purchasing areas in that Tynwald Street and Westmoreland Road area per se, so I think some thought should be given to that.

I am conscious of the fact that some people are a bit worried about key workers. I remember the nurses' home being built; that was filled overnight by staff, and there is a concern that it can be filled very, very quickly by nurses or teachers or whatever, and there is a concern that, perhaps, as long as you are leaving it open and you have projects for the future in that area for other houses, flats, be it as it may, I am quite happy to support that. Thank you, Mr President.

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

Mr Karran: Eaghtyrane, I have no problems in supporting this proposal today on the understanding that the shirveishagh realises that I am doing this on the basis that, if she comes back with any proposals as far as key workers is concerned, then there will be a serious debate in this hon. Court, because I am not prepared to allow this smokescreen of all these poor Manxies that are coming back, they cannot get on the waiting list, they cannot afford a house here . . . We are not going to forget the people at the bottom end, the people who are the lowest paid in our society. They are our priority – affordable houses to rent. Homes make society. That is all I want to say as far as that issue is concerned, and I do hope that the shirveishagh will assure this hon. Court that there will not be any smokescreen of talking about other issues. The priority I want to see when she comes back with a further order is that this is for local authority housing (**Mr Delaney:** Hear, hear.), to try and put some light at the end of the tunnel, to my poor constituents and others who want to get out of the hands of the Rachman.

Can I also just ask, when the order comes back to this hon. Court, that she considers keeping the management of these houses for rent in the local government's hands? We believe that we should be promoting the family; one of the biggest problems I have in my constituency is the nonsense where I have people with elderly relatives in local authority houses living in Foxdale, wherever, and they cannot get into Onchan. Now, what I would like to see on this piece of land when they are discussing the second phase of this is maybe keeping hold of this, so that we can bring elderly parents and people like that into town so that their families can look after them. That is what I would like to see, and I do hope the minister will. Any moves to build more houses have to be supported. It is no use

going on about what has gone on in the past, and I understand the gerrymandering that has had to be done with things, which is scandalous, but hopefully this will be the start of something big and we will maybe start to get some reasonable amount of houses built sooner rather than later.

Can I also ask on this proposal, will we be looking at two or three storeys? I feel that if it has to be three storeys, the more properties that we can get on this site when it is cleared the better, without creating a slum; I do not want a slum but there is a balance, we can do it in other areas, we must get as many houses that do not create an urban slum for the future, but I shall be supporting this as far as the government is concerned.

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

Mr Braidwood: Thank you, Mr President. I will try to keep within the parameters of the motion.

The President: If you can.

Mr Braidwood: I will be supporting the motion in front of us but, as my colleague for Douglas East, Mrs Cannell, has already said, we were involved right at the beginning when we were looking at this area for regeneration, and it has been mentioned by the hon. member for Ayre, Mr Quine, that the scheme which was envisaged was a lot larger. This phase between Orry Street, Westmoreland Road, Allan Street, Tynwald Street, apart from the Rechabite Hall, was going to be completely demolished. It has now changed where, instead of, as Mrs Cannell has already mentioned, it going to be town houses and some apartments, it has now got 18 apartments on Westmoreland Road, it is going to have a sheltered housing accommodation along Tynwald street and there is going to be renovation of the other properties which the department had purchased and also which includes properties of Douglas Corporation in this single area.

Now, my concern – and it has been expressed already by the hon. member for Council and my colleague, Mrs Cannell – is that when we went to the presentation, when the apartments were being shown to the members or to the constituents in the area, it was the 18 flats; this was the first phase. I did express at that time that I felt that the lower apartments should be used for elderly people, decanting from South Douglas, such as the Hillside area into those flats, which then allow the family houses (**Mr Delaney:** Hear, hear.) for use by families, and when the hon. member for Rushen, Mrs Crowe, comes back for the money for the construction of these apartments, I would like to see a presentation of who these flats are going to be allocated to and what is going to happen, because I think it is essential to see who these flats are going to be allocated to. I am not in favour, having looked at those apartments, of them being sold as first-time buyers' units to young couples, one of the reasons being that young couples normally have families. There is no play area apart from the little area down;

there is no garden area so clothes cannot be dried or whatever. They would have to use such as tumble-driers for drying clothes, and to me they were not suitable for a young family who were going to have young children. They are better, as I said on the lower block, for elderly people and also the rental for those people who cannot afford the private sector. Thank you, Mr President.

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

Mrs Hannan: Yes, just speaking to the motion, Eaghtyrane, I would like to support the previous speaker when he mentioned these properties being for rent once this demolition has taken place. What they found in the United Kingdom when they have sold council properties is that they then become the place to live, and they are sold in town centres for huge sums of money. I could see this happening here, because they would be just out of the town centre, in easy walking distance, and I think they should be kept for young, economically active people, and with the encouragement that once people have lived there they will move on, and they might move on to one of the areas round about that is being rehabilitated under this particular scheme.

I think we can learn in certain instances from other places. I welcome rehabilitation and refurbishment and reconstruction of an area where there is an industrial aspect about housing because we know there has been an emergency in this area in recent times, so I welcome that but I do think it should be done in such a way that we bring people along with us. You have only got to look at what happened in Ramsey: people moved in, they thought they knew better, redeveloped an area and the whole heart went out of that area, so there is a lot of careful planning which needs to go on to bring the people that are there with the rehabilitation, and to actually keep some of the people in the area, maybe rehouse them, use the housing to a better standard, a better occupancy.

So there are a number of issues but I do support, obviously, the £63,216 for the demolition and I welcome the fact that my constituents have been able to relocate in Peel and create employment in Peel. So thank you, Eaghtyrane.

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

Mr Rodan: Mr President, I will be quite brief also. I welcome this on the basis that this is the start of a long-awaited urban regeneration scheme, (**Mr Delaney:** Hear, hear.) which this Court has supported in the 1998 Douglas Town Plan. We have drawn there a scheme that stretches from Westmoreland Road to Buck's Road for the urban regeneration of central Douglas, and what we have here is phase 1. But perhaps one would not call it phase 1 but phase 1A of an urban regeneration scheme, and, having had something to do with it in the early days, it was always envisaged that it would be

government which would kick-start the process of urban regeneration in phase 1, in this Westmoreland Road area, a process of urban regeneration which can be a very slow and time-consuming process due to the need for site assembly and getting sufficiently large areas for comprehensive redevelopment.

So what we have here is phase 1A, kick-started by government for something that is intended, as I understand, to represent a good social mix in a town centre where the fabric has deteriorated over many years, but a good social mix, combining local people who have traditionally lived in that area with people living there, able to take advantage of job opportunities in the area and, the way Douglas has changed, the job opportunities in the area are quite often those opportunities for young professional people and people who would welcome the opportunity to live in a town centre close to the place of work, close to the facilities and not necessarily need car ownership to get about. It is perhaps this aspect, I suspect, that has clouded the issue.

We started to talk about key workers, there has been a lot of talk about teachers and, just for the avoidance of doubt, Mr President, as far as I am concerned, this scheme has the potential to make a contribution to town centre living for local people and young professionals, some of whom will be teachers, but the key worker references unfortunately have been, I think, misunderstood. As far as teachers are concerned, this is the contribution to teacher retention, not teacher recruitment. The Department of Education does have specific recruitment strategies, retention of professionals already living here, many of whom will be Manx. I think this does have a contribution to make to that, and I think that is all that is being said; it is not a scheme aimed solely at key workers. I welcome this scheme but it is only a small part of what I understand is to be a very much larger development over time in that part of Douglas.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. Mr President, I just think that some of the comments that have been made have really gone a bit astray in terms of what this is about. (**Mr Downie:** Hear, hear.) This vote clearly is about, as it says, the demolition, the clearance of the site and, of course, the pre-contract works, and I have to say this is not a new argument to me; it is one I have argued in another place when I was a minister consistently. I think it is an absolute nonsense that you come to Tynwald Court for such a small expenditure on something that is being determined as a policy, when you are looking at £60,000-odd and we end up in this sort of debate. We are also in a position, as members, where I do not know what is going on up there. There is no presentation being made to members –

Mr Delaney: That is right.

The Speaker: We do not understand what the overall scheme is. There have been presentations some

time ago in terms of what we read in the press, but I would say to the Chief Minister and his ministers that if you want members to fully understand and therefore feel content to support what is being suggested to Tynwald, then it always benefits you to have presentations so members can ask questions, get details and understand fully why something is being done. The problem we have in this debate, in my view, is that members are not sure; there has been a herring thrown in what is after all, a piece of paper that has no status in this hon. Court, it is just literally a document to give us some advice, but unfortunately the advice it gives is not adequate, and what it does is start a hare running about the key worker. The honest situation about key workers – and I presume we are talking about government key workers as against the old scenario of key workers – is that we, all of us in this hon. Court, promote improvement in services, and that means we have to bring into the Isle of Man, on many occasions, people who need accommodation short term. Now, I do not know whether it is right or wrong in this development that some of it should be used for that sort of purpose; I do not know, and why I do not know is because I have not seen the scheme, so I would hope that the ministers would take that on board because I do think, and my own experience is, that it is beneficial and helpful to everybody if they understand, even if they then decide to oppose a scheme, what it is all about.

The definition of ‘key worker’ is quite clear, if you want the broadest term, because that is within the DTI and they have a scheme there which they operate with the DLGE, and a person is not accepted as a key worker unless they fall into a criterion accepted by them.

Now, the point I would say is, in my opinion such a vote as this should clearly be a column 2 item in the Pink Book and stop this nonsense, really, of even trying to start a first part of clearing a site or buying land or whatever it may be, and then you come back for the big scheme if you need to.

The only other question I would ask the minister to clarify because, though I know what it says, I do not really understand it and I would like to be absolutely clear on the part that is in the paper which is regarding part 5, ‘Resource Implications’, and it says there, and I quote, ‘Revenue costs for the apartments proposed on the site will be met from rental income.’ Could I ask the minister to clarify what that statement means? If these are public sector units in the normal sense, then that statement is not correct. I would ask the minister to clarify it for us. Thank you, Mr President.

The President: Hon. member, Mr Anderson.

Mr Anderson: Thank you, Mr President. I will be very brief. I have no problem with supporting this motion, but could I ask the hon. DoLGE minister, will there be conditions for the contractor to recycle as much of this material as possible or will it all go straight to her landfill site at Wright’s Pit East?

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

Mr Lowey: Yes, Mr President. I am sure you have sat through a few debates where sometimes only Tynwald can make good news sound like an obituary! This is good news and I understand the concerns, but it is good news. I can remember, Mr President, if you will forgive me, the architect who was employed by the department at the time, the lady in brown, who actually had visions – I do not use the word lightly, – for the regeneration. One thing I am determined to make sure in the department is that we sometimes get one opportunity to put an imprint on the capital, and this is the regeneration and I remember talking to the lady in brown about this particular area and he was way ahead of his time; it was about traffic management, it was about putting people there, and I have to say the former minister of DoLGE gets stick from time to time – and I am talking about the hon. member for Ayre. This is one area on which he cannot be criticised for trying to buy property in that area so that we could get the thing up and moving, and a lot of this now is because of the actions that he took at that particular time.

So, again, we get one opportunity to redevelop. What I do not want us to do on this particular site is cram everything in and, as the hon. Minister for Education, member for Garff, said, this is 1A; there is a whole area there to be developed. What we must not do in developing this particular site is jeopardise the overall picture, because I would hate to see the philosophy of ‘pack ‘em in, pack ‘em high and get as much as you can’. This is an environment we are talking about, the heart, and we need people, but we need people living in an environment that is acceptable.

I think this initial scheme is going to be a forerunner of that. I make no bones about where I want these houses, when they are built, to go and that is to our own, and I make no apologies. We are getting tied down on the word ‘could’, and perhaps in retrospect it was a mistake to put that in, but, having said that, you cannot divide half of nothing. At the moment it is dereliction. We need to get it levelled. This is what this money is about, levelling the site; then we are going to put a scheme in that we will all be proud of.

My final comment is that there was a mention made about us and the use of land. It saddens me when the housing authority for the capital, when we know we are short of that vital commodity for housing, land within the Borough of Douglas, is at this moment selling land which is zoned for houses to the private sector to develop, without a caveat saying that there should be a certain number of those houses eligible for our own or for public service and we are giving away the vital ingredient of land or selling it, or the local council is, and I think that ought to be looked at at this particular time too.

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President, and if it is an apology that Mr Delaney is looking for in the preparation or the answers that I gave yesterday, I am quite prepared to apologise, but what I will say is that the explanatory note says quite clearly the title of the measure, changes in policy, and it states quite clearly there are no changes in policy: 'This project is consistent with the Department of Local Government and the Environment's strategy for housing.' Now, that is correct. There is no change in policy. I would just like to say that the officers that are drafting these papers at the present time in my department are under extreme pressure. This particular officer was helping me and in with discussions with the minister regarding key workers. No policy decisions have been made on key workers whatsoever, and if those policy decisions were to be made they would be made by this Court. We have had some discussion trying to ease a problem that the Minister of Education has addressed to us as we are a housing authority. What it says in the effects of the measure is that the measure will assist the department to meet its targets for the construction of 120 public sector properties and 120 first-time buyer properties which include key worker properties. Now, that should not have been included.

Mr Delaney: Thank you, that is what I was asking.

Mrs Crowe: I said that; I said yesterday that no policy decision had been made. It is quite correct. We have had negotiations, but no decision has been made and indeed any such policy would be a decision of this Court.

Now, if I could just further progress with regard to the scheme, I would like to thank Mr Speaker for bringing it to the attention of the Court that once again, whilst in the department, we are now progressing a third more housing projects than have ever been progressed at a time in the department with the same amount of officers constantly under pressure. There is haste to produce these papers, to come back to this Court, as you say, for the sum of £60,000, having to come back again in April when we have already been given the reserve fund from which this money is being made available.

However, I would just like to address some of the particular comments that have been made about this scheme and, in mentioning the haste and the preparation of all the various documentation for the financial regulation and all the rest of it that has to go on with each housing project, I would just like to say that I do apologise if the member would have liked to have seen a presentation of this scheme. I think sometimes one forgets that I have had to perhaps give, certainly to Treasury, at least two presentations of the scheme, I have had extensive tenant consultation with the people in the area, so the scheme has been very well advertised in the area, and I apologise. Perhaps in future for any housing scheme that is being brought forward we could make sure that the designs were available, if only in the Members' Room for people to

view as they were passing, and I will ensure that that in future is done.

If I could mention this scheme, because there has been some mention, and as it is the two members for East Douglas that are most concerned with this scheme, I would like to mention the fact that mention was made that these houses must go to the housing authority of Douglas. I would like to point out that DoLGE is in itself a housing authority; we have houses in this area and one particular member of this Court is extremely grateful that we have been able to accommodate a rather large family when no other authority could accommodate them because we had a particularly large house in that area. We were planning on making it into flats but we have made it into suitable accommodation for a very happy family that are now relocated in that area because we have, as you say and as the hon. member for Onchan, Mr Karran pointed out, the ability to be able to relocate people as we are an all-Island housing authority. So we have a number of houses already in the area for rent

The hon. member Mr Braidwood mentioned that he would like to see elderly persons in the ground floors of this block. Well, of course, the next phase will be the elderly persons' accommodation that presently is in design in the department. I think at present there are 23 units in that particular scheme and we are hoping to bring that forward very shortly. So in this housing scheme in total, which will encompass my reply to the hon. member for Ayre, Mr Quine, who I know was instrumental in purchasing properties in the area to help with the regeneration, there will actually be 45 housing units in total at the present time in that area for whatever – first-time buyers or rent for public sector housing. As I state quite categorically, there has been no change in the policy and these houses will either be for first-time buyers or for renters, whichever at that time seems the most appropriate when they are built in 15 months' time.

Mr President, I hope that I have not missed answering –

Mr Delaney: The Speaker's point.

Mrs Crowe: Mr Speaker's point, the revenue costs, and Mr Waft – if I could just make comment to the hon. member of Council, Mr Waft, who asked why we had not extended the scheme. The reason the scheme had not been extended was tenant consultation, and a lot of tenants in that area have beautifully regenerated their homes and did not wish them to be demolished. The area which we are focusing on is the area that is in more need of regeneration.

Also to the hon. member of Council, Mr Lowey, and his reference to land being sold by authorities in the Isle of Man, any authority that sells or proposes to sell land within the Isle of Man will need the authority of the minister of the department and, as I am sure you know, being party to many discussions, we will insist that land that is in ownership is made available for affordable housing only.

In answer to the hon. member for Glenfaba, Mr Anderson, yes, indeed, provision has been made

for the building to be recycled as much as possible in precisely the way that Shaw's Brow car park was recycled into its foundations. Very little, if any, of that rubbish went off site; it was recycled into the foundations and very successfully, I am delighted to say. Thank you, Mr President.

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

**Emergency Services –
Digital Radio System –
Standing Orders Suspended –
Expenditure Approved**

Item 2. The Minister for Home Affairs to move:

That standing order 2.4(1) be suspended, in order that the following business be considered –

That Tynwald –

- (1) approves additional capital expenditure of a sum not exceeding £737,400 to allow completion of the digital trunked radio system for the emergency services and other departments of government;*
- (2) authorises the Treasury to expend a sum not exceeding £737,400 from the capital transaction fund in the year ending 31st March 2003 in respect of the additional expenditure; and*
- (3) approves of, and sanctions, borrowings not exceeding £737,400 being made by government, to be repaid over 20 years.*

The President: Now, hon. members, we now turn to the two motions on the first supplementary order paper. The first is for the suspension of standing orders, where we will need 16 votes in the House and 6 in the Council. I call on the Minister for Home Affairs, Mr Braidwood.

Mr Braidwood: Mr President, I move the suspension of standing orders so that the supplementary order paper can be laid, sir.

Mr Lowey: I beg to second, sir.

The President: Agreed, hon. members?

Members: Agreed.

The President: I call on Mr Braidwood to move item 3.

Item 3. The Minister for Home Affairs to move:

That Tynwald –

- (1) approves additional capital expenditure of a sum not exceeding £737,400 to allow completion of the digital trunked radio system for the emergency services and other departments of government;*
- (2) authorises the Treasury to expend a sum not exceeding £737,400 from the capital transaction fund in the year ending 31st March 2003 in respect of the additional expenditure; and*
- (3) approves of, and sanctions, borrowings not exceeding £737,400 being made by government, to be repaid over 20 years.*

Mr Braidwood: Thank you, Mr President. The motion before this hon. Court relates to the additional capital expenditure required to allow completion to the original design brief of the new digital trunked radio system for the emergency services and other departments of government. A detailed briefing note explaining the requirement for this request has been circulated to all members. However, I would like to summarise the reasons as follows.

The implementation of the new system is approved government policy. The new system, whilst primarily being introduced for the emergency services, will also bring major benefits to 13 other government user organisations, in particular, the other major users of communications, including the Department of Transport, the Manx Electricity Authority, the Water Authority, Customs and Excise and the tourism department for use at the TT and MGP events.

I would remind hon. members that, because of changes being implemented throughout Europe, the Isle of Man must implement this new system. At the December 2000 sitting of this hon. Court approval was given for capital expenditure of £7,013,000 for the implementation of the system. Subsequently a contract was laid with Simoco Digital Systems Limited for the provision, installation and commissioning of the new system, together with an associated maintenance and support package. Work had progressed satisfactorily to a stage where equipment had started to be installed when, without any prior indication or notice, Simoco was placed in administration on 26th February 2002. This action and the circumstances were totally outwith the control of the department. I would also add at this stage that the original contracting authority for the project was a communications commission with responsibility for transferring to the Department of Home Affairs on 1st August 2001. As a result of meetings with Simoco and their administrators, KPMG, the project team established that there was no likelihood of the contract being completed, and a recommendation was made to the department that the contract should be terminated. This was done under my signature as Minister for Home Affairs on 22nd March 2002.

I would like to acknowledge the valuable advice and assistance given to my officers by the Attorney-General's Chambers during this period. As detailed in the briefing note, an interim claim was laid against the administrators in the sum of £334,322. However, as also noted, the department has been advised that the claim will not yield any recovery. Other organisations in the public and private sectors, both in the UK and worldwide, were also severely effected by the demise of Simoco.

Following the termination of the contract, a revised policy was approved to allow completion of this strategically important project. The policy identified the need to maximise the benefits of utilising, where possible, equipment already received under the contract. The original contract includes both the Tetra radio system and the digital microwave transmission network. These elements were separated and a contract, including the provision of maintenance support, was subsequently let with DMC Stratex Networks for the completion of the microwave network. This contract is progressing satisfactorily and is due to be completed in the first quarter of 2003.

In respect of the TETRA radio system, firstly, expressions of interest were obtained from appropriate companies in the market. It is of note that on this occasion there was six responses, whereas at the time of the initial procurement process only two companies, Simoco and Marconi, were interested in the Isle of Man project. Following a detailed evaluation, two companies, Nokia and Motorola, were taken forward to an invitation to tender. The result of the tender phase was that the project team recommended (1) that Motorola be taken forward as the preferred supplier for the provision of the new system, and (2) that Treasury concurrence and Tynwald approval be sought for the required supplementary vote of £737,400. These recommendations were approved by the department. Subsequently, Treasury concurrence was received to the placing of the motion on the agenda for this sitting of this hon. Court.

I shall now refer to financial issues. As I have stated, Tynwald approved a capital vote of £7,013,000 in December 2000. Taking into account the moneys expended on the cancelled contract with Simoco the moneys committed to DMC Stratex for the microwave network, costs relating to project management and professional fees, there remained as at the end of November 2002 a balance of £5,000,465. The total cost to allow completion of the project, based on the Motorola situation, amounts to £5,737,865. Individual elements of this cost are identified in the briefing note provided to hon. members. There is, therefore, a shortfall in available funding of £737,400 to allow the completion of the project to the original design brief. I would remind hon. members that the original design brief and costings included the cost of equipment for both the emergency services and other users within government. The new contract with Motorola and other items of expenditure in terms of specialist equipment include provision to the same requirements.

The circumstances surrounding the non-provision of an acceptable performance bond being in place at

the time of Simoco going into administration are detailed in the briefing note. This was an unfortunate sequence of events. In mitigation, the project team, by withholding further milestone payments, lessened this impact. However, lessons have been learned and procedures put in place for the new contracts to ensure that a similar situation does not arise.

Mr President, subject to the necessary approvals of this hon. Court, it is intended to sign the contract with Motorola at the beginning of February, leading to a 'ready for service' date of November 2003. This timescale is in line with the department's objective of having the new radio system and the emergency services joint control room operational by 31st December 2003.

On a related subject, members will recall that a site development contract with Simoco was also terminated. I am pleased to advise that all legal and contractual issues in this area have been resolved and a completion contract has been left with a local contractor.

Following the completion works at the three sites, the restoration works on the Peel Hill access track will be undertaken, as I confirmed in response to a question in this hon. Court.

Mr President, in closing I would reiterate that my department is fully committed to the completion of this project. The circumstances surrounding the demise of Simoco are an unfortunate legacy of the current state of the worldwide telecommunications and technology markets and a further reminder that the Isle of Man is not immune from global economic forces. The new radio system and the associated emergency services joint control room will not only bring great benefits in the delivery of vital communications for the emergency services and many other users within government, but will achieve the ultimate objective of providing a better service to the residents of this Island. Mr President, I beg to move.

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

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

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

Mr Singer: Thank you, Mr President. Could I ask the hon. minister, whilst I support the proposal, whether the proposal now will result in the erection of prominent aerials around the Isle of Man? I particularly ask that he should be aware of the problems that I have voiced in here before, where aerials have been put in most obvious positions when, with a bit of careful forethought, they could have been put into less obvious positions, and I refer to what has happened in Ramsey to Albert Tower, which in the view of the many people in the north of the Island has been completely defaced without consultation on what I think is the dubious excuse of permitted development, where a most prominent landmark has been made almost to look like a hedgehog with so

many aerials bristling off it. Could I ask him, within the condition of the contract, that aerials, if they are to be placed on Albert Tower, are placed inside the tower (**A Member:** Hear, hear.) where they are not obvious, but they can be of equal use and equal strength? So could I ask him that that is undertaken during the contract and negotiations with whoever is awarded the contract so that it does at least make sure that Albert Tower remains a prominent landmark and is not defaced, as I said, as it has already started to be?

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

Mrs Hannan: Thank you, Eaghtyrane. There seems to be a problem here with accepting the lowest tender, and in those circumstances I really think that government ought to examine the reasons for accepting this tender. The minister said this came out of the blue, but there was a problem with the bond, and therefore maybe it should not have come as a surprise when this particular company did get into this situation of ceasing operations. So I think there are a number of issues which government needs to look at with regard to this.

The most unfortunate part of this and it only came as a codicil to the minister's comments this morning – is Peel Hill. Peel Hill has been exposed for well over a year – I think somewhere in the region of 18 months already; it will never be put back. It should have been done to a certain standard if it was going to be done at all. The decision to use Peel Hill in this way was only with officers of the local authority, not being referred to the local authority. The local authority members were asking what is going on. These are issues which should be investigated, and government should not walk over local authorities in this way and allow officers of local authorities not to have the agreement of their members.

The situation which has arisen – I have been promised by Home Affairs that I will form part of a committee which looks at the reinstatement, and I welcome that. However, I am not sure that there is anybody that can successfully reinstate what has happened to the hill when it has been exposed for such a long period of time. I think it is most unfortunate. The last time that this was developed on Peel Hill it did upset a huge number of people in Peel, but as it is not in Peel we do not have any rights, but then the equipment was airlifted in so that the hill was not exposed to this.

With regard to the member for Ramsey who spoke about the Albert Tower, my understanding is that there would not have been any opposition to the use of Corrin's Tower for this particular equipment – it is obviously too late now because this building is half-developed and I think some issues have to go back to Planning before this can start, because I think it needed access for disabled people or something to it. I am not sure, but it needed a ramp anyway, so they are seeking alternatives for that.

But these are some of the issues that I think must be very concerning with regard to planning. It

overlooks Peel; yes, it was referred to Peel, but they were told they had not got a position on this, but my main concern at the moment, obviously, is for an unsightly building on an area of scenic significance under the development plan, which I believe, even in an emergency situation, should have been allowed. There are buildings in areas such as this in many other areas – not in the Isle of Man, I guarantee – where the planners actually look at something in a positive way and expect everybody else to look at a building in such an exposed area in a positive way, something that blends in. The minister will say 'Corrin's Tower does not blend in' and I would accept it does not, but that was in a different time and, simply because of buildings such as this, we then brought in development orders, planning and the likes, and this is why I believe that the planners should take note of some of these issues and should address them, so that if somebody comes along and wants to do this, yes, it should be buried, it should be built in such a way that it is cladded so that it is not seen. I believe the reason it looks like it does now is because the Manx Museum and National Trust have an interest when it comes to planning and they insisted it should look like a Manx cottage. Now, have you ever heard the like in all your life? I certainly have not, because I would not get permission to build a Manx cottage up there and, could I say to planners, it might be very important from a tourist point of view, because people go up and down to the tower, to build a café up there. We could always make that look like a Manx cottage.

Mr Henderson: We will do that for you.

Mrs Hannan: There would be lots of people in Peel who would want to run a café like that and serve kippers. Thank you, Eaghtyrane.

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

Mr Quayle: Thank you, Mr President. I feel it is rather unfortunate that the Court today is being called upon to expend a further sum in the region of £0.75 million and I really feel as though we have no alternative but to support the motion, but I am particularly concerned, and I do wonder whether or not there are, hopefully, lessons to be learned across the whole of government when awarding these contracts, and it was seen at the start that a financial evaluation was concluded prior to contract award, which highlighted the relative weakness of SDSL. I am all the more surprised, then, that the necessary performance bond was not in place, which would have avoided the very situation that we now seem to find ourselves in. For difficult trading conditions for companies worldwide now, the Isle of Man seems to have a knack of picking certain companies which within a certain period of time find themselves going out of business (**Mr Houghton:** Hear, hear.) and the resultant problems then accruing to the Isle of Man Government. (**A Member:** Hear, hear.) So I just ask for assurance, really, as to why we ended up placing

this contract with the company when the alternative bond that is referred to, was not actually in place to have avoided the excessive expenditure that we are now being called upon for £0.75 million' to end up with a system that will be no better than one which could have been provided at the start perhaps by another company, and no doubt the Treasury minister will be seeing to it that the lessons from this particular episode can be learned across the whole of government so that we can maybe avoid unnecessary further expenditure in other areas in the future.

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

Mr Lowey: Yes, I rise first of all just to say that I will be supporting the resolution. Having been a former Minister of Home Affairs who is partially in the same business of trying to get a system of communications for what I call the 'blue light', the emergency services, and it was going to last for a thousand years, we got the sales talk and it was going to be a super all-dancing, all-singing thing, but it was not very long before it was out of date. Really it was on a narrow point that I want to ask the minister: I note from the paper that you will be borrowing the moneys over a 20-year period; is it really perceived financial wisdom to borrow over a 20-year period technology? If I use the last 20 years as an example, we have moved in leaps and bounds in 20 years in technology, and this really answers some of the points that have been raised about towers; nowadays, apparently, you do not need such high towers on as many points of the Island, because remember the topography of the Isle of Man is all hilly and therefore you cannot get the signals round or through . . . I am not technically qualified to give all the answers to that, but technology has moved on. The simple point I am making is technology is moving faster and faster and faster, and is it wise, practically and financially, to borrow money on this equipment over a 20-year period when really the life-span of computers is maybe five years? Am I being optimistic? Seven years?

Mr Braidwood: They are obsolete as soon as you buy one.

Mr Lowey: More or less. Now, I think the point has been made by the hon. minister and I empathise and sympathise with the minister being in this position; it is not comfortable getting up and saying, 'Can I have three quarters of a million pounds to finish the job?' and one should have a great deal of empathy and sympathy for the minister and the reasons he has spelt out, but can I just ask him: could he answer the point, is it wise, financially or practically, to borrow over a 20-year period when we really all know that the lifespan of this equipment will be a lot less than that?

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

Mr Waft: Thank you, Mr President. We have had a trip round Albert Tower and Peel and I would just like to stick to the recommendation that is on the agenda. (*Interjection*)

With regard to this £700,000 the minister has made comment that it is unfortunate, and lessons have been learned. Well, I am afraid that is not good enough for me. I want to know what lessons have been learned and why the minister only thinks it is unfortunate. I think it is a serious breach somewhere along the line and, if lessons have to be learned, every department needs to know what lessons have been learned (**Mr Delaney:** Hear, hear.) so that message is sent out to all departments when they are dealing with the different bodies concerned. There are major projects going on within the Isle of Man Government and these things happen from time to time. I appreciate that things do go wrong from time to time and these things happen, but at the same time, if lessons have been learned – and the minister says lessons have been learned – that should be made known to everybody who is dealing with the private sector with regard to bonds and the situation when they have to take into consideration capital projects. Thank you, Mr President.

The President: Minister to reply.

Mr Braidwood: Thank you, Mr President. Just going quickly, Mr Singer had support for my proposals but was concerned about prominent aerials at Albert Tower, and I must admit I have walked round there and have seen the aerials, but there are no new aerials and the aerials on Albert Tower are PVC aerials and the tests will not come anywhere near the Albert tower; all the aerials are already in place. There are no new aerials.

Mrs Hannan was concerned with Peel Hill and the restoration of the access track, but the department had full planning approval and the Peel Town Commissioners were also involved when the application was put in. Also I think Mrs Hannan mentioned why Corrin's Tower was not suitable – it just was not feasible. In actual fact the new site is already on an existing site and I think that is one of the reasons that the planning approval went for that site.

Mr Quayle is offering his support, but he was very concerned about the bond, and I am glad he has read the detailed paper. As it says, the financial evaluation was concluded by the contract award which highlighted the relative weakness of Simoco Digital Systems Limited. Therefore what happened was the parent company guarantee was also taken out against with the parent company. I think I could say it was Sod's Law in a way, Mr President, because we had a performance bond and we thought it was acceptable in compliance with contractual requirements, but it was only later on, quite a few months later on, that in Treasury it was discovered that the bond was found not to be suitable, and what happened was then that Simoco were asked to provide a further bond. This came through to Treasury, they were looking at it and in the meantime they went into administration. But in

actual fact, as it said in the detailed briefing note, we have withheld so much money, and the bond is only for 10 per cent of the value of the contract; as we have expended £980,000, if the bond would have been in place we would have only got £98,000 back. In actual fact we withheld payments of £294,000 so if the bond would have been in place then we would have paid additional money over to Simoco and we would have lost more money and I would have been coming back for additional money.

Yes, Mr Waft, lessons have been learned and Treasury are looking now at the whole instance of bonds, because it feels innocuous to me that you have, I think it is, College Hill who normally have the bonds for government, and they seem to be able to pick and choose what bonds they issue for what contracts. Now, you always have to take the high and the low, so I know Treasury are looking at the whole situation of the bond and that will be coming back to the Council of Ministers as well. Mr Lowey mentioned the borrowing. In actual fact, this came from Treasury and I can understand the reasons, as I have already said: if you get a computer it is already out of date and in 20 years, yes, the equipment will probably already be replaced and we will still be paying for it, but it came from Treasury over that period.

Mr President, I believe the briefing note did explain most of the situation and what has transpired and without further ado I beg to move.

The President: Hon. members, the motion I put to you is printed on your supplementary order paper. Those in favour of the motion moved by the Minister for Home Affairs on the supplementary order paper please say aye; and against, no. The ayes have it. The ayes have it.

In that case, hon. members, we can now return for a clean run, I think, through our order paper, recommencing at item 6.

**European Communities
(Burma/Myanmar Sanctions)
(Application) (Amendment) Order 2002 –
Approved**

Item 6. The Chief Minister to move:

That the European Communities (Burma/Myanmar Sanctions) (Application) (Amendment) Order 2002 be approved. [SD No 844/02]

The President: I call on the Chief Minister to move.

Mr Corkill: Thank you, Mr President. In an attempt to be efficient with regard to the proceedings of this hon. Court I simply beg to move, and I would be very willing to answer questions from hon. members.

The President: Hon. member for Peel, Mrs Hannan. Are you seconding?

Mrs Hannan: I am seconding, Eaghtyrane –

The President: Yes, thank you.

Mrs Hannan: – but I do not think that for issues such as this the Chief Minister should just move it for ease. We debate in this hon. Court very few issues of a world nature, and yet we are asked to pass legislation such as this which brings in sanctions. The reasons for bringing in sanctions are because of human rights and democratic issues are not in place in this country, Myanmar – and Burma – and I think it ought to be recorded that we regret that fact. As a democracy we are able here to discuss very many issues, but in this particular country that we have got this order before us today, they cannot do that. The democratically elected government – and there was one – has not been able to operate and therefore I do think that we should record with regret that we are having to do this at this particular time, or at least make a continuation of an order such as this.

I think the need to record what is happening in this country I think we should do for future reference, that we, a very small nation, respect the democratic position of this particular country for its people. Its people do not have a democratic government at the moment, and that is why it has been necessary to bring in these sanctions. So I would hope that this government could send to the democratically elected leader our continued support for the democracy which one day might be reinstated to that country and to support the position that she and others have held in very difficult circumstances, taking into account that she could not leave her country and go back to it again after her husband died. Therefore I think it is beholden on us, as the oldest parliament in the world, to recognise the position of this nation. Thank you, Eaghtyrane.

The President: Hon. member Mr Waft.

Mr Waft: Thank you, Eaghtyrane, I would support the last speaker. When we do make a gesture on behalf of the Isle of Man with regards to sanctions in any part of the world I think we should be given a full explanation as to why that is being carried out. We are a separate government in our own right and we deserve a full explanation, also the explanation as to the arms that have been supplied to the different countries as well and take some responsibility from our situation in the Isle of Man and the way we do support the United Kingdom Government in most things that they do on our behalf around the world. So I think we deserve a fuller explanation on these just orders that seem to appear and get passed through on the nod. They are very, very serious circumstances in those areas and I think it should be gone through with more circumspection. Thank you, Mr President.

The President: Hon. member, Lord Bishop.

The Lord Bishop: Yes, thank you. I just wanted to support entirely the hon. member for Peel. Possibly all we can do is to support with voices of democracy in such a country and I would like to endorse the comments of the hon. member for Peel, but to add that the courageous stand made on behalf of democracy by that lady in that country. I happened to be in the Lambeth Conference in 1998 and four Bishops from Burma were allowed to come to the Lambeth Conference after great personal risk in asking for permission to be let out and they came on the understanding that they would not be allowed back in if they made any statement at all in the public arena and in our meetings of the Lambeth Conference where we met in group sessions the Bishops said 'Please, we are saying this and this and this, please do not record it in any minutes or in any of the data from this conference, anything we have said otherwise (a) we might not be allowed back in, but what is worse, we will be allowed back in and then killed.' So I do want to endorse the comments because one has been personally given an example of the difficulties of living in such a country and expressing any matters of democracy or human rights.

The President: Chief Minister. Reply, sir.

Mr Corkill: Thank you, Mr President, in trying to briefly move this motion I was not in any way trying to undermine the importance of it at the same time. I hope it is a motion that everyone in this Court can support. The international community has been concerned about severe and systematic human rights abuses by the Burmese authorities for a number of years and because of this concern it was in May 2000 that the European Union adopted a regulation which prohibited the sale, supply and export to Burma of items which might be used for internal repression or terrorism. The regulation also froze the funds of certain important Burmese government officials and of course you see lists of names in these orders. The Isle of Man Government agreed to implement this EU Sanctions Regulation in the Island under the European Communities (Isle of Man) Act 1973 and so in October 2000 this hon. Court approved the European Communities (Burma/Myanmar Sanctions) (Application) Order 2000. Mr President, earlier this year the European Union reviewed the situation in Burma/Myanmar and it found that there had not been sufficient progress towards the recognition of human rights by the government to allow the sanctions to be discontinued and so I am pleased that the Lord Bishop and other members who have contributed to this debate have actually, with their knowledge, backed up that that decision and that recognition is correct. However, due to changes within the Burmese Government, it has been necessary for the EU to amend its original regulation, updating the list of persons now subject to restrictive measures. So the Isle of Man Government also wishes to keep its measures up to date so the purpose of the order before the Court today is to implement the amending EU regulation with appropriate modifications in the Island. So,

Mr President, in accordance with section 2A of the European Communities (Isle of Man) Act 1973 the European Communities (Burma/Myanmar Sanctions) (Application) (Amendment) Order 2002 has been made by the Council of Ministers and now has come before this hon. Court for this approval. I want to make it clear, Mr President, that the government supports international pressure aimed at persuading the military government in Burma to respect human rights and move towards democracy and so I ask hon. members to support the motion in my name.

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

Secure Accommodation Regulations 2002 – Debate Commenced

Item 7. The Minister for Health and Social Security to move:

That the Secure Accommodation Regulations 2002 be approved. [SD No 871/02]

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

Mrs Christian: Thank you, Mr President. The regulations at items 7 to 13 on the order paper support the principles contained in the Children and Young Persons Act 2001. They have the effect of regulating practice and setting standards in some very important areas of child care practice, including secure accommodation, children's homes and very important area of selection of child care staff.

We have circulated a letter which indicates that there are some typographical and numbering errors in these regulations for which I do apologise. I further have to apologise that they have omitted from that letter another numbering error, but with the permission of yourself and the Court, sir, may we correct any numbering and typographical errors which have no effect on the substantive intent of the regulations?

The President: Of all your regulations or of this one in particular?

Mrs Christian: Well, not of this one.

The President: Not of this one? Okay.

Mrs Christian: Apart from the one that is set out in the letter there is no further change to this one.

Dealing then with the secure accommodation regulations, Mr President, if these regulations are approved by the Court it is intended that from 1st February the department will be able to operate a secure care home and these regulations will set the standards for the way in which it is operated. The primary legislation in the Act which I have referred to

outlines the criteria which must be met before a child can be placed in a secure home under section 27 of the Act. These criteria include persistently absenting and being at risk of significant harm or there being a likelihood of injuring themselves or others.

The regulations specifically exclude young people detained under the Mental Health Act 1998 or those who are detained in custody at Her Majesty's pleasure, who could be cared for in other ways in other places from the effect of section 27 and therefore these regulations deal with what we would describe as 'welfare placements' only. The regulations set a maximum period for which a child can be detained in secure accommodation. At the discretion of the department a child can be placed for a maximum period of 72 hours in any 28 days without court authority. Beyond this the approval of the Court must be given.

Under the regulations a court may place a child for a maximum of three months initially and six months at subsequent court appearances. If a child is placed in secure accommodation, regulations require the case to be reviewed by a review panel. The rôle of the panel is to determine whether the criteria for keeping the child in security are still met. Finally, the regulations require records to be kept including details of the child, their legal status, family and previous placements. If these regulations are approved, it will allow us, as I say, to begin to operate the secure unit, which will be an additional tool in the armoury of the department in dealing with the problems of these young people. (**Mr Houghton:** Hear, hear.) It will not be a panacea to all ills, it will not answer every issue, but it will be an additional measure which will allow us to secure some young people in an effort to attempt to sort out their troubles.

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

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

Mr Houghton: Thank you, Mr President. I would have been quite willing to second it. I am quite happy, to support all of these next items on the agenda 7 to 13 and would just like to speak generally on this particular one here. Of course, as the minister states, these regulations are appertaining to the Children and Young Persons Act, putting the lawful provision for the operation of the secure unit, which we are all very pleased to see, I am quite sure. Bearing in mind there may be one or two typos in the regulations I am pretty sure that certain amendments will be made in the future in order to put right any other areas of those regulations as matters tighten themselves up as the secure unit gets going and gets itself established, sir. So although it is far too late in my opinion, I am pleased to see that it will be up and running on 1st February, and it will provide not a panacea, as the minister has said, I do support that, but it certainly will provide much needed relief for the public from the behaviour of continual absconders. Now, the unit is not

costing an arm and a leg, but it is costing a king's ransom. I wonder if the minister could perhaps give some sort of mention as to how much this unit has cost and how much it is likely to cost to run, just for the public record, but it is an essential facility and it is much needed, and I am quite sure that the public themselves will be quite happy to foot the bill, which of course they are going to, for the facility.

I did issue the minister with some names earlier, which needless to say I would not mention in public, in this hon. Court, that I have got on my list. There are between seven, possibly, and nine clients who will be regularly using this facility – and I will eat my hat if they do not over a short period of time! (*Laughter*) I have issued those names to the minister, which obviously we cannot discuss, but the secure unit capacity is five to seven. Obviously the facility provides for five beds, but there are seven beds, but of course ideally it should only operate with a five maximum, but I am quite sure that there will be the occasions for those two extra bedrooms, depending on how the make-up of the facility is, depending on those clients who are actually in the unit. So I would just like the minister's comment on whether or not she should start making provision now for enlarging that facility (*Laughter*) because the figures do not add up, they did not when I was successful in my campaign to have the secure unit provided for from the Council of Ministers in my time as member for social services, when we discussed a five-bed unit there. It has now gone to seven, which I am very pleased, but for those arrangements which can be complicated, we did not need a five-bed unit, we need something like a 15-bed unit. So it is not that I am sneering at the department, but I do understand the facility can be extended and I would ask perhaps for consideration to put money now in your estimates for the future extension of that facility. I appreciate that it has got an awful lot of establishment to go.

Possibly a question worthy of asking the Minister for Home Affairs, when he moves his part way down the agenda, is what is now going to happen to the Juvenile Justice Unit that has been lying virtually redundant because of the inability of courts to send young people to that unit? What is that unit actually going to be used for in the prison? The only other thing I would ask the consideration of this hon. Court for, but certainly of the department – and I have said it and I will say it again – is that the unit would be better managed by government-employed officials, not an agency. Thank you, sir.

The President: Hon. members, for purposes of clarity two members speaking at the same time, and particularly for our *Hansard* purpose, I consider that in fact the motion has been seconded by Mrs Hannan who reserved her remarks. I call on the hon. member for Rushen, Mr Gill, next to speak.

Mr Gill: Thank you, Eaghtyrane. Just last week I had the opportunity to go with other hon. members to visit the new secure unit for young people at White Hoe, which is due to be commissioned in February, as

we have heard. I was very impressed with this facility and will be joined by other members in welcoming this valuable resource, which will no doubt be a crucial element in the care provision for the young people of the Isle of Man. Furthermore, it is a mark of our ability to manage all but the most troubled and challenging young people here on the Island rather than have to send them away to other jurisdictions. This is very much to be welcomed, as, I am sure, will be the attendant financial savings, as hon. members will be aware of the extremely high cost of professional care provision for young people when they are sent away.

That is not to suggest that White Hoe is or should be a cheap option. To provide care support which is solely or even primarily based on cost consideration is falsely premised. Care provision must be needs-led and must be part of a multidisciplinary package. White Hoe will, I am sure, meet this requirement. However, I do have one concern I would like to flag up with the minister and seek her reassurance. This is the issue of young people when they come to leave care. The transition period into young adulthood is often fraught; for vulnerable and sometimes traumatised young people it is a particularly worrying time, not only for them but also for the wider community. This is their reality and I am sure I am not alone in wanting some reassurance about policies and practices to help manage this process. I am therefore asking the minister to advise and reassure this hon. Court about these matters and how transition planning forms part of the strategy for looking after children and young people, but within the context of the motions 7 to 13 I would very much welcome the provision at White Hoe and fully support it. Thank you, Eaghtyrane.

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

Mr Karran: Eaghtyrane, I would just like a few questions to start off with: who will be the lay visitors that will visit this institution? Will it be the prison visitors or will it be outside social services who will visit this thing? Who will be the individuals who will assess whether they should be released? I just want to say that there are two points that I do want to ask. I am quite alarmed that in this hon. Court individual members think that they have the (**Mrs Hannan:** Hear, hear.) names of people who should be in this place –

Mr Houghton: Do not *think* they have the names, they *have* the names. They know who they are.

Mr Karran: I think it is very, very concerning that the rôle of this parliament is a different rôle than the rôle of being able to say, ‘This person, that person.’ I am sure there would be people in this Court who would like to see individuals like myself in such institutions (**Members:** Hear, hear!) (*Laughter*) and I think it is a very dangerous situation and it detracts from our ability to fulfil our full nationhood when we do not understand our rôle in this hon. Court.

I would say that what we are seeing here today is a long road from 1982, when I first asked questions

about the appalling situation as far as having to send people who were done for shoplifting to sleep in dormitories with granny murderers (*Interjections*) and the likes, and I am afraid, Eaghtyrane, this situation today – this is one of the reasons we have had such a disastrous period in our history – is the fact that we did not have openness and we did not have accountability and if we, when we started social services, would have been listened to and we would not have had the glass ceilings and the situations of vanity over sanity where we had to have political compromise, then maybe we would not have taken so long to get to what the minister today is achieving. When we set social services up, we actually wanted a Juvenile Justice Unit –

Mr Houghton: You had one.

Mr Karran: A proper one, not politically one that was done, a proper Juvenile Justice Unit with a proper therapeutic unit, worked on the basis of what the then social services wanted, but there were political compromises over the manhead counts, over the fact that the then top people in the echelons of power had embarrassments over a building that had only recently been built and they had to use that building. I think everybody in this hon. Court has to support this proposal today, but what I do think is that because of the legacy of lack of transparency within the government system and accountability, it has taken us 20 years to get where we should have been a lot earlier if we had had the proper system of government in to do so. It is because of the fact that we have not had that transparency and accountability that it has taken us so long and it has been such a long and hard journey to get to this point today.

One of the issues that I would also like to mention, Eaghtyrane, before sitting down – and it goes for all these orders today, I will be supporting them all – is that there is a desperate need in social services of what originally we wanted in social services, and that is a proper social services committee with people outside the management structure (*Interjection*), outside the patronage structure as well that runs social services. That is no reflection on the member for social services whom I believe has just as much commitment as I have to the welfare of these individuals and society and is as committed to a law and order system on this Island as much as the hon. member for North Douglas. We might not agree with the way he goes about things, but we are just as committed to want to allow our citizens to be able to be free and without hassle from young people. (**Mr Houghton:** Hear, hear.) But I do feel, Eaghtyrane, that the minister has got to accept that we have to seriously look at having a proper social services committee on this Island, because I am afraid that is one of the mistakes that caused us so much pain and, where I would agree with the hon. member for North Douglas, so much cost. If we had had the transparency of the argument for the reasoning behind the original plans – and if they had come out to the general public, they would have been mortified as the original architect of social services. We have to change

the governmental system in this Island if we are to stop the own goals that we have got on this Island. So I will support this and all the other measures, but I will give notice that I think I have been far enough gone from the Department of Health and Social Security, that I will be looking in this place, and if I do not see some action as far as a social services committee I will be doing so, and I do want to see people outside of this circle of professionals, who can only say, because their livelihoods are at stake, what they can say, and let us be honest about it, we have had a number of other tragedies that could have been avoided (**Mr Houghton:** Hear, hear.), if there had been the transparency. I am sorry, Eaghtyrane, I shall sit down now (**Several Members:** Hear, hear.) but I think it is important that we do realise that the defects, the costs to the taxpayer and the own goals have been caused because of the secretiveness, the clannishness that has been allowed within the health department because of the epidemic we have got within government today. I am happy to support the proposal in front of us.

The President: Hon. members, I think this repetition begins to wear a bit. Can I say that I think it is impractical now to complete this item, so we will make the break and we will resume at 2.30 p.m. The first to speak will be the hon. member for Peel, Mrs Hannan. Thank you, hon. members.

The Court adjourned at 1.10 p.m. and resumed its sitting at 2.30 p.m.

Secure Accommodation Regulations 2002 – Debate Concluded – Motion Carried

The President: Hon. members, we are part way through the debate on item 7 and, as indicated before our break, the first to speak is the hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Eaghtyrane. I think there has been a little bit of concern expressed about the number of beds and issues such as the running of the secure home, and I would just like to make it quite clear that this secure home replaces the provision at the prison, so it is not going to be another unit for a different use; what we have before us today are rules and regulations for the use of a facility that replaces something that we have got existing which is not working very well.

Of course it is going to cost to operate a unit such as this. I think it was Mr Houghton that suggested that rather than seven beds, five in some cases, maybe to keep young people apart, depending on the reasons why young people are in a secure unit, we should have more beds and we should be planning at this stage for at least 15. In the whole of Wales there are only 15 secure beds, and these regulations before us make it quite clear that the department can only put someone into this unit for a very short period. It is not going to solve the problem that has been suggested and, even if we did have 15 beds, we can only put young people

into a unit such as this for a period of time at the say-so of the courts. So I do not think we should think this is going to be the panacea for any of the ills that we have got. We have got to work a lot harder with young people and, in the instances of the serious ones that we are having to work with, they have tremendous problems and I think we should try to understand the problems that they have. Locking them up and throwing away the key is not going to solve those problems; we have got to work with them and we have got to improve their outlook for the future.

I think mention was also made of sending young people away, and it will stop that. It will not. In certain instances we have to send young people away, sometimes to get them from the environment that they are in and at other times for specialist care, which we cannot provide here, although more and more we are providing more care here, but it does not mean that we do not have problems and we will not have many more problems than we have at the moment.

But to suggest that there are names out there of people who will end up in this unit and demonising young people I do not think is the way in which we should be reacting to a unit such as this. A unit such as this will work for these young people if we are able to work with them, but names floated around saying these people will end up there is not the way to look at it. It might mean that some of the people that certain people think will end up in this establishment might end up better being looked after by foster-parents or by other professionals in other ways to give young people stability and a family. There will be lay visitors, and I am sure the Minister for Home Affairs will relate to that when he is moving his regulations before the Court. I would take exception to the member for Onchan when he says that we lack transparency. That is simply what Tynwald is here for: to make sure that there is transparency, that we ask questions, the questions that are asked are answered and that issues such as these are laid before members. We have invited all members to go round the secure unit. Of course there are issues which we cannot, for confidentiality, relate to members, because of the need to protect these young people.

I would take exception to the member who was in the health department when the Social Services Division was set up. A social services committee, he suggested, should be made up of lay people. Could I suggest that we are lay people – that is why we are elected. We do not have any magic wand that is going to be waved and make everything better, just because we are seen as being (**Mrs Crowe:** Absolutely.) full-time politicians, but we are lay people and we are answerable to this Court and we are answerable to our electorate. I would refute that there is secretiveness within the Department of Health and Social Security.

Mr Henderson: It is riddled with it!

Mrs Hannan: I think we should respect the privacy of some of the young people that we are dealing with, and there are issues in regard to that that we are obviously not going to broadcast round the

place. If that is what people mean by 'secrecy', then I obviously cannot argue with that, because these young people's privacy needs to be respected. We have human rights legislation, we have other legislation which we are going to be taking through today. We also have regulations in Home Affairs in relation to the operation of the secure unit, and I think that is right and proper. Obviously I support these measures going before the Court today, but it is not going to be a panacea and it is going to replace the unit that is in the prison at the present time.

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

Mr Waft: Thank you, Mr President. I did take the opportunity last week, along with three or four others, to go round this unit. Previously in my life I have had considerable experience with security units and have indeed had attachments to one, for which responsibility was encompassed within another area. The benefit of this one is the fact that it is separate and it has a separate staff. You are not having somebody from another area coming in and monitoring it; you are actually having staff on site, and the impression I got was that they seemed to be very experienced and they were looking forward to the challenge of the situation that they were going to be faced with. There are strict régimes necessary in a secure unit, by its very nature, to make sure that everything does run like clockwork and the necessary situations are in place to comply with the latest human rights legislation and European Union legislation – for instance, the fact that the TV cameras are only allowed in certain areas – and that is correct.

I think it is the first time we have really had a separate unit for these particular clients who will be using it, and there has to be a certain philosophy encompassed by the people who run that unit to understand exactly what they are dealing with and the empathy that has to be built up with the children in their care. A lot of these children have come from broken homes and have had terrible backgrounds and, irrespective of the consequence of ending up there, they are still very vulnerable people. Once you lock a door on someone you become responsible for the situation that can arise there.

The history of the child must be of vital importance to the way that they support and deal with the case file, and I did ask, when I was up there, to make sure that they were going to have accessibility to child psychiatrists, social workers, doctors et cetera and when they need it, and I think that to my satisfaction was in place. So, as previously mentioned, there should be an outside source of committee or someone to come along now and again to visit.

I think that is essential, but I think it must also be said it should be made up of people with a little bit of experience of what they are dealing with and to understand the problems that can occur in places like secure units. It is of no help whatsoever to someone to go in there now and again and smile benignly, take a look around, have lunch or whatever and then

disappear. That sort of thing is not going to be helpful at all. You need people to go round, ask the questions, not in an aggressive way, but just to make sure that everything is in order and the fact that the people who work there know that they are going to be monitored by somebody who has got a bit of sense in the way that they approach their responsibilities. I think we can only go from strength to strength. We have, I think, put it in a certain situation where there can be an expansion of that unit. I hopefully think that that will not be necessary, but there is a possibility for that expansion. Thank you, Mr President.

The President: Now, Mr Duggan, you are next on my list if you wish to speak.

Mr Duggan: Right, thank you, Mr President. I support the resolution before the Court, but, like Mr Houghton, I agree with him, really speaking. It is sad that we have to have this secure unit, but there are lots of youngsters there who can be sorted out and they get back into society, but there is a certain element of youngsters who are the hard core. These are the ones who are out pinching cars and causing trouble in the community and havoc in the area. Unfortunately, as I say, we have got these youngsters and they need to be dealt with. So I appreciate the resolution before the Court today to deal with these youngsters and to put them in a secure unit until they learn the errors of their ways, but could I also ask the minister: regarding the training of the staff up there, are they fully qualified?

The President: Minister to reply.

Mrs Christian: Thank you, Mr President. Can I thank hon. members who have spoken in support of this item and also those who managed to take the opportunity to go and see the secure unit. I appreciate the timetable was not suitable for everyone, but we do appreciate that some people have taken the time to go and look at it.

With regard to certain comments from hon. members, the hon. member for North Douglas has expressed his opinion on various matters. That is a matter of opinion, so I will not be commenting on that. He has asked if we have plans to further extend this unit. The answer to that is no. In respect of his view on the use of the unit for what he describes as 'absconders', I would point out that quite clearly set out in the Act are the criteria which must be applied before children are placed in that unit, and simply absenting themselves, even on a frequent basis, from care on its own is not sufficient reason for putting them into the secure unit.

Mr Houghton: I said 'absconders who break the law', not just 'absconders'.

Mrs Christian: Oh, well, if the hon. member added 'who break the law', then I accept his point –

Mrs Hannan: Only if the Court say so.

Mrs Christian: That is a different grouping. The hon. member for Rushen, Mr Gill, has expressed his support, and I appreciate that, and he has asked about the provisions for leaving care, and I take it from that he means not only from the secure unit but from leaving care in general. Within the Children and Young Persons Act there are provisions made within the schedules for the department to support youngsters up to the age of 21 when leaving care. Now, the Children and Young Persons Act normally does not go up to that stage, but it does allow us that facility and I think it is a very essential facility, because most of us would not expect our own children at 17 or 18 to be thrown out on the world without support, and indeed these vulnerable children in particular need a plan to assist them to move back into care. Currently the department has an after-care project in Douglas where there are a number of flats supported by staff and with an outreach facility. Now, that team is currently taking young people through that leaving-care facility and then moving them on into their own accommodation and providing outreach support when they are in their own accommodation. The team is currently supporting 20 young people, and I think it is doing supportive work. There is indeed probably scope for us to do more than that. We recognise that, but I think this has been a useful start with Priory.

One or two comments have been made in respect of the visitors in terms of these regulations. The lay visitors – who will they be? We have advertised for people with an interest in this particular area. We are conscious that the prison has a visiting committee. It may be that there may be some duplication or overlap of membership there, but the committee has not yet been appointed but we will seek to appoint people who have the relevant experience or interest, and indeed I would expect that the committee in any case will need a period or some guidance or training in the nature of its work and function.

My hon. colleague, Mrs Hannan has responded, I think, to some of the comments of the hon. member for Onchan, Mr Karran, and again some of his wording is not acceptable to the department, but it is the sort of flourish that we expect from him at the moment. My hon. colleague from Peel also says that this replaces the prison. Indeed, it does in respect of certain categories of young people, but it does also introduce a capacity for having secure placements for children who hitherto would not have been involved with the prison at all. So there are going to be two categories there.

There was a question about costs. The capital vote for this project approved by Tynwald was £2,061,581 of that we expect that £2 million will be expended up to the end of March. The running costs will be £997,000 per annum. That is how we currently costed this in our budget. Now, members will appreciate that the staffing régime for the secure unit may not all be utilised fully at any one time, depending on how many young people are there, and so the nature of their contract is that if they are not deployed in the secure unit they will be deployed by Nugent Care across the services which they provide.

I hope, Mr President, that that has answered all the questions which hon. members have placed and I look forward to unanimous support for this resolution.

The President: Hon. members, the motion I put to the Court is printed at 7 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Children's Home Regulations 2002 – Approved

Item 8. The Minister for Health and Social Security to move:

That the Children's Home Regulations 2002 be approved. [SD No 872/02]

The President: Again it is in the hands of the Minister for Health and Social Security to move.

Mrs Christian: Thank you, Mr President. May I first draw members' attention to the numbering in paragraph 5 of these regulations which has not been alluded to in the letter which was circulated, but which is in need of correction in that we have a sequence which goes 1, 2, 2, 3, and should go obviously 1, 2, 3, 4, 5, so that will need renumbering. So with that correction in the numbering, Mr President, in addition to the one that has been drawn to members' attention, these regulations relate to part 6 of the Children and Young Persons Act, and in this case it introduces standards to regulate the quality and appropriateness of staff in children's homes with particular reference to their qualifications, criminal record checks, their fitness for the job and conditions of employment. They require that a placement plan is in place for each child accommodated in the children's home. Such a plan is necessary to ensure the children receive consistent care from the staff team employed there to care for them. Issues of contact with significant adults and other forms of communication are dealt with in the regulations. Each home is required to have a policy in procedure to protect children from abuse and neglect. Procedures to allow children to make complaints should they be necessary are also required in the homes. The aim is to ensure that children in care are afforded the best protection that we can give them.

Within the regulations each home has to outline its methods for care and control of the residents. The regulations are quite specific in defining measures which would be deemed inappropriate – for example, corporal punishment, deprivation of food or drink, the intentional deprivation of sleep are not allowed. The measures to be used have to have been approved by the department and when used must be recorded appropriately. The records must include the name of the child, the measure used, the reason why it was used and the effectiveness and consequences of the measures that have been taken. In addition, the day-to-day issues are regulated dealing with housekeeping matters such as storage of medical products, the

education and leisure facilities of the children, food provided, clothing, pocket money, health needs, fire and safety precautions and so on. Standard of provision of accommodation is also regulated. I beg to move this item standing in my name, Mr President.

The President: Hon. member for Peel.

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

The President: The motion, hon. members, is put at 8, and I would remind the Court we will note the change in the numbering sequence to take place at paragraph 5. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Placement of Children with Parents Etc. Regulations 2002 – Approved

Item 9. The Minister for Health and Social Security to move:

That the Placement of Children with Parents etc. Regulations 2002 be approved. [SD No 873/02]

The President: The Minister for Health and Social Security.

Mrs Christian: Thank you, Mr President. In addition to the corrections listed in the letter, can I also point out to members that in the schedule on page 6 in paragraph 2, the final bracket should contain the letter 'J' and not the letter 'K.' It refers to the paragraph above and there is no paragraph 'J' in that particular item, so if members would note that, please.

These regulations, Mr President, regulate the placement of children in care – that is, children who are subject to a care order, when they are placed back with a parent or someone with parental responsibility, or someone who had a residence order in their favour prior to the care order being made, or indeed some other relative. It is obviously the case that we want children with our support and help to eventually go back to a family situation. These regulations take steps to ensure that proper consideration is given to that step of placing a child back with their family when care proceedings had previously been considered necessary and the children had been removed from their homes. The regulations require proper assessments, enquiries and agreements, notifications and so on to be made before a child is placed back with a parent or other suitable person. I beg to move, Mr President.

The President: Hon. member for Peel.

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

The President: The motion I put to the Court is printed at 9 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Placement of Children (General) Regulations 2002 – Approved

Item 10. The Minister for Health and Social Security to move:

That the Placement of Children (General) Regulations 2002 be approved. [SD No 874/02]

The President: Minister, please.

Mrs Christian: Thank you, Mr President. These regulations relate to placements made by the department and to placements in a children's home when a child is not looked after by the department but may be in the care of another authority. We do have circumstances sometimes where children come over here, placed by another authority from outside of the Island. Similar to the other regulations which we have already discussed, they outline the requirements for the day-to-day care of children and the records which are required to be kept in these circumstances. I beg to move.

The President: Hon. member for Peel.

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

The President: The motion, hon. members, is that printed at 10 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Private Fostering (Notification) Regulations 2002 – Approved

Item 11. The Minister for Health and Social Security to move:

That the Private Fostering (Notification) Regulations 2002 be approved. [SD No 875/02]

The President: Minister.

Mrs Christian: Thank you, Mr President. Occasionally private fostering takes place. In these circumstances a parent or parents make arrangements for their own child or children to be looked after away from home. These regulations deal with the notifications which are necessary, including the information required, the notification of ceasing to be a private foster-parent and the form of notifications to be made by those people intending to privately foster children. It is essential that the department has knowledge of these situations and details of the people

involved. The regulations set out the sort of information which we require, which gives the intended fosterer's address for the last five years, the intended duration of the arrangements and so on, details of any criminal convictions that a person may have. Once informed, the department can then act appropriately to ensure the safety and proper care of those children. I beg to move.

The President: Hon. member for Peel.

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

The President: The motion, hon. members, is printed at 11 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Disqualification for Caring for Children Regulations 2002 – Approved

Item 12. The Minister for Health and Social Security to move:

That the Disqualification for Caring for Children Regulations 2002 be approved. [SD No 876/02]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, these regulations relate to the department's duty to protect children by outlining the factors which would disqualify someone from privately fostering or being registered for child-minding and day care. A person may be disqualified from caring under these regulations if, for example, their own children had been placed under a care order or they had committed offences against children in the Island or elsewhere. Details are set out quite clearly in the regulations. I beg to move, Mr President.

The President: Hon. member for Peel.

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

The President: The motion, hon. members, is printed at 12 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Remands to Accommodation Provided by the Department Regulations 2002 – Approved

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

That the Remands to Accommodation Provided by the Department Regulations 2002 be approved. [SD No 877/02]

The President: Mrs Christian, please.

Mrs Christian: Thank you, Mr President. Section 76 of the Children and Young Persons Act gives the courts the power to remand children and young people to accommodation provided by the DHSS, and in some cases where the offences are very serious – for example, violent or sexual offences – or offences punishable in the case of an adult with a custody for a term of 10 years or more, to the secure care home. These regulations regulate the power of detention given to the department in section 76(4) of the Children and Young Persons Act 2001 in respect of children and young people remanded to accommodation provided by the department, but not in the secure care home. They do require that in such circumstances a placement plan be in place outlining how that young person's care is to be managed. If the security requirement or any other conditions are placed on a child remanded to accommodation provided by the department, then there is a requirement to review the continuing needs of those conditions on a prescribed basis.

The regulations also outline, as has been the case in other regulations, the necessary records to be kept and notifications made if conditions are placed on a child. Where a child is remanded, then a duty is placed on the department to ensure that parents and significant others are informed. I beg to move, Mr President.

The President: Hon. member for Peel.

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

The President: The motion, hon. members, is printed at 13. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Social Security Act 1998 (Application) (Amendment) Order 2002 – Approved

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

That the Social Security Act 1998 (Application) (Amendment) Order 2002 be approved. [SD No 879/02]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, we move now to social security matters. This order amends the Social Security Act 1998 so as to provide that it shall be for the department's contribution decision-makers to

decide whether a director of a body corporate which has been convicted of failing to pay national insurance contributions for its employees when they knew they were due could reasonably be expected to have known of that failure. The position has been explained in a memorandum. I beg to move.

The President: Hon. member for Onchan.

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

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

**Social Security Contributions
and Benefits Act 1992
(Application) (Amendment) (No. 3)
Order 2002 – Approved**

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

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 3) Order 2002 be approved. [SD No 880/02]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, this order amends the Social Security Contributions and Benefits Act 1992 so as to provide that regulations may be made which exempt a person from the normal condition that they must be in the Isle of Man at the time they claim income support if they are to become entitled to benefit in certain circumstances. Those circumstances generally relate to being unexpectedly off the Island for reasons of health care or accompanying someone else who needs health care. 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 15 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Administration Act 1992
(Application) (Amendment) (No. 3) Order
2002 – Approved**

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

That the Social Security Administration Act 1992 (Application) (Amendment) (No. 3) Order 2002 be approved. [SD No 881/02]

The President: Minister for Health and Social Security to move.

Mrs Christian: Mr President, this order makes provision in the Social Security Administration Act 1992 similar to that we have just dealt with in relation to body corporates who fail to pay their national insurance contributions. It is for the department's contribution decision-makers to now enforce those rules subject to the agreement of the Court today. 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 that the Social Security Administration Act 1992 (Application) (Amendment) (No. 3) Order be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Pension Schemes Act 1993
(Application) (Amendment) Order 2002 –
Approved**

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

That the Pension Schemes Act 1993 (Application) (Amendment) Order 2002 be approved. [SD No 882/02]

The President: Mrs Christian.

Mrs Christian: Mr President, this order amends the Pension Schemes Act 1993 so as to ensure that widowers shall be treated in the same way as widows in respect of their entitlement to certain state benefits where their late spouse was a member of a private pension scheme. The position has been explained in a detailed memorandum. 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 Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr President. I would just like to ask the minister some questions about this particular order. It sounds all right, but when we go into the detail of it on the explanatory note on the actual order itself, at 3.1 it states the levelling out

of widow and widower et cetera is achieved by reducing the amount of certain state retirement widows and bereavement benefits payable by the amount of any guaranteed minimum pension to which the widower is entitled from a private pension scheme, which sounds all right, but to me it seems it is in one hand and out the other hand with the way the benefit is going to work, because if the widower is in receipt of any private pensions any benefit he may be allowed will actually be reduced by the amount of private scheme he will be getting in from the other hand. So, to my simple way of thinking, this seems to not achieve a very great deal.

I would also like the minister to answer: if a widower could actually end up being disadvantaged by this particular order in some way in respect of what they were receiving, now that this is applied will they be receiving any less? I suspect they could actually receive less than they were prior to this order coming in and I would like some clarification on that, minister, because that is important and we need to know exactly what we are dealing with here.

The other thing I would like to say, just at a tangent to this really, Mr President, is the fact that I think it is high time the DHSS reviewed widowers' and widows' death benefit in the normal sense for a bereavement, and the age limit of 45 needs to come down to 25. There are plenty of younger widows and widowers out there who are struggling at the minute, and I think it would be much better, in line with government social reform policy, to be doing something like that than introducing something in here that looks like in one hand and out the other hand and not very much help.

The President: Minister to reply.

Mrs Christian: Yes, thank you, Mr President. The hon. member is quite right in his interpretation. The hon. member will recall that hitherto widowers could not receive benefits; I think my hon. colleague from Ayre introduced a scheme for widowers, exclusive to the Isle of Man, some time ago. Now, that was changed and widowers were given an opportunity to have the same benefits from their spouses' contributions as widows had hitherto been entitled to on the basis of their husbands' contributions. The United Kingdom has recently seen the light and followed the Isle of Man in this respect.

The rules relating to the interrelationship between the state pension and SERPS and contracted-out pensions and SERPS had long been established in relation to widows receiving benefits on their deceased husbands' contribution records. Since widowers were introduced into this equation to create equality, the intention was that the same rules, which have long since applied to widows, should apply to widowers. Now, in one element of the legislation this was not made equal, with the result that widowers were receiving a double payment, i.e. there was being no reduction made against another benefit, which was the case with widows. So what this does, Mr President, is ensure that there is equal treatment as between widows

and widowers, and that is done on the basis of what has frequently been stated in this hon. Court: that there is a general prohibition against a person being entitled to more than one contributory state pension at the same time. That has been established from the beginning of the welfare state and that principle has long been in place. What we are doing here is ensuring, with the fact that widowers are now brought into the picture, that they are treated in the same way as widows are.

The hon. member has raised an issue which I am not aware has been raised before, and that is the question of whether or not the department should review the availability of death benefits below the age of 45. I will note his comment and consider whether the division feels that any change should be made on that particular issue. That, Mr President I think clarifies what was set out in the memorandum which did go to all members.

The President: Hon. members, the motion I put is printed at 17 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 Cannan, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Gill, Mrs Crowe, Mr Cretney, Mr Braidwood, Mrs Cannell, Mr Downie, Mrs Hannan, Mr Bell, Mr Corkill, Mr Earnshaw, Capt. Douglas, and the Speaker – 17

Against: Mr Henderson, Mr Duggan, Mr Singer and Mr Karran – 4

The Speaker: Mr President, the motion carries in the House of Keys with 17 votes for and 4 votes against.

In the Council –

For: The Lord Bishop, Mr Lowey, Dr Mann, Mr Kniveton, Mrs Christian and Mr Gelling – 6

Against: Mr Waft – 1

The President: With 6 for, 1 against in the Council, hon. members, the motion therefore carries.

**Social Security Legislation
(Application) (No. 16) Order 2002 –
Approved**

Item 18. The Minister for Health and Social Security to move:

That the Social Security Legislation (Application) (No. 16) Order 2002 be approved. [SD No 883/02]

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

Mrs Christian: Mr President, this order applies four United Kingdom statutory instruments to the Island, in particular making changes to the procedure in relation to the decisions of adjudication officers on benefit matters and in relation to decisions of contributions decision-makers of contribution issues, and in relation to matters arising from those decisions. I beg to move, Mr President.

The President: Hon. member Mr Earnshaw.

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

The President: The motion, hon. members, I place to you is printed at 18. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Income Support (General) (Isle of Man)
(Amendment) (No. 6) Regulations 2002 –
Approved**

Item 19. The Minister for Health and Social Security to move:

That the Income Support (General) (Isle of Man) (Amendment) (No. 6) Regulations 2002 be approved. [SD No 884/02]

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, these regulations amend the Income Support (General) (Isle of Man) Regulations 2000 principally so as to make provision for persons in certain circumstances to gain entitlement to income support even though they are not in the Island at the time they first claimed benefits. They also amend the way personal injury payments and arrears of certain benefits and concessionary payments for the non-payment of those benefits to which people are entitled are to be treated for income support purposes. 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 that printed at 19 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Merchant Shipping (Safety Provisions)
Application Order 2002 – Approved**

Item 20. The Minister for Trade and Industry to move:

That the Merchant Shipping (Safety Provisions) Application Order 2002 be approved. [SD No 865/02]

The President: I call on the Minister for Trade and Industry to move. Mr Downie.

Mr Downie: Thank you, Mr President. The purpose of the Merchant Shipping (Safety Provisions) Application Order is to provide a technical framework for the registration of commercial yachts. It is the intention that commercial yachts of 24 metres and above will be able to register on the Island as from the end of this month. The regulations apply to the United Kingdom's code of practice for the safety of large commercial sailing and motor vessels, which has become widely recognised as an industry standard. Compliance with the code, which provides a technical framework and standards of operation, will be a compulsory requirement for yachts wishing to apply for registry on the Isle of Man.

The opening up of the ship register to commercial yachts represents an unique opportunity to raise the profile of the Island through association with the world's most significant luxury yachts. It will provide for a diversification of business opportunities for the Manx shipping sector, who have been widely supportive of this measure. It is expected that the additional business generated through management activities and corporate service provision will significantly add to the existing shipping business, which will be of benefit to the Isle of Man's economy as a whole. In order to facilitate the registration of commercial yachts the marine administration has been given approval for the recruitment of one-and-a-half extra administrative staff. It is expected, however, that the cost of additional staff will be balanced out by the increase survey revenue. An analysis indicates that it will almost certainly be a net revenue earner. The regulations have been drafted in consultation with the shipping industry, the Attorney-General's Chambers and the United Kingdom's Maritime and Coastguard Agency. Mr President, I beg to move the motion standing in my name.

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

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

The President: The motion, hon. members, is printed at 20 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Criminal Legal Aid Order 2002 –
Approved**

Item 21. The Minister for the Treasury to move:

That the Criminal Legal Aid Order 2002 be approved. [SD No 852/02]

The President: Minister for the Treasury to move.

Mr Bell: Mr President, the Criminal Legal Aid Order is made by the Treasury under the authority conferred by the Legal Aid Act of 1986. The order is reviewed regularly to ensure that the rates maintain their value. The order was only made after consultation with Their Honours the Deemsters. As a result of this consultation, Their Honours have made the Advocates (Prescribed Fees) Order of 2002 which is laid before this Court today. The rates prescribed by the two orders have therefore been set at the same levels so that an advocate will charge the same rates in all circumstances where there is no contract or agreement between the advocate and his client.

The order increases the rates payable to an advocate in either summary proceedings or trial proceedings and appeal proceedings. Separate rates are specified for preparation time, travelling and waiting time and appearance time. The rates have been increased by approximately 4 per cent, which is the amount of the increase in the retail price index since the order was last reviewed. The rate set in the Criminal Legal Aid Order are also the rates used for any civil legal aid work undertaken. It is therefore estimated that this 4 per cent increase will result in increased legal aid costs across the board of approximately £39,000. Mr President, I beg to move.

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

The President: Hon. members, the motion I put to you is printed at 21, that the Criminal Legal Aid Order 2002 be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Secure Care Home Custody Rules 2002 –
Approved**

Item 22. The Minister for Home Affairs to move.

That the Secure Care Home Custody Rules 2002 be approved. [SD No 853/02]

The President: Minister for Home Affairs, please.

Mr Braidwood: Thank you, Mr President. The order before the Court will, if approved, provide for the regulation and management of the secure care home at White Hoe, Douglas as far as it relates to

persons detained in custody there in accordance with the requirements of section 16 of the Custody Act 1995. My department has worked closely with the Department of Health and Social Security to provide for all children and young people aged or sentenced under 17 years to be accommodated in the secure care home at the White Hoe. It was agreed that the Isle of Man Prison's 'detainee' designation would be amended to allow only detainees of 17 years and over to be held in the prison, except in an emergency. The rules will come into operation in line with the opening of the White Hoe secure unit on 1st February 2003. Mr President, I beg to move the motion standing in my name.

The President: Hon. member Mr Gill.

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

The President: Mr Earnshaw.

Mr Earnshaw: Thank you, Mr President. Just a minor question, really, on item 34 on page 12, which is where the minister will find it, police interviews, and my question is that there it states only a two-liner: 'A police officer may at any reasonable time, on production of an order issued by or on behalf of the Chief Constable, interview any detainee willing to see him' and it is those last four words I am rather puzzled about, because the police officer is, I am sure, not attending for the benefit of his or her health, and I am just wondering why a detainee should have control of the situation and why a police officer may be disadvantaged or inconvenienced by the apparent choice of the detainee to exercise what is contained in that paragraph.

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

Mrs Hannan: Yes, just on that particular issue – I have got more, but I cannot find my papers now – is it not correct that, if a police officer wanted to interview someone, that interview would be recorded and would the young person not be protected in this particular way when a police officer was going to the secure home and was requesting to see a young person? Would that person not also be covered by the interview being recorded? I would have thought that the young person, any person, whether they are in custody for whatever reason or are in prison or a secure unit should have the right to refuse if they should so wish. I think that the main point about these regulations is to regulate the conduct in the secure home, and I think, under these regulations, there are people that are visitors, they have rights to interview young people, and obviously they would only interview young people if they wanted to be interviewed, but also under these regulations there is also the position where young people can make a complaint to the visitors, and that, I would have thought, is quite right. They can do that in private, and I wonder why a police officer does not

have the same sort of restrictions, really, as a prison visitor would to this establishment?

The President: Hon. member the Lord Bishop.

The Lord Bishop: Mr President, thank you. Just a quick question for the minister, please: on page 10, under this 'Nomination Visits by Chaplains', I would just like to ask him for any comment on that. I am not aware if any arrangement has been made by the management for chaplaincy visits and I would like to ask what process is being used to do that. I certainly have not heard of that.

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

Mr Singer: Mr President, the question by the hon. member for Onchan, Mr Earnshaw, was about the detainee being able to refuse to see a police officer. Under number 51 on page 17, it says, 'A member of the board shall have access at any time to every part of the home and to every detainee, and he may interview any detainee out of sight and hearing of care workers.' That appears as though the detainee does not have a choice. They have a choice to see or not to see a policeman; do they have a choice to see or not to see a visiting member?

The President: Minister to reply.

Mr Braidwood: Mr President, as Mrs Hannan said, it would be entirely up to the detainee if he wanted to make any comment to a police officer who visits the secure home. It would be entirely up to him as it is at the present time; if they are interviewed by the police and recorded, all they need to do is make no comment at all. They do not have to speak to a police officer if they do not wish to. It is the same with Mr Singer, with the board of visitors. If the board of visitors, as they do in the prison, go round it is entirely up to one of the inmates if they want to speak to one of the members of the board of visitors.

The Lord Bishop on chaplaincy visits – I can only speak on what happens at the prison when we have the visiting chaplain, depending on the religion. I am not sure if that is what you meant at the secure home, because now, of course, it comes under the DHSS, but I would presume that the chaplaincy is exactly the same as the visits to the prison.

Mrs Hannan, I think, answered on the interviews, saying when she was trying to answer Mr Earnshaw, depending on the detainee. Thank you, Mr President, I beg to move.

The President: The motion, hon. members, is that printed at 22 on your order paper that the Secure Care Home Custody Rules 2002 be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Notaries (Amendment) Regulations 2002 – Approved

Item 23. HM Attorney-General to move:

That the Notaries (Amendment) Regulations 2002 be approved. [SD No 850/02]

The President: I call Her Majesty's Attorney-General.

The Attorney-General: Thank you, Mr President. The Notaries Regulations 2000 were approved by Tynwald in December 2000. Those regulations prescribed the method by which an application may be made for a licence to act as a notary public and the information which must accompany such an application. The Notaries (Amendment) Regulations 2002 amend the 2000 regulations so that the application must be supported by a statement by notary public in the Island if the applicant is suitable to be licensed. It must also be established that the applicant has either undertaken appropriate training in notarial law and practice or has appropriate experience in notarial law and practice. Mr President, I beg to move the motion in my name.

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

The President: The motion, hon. members, is printed at 23. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Tynwald Court – Better Management of Business – Referral to Standing Orders Committee – Motion Approved

Item 25. Mr Houghton to move:

That the Tynwald Standing Orders Committee be requested to examine the options for the better management of business of this hon. Court and to report with recommendations by the May 2003 sitting.

The President: We turn then, having completed 24 earlier this morning, to 25. I call on the hon. member for Douglas North, Mr Houghton, to move.

Mr Houghton: Thank you, Mr President. I rise to move the motion at item 25, which is a reference to Tynwald Standing Orders Committee of the management of the Court's business, because there is a widely-held perception, partly among hon. members but also and very importantly, among members of the public generally – that is to say, among our constituents – that things could be done better.

The impression, whether it is justified or not, that parliamentary business is inefficiently or ineffectually conducted is capable of being damaging to the

institution of democracy and it can, among other things, contribute to the indifference of so many to the political process, which results in low turnout at elections. In the longer term it is of considerable importance that the public should have confidence in the democratic process and therefore in the conduct of parliamentary business. The perception is, therefore, in certain respects at least, as important as the reality, but the reality itself does give a cause for concern.

I believe that many hon. members will be willing to admit that they themselves are not always happy with the way things are dealt with and not always convinced that parliamentary time is used in the best and most efficient way possible. In saying this, I am not thinking of whether the government's legislative or policy programme is dealt with in the way that the government wishes; I am thinking of whether or not the basic task of this ancient assembly is carried out in the most effective manner – namely, the task of ensuring that the wishes of the electorate are represented and taken into account and that the executive is effectively subject to the control of the people's representatives.

My initiative is therefore not on behalf of the government with a view to seeing whether business can be more efficiently and quickly despatched, but I suggest that we take a careful look at whether the efforts and energy of hon. members and the time they spend here are all used to best advantage.

The motion before the Court now, Mr President, commits no-one to any conclusion in particular; it simply requests only that the general issues that I have outlined are studied in procedural terms and that the Standing Orders Committee should report back. It may be that the Standing Orders Committee will report that no change at all is recommended, or it may be that some changes are thought desirable. If so, when the Standing Orders Committee reports back, there will then be the full opportunity for debate on the issues raised before any decision is made whether or not to mandate a change in standing orders. At this stage, therefore, there is, I repeat, absolutely no commitment to any particular change or even to change at all.

What sort of matters and options could the Standing Orders Committee consider therefore? That is something which they themselves will have complete freedom to decide, but there is a range of obvious possibilities which may or may not commend themselves on further investigation. One option, for example, would be for the presiding officers or possibly a small committee including the presiding officers, to examine the items on each order paper and to put before the Court a proposed timetable for dealing with them at the beginning of each sitting. The timetable would be subject to members' approval on each occasion, and of course the variation if it was found not to be workable during the sitting. Another option which could be looked at would be that adopted in the adjacent island, where there is for certain debates a strict timetable with votes being taken at a prearranged point in the day. I am not sure that that would necessarily commend itself to hon. members, but this is another option that can be examined. Yet a

further possibility concerns a limitation on the time for speeches or perhaps on the number of speakers to speak in debates, except those which are regarded as the most important. What those time limits should be and how flexible the rules about them should be –

A Member: We are not going to get a word in.

Mr Houghton: – are again matters which would benefit from very careful thinking.

I have circulated a very small briefing note here that gives a few indications as to what actually takes place as far as management of parliamentary business in other places. For instance, in the House of Commons the Speaker may ask a member to discontinue his speech if the Speaker feels it is irrelevant or repetitious even in terms of what others have said or repeating arguments already made in his speech. The Scottish Parliament deals with debates in the chamber which are timetabled beforehand as to its length. The Welsh Assembly, as you will see, announce the time limit on members' speeches. The Northern Ireland Assembly has similar powers to that of the presiding officer of the Welsh Assembly, and so on. So it just gives you a little flavour as to what actually happens in other parliaments in order to control the management of business in parliament.

Now, one apparently radical approach which might nonetheless help to reduce the often unhelpful pressure to sit late and complete business by a particular deadline might be to alter the sittings of the Court from a single sitting each month to a sitting on one, two or three, even four days each month, each day being in a separate week. It is simply an idea.

There may be many more options and none of the ones that I have suggested might on examination be thought viable or desirable. The point is that we shall not know unless a group of us sits down to give some sustained thought to them and to weigh up the pros and cons and, as I have said, to report back to this hon. Court and hon. members with their reasons and considered conclusions.

Dissatisfaction with the current relatively unstructured format for proceedings implies no criticism at all of members of the way in which they currently conduct Tynwald business. Standing orders at present are what they are because they have been approved by this hon. Court. No-one is suggesting that conducting business within the existing standing orders is in any way to be criticised. The question is not whether anyone is at fault, but whether the system can be improved. Maybe it can, maybe it cannot, but I think we do owe it to ourselves to give this matter some serious thought.

In conclusion, Mr President, I do thank you personally for concentrating minds of hon. members of late, sir. I beg to move.

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

Mr Delaney: No repetition!

Mr Earnshaw: Thank you, Mr President.

Mr Delaney: That is repetition! (*Laughter*)

Mr Earnshaw: I wish to add my support to the comments made by the hon. member for North Douglas, Mr Houghton. I second his motion. I am not so sure about the comments about having Tynwald every week; that needs some careful thought. But I would like to see this referred to the Standing Orders Committee to have the situation examined. My view is that debate can be improved, and this motion, written in the way it is, will include Question Time, which I have to say before long may have to be renamed 'Chief Minister's Question Time' because, the way it is panning out, members who refer questions to ministers a little further down the table are sometimes having a struggle to have their questions read or answered. So I think this provides a broad remit around which they can work. I think ample opportunity exists to streamline our business, and it seems a neat coincidence to be considering this motion at the same sitting as the adoption of our new business plan.

An area which in my view presents a difficulty and which the hon. mover has not covered is the debates arising to receive reports. This on many occasions seems to me to be unnecessary, and I would ask the committee to consider introducing a standing order to allow a vote to take place without debate if this motion is adopted. One way or another, Mr President, I hope the committee can find a mechanism to assist you in ensuring our time spent in this place is much more productive. I believe this motion will succeed and, as a test of my comments, it will be interesting to see if members can resist arising unnecessarily to comment on support of the motion.

Mr Quine: Do not bank on it! (*Laughter*)

Mr Earnshaw: No, I will keep my money in my pocket! I hope they can resist as, unless members wish to speak against this, a straightforward vote today should be all that is necessary and this will allow the real debate to take place when the committee eventually reports its findings and a straightforward vote should be all that is necessary.

The President: Hon. member for Peel.

Mrs Hannan: Quite frankly, Eaghtyrane, I am sick to death of people going on about how long it has taken to do something, somebody has been on their feet for so long, somebody gets on their feet and says 'I will not be long' and I know, I have done it (**A Member:** Vote.) but we are here to debate. If people do not want to debate, then they do not have to be here. (**Mrs Cannell:** Hear, hear.) They do not have to stand for election, they do not have to listen to political argument. (*Interjections*)

Mr Houghton: It is not political argument though, is it?

Mrs Hannan: You see, what is political to me and what is political to someone else is two different things. (*Interjections by Mr Downie*) We are here to debate issues of great national importance. Now, some people will think that they are not. Most of the issues on the order paper today are of great national importance. That is why they are here before the parliament of the Isle of Man, holding the executive to account.

When this was raised by this hon. member who is moving this today, it was because we had a very interesting debate on a number of issues in November, and because of the standing orders, which we all have before us or at least members will have, these debates were held under the auspices of these standing orders. There were votes for adjournment, votes were taken for adjournment, and we all know we have got a five minute debate when it comes to adjournment in the middle of another debate; those debates were carried on in relation to standing orders, they were down absolutely as per standing orders. The votes did not succeed, although the votes were in support of the motions for adjournment, because there were not enough people here to get 16 votes to adjourn an issue, because for various reasons they needed, and they should have been for further information to come forward, to be adjourned so that certain issues could be brought back before the Court to continue the debate. Now, that to my mind was a proper use of time in this hon. Court and, under the standing orders as they exist at the moment, I do not know of very many members in this hon. Court who speak for more than 30 minutes on a particular issue unless they are moving or winding up a motion, and if we look at the information that has been passed to us by the mover of this, it says that in the Dáil there are time limits for speeches, the length of any speech on a motion; opposing or winding up must not exceed 30 minutes. There are also time limits for those proposing, summing up and replying to a motion. These are issues which most people . . . Most people do not speak longer than 30 minutes. I represent a constituency. There are not other members here who are looking after the same interests as I am, because we do not have political parties except for the Labour Party, therefore we have individual, independent points of view to put before this hon. Court. Now, after this was raised in the press by the member for North Douglas, I saw him in the Members' Room and I said it was totally unreasonable to expect members to speak for less time and for him to want to control the issues of the Court, and he said, 'Make an appointment with me and we can discuss it.' (*Laughter*) Now, that is fine; obviously –

Mr Houghton: Good management of time, isn't it?

Mrs Hannan: He did not want to discuss anything outside of this Court. That is fine. If you are not prepared to discuss it outside the Court, then it needs to be discussed inside the Court.

I must say also, Eaghtyrane, that the member moving this is quite often the member who is out of

this Court when debates are going on, and he is the first to get to his feet to slam somebody else when they are actually debating an issue.

I would hope members will not support this. I think that the presiding officers that we have control the business of the Court very well, (**Mr Delaney:** Hear, hear.) and I think we should leave standing orders as they are.

The President: Hon. member for Ayre.

Mr Quine: Mr President, I think it is unfortunate that we get a motion like this – and I respect the right of the hon. member to move any motion within the orders that he wishes to – because, contrary to what he says – he has suggested to us that part of the reason for him moving the motion is because people outside believe we are spending too much time debating matters – that is not the feedback I get. The feedback I get is the opposite, that things are not being subject to sufficient examination,

But, just putting that aside for one moment, I waited carefully for the hon. member to make the case, so I assumed he was going to take us to particular standing orders and say, ‘Look, this is what we have got, this is what Mr President has to work with whereas in *a*, *b*, *c* and *d* they have got these other arrangements. I was waiting for the case to be made, but the only case that has been made by my good friend is that he feels that he would like matters to be dealt with more quickly. I do not find that a case.

Apart from that, there are just two other points that I would make. The first one, of course – and the hon. member for Peel has touched upon this – is that we are not operating to the backdrop of a party political system, so if you look at these examples that are given here and you time-limit a motion in Westminster et cetera, quite frankly it is not going to make much difference because the votes have already been cut up and counted before that debate has taken place, and you can go through the other examples here and the same thing applies. We are not a party political system, and therefore that freedom to get up and express for as short a time or as long a time that Mr President feels that we are within the orders, is something to be protected, sir.

The last point I would make is this: this represents almost the totality about the facility that we have for scrutiny of government activities. We do not have what many other legislatures have, the umpteen committees of scrutiny that the Commons have and that the Lords have, we do not have ombudsman systems, we do not have high-powered control and an Auditor-General’s department; this represents almost the totality of our facility for scrutiny, and to suggest that in some way we further streamline this, frankly, is a non-starter, but my real, underlying worry is it would undermine rather than enhance public confidence in this hon. Court.

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

Mr Gill: Thank you, Eaghtyrane. Just very briefly, I fully except that the sentiments of the mover of this motion are genuine and are well intentioned, and I accept the frustration that he has voiced on previous occasions. I am sure that we have all individually felt those, but I do think I would have to concur with the sentiments of the previous speakers in saying that any intention, any movement of this described by Mr Houghton would have the potential consequence of actually diminishing parliamentary scrutiny and accountability, and we have seen, I would say, in the United Kingdom a much more presidential style – I mean that with no disrespect to you, Eaghtyrane – with all the attendant loss of parliamentary scrutiny in the House of Commons, and just a few months ago some of us were fortunate enough to actually see Tony Blair in the House of Commons, which is a rare occasion, and I do not think that has been to the betterment of democracy in the United Kingdom.

I do accept the comments that have been made that we do not operate within a party political system and that is a good thing, I would suggest, and I hope that will long continue, but I do think the potential is there for the next Court or the Court after, which would not be quite as benign and as democratic as us potentially – who knows what the future will hold? – if we allow this precedent to kick in. This is the place where we should have as much accountability and openness as possible, and if sometimes the price to pay for that is that we have to put up with repetition, it might be tiresome but it is a price worth paying, so I am afraid, with the full appreciation that Mr Houghton is moving this for all the possible reasons, and I mean no disrespect to him to oppose it, for the reasons that I have outlined I really feel very strongly that this should be opposed.

The President: Hon. Mr Speaker.

The Speaker: Yes, thank you, Mr President. My starting point is quite straightforward really: we should not underestimate what we have got in this hon. Court, and it is very easy and understandable, the hon. member for Douglas North and on occasions, I have to say, not only him but, going back in my time, other members have in fact stood up on occasions, frustrated and said, ‘Why on earth have we spent all this time to get a result that was going to be a result at the start?’ but I have to say, Mr President, you cannot always guarantee that.

I think what the hon. member and other members have to keep in their minds is the absolute freedom hon. members have in this Court to represent their constituents. We are privileged, (**A Member:** Hear, hear.), when you see other parliamentary settings, at how difficult it is to get a motion on the order paper, how difficult it is to get a question on the question paper. Here, as long as it complies with standing orders, it does not matter how many questions, how many motions, they appear on the order paper and that is invaluable for us to help represent the people we are elected to represent. It is very attractive to say we

should time-limit x , y and z and it will be attractive until the time it affects you – and I do not mean the hon. member for Douglas North personally – on a matter that is of considerable importance to yourself; then you will shout from the rooftop and you will shout outside that you are being restricted from your democratic right to represent the people of the Isle of Man. So, with all the greatest will in the world, I would say to the hon. member I cannot support the motion he has put down – there is not a problem with debating the issue because it is an issue that certainly in his mind is live and is certainly an issue on occasions that we all mutter about, but we get over it and we move on and the system carries on.

I would finish by saying what I started with, Mr President: we as hon. members of this Court are extremely privileged with the democracy we have and our ability to raise any issue on the floor of this Court, and we should not encourage anything that overrestricts that ability.

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

Mrs Christian: Thank you, Mr President. I think that in this resolution there is perhaps an indication that we ought to explore in ourselves what our contributions to the debate are, because I think an application of a bit of self-scrutiny (**Mr Cretney:** Hear, hear.) and a bit of self-discipline (**Mr Houghton:** Hear, hear.) might well help us through the problems. I suppose we are all guilty from time to time of not being focused (a) on the resolution before us and having a tendency to wander from it, or indeed (b) repetition. I think perhaps here we are extending an invitation to the President to exercise with due rigour the standing orders which are already at his disposal. We might also, I suppose, explore our own methods of presenting a case or indeed winding up, where we have developed a tendency to report on absolutely every comment that has been made during the debate. (**Members:** Hear, hear.) It may not be necessary if we can hone our skills a little better to sum up in a more effective manner. (**Mr Houghton:** Hear, hear.) I think one of the most effective teachers I had at school, in a chemistry class, was one who marked you for the points you made in no matter how short a production and not on the quantity that you produced; perhaps that is a lesson for us all, Mr President. (**Several Members:** Hear, hear.)

The only issue I would comment on: I would endorse the views of the hon. member Mr Earnshaw about the practice in Question Time and the way that is going, but that need not be dealt with through this resolution.

The President: Hon. member for Garff.

Mr Rodan: Mr President, the motion wants to send this matter to the Standing Orders Committee, and in listening to the contribution of the mover and seconder, like other members I listened to see what deficiencies in standing orders there were to require

sending the matter to the Standing Orders Committee. We did not hear that standing orders were in particular deficient; we did hear one or two other matters raised, such as when sittings should take place, times of the week and so on – I would have thought those would have been matters more appropriate to a select committee, because the complaints seem to be somewhat wider than what is the remit of the Standing Orders Committee.

I agree with the last speaker in that what appears to be part of the complaint can be dealt with under existing standing orders. For example, we have a standing order to do with continued irrelevance and tedious repetition, which I am sure is at the heart of the complaint of the hon. member, and it is a matter of enforcing that and we as members self-disciplining ourselves to the will of the chair; however, I do have some sympathy because I think that part of problem might be the nature of debate itself in this hon. place, and if there are ways in which that can be improved I think that is to be welcomed. Not always but too often, though, in this place we do get what is a series of prepared set speeches – and I am as guilty of this as much as anyone, Mr President. (**Several Members:** Hear, hear.) (*Laughter*)

The President: Carry on reading! (*Laughter*)

Mr Rodan: What we do not get as often as we might is the cut and thrust of debate, where points are made and there is then a facility to challenge points, (**A Member:** Hear, hear.) because I think we have seen ourselves in other places – the House of Commons or wherever – that challenges and interventions are made from the floor and the speaker has the facility to give way, respond to the challenge or not, and that is what makes good debate, not a series of set speeches or long speeches or a series of short speeches. What is interesting is for that speaker to be challenged on a point and forced to justify it.

Now, I wonder therefore whether, looking at that aspect as an example, there might be a case for the Standing Orders Committee to look at this question of options for better management of business to see if we can improve the sort of debates that take place. This was not a point that the hon. member made but I suspect, having been brought to his attention, it is one that he might agree as part of what he is getting at, and on that basis maybe it should be looked at. So, without risking tedious repetition or continued irrelevance, Mr President, as I rarely do, I shall sit down.

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

Mr Rimington: Thank you, Mr President. I rise to support the motion, because the motion as written is fine, and I agree probably virtually with everybody who has made a contribution so far and there have been a lot of good points and, coming from both sides, the points are good, but all the motion does – it does not say ‘and come out with this conclusion, that we want you to do it’; it says, ‘examine and report back’

and certainly I would endorse the issues about Question Time – I think that really does need looking at – and people have made some very good points about intervention, which I concur with. There are issues there to look at and every now and then it does no harm for us to look at how we manage our business, even if the conclusion at the end of the day is that it is fine and we do nothing, but to actually go through that exercise, I think, is worthwhile and then the debate on the substantive issues would take place at another time.

A Member: Hear, hear.

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

Mrs Cannell: Thank you, Mr President. I am afraid I cannot support the motion on the agenda as of 25, and the hon. mover knows why: because he and I have spoken on this particular issue, following a very contentious sitting of this Court, where he indicated –

A Member: With an appointment?

Mrs Cannell: Without an appointment, I might add, but he was getting frustrated at the tenor of debate and the fact that it was becoming a bit repetitious.

Mr President, I have sat in this Court on and off for the last 24 or 25 years and there has always been repetition. Such is the nature of politics; that is the animal of politics. You might think something is going to go fairly smoothly through, someone gets up and says something and draws on something else, it puts another slant on an issue, that attracts comment and then we have a whole new debate. That is what politics and political life is all about, and I have an old saying which I think is applicable in this situation: if you do not like the heat then you should not be in the kitchen; and in this place and in another it can get very, very hot. (*Interjections and laughter*) We can all of us say, during a Tynwald session in particular, because they do tend to run two or three days, that we could perhaps be doing something or we ought to have been doing something else, but there is nothing more important in my book than standing here having privilege, as referred to by the hon. Speaker, and being able to debate an issue or frame a question and contribute to debate. There is no greater honour than to be able to do that for your people, and to go by the case that he has made, which tells me that he is getting frustrated at times because certain members get up on their feet and he is not impressed with what they have to say – well, tough luck! I agree with him on some occasions, but that is the nature of the game. Unfortunately we do not have, like they have in the likes of the House of Lords, little microphones where one can listen if you like but, if you do not like, you can turn your head the other way and you can nod off.

A Member: What, you mean now? (*Laughter*)

Mrs Cannell: Nor are we sufficiently large enough, I would suggest, because we only are a small assembly –

Mr Cannan: Keep on, Madam!

Mrs Cannell: – to be able to have an itemised, time-scheduled agenda, when you know a certain issue is going to come up at two o'clock, 2.30, 3.00 or whatever, and go away and do your business for your department, you board or your constituents or whatever and know that the bell will ring and the time will arrive when you know you will be back in the chamber for that particular debate. We cannot enjoy that type of luxury and that type of management.

I think the business of this Court and another place are managed extremely well. I think the presiding officers are at times extremely tolerant and at times can be fairly tyrannical in their ruling too.

The little information sheet, that was circulated by the hon. mover – I was quite interested at the last paragraph when he talks about the Dáil, when he says that a speech should not exceed 30 minutes. Well, hon. members, I was brought to order this morning for having been five minutes (*Laughter*) on my feet, so I suppose one could say one would support this, because what it would or could do, this type of suggestion, is give licence to every individual member to get to their feet for 30 minutes every time on every motion, and we would never get through our business; we could be a month sitting to get through two, three days of business. I think, leave things as they are; they are not 'broke', they do not need to be fixed, they are working quite happily. I will be voting against the motion.

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

Mr Downie: Yes, I looked at this with some interest when it appeared on the agenda. I honestly feel that as a member I have no problem supporting this motion, and I will tell you why I have no problem supporting this motion: because I think the issue that is before us is one that needs to be reviewed. I think what we have seen over the last few years is a deterioration of standards within this Court and in another place. For instance, it was very, very uncommon at one time for members to criticise members of the civil service; it was very uncommon for members to come out with non-parliamentary comments. There is a procedure, if you look in 'Erskine May' in the House of Commons, various committees' reports; there are various codes of conduct which are available and some of these issues I would like to see at rest as we develop our own parliamentary setting. No doubt about it in my mind, there has of late been an abuse of privilege in this Court, and even yesterday, when derogatory, libellous and slanderous comments were made about the legal profession. I think that is unacceptable and I notice, when the comments were made yesterday, the Attorney-General shook his head, and I take it he had a similar view himself. If we are going to be accepted and valued by the community, I think we have to

behave in an appropriate manner and, whether we like it or not, we are judged really by our behaviour, whether it is in here or whether it is outside. (**A Member:** Absolutely.)

So I personally do not see any problem with having this area addressed and, if members feel strongly about the issue, they can write in to the relevant committee about it, the Standing Orders Committee, and express their concern. I would not like to take away anybody's opportunity for debate, I think it is healthy and I think it does do a lot to promote what we try to do in the Isle of Man; I have no wish to stifle debate and I will stay here till midnight, but I would like to see an opportunity where, if the Court does seek . . . and with no disrespect to Mr President, if he has other engagements we should have a system where the deputy can take the chair and the business can carry on.

The other issue I would like to look at is this business where we must start at half past ten in the morning. That needs to be addressed and, if there is a long agenda and it is likely to last a few days, let us see if we can come in earlier (**Mr Houghton:** Hear, hear.) and getting cracking, get on with the work. But, in all honesty, hon. members, we are living in the real world here. As somebody said, we have just put a business plan together or a plan to promote the Isle of Man, there is a tremendous amount of work to be done, this is precious time and it is time that is costing an awful lot of money for the tax-payers, so we have got to make the best use of that time and fully utilise the facilities that are available (**Mr Houghton:** Hear, hear.)

I support this. I think there might be some benefit coming out of all this and it is not just a ploy by the hon. member to stifle debate, which some people think it is.

The President: Hon. member Mr Corkill.

Mr Corkill: Thank you, Mr President, and I am conscious of a comment you made at lunchtime to me sir, regarding the time I had spent in winding up in a particular debate yesterday (**Several Members:** Hear, hear.) and going through all the important contributions that every member made, so I certainly do not intend to do that on this!

I found this, like other members, an interesting frustration, I think, coming onto the agenda paper, and in the document that has been put before us by the hon. mover, he talks in 2(a) about issues of repetition and repeating arguments, quoting standing orders from other jurisdictions, but he does not actually quote our own standing order 3.31 which deals with that very issue, so we do have sophisticated standing orders, always open to change but as good as other jurisdictions and appropriate to our circumstances but I would say it is very important that hon. members take the opportunity to visit other parliaments from time to time to actually see how other people do their business and to learn to see whether it might be appropriate for change to be made to our own circumstances.

I was also aware of the comment from behind me on an aside that some members take longer to warm up with their keynote speeches than others, and that might be a matter of age, it might be a matter of temperament, I know the hon. mover of this document certainly goes straight into his arguments and does not take very long to warm up with those issues at all, whereas the hon. member for Ayre needs at least 30 minutes, (*Laughter*) so we are all different.

Now, earlier on a comment was made, Mr President, about Question Time and that in fact it becomes Chief Minister's Question Time. Can I say I do not particularly enjoy that always, and I have made attempts to try and redirect questions that are particularly pertinent to a particular department –

Mr Downie: We do not want them. (*Laughter*)

Mr Corkill: – and so the minister of that department may well be in a better position to have the knowledge to answer that question, because what happens in my office is that we immediately scatter around all the departments to try and get the information that hon. members want and therefore that takes time, so that is not good management in my office. Now, having said that, I do not want to be seen to be ducking answering questions; if the people want, obviously, to ask the Chief Minister questions, then that is fine, but they all stack up at the front of the question paper, and if there are a lot of them then I end up in my answers, dominating Question Time and I do not particularly want to do that.

That then brings me to a point about broadcasting: we only broadcast certain elements of our work, and I think it is important that, as members – we are all in the political gang, we all want to be heard in the media in the appropriate way, we are all unhappy when we feel as though that has not happened in the right way or it has not happened enough – the reality is that we have a great focus on Question Time because of the broadcasting, and certainly my view is that we should have all our proceedings broadcast, because it will be a levelling process.

Mr Downie: We would be here for ever then!

Mr Corkill: The alternative to that is not to broadcast anything at all, but broadcasting does have an impact and I think it would be a good thing for that issue to be kept live, to be considered. Some of the issues that have been raised here in this debate are really Tynwald management issues, and I would hope that the Tynwald Management Committee actually looks at the *Hansard* of this debate and perhaps looks at some of the issues that are being raised.

With regard to how we do our debates, the other comment that has been made is about interventions, and certainly it is quite obvious when you see debates on the television, broadcast in the House of Commons, that intervention is a natural part of the debating, and I think that is something that we should explore the use of, not perhaps for all debates –

Mr Quine: We jump in anyway.

Mr Corkill: – and, as the hon. member for Ayre says, he manages to intervene anyway. (*Laughter*) Well, yes, I accept that, but it is a tool of debate that other legislatures have found very useful, and certainly when I have visited other jurisdictions and been to their parliaments, it is quite a commonly understood way of doing things and it is a natural way of life, but they will have to have got use to it at some point.

So without running out of time and without being repetitious, I do feel that the hon. member perhaps has been a bit clumsy in the way he has presented his frustrations and his concerns but, like the member for Rushen, Mr Rimington, if you actually analyse what is before us, the actual motion as opposed to perhaps all of our rhetorics, it is no bad thing to look at these things from time to time.

The Speaker: We do.

Mr Corkill: I heard a comment from Mr Speaker that we do – well, that is fine, because if the hon. Mr Speaker is saying that these issues are looked at, (*Interjection by Mr Houghton*) then the request can be acceded to and I do not think it should be seen as hostile. As we all know with committee work, May 2003 may seem quite a tight schedule for this type of review, and if an interim review came forward at that time then fine, but I do think it is not an unhealthy thing to look at the way we manage our business from time to time and not just have it done in committee but have it done as more of a debate in chamber, and so I am tempted to support the hon. member, although I did have an open mind before the debate started.

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

Mr Lowey: Thank you, Mr President. First of all I think I had better declare an interest: I am a member of the Standing Orders Committee, and have been for rather a long time! But can I just refer the Chief Minister, who has just resumed his seat, to the opening page of the Standing Orders of Tynwald, and you will see there, sir, that this set of standing orders was passed by Tynwald on 16th January 1996 with effect from 29th March 1996 so in seven years these standing orders had a complete overhaul from the opening title to the very last page. So in standing orders terms and in parliamentary terms the standing orders are bang up to date. I would remind the Court, just as an aside and those who were here will remember, that we passed them in January, they came into effect in March and they were found wanting in April.

A Member: That is right.

Mr Lowey: Within a month the standing orders, which we had spent nearly two years reviewing, were actually deficient. Of course, it is a moving feast and I think what most of the people who have spoken

against are maybe saying is: ‘You do not change standing orders because of an irritation and inconvenience or because somebody has offended on one occasion’. The standing orders are for the presiding officers to conduct the business of the Court and by and large I have no complaints at all. The hon. Mr Downie said that there were three items where he said that in his view they had been contravened: naming civil servants, unparliamentary language and libelous statements. Well, with the greatest respect, if all of them had been committed, then it is for the presiding officer to rule them out of order and I think that the standing orders (*Interjection*) are adequate to do that if they are contravened.

Can I also say about the intervention for the hon. member for Garff that I believe that already under standing orders, item 3 on the conduct, the ability is there –

Mr Delaney: Yes, I think that is exactly right.

Mr Lowey: As has been said, they are already there, which can actually be done, and can I honestly say to hon. members, if you are a practising politician and you look at your standing orders and you cannot work them to suit your purposes, then you should not be in politics, really. (**A Member:** Hear, hear.) It is the art of working within the standing orders. (**Several Members:** Hear, hear.)

Can I also say that the member, in actually raising the matter, has won whether the resolution is passed or not, because obviously the Standing Orders Committee listens to members and it is an open invitation to any member that has a concern about any standing orders to get in touch and we will certainly look at it and see if it can be done. But really, hon. members, if you tinker with this standing order it has an effect further down, maybe to the detriment of what hon. members want, and it is a bit like . . . what is that man that can put all the different bits together?

Mr Delaney: The Rubik’s cube?

Mr Houghton: The Waste Management Unit!

Mr Lowey: Absolutely right! It will come to me, but it is like getting a piece of machinery and you take one little cog out of that machinery and it will affect the machine at the end of the day. It is not something to tamper with lightly.

Mr Gelling: Henry Ford, that is close enough.

Mr Lowey: However much we are irritated – and perhaps as politicians we need to be irritated sometimes, we really do, believe you me – I noticed that as regards the mover, who I thought put a very reasoned case, by the way, in presenting his case, I looked at his leaflet which he sent round, not at the last line but at the first line, and it was about ‘limiting debate’ and I think, hon. members, in a world where, in Commonwealth terms, in Zimbabwe they would give an arm and a leg to be able to do what we do –

Mr Delaney: Mr Mugabe's arm and leg.

Mr Lowey: – and it would be very, very detrimental if the aim is to limit; please do that as a very last resort. I would urge caution, but I would say to the mover: he has won, even if he loses.

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

Mr Karran: Eaghtyrane, I find it rather alarming today that we have had the initial debate from the hon. mover and really did not put anything up. It seems to me, Eaghtyrane, that we have a situation where we have had so many red herrings. We had the hon. member for West Douglas – I know that he is commenting on my speech yesterday; I notice that everything that I used in my speech yesterday was being used against this hon. member, and that is one thing that I hope where, so long as you are in this hon. Court, I will have the protection of the chair, even if that is something that I do not feel I have in other places, and that is a sad indictment, but the point is that the situation that worries me is that I am afraid Mr Lowey is quite right: This Court has serious problems as far as its parliamentary scrutiny is concerned and this is one of the things that is going to have to be looked at. But he talks about 'Oh, the cost of us sitting here.' We get paid whether we sit here or we do not sit here, Eaghtyrane, so that is nonsense – absolute rubbish! The fact is, when I first became a member of yn Chiare-as-Feed the most important thing was the issue of being able to debate in the House of Keys and to debate in this hon. chamber.

If there is any problem in this Court it is the fact there is not enough scrutiny and enough debate; you have only got to look at our track record. Obviously I do not know the people in North Douglas, but I know the people in Onchan who have consistently put me at the top of the pile all the time I have been a member of this hon. Court. Why do they do that?

Mr Cannan: Because you are a good lad, Peter! (*Laughter*)

Mr Karran: The issue is that what they want is people to do what our oath says, 'debate issues without fear or favour.' I think it is very true. There are times when we need to look at our standing orders –

Mr Downie: You are not the only one with your fingers behind your back.

Mr Karran: – not in the situation that we have seen, where members of this hon. Court have called other members liars, and if it was any other member in this hon. Court they would have been sorted out, Eaghtyrane. That is a sad indictment, not on me but on this hon. Court, but that will be sorted out.

Now, the thing that concerns me is – there are good points. The Eaghtyrane speaks here about the Question Time. The answer is in our . . . Actually I am convert to the Eaghtyrane when he said about

broadcasting, because I was against broadcasting in total. I was totally opposed to broadcasting in this Court because I thought it would be used the wrong way, to be perfectly honest with you, but I have to be honest with the hon. member, he was right on the subject and he is right on the subject of all Tynwald sittings without censorship or editorship, because that is what we are going to have if we go down the road of what . . . He says that, but this is the problem you have got. What he thinks is a load of rubbish another person thinks is wonderful, and that is what democracy is about and I think that is the issue the member has not grasped in this hon. Court. So if he wants to sort out the Question Time, lengthen the Question Time, broaden it, have a situation if you want it all day, I am happy with that. Broadcast the whole of the sittings, but do not give the power for editorial control in the media, so that if it is broadcast by Manx Radio it is the lot or nothing: every member in this hon. Court. Do not have a situation where we have editorial control or double standards, and this is what I feel in this hon. Court.

I think it is well meaning because basically a lot of new members in this Court have an identity crisis of what their primary rôle is, being in this Court. It is not to go up to the executive echelons and the advantages to that, it is to be a member of this hon. Court and a Member of the House of Keys.

So I do hope members remember that because it is a very worrying time. I think Mr Lowey does not realise how close he has got, and what I do not want to see is people being genuinely sucked in to an intolerant system of what Mr Downie thinks is right – and more likely we will find out in the very near future whether he is or not – but what I will defend is the right for the hon. member for North Douglas to debate this issue, even though I totally disagree with what it will be used for. Remember, Eaghtyrane, I think you were in the House of Keys with me when we brought in the ministerial government system, and I warned that House of the dangers of reducing us to what we used to see when we were kids – the 'nodding dog syndrome'. Now, the danger is that what Mr Houghton's criterion for what he thinks is worthy debate may not be what other members think and I am afraid that we saw in a previous debate where 'I know where seven children should be locked up straight away in this unit'; I am sorry, we are in a rôle here as parliamentarians, not as judge, jury and executioner, and I am afraid in this Court we are getting far too many judges and executioners and do not want to listen to the argument.

Hon. members, many people outside this hon. Court do not vote, not because we talk too much but because they do not hear what needs to be said in this hon. chamber. Please do not allow a situation where you bring in censorship through the back door, which is on the slow road to us becoming a West African dictatorship. At the moment we have got a decent enough man as Chief Minister.

A Member: Come on!

Members: Oh!

Mr Karran: But the dangers are that our whole system has not got the fundamental checks and I think the problem you have got is that we go down the road of what Mr Houghton wants where we will limit people . . . Who will be limited in this Court? It is not going to be the Chief Minister who is going to be limited to his speech; it is going to be the people who are on the fringes of this Court that are going to be because we do not have a party system properly in this Court. So, hon. members, whilst I will defend the right of the North Douglas member to make his point, and I am glad that the member of Council made the points about the Chief Minister: extend Question Time, broadcast the whole of Tynwald –

Mr Corkill: Just ask the right person.

Mr Karran: But do not try and censor this Court. We have enough problems with people outside this Court who say it is a waste of time, democracy, because you have not got it in this country, and they are wrong. Yes, I think we have got problems, but they are wrong, but do not give them fuel for their fire by saying people are going to be silenced in this Court simply because they are not part of the gang.

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

Mr Quayle: Thank you, Mr President. As the newest member to be elected to the Tynwald Standing Orders Committee, perhaps it is an opportune moment to thank members here present for voting me into that position. So, in declaring an interest that I am on that committee, may I just say that it is not as though the committee is just waiting in the wings ready to spring into action on consideration of a motion that comes before Tynwald, as the hon. member for North Douglas has put something forward here today. The committee, as I understand it, has made a major overhaul of standing orders in recent times, and the Standing Orders Committee on an ongoing basis, and as appropriate, considers the standing orders and will, of course, consider what has been said today and what will be said by any of the members here present to any of the members of the committee. But I am sure, if they have any particular suggestions or ideas, then that is what we have a standing committee for – to actually hear what members are saying and to consider and update, or at least to make recommendations appropriately enough for the members to consider if any of the recommendations are to be implemented. So that in effect ensures that the standing orders should remain relevant and up to date and meeting Tynwald's requirements, and I would merely just make the point that I think this motion, as well meant as it is, by putting a date restraint there, is actually quite restrictive when the committee is in being and is in place to undertake an evaluation and updating of standing orders where and when necessary.

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

Mr Waft: Thank you, Mr President. Just briefly, I am a bit concerned that members are a bit worried about passing this over to the Standing Orders Committee. What is wrong with the Standing Orders Committee? They are not going to limit anything, they are not going to reduce your length of time, I would not have thought; it is purely business acumen to have a look at things from time to time. They said they have looked at it, but that was some time ago. I see no problem with the Standing Orders Committee.

With regard to the whole concept of it, I remember one member said, 'I do not mind people looking at their watches when I am speaking, but when they start tapping them to see if they are actually still going . . . '! (*Laughter*) I can understand where people are coming from. I am reminded of the programme on the BBC, the quiz programme that comes on from time to time where a subject is announced and each of the members of the team is allowed to speak on it, but as soon as they repeat themselves once a buzzer goes –

Mrs Crowe: 'Just a minute'.

Mr Waft: – but if they gave everybody in this Court a buzzer when somebody started repeating themselves I am afraid the buzzers would be worn out in a very short time! I do not think there is too much of a problem there. The Standing Orders Committee are sensible people, they understand what has been said today.

With regard to the member for Onchan and editorial control, there is editorial control everywhere. If that young man in the press writes a press article and he takes it to his editor, he edits it (*Interjection by Mr Corkill*) and whatever goes to Manx Radio that is edited also. So there is editorial control.

Mr Karran: We are talking about editing in here, mate; that is what we do not want.

Mr Waft: You talk about editorial control from here, but the editorial control or the control is down, at the end of the day, to the Standing Orders Committee as to the rules and regulations which we all abide by. If we are not happy with them we can just refer them back. I do not see any dragons lurking whereby it is going to take away our independence or the democracy of the whole system. So I do not see any problem with this. Thank you, Mr President.

The President: I call on Mr Houghton to reply.

Mr Houghton: Thank you, Mr President, and I will be very, very quick in so doing. Can I thank the seconder, Mr Earnshaw, for this debate and the other 14 speakers. I did not realise that I would have as many speakers to this debate.

Mr Cretney: About an hour.

Mr Houghton: Indeed. I did threaten out of haste right at the very start, some time in December, that I would name those people who should, I still feel, be named, but I will resist doing that. But I think it has been an excellent debate. There have been many points put for and against the reasons, but please remember, hon. members, that all I am asking for is a review by the Standing Orders Committee. I do take into consideration both contributors from the Standing Orders Committee, but I have seen nothing of their work to date.

The Speaker: Yes, you have.

Mr Houghton: So let us see some of that work in the form of a recommendation if the hon. Court goes ahead. So all I have put forward in my moving of this debate was a few ideas, just a few, to throw my hat in the ring, as it were, but it is not for me, it is for the Standing Orders Committee, if that is the will of Tynwald, to come back with their recommendations, which then can be properly debated. Thank you, sir. I beg to move.

The President: Hon. members, the motion is that the Tynwald Standing Orders Committee be requested to examine the options for the better management of business of this hon. Court and to report with recommendations by the May 2003 sitting. Those in favour please say aye; against, no. (**Two Members:** Divide!) I never even got a chance, but I would have said the noes have it.

A division having been called for, voting resulted as follows:

In the Keys –

For: Mr Rodan, Mr Rimington, Mrs Crowe, Mr Houghton, Mr Henderson, Mr Downie, Mr Shimmin, Mr Bell, Mr Singer, Mr Corkill, Mr Earnshaw and the Speaker – 12

Against: Mr Anderson, Mr Cannan, Mr Quine, Mr Quayle, Mr Gill, Mr Cretney, Mrs Cannell, Mrs Hannan, Mr Karran and Capt. Douglas – 10

The Speaker: Mr President, the motion carries in the House of Keys with 12 votes for, 10 votes against.

In the Council –

For: The Lord Bishop, Mr Lowey, Mr Waft, Dr Mann, Mr Kniveton, Mr Gelling – 6

Against: Mrs Christian – 1

The President: For 6, against 1 in the Council, hon. members, the motion therefore carries.

Petitions for Redress of Grievance – Taking of Evidence in Public – Official Report – Amended Motion Carried

Item 26. Mr Rimington to move:

That the Tynwald Standing Orders Committee be requested to propose an amendment to standing order 5.10 to provide that a select committee appointed to investigate a petition for redress of grievance presented at St John's shall, unless there are exceptional reasons for not doing so, hear evidence from the petitioner in public and for such evidence to be recorded and transcribed.

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

Mr Rimington: Thank you, Mr President, I will try not to be long and repetitious on the issue. I think virtually what I want to say is quite clearly set out there in the motion on the order paper. How this arose, Mr President, was the petition of Mrs Bendall, and the result of that petition was that her evidence was not received in public and there was not a transcript of that evidence in the final petition. She felt aggrieved on that issue, and likewise the Pensioners Association also felt aggrieved on that issue that here was a matter of not personal sensitivity or commercial sensitivity but of public policy and that the petitioner, having gone through that process, was unable to have her evidence taken in the public forum and presented as part of the report, and although I differed with the lady in the association on other issues I did accept and do accept that as a general rule that that should be the case for a petitioner for redress of grievance at St John's: that they should by and large be able to have their evidence and the reason why they had brought that petition presented in public and recorded.

Now, I am not using this occasion to throw brickbats at anybody for any reason whatsoever because, quite rightly, standing order 5.10(3) says 'Unless the Committee shall determine otherwise oral evidence taken by Committee shall be taken in public and recorded' and the committee on that occasion quite rightly worked within the standing orders, and I have not asked the chairman of that committee, 'Why did you do that?' because there was actually no point in doing that. Going back and trawling over that issue is not going to actually take us any further forward, but it is really to ask whether the Standing Orders Committee, who I am sure can far better think of appropriate words that might be used to express this matter rather than maybe the words that are down there in the motion, could look at that issue. I think and I would accept that the committee would always have to have that discretion – that is my personal feeling – and that there must be occasions or good reasons why it should not happen, but that, other than that as a matter of a general rule, it should be so.

Mr President, I hope that is suitably short and I shall leave other members to say something or not.

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

Mr Houghton: I just purely beg to second. I think it is an excellent suggestion by the mover and I do think it should go ahead, sir.

The President: The hon. member Mr Lowey.

Mr Lowey: Thank you, Mr President. While accepting everything that the mover has said – and I am quite sure where he is coming from – perhaps he would forgive me if I act as if I am on the Standing Orders Committee, but, looking at the resolution, could I consider asking the mover if he would accept an amendment, please, to his resolution. On line 1 it says ‘That Tynwald Standing Orders Committee be requested to propose . . .’; if I could omit the word ‘propose’ and substitute ‘consider and report upon an amendment to standing order 5.10’, I think the way it is placed on the order paper it is almost giving a direction: ‘Come up with a particular answer.’ This way we can consider and report. It may be a small point, but I think in the balance of things it would achieve exactly 100 per cent of what the mover is wanting so I think it would be perhaps grammatically and parliamentary-wise better.

I would move the amendment standing in my name and I would urge the Court not to dismiss it too lightly, because I do think it is important that if we are giving jobs for the committee to do, they should be at least told to look and then come up, and then, if you do not like what we say, then whoever it may be has the right to amend it. So I would ask if he would accept that amendment. It is meant in a positive way and not in any negative way at all. I beg to move the amendment standing in my name:

For the word ‘propose’ substitute –

‘consider and report on’.

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

Mr Downie: I am pleased to second the amendment. That is one of the problems I had with the original motion. However, my view is quite simple: at present discretion is available to the members of the committee to determine whether or not they should take evidence from the petitioner in public, and I think when you see the vast and diverse range of issues that people bring as a petition of grievance, the sensitivity of that matter should be one that the committee can discuss with the particular petitioner. I just want to put the record straight. At a recent sitting of the Court I moved the report on the petition of Mrs Helen Hyde and we were criticised at the time when we moved that particular petition in the Court that there was no evidence from the petitioner in public. We actually

gave Mrs Hyde the opportunity to give evidence in public and she said that she would rather talk to us on a much more informal basis and, if necessary, talk to officers of government on a much more informal basis. So that was entirely that lady’s option, and I honestly think that if you write a standing order that is too hard and fast (**Mr Corkill:** Yes.) you will actually have a negative effect and you will put people off coming forward with a petition of grievance, which is exactly the opposite to what we do want. I would rather that the committee itself be sensible enough to have the discretion to read the situation. Particularly if we get an issue about child abuse or something like that, that committee are the best people to hear that and that person might want even to give their evidence in a confidential sort of a way so we can get at the nub of the problem. So I will support the amendment and we will see what the committee hopefully brings up.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. I think, certainly, the situation that arose that the hon. mover referred to was unfortunate, and in fact I think it is unique. Certainly I am not aware of a situation arising where that happened before. Clearly we should remember that select committees taking their evidence in public is a relatively new matter for the select committees. They have only done that in recent times, and I was one who, in this hon. Court, when Speaker Cain was Speaker or maybe before that, was pushing that select committees should take that evidence in public unless, of course, it was sensitive and should go into closed session, and that is a normal parliamentary practice. I take on board the points made by the hon. member for Douglas West, Mr Downie, when he makes that point.

I do think we need to be sensitive to, first and foremost, ensuring that those members of the public who wish to give evidence on occasions are comforted that in certain circumstances the committee can acknowledge their desire to go into private.

That being said, this situation that has brought this to the floor, I can advise hon. members, was first fully investigated by the Deputy Clerk of Tynwald and subsequently then followed up and reviewed in more detail, by the Clerk of Tynwald, who then reported to the Tynwald Management Committee, because clearly where a Standing Orders Committee looks after our standing orders, the Tynwald Management Committee, of which I am chairman, is charged with ensuring that the Tynwald office is efficient and effective et cetera, and therefore a full report came to the Tynwald Management Committee in September 2002 and they had a full report from the Clerk of Tynwald and certain measures have been implemented in an endeavour to ensure such a situation does not arise again. Of course, what must be remembered is that the select committee in its own right is in command of its own destiny, and if it determines certain actions, then they are the actions that will be carried out, and the officers of the Clerk of Tynwald’s Office are not in a position to overrule.

I am happy to support the amendment in the name of my colleague from the Standing Orders Committee, the member of Council, Mr Lowey, because I think it is quite fine for the matter to be considered by the Standing Orders Committee as to whether or not any further actions need to be taken in standing orders to ensure that we tighten up our procedures. I think that the procedures that have already been implemented by the Tynwald Management Committee in fact go a long way, if not all the way, to ensure that this sort of situation should become even rarer. I am quite happy that we consider the issue that is down on the order paper and that the Standing Orders Committee can see whether any other changes are necessary, but I do think we must be careful not to become over-restrictive on the flexibility of a select committee, or, for that matter, a standing committee if it needs, to be able to respond to the sensitivities of each individual matter before them, because every matter is different and often needs to be handled differently because of the circumstances. So we should not be too rigid with our standing orders in those areas, but clearly it is a matter of public import that we should review whether or not they are adequate, and therefore I will support the amendment.

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

Mr Waft: Thank you, Mr President. I fully support what the Speaker has just said but, as an aside, a subject I have brought up before with regard to select committees is that when the select committee is formed and they go away, they take all the information, get it all back, they make decisions, they bring the decisions back to Tynwald Court, Tynwald Court says 'Yes, we will proceed down that route' and it never sees the light of day after that. That is my problem. I can speak of certainly one select committee I was on for a couple of years and that never saw the light of day, Mr Shimmin! But there are problems when Tynwald decides certain things, a certain course of action in a particular way, it will go to the minister of the department concerned to progress it, and if that minister decides 'I am not going to go there, I do not really agree with all these points here,' then it is down to the minister to say, 'I am not going down that route' and she does not or he does not have to go down that route, and it is only a matter of going to the Council of Ministers and saying, 'I am not going to proceed with that.' It does not actually come back to this Tynwald Court here who have agreed for that to be processed. There is a sort of lapse in between there that certainly needs identifying: the power of the select committee, the power of Tynwald Court, the power of the Council of Ministers to decide, 'We do not have to bring that back to Tynwald Court.' It goes up into the ether somewhere and it is never heard of again. Thank you, Mr President.

The President: Mr Cretney.

Mr Cretney: Yes, thank you, Mr President. I think when persons take the time and go and walk down the rushes and present the petition it is incumbent on us to facilitate as much as possible their concerns and to make sure they are properly taken on board, and I think the amendment which has been proposed here is one which I would wish to support. But I would just also make the point, if I can, that perhaps one of the concerns that was expressed in relation to the Helen Hyde petition was that, after having had that petition placed in front of a select committee, unfortunately – and obviously they had their reasons for doing so – public opinion was not sought. There was a select number of persons who went before the committee to discuss it, and I think that was one of the concerns. Although that is different than this particular matter which is being considered here, the point I would wish to make is that people do take seriously going and placing before Tynwald a request for a select committee to consider a matter and I think it is incumbent on us to make sure we do everything we can to facilitate it.

The President: Mr Rimington to reply.

Mr Rimington: Thank you, Mr President. It is a pleasure to be the last speaker before tea, I hope! I accept the points that have been made by members and I thank them for their contributions, and I accept that we are delving into a sensitive area and that it is not easy necessarily within standing orders to meet all the requirements that we would like to do. I accept very much the point that if a petitioner does not want to give evidence in public, then they should not be forced to give evidence in public. Likewise, at the other end, if a petitioner does want to give evidence in public to have their thing presented then, unless there was a really good reason why they should not, they should be able to do so. Now how standing orders deals with that I will have to leave up to them. I am very happy with the amendment to tidy up the wording of the resolution, and so move.

The President: Hon. members, the motion which I will put to the Court is printed at 26 on your order paper and to that we have the amendment circulated in the name of the hon. member of Council, Mr Lowey. The amendment is simply: 'for the word "propose" substitute "consider and report on." Those in favour of the amendment, hon. members, please say aye; against, no. The ayes have it. The ayes have it.

The motion as amended, hon. members – those in favour please say aye; against, no. The ayes have it. The ayes have it.

I think it is an appropriate time, hon. members at which we should make a tea break. The Court will resume its deliberations at 10 minutes past five by the Court clock. Thank you.

The Court adjourned at 4.44 p.m. and resumed its sitting at 5.10 p.m.

National Anthems – Amended Motion Carried

The President: Hon. members, we continue with our order paper and go on to item 27. I call on Mr Speaker.

The Speaker: I think this is, certainly where I come from, an important motion for this Court to consider, and certainly since the issue has become public it has created a considerable amount of interest, not only within the Island but in fact in the UK, and I think that in itself tells us something about the need for us to clearly recognise our own national anthem as the Island's national anthem.

Now, I put this motion down because it is an issue that has been in mind for quite some time, and I have raised my concerns previously in other places about this confusion, as I see it, of the Isle of Man using what are clearly termed as two national anthems: one is classed as the national anthem, which of course is 'God Save the Queen', and the other one is classed as the Manx national anthem, and my view is that we should in fact make a move to clarify, quite simply, where it is we are and what it is we are about.

There cannot be many places that have two national anthems, and certainly within the United Kingdom there is nowhere that has two national anthems for their area. What you will see is the national anthem and a local, I suppose, popular anthem, to use a term, but which is not recognised specifically, as far as I understand, so my view is that we should make this quite small but important change and clarify the position once and for all, and I have compared it to some degree with the move that was made in this Court many years ago, which was to determine not to fly the Union flag from Manx Government buildings but to fly the Manx flag, (**A Member:** Hear, hear.) and that was the step forward and I believe this is a step forward, albeit a small one. I know there are some concerns that members have expressed to me in discussion about the terminology of the motion before them, and all I can say is that I am actually quite pleased that it has given members some area of thought and that they have actually considered the motion before them. There are a number of amendments on what members see as trying to clarify what it is that I am trying to do, and I will wait with interest to listen to the views of those who are suggesting it.

One of the issues that has been put to me that I would like to really cover at this stage is why I have not put the word 'Manx' in front of the national anthem. I think the answer is quite straightforward – it certainly is from where I stand: within the Isle of Man we have the government and within the Isle of Man we have the national anthem; we do not need to put Manx in front of it, and we often see this problem where we hear about the government and they are talking about the UK Government. What should be happening in the Isle of Man is, when they are talking about the UK Government, that they should say the UK or British Government and when they are talking about the

government within the Isle of Man the terminology should just be 'the government' and the same applies to the national anthem. So I believe that this will help clarify the situation.

There are all sorts of things you can go on about as to why and what for but we are a Crown dependency, we are not part of the United Kingdom, we have our own national anthem and we should determine that that is what it is. This does not stop people, if they wish to use both anthems, using them, but the distinction that I am making that 'God Save the Queen' should be known as the 'Royal Anthem', so it is quite clear and quite specific what it is; that is no disrespect to anyone and certainly no disrespect to Her Majesty, because the Royal Anthem is what it will then be but, clearly from a nation point of view, from the Isle of Man's nation, we will have the national anthem. Therefore, Mr President, I beg to move the motion standing in my name.

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

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

The President: Hon. member Mr Karran.

Mr Karran: Eaghtyrane, tolerance is an important thing within any free society, and I have to say that I have been re-educated today from the opener of this debate. I have always had it that the national anthem is the Manx national anthem and not the British national anthem, and I think an awful lot of people in this Court have always said that. I have had a number of people on to me who have been quite surprised.

I have to be honest with you, I find myself in a very strange position today but, as a person who believes in tolerance and how important it is in a free democratic society, as an hon. member and a Manxman I cannot recall the last time I sang the British national anthem, and why should I? I would have no reason to sing another nation's anthem, but we are talking about tolerance here; that is what we are talking about.

I find myself in a new situation today in this hon. Court, basically being asked to recognise that the Manx national anthem is in fact is the national anthem for all the Manx people, but I thought we knew that. That is where I would part company with some in this hon. Court – I make no big deal about that.

I have always believed in the fundamental belief that we are one government, one nation and we have one law, no matter how rich you are or how poor you are. But there have always been two kinds of people in this country: there have always been the Manx and the colonial Manx, and it is about tolerance. The point is this that if people are non-Manx-born it does not say that they are totally against the Manx way of life; many of them are found in the Manx language movement to be more Manx than many of the Manx have been if the truth is known, and only for the help

that they have given we more than likely would not have had the stuff that has been done, especially in our literature, in existence today, but as a Manxman I believe in tolerance.

I think the wording of this motion before us today is wrong, I am not in favour of replacing one form of intolerance with another that is just as bad. I can remember, Eaghtyrane, many years ago, the wife of a new hon. member of this hon. Court coming up to me and nudging me and saying, 'I see you do not sing their anthem either,' and of course that is the way it has been. It is about tolerance and I do not want to see a situation where we have to do certain things. I would say that 30 per cent of our population will find it offensive for us to call the Manx national anthem the Island's national anthem. That just shows the arrogance within this hon. Court that somehow we can change the name of the national anthem from what it is. It is the Manx national anthem, but I have to say that there are people who look towards the United Kingdom; I personally do not, but I believe in tolerance and understanding within this Court. They look towards the United Kingdom and, so long as our anthem is first, I would hope that the other anthem would just die out.

What concerns me today is that I do not want to end up replacing one form of intolerance with another as far as the British national anthem is concerned. What I am concerned about is, as a person who has suffered and has taken some abuse over this subject, I can remember over the loyal toast – I go to Tynwald Day, we do the loyal toast; I stand up but I do not drink. As far as I am concerned, my loyalty is not to the British queen, my loyalty is to my people, to look after their affairs without fear or favour, but I do not want to replace the insults and the abuse that I have taken over the years from very senior people in the civil service in this hon. Court because of their ignorance over that and replace it now that we are all going to be forced to go the other way.

I think it would be wrong for this hon. Court to turn around and say we are supporting this motion as it stands, we are changing the names of the anthems especially when I say that many of them in this hon. Court, many of the people outside this hon. Court will find that some in this Court, they might even find it offensive that they sing the Manx national anthem, so the fact is: we want people singing the Manx national anthem not as a political gimmick but because it should be sung from the heart, and we must not allow a situation where we have born-again nationalism within this Island. This is what worries me about this Island; I am worried about what is happening here today and why we have suddenly decided that we have got to change the names as far as the anthems are concerned within this hon. Court.

I am also worried today why this sudden urge regarding the change in the names. Trying to rewrite history, as far as I am concerned, the Manx national anthem is the national anthem, but what really worries me today, I believe, with this motion is: is this motion just being used to hide the real issues that the Manx nation really wants us to be addressing, the serious

economic and social issues to be discussed in this hon. Court? For example we have just been reminded yesterday about the problems of poverty and homelessness in this Island, so the question I ask is that whilst I defend the right of the hon. member to put this motion down, if this member was putting down a motion demonstrating his nationalist credentials as far as residency control, I think you would find that everybody with a nationalist pride and Manx Nationalist viewpoint would be there behind him saying, 'Yes, he has got his finger on the pulse as far as that is concerned,' but I do not. I think it is very unfortunate if he thinks that people want the change in the Manx national anthem to be known as the 'Island's national anthem', people are really not that bothered about that. I think what they think is it is an insult to drop 'Manx', we are proud to be Manx and many of the people who were not born here are proud to be Manx as well.

Eaghtyrane, what concerns me is that I believe that over the evolutionary period, as a member who moved the Tynwald Day celebrations and who got away from the absurdity of part of that select committee getting to all, I think it was, four or five British national anthems and one Manx, what concerns me today is that here we are, we are even rewriting what the British national anthem is; now it is the 'royal' national anthem – everybody knows it is the British national anthem.

Let us be honest about it, Eaghtyrane, what people want outside this Court is a government that wants to develop the pride within the nation as it is at the present time. What concerns me is that what we do not want is a situation where we replace one form of intolerance, where people like me were tooted at for not singing the British national anthem, to forcing people who want to sing the British national anthem . . . Good luck to them – if they want to, do it, but remember the important thing as far as this Island is concerned, and that is that the amendment should be in my opinion, that Tynwald recognises that the national anthem is the Manx national anthem and should be used first at any official occasion, and that the British national anthem should be used as appropriate and that the Department of Education should, as part of the national curriculum, teach the words and let it be known that the use of the Manx national anthem is that national anthem in this country. That is what we should be working towards as far as I am concerned, and whilst I support the hon. member's viewpoint that he could put what he wants on it just as much as I can, let us just think about Armistice Day for example –

Mr Earnshaw: Point of order, Mr President, doesn't this comes under standing order 3.3.1, tedious repetition?

Several Members: Hear, hear.

The President: Continue Mr Karran.

Mr Karran: Eaghtyrane, I would just like the mover of the motion to explain what happens when we

have Armistice Day and there is not a British Governor? Because we are there as official members of the Isle of Man and the Chief Minister will come and stand at the one at Onchan, are we then to ban the British national anthem? It is just nonsense, in my opinion, and I think it is intolerance and it does worry me. It also worries me – I am not a Church of England member, but what concerns me is: do we have a situation that the head of their Church at any official occasion cannot sing the British national anthem to their British queen? What are we trying to replace?

What are we trying to do here, hon. members? This is what I want to ask about. I am not wanting to turn one section of intolerance to the other section, and that is what we have got to be careful of, and that is why I believe that is important that what we need is just to formalise what I thought was the position at the present time: that the Manx national anthem is the first national anthem on this Island. I hope we are not finding this new-born nationalism as an excuse for other more important issues within the Island, and I hope it is not because they are worried about the external inspection for some people's political shenanigans within this hon. Court so that we are going to go ultra-nationalist now.

Hon. members, (**A Member:** Vote!) I believe that what we do want is tolerance, and what we must not allow ourselves to do is end up in a situation where we alienate another section of the community. By all means, hon. members, we should have the Manx national anthem, but it is the Manx national anthem and not the Island's anthem. It is wrong; tolerance is what is needed in this hon. Court, more than ever in my opinion, and I hope somebody will look at this amendment and say it is common sense – that is what it is about, common sense. I beg to move.

Mr Delaney: What are you moving?

The President: Hon. member for Middle.

Mr Quayle: Thank you, Mr President. I have listened with interest to what Mr Speaker has outlined here today with his motion and I am in agreement with much of what he has said. However, I cannot support his motion which is before us and instead wish to propose an amendment which has been circulated to members of Tynwald in my name. For the benefit of members, in case they have not actually received it, I propose that:

For paragraph (1) substitute

'(1) The Island's national anthem should be known as the "Manx national anthem" and it should be used at all official occasions and within our schools; and that the anthem "God Save the Queen" should be known within the Island as the "Royal Anthem" and it should be used on official occasions when Her Majesty the Queen, members of the Royal Family or His Excellency the Lieutenant-Governor are present and on such other occasions as may be felt desirable.'

The reason for moving my amendment, Mr President, to the original motion is that I was not too unhappy with the current situation as it currently exists in relation to the usage of the Manx national anthem and the anthem 'God Save the Queen'; I think it has actually worked quite well over the years and I do not think there was too much of a problem. However, the motion is here before us today and I have felt obliged to put an amendment to it. I recognise the strong feelings of Mr Speaker but feel that his motion is actually too restrictive and does not leave much or any room for manoeuvre. I hope that my amendment will be seen by members as being a helpful attempt to bring clarity to the usage of the various anthems on the Island, whilst recognising that for many of our services that are held during the year – and that includes civic services, the Royal British Legion, the various commemorative services et cetera – people enjoy the usage of the Manx national anthem and what I will now refer to as the Royal Anthem, whether or not members of the Royal Family and/or His Excellency the Lieutenant-Governor are present, and my amendment gives the opportunity to play both anthems when felt desirable.

There are many people that have come to our Island home and have made or are making a worthwhile contribution to our economy and the Island life. I firmly believe that if my amendment is accepted by members, it will be welcomed by all people living on the Island of whatever nationality, as it offers distinct clarity and guidance to the usage of the anthems, and in particular many people living on the Island including myself believe we have the best of both worlds by having our own parliament, we have our own Manx national anthem, but many people cherish the link with the British Crown and, as we are in fact a self governing dependency of the British Crown, then the usage of the Royal Anthem is obviously appropriate in the circumstances that I have referred to.

In conclusion then, Mr President, I would say to members that I feel I am not the only member who always feels a sense of pride when hearing the announcement 'the Manx national anthem' and hope that this title can continue to be used and I would now, Mr President, like to formally propose my amendment and trust that it will find favour with a seconder and hope that it can be supported by hon. members here tonight.

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

Mr Kniveton: Yes, thank you, Mr President. I am happy to second this amendment by the hon. member for Middle. Mr Speaker knows that I am not entirely happy with his motion.

Mr President, as a Manxman of more years than I would like to admit – and I am most proud of the fact –

Mr Cretney: He is standing again for election soon.

Mr Kniveton: Indeed, as I hope, all real Manxmen and women – I even fly the Manx flag in my garden from a pole every day – during all the years from early childhood and throughout my schooldays and the through all the many and varied events I have attended in one capacity or another, I have been proud to stand up when the Manx national anthem has been played, so I deplore any attempt to change the name of our anthem by losing the word ‘Manx’. I would say that if you went down to Cardiff and asked the Welshmen there to remove the word ‘Welsh’, (*Interjection by Mr Downie*) they would certainly protest as much as I have; in fact I think they would tell you where to go! I have a feeling that Mr Speaker is following a tendency, which I have noticed of recent years particularly by the press and radio, to talk about the ‘Island people’ as though the reference to Manx people has become not quite politically correct – I hope I am wrong in this belief.

Mr President, I am aware that the Manx-born population is slowly being overtaken by the non-Manx-born residents, but so long as we still have 38,000 or so Manx-born, living on our Island, then let us remain truly Manx and be proud to keep the word ‘Manx’ in front of whatever.

I am saddened by this motion and I cannot think or accept any reason why the word ‘Manx’ could ever be deleted from the title of our national anthem. I have not been convinced at all here this evening. I hope that hon. members will agree with me and reject the motion by Mr Speaker and instead accept the amendment wrote by Mr Quayle, clearly proclaiming ‘Manx’ in the title of our national anthem. Now, if the anthem ‘God Save the Queen’ is to be known within the Isle of Man as the ‘Royal Anthem’, used only on special occasions when Her Majesty, members of the Royal Family are present or indeed the Queen’s representative is present, then so be it; I can go along with that. However, I must say that I am aware, from this afternoon too, that people do not agree with me and in fact one member yesterday expressed to me his disfavour, but I must hasten to emphasise here that if we accept that the Queen is Lord of Mann, and I believe we do, then that is a sound enough reason for accepting the royal national anthem, but my first allegiance, like most of us here, I hope, is to the Manx national anthem with the Royal Anthem as secondary. I can accept that there are times when the Royal Anthem might be required to be played; it has already been mentioned, Remembrance Days, Royal British Legion days and such like, or on such occasions as it might be thought desirable and appropriate.

We must distinguish between the proposed national anthem with the ‘Manx’ dropped, as the motion says, and the royal national anthem listed as such. Hon. members, Mr President, I want you to consider: if you were a UK visitor to this Island and you attended an event and at the end the programme read ‘the national anthem,’ what would you expect?

Several Members: The Manx one.

Mr Kniveton: The royal national anthem –

A Member: No, you would not.

Mr Kniveton: – or ‘God Save the Queen’ because that is what you expect because you are from the UK –

Mrs Hannan: No, you would not.

Mr Cretney: You are in another country. You would in the UK.

Mr Kniveton: No, not so, you would get the Manx. This is just one little example of how it is essential or appropriate to add the word ‘Manx’ –

Mrs Hannan: It is not!

Mr Kniveton: – before the words ‘national anthem.’ We should not be ashamed of that word.

To sum up, however, I must say I am aware, as I have said, but my first allegiance, like most of us here, I hope, is to that Manx national anthem with the Royal Anthem secondary, though I will, sir, complete what I have said, Mr President, by imploring the hon. members to defend that word ‘Manx’ by supporting the amendment, not the motion by Mr Speaker. If we look closely at them both, the only real difference is the one word ‘Manx’ in front of the national anthem.

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

Mr Rodan: Thank you, Mr President. Realising that I stray into areas of discussion and symbols of Manx national identity at my peril, nonetheless I have tabled an amendment which is intended to be helpful and perhaps clarify one or two issues of confusion that have appeared in the presentation of the motion and indeed of the amendment by the hon. member Mr Quayle.

If I could just explain what I mean, first of all, the original motion could be taken to imply a change of name, and indeed the hon. member for Onchan has taken the motion to imply a change of name from ‘Manx national anthem’ to the ‘Island’s national anthem’. In regard to the last speaker, Mr Kniveton, he has said he definitely wants the term to be ‘Manx national anthem’. I think in the Isle of Man the word ‘Manx’ should be superfluous, actually (**Mrs Hannan:** Hear, hear.), which is why my amendment refers to ‘The national anthem of the Isle of Man’ (**Mrs Crowe:** Yes.) and I think there is a difference, it is a subtle difference; but there is a difference, because if you have the adjective ‘Manx’ in front of ‘national anthem’ that implies that you are doing that to distinguish it from another national anthem. Well, there is only one national anthem in the Isle of Man.

The next line of the motion is overly rigid – ‘all official occasions’, and this is repeated in the amendment by hon. member Mr Quayle: ‘the Manx national anthem should be used at all official occasions’. Do we really mean all official occasions? Surely there are official occasions, ceremonial occasions, where it is not appropriate to play the

national anthem, so my amendment only refers to official and ceremonial occasions and in schools.

The motion says that ‘God Save the Queen’, in future, should be played only when the Royal Family or the Governor are present. I think this is wrong. I can think of occasions where currently ‘God Save the Queen’ is played in the absence of the Lieutenant-Governor; one only needs to think of remembrance services, Royal British Legion events and so on. So the ability for ‘God Save the Queen’ to be played in addition to the Manx national anthem should continue and I think organisers of such events should not be prevented from playing ‘God Save the Queen’ if they wish, acknowledging that in practice such occasions would be far less frequent.

The motion also rather implies that at events when the governor or the Queen are present, only ‘God Save the Queen’ is played and not ‘O Land of Our Birth,’ the national anthem of the Isle of Man. Surely at such an event both should be played, so again my amendment is designed to cater for that by inserting the word ‘additionally’, which is the circumstance when ‘God Save the Queen’ would be played.

The final part of the motion says that government should forthwith take the necessary action to implement the decision. Now, I think that also is overly rigid and goes quite unnecessarily beyond existing custom and practice. I believe that all that is necessary is for existing custom and practice to be restated, given some fresh emphasis and to be encouraged. I think it is worth noting that ‘God Save the Queen’ is sung in the United Kingdom only as a matter of tradition; it has never been proclaimed the national anthem of the United Kingdom by either Act of Parliament or by Royal proclamation. Maybe it is this lack of rigidity that has led to a situation where, in different parts of the United Kingdom in recent years, we have seen ‘God Save the Queen’ replaced at even official events by, in the case of Wales, ‘Land of our Fathers’ or in Scotland, the song ‘Flower of Scotland’, and this is not necessarily giving any difficulty to royalty, because Princess Anne, as patron of the Scottish rugby team, is very proud to sing ‘Flower of Scotland’ at Murrayfield as an alternative to ‘God Save the Queen’.

So there is a lot to be said for custom and practice and that is the gist of my amendment; recognise that ‘O Land of Our Birth’ is the name of the national anthem of the Isle of Man, the anthem that in most circumstances would be sung at Isle of Man official and ceremonial occasions, we allow for the fact that ‘God Save the Queen’, which I am not calling the British national anthem quite deliberately – I agree that it should be known as the Royal Anthem, because the British national anthem – there is a subtlety of meaning there, but ‘God Save the Queen’ can be sung as well if appropriate, and the occasions that would be most appropriate would be when the Queen, Royal Family or Lieutenant-Governor are present but not exclusively so, and I do not believe, in terms of having government taking particular action, that it is necessary for government to lay down the law.

I wondered where the term ‘Royal Anthem’ came from and interestingly, in researching this, found that it has come straight from Australia and Canada. In fact, in 1984 the Governor-General of Australia issued a proclamation declaring that ‘the anthem “God Save the Queen” shall henceforth be known as the Royal Anthem and be used in the presence of Her Majesty the Queen or a member of the Royal Family, the national anthem should consist of the tune known as “Advance Australia Fair” with the following words’, which were all set out, ‘and the national anthem shall be used on all official and ceremonial occasions.’ In the case of Canada it was actually back in 1966 that the Prime Minister of Canada placed a motion on the order paper that ‘the government be authorised to take such steps as may be necessary to provide that “Oh Canada” shall be the national anthem of Canada while “God Save the Queen” shall be the Royal Anthem of Canada’ and that came into legislative being, but not in fact until 1980, but there is a key difference there, and that is that Australia and Canada as sovereign states found it necessary to use royal proclamation or Act of Parliament to in fact replace one tune and song with another as the national anthem; that is the key difference – they were replacing ‘God Save the Queen’ by their own anthem, keeping ‘God Save the Queen’ and calling it the Royal Anthem. We already have what is widely recognised as a national anthem, and all that is required and what this amendment is designed to do is to clarify the circumstances when ‘God Save the Queen’, to be known as the ‘Royal Anthem’, should be played. Mr President, I therefore beg to move the amendment:

‘that Tynwald is of the opinion that –

- (a) *“O Land of Our Birth” be known as the national anthem of the Isle of Man, with “God Save the Queen” being known as the Royal Anthem;*
- (b) *custom and practice be followed whereby –*
 - (i) *the national anthem of the Isle of Man is used on official and ceremonial occasions, and in schools, and*
 - (ii) *the Royal Anthem should normally be reserved for use, additionally, on those occasions where Her Majesty, members of the Royal Family, or the Lieutenant-Governor are present.’*

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

Mrs Crowe: Thank you, Mr President. I am delighted to second that amendment. I do think it provides the clarity without departing from the

sentiment that been not only in the motion but indeed the views and sentiments that have been expressed by members of this Court this far, so I am delighted to second that amendment.

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

Mrs Christian: Mr President, I am very sympathetic to the motion as tabled on the order paper but like many other members, had some concern about the precise use of wording in that resolution. Now, we have a number of amendments before us, and –

A Member: Do we?

Mrs Christian: Oh, two? I thought we already had three? We have had two seconded right; well, in respect of one of those I would argue that where a resolution or an amendment requires that we call our national anthem ‘the Manx national anthem,’ the Court should be invited to reject that proposal on the grounds that within our own country we should not need to use the adjective –

Mrs Hannan: Absolutely.

Mrs Christian: If you go to any other country and you see on the programme ‘national anthem’ you know it is the anthem of that country, you do not need to have it explained to you by using an additional adjective, and so I would ask that members who have considered supporting the continued use of the adjective within the Island reconsider their position on that. I think that is the whole essence, actually, of Mr Speaker’s concern. We do not need to identify that this is the Manx national anthem; it is the national anthem in this Island as far as we are concerned. If one goes outside, for example to a sporting event and our athletes are successful and are on the rostrum, it would be appropriate them for someone, perhaps, to describe it as the Manx national anthem or the Canadian national anthem or whatever according to the circumstances, but within the Island there is no need, in my view, at all for that adjective to be used. Nor do I sustain the view expressed by the hon. member for Council, Mr Kniveton, who seems to imply that whilst there are 38 per cent or whatever Manx-born people – and I do not know where his statistics come from –

Mr Kniveton: Thirty-eight thousand.

Mrs Christian: Thirty eight thousand – we should still consider it to be the Manx national anthem; it is the national anthem for everybody who lives here as far as I am concerned wherever they were born. Now, I do know that some people have a difficulty with the first line in that context but nevertheless, as far as the resolution is concerned, I am entirely in sympathy with the principle that we drop that adjective inside our Island. We know what we mean by ‘our national anthem’.

My concern was – and I think this has been born out by some of the amendments – that the wording of some of the resolution stating that it is the Island’s national anthem leaves some doubt as to whether the adjective there should be appended on each occasion, and so I have proposed that we slightly change the wording so that it would read, ‘the Manx national anthem should be known within the Island as the national anthem’ and I also seek to amend, as does the hon. member Mr Rodan, this question of it being used at all official occasions. I do not think that is appropriate; I think that there can be judgements made, and indeed how do you define quite precisely what is an official occasion?

Apart from that Mr President, I think that the sentiments of the resolution are worthy of support, particularly as we do find from time to time that an awful lot of people in the Island now still consider that we are part of the United Kingdom and I think that we need to re-enforce this message that we are not a part of the United Kingdom. Quite often our own staff, employed from other places, think we are a part of the United Kingdom, notwithstanding best efforts of departments to demonstrate that we are a separate jurisdiction.

I have some sympathy with the amendment proposed by the hon. member for Garff, which I think very much lies in line with my own concerns here. The only difference, I think, is that it does not require that government take any steps to implement Tynwald’s decision, whatever ‘implementation’ means in that context. One would hope that, whichever amendment or whatever the result of the voting is, should the principles be accepted, the government would take some steps to make sure that the expressed opinion of the Court would be followed. Again we are down to the interpretation of words really, whether or not Armistice Sunday services . . . and I sympathise with the hon. members view that is an occasion where there may not be royalty present but they may wish to have both anthems. Whether or not that is defined as an official occasion I am not sure, but I would seek to move my amendment, Mr President, and if mine is not successful or not accepted I would certainly support that move by the hon. member, Mr Rodan:

‘(a) in (1) after “known” where it first appears insert –

“within the Island”

and

(b) delete the words “Island’s” and “all”.’

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

Mr Gill: Thank you, Eaghtyrane, I rise to second the amendment in Mrs Christian’s name and also just to add a few brief observations. The hon. member for Onchan, Mr Karran, stated he could not remember the last time he sang ‘God Save the Queen’. It was not a

difficulty for me; it was Saturday for me at the Royal British Legion conference, when we sang both national anthems. It felt quite appropriate. Coincidentally, the Lieutenant-Governor was present but, had he not been, I am sure that we still would have sung both national anthems, because I do think the sentiment that we should not lose sight of is that there is nothing inherently contradictory about that. We have a relationship with Britain which should be based on respect and tolerance, as we have heard; this really is about locating the relevant places of the two anthems and the symbolism that they express, and also the political message that underpins them.

I have a lot of sympathy with the amendment that the hon. member for Garff, Mr Rodan, has proposed and I would be perfectly comfortable with it. I do have one reservation which is that it does not actually give a direction for what we actually do with accepting that premise, whereas the motion of Mr Speaker does, and indeed Mrs Christian's amendment also re-enforces that.

So I would just make those observations and I would hope that no-one would argue with the fact that we are trying to be disrespectful to Britain; that is not the intention of anybody, I would hope. If it is, say so now, because I think that would be a position you should make clear to the people of the Isle of Man, and I am conscious that the people of the Isle of Man, perhaps in the main now, as we have heard from the member of Council, Mr Kniveton, are in the majority born away from the Isle of Man, off the Island. I certainly was but I regard myself as Manx, and I really do not think that the place of birth is the be-all and end-all; it is where your heart and where your loyalty is –

Mr Delaney and Mr Downie Hear, hear.

Mrs Crowe: Exactly.

Mr Gill: I really can add very little more to that other than to reassure Mr Karran about his concern that the words to 'O Land of Our Birth' should be taught in schools. We are progressing that; they always have been. I have never been in a school, I have visited most schools on the Island, and I am perfectly comfortable that children have an appreciation of the words of their national anthem 'O Land of Our Birth'. I hope they have a respect for the rôle of the British national anthem and our relationship with Britain but, as far as the symbols of the Island, I hope that they also have the recognition of the Manx flag – we have Manx flags outside every school and that is to be applauded – and that they appreciate that we have our own parliament and our own rôle and symbols such as Tynwald Hill. All have a relevance, and that is not just the children who are born here; that is the children who come here. We should embrace that, but it will be completely wrong – and again I would ask anybody who disagrees with this to send any kind of message other than this is not about disrespect, this is about a love of the Isle of Man and respect for the Isle of Man and having the two anthems reflect that within that relationship, and I

hope on that basis people will support Mrs Christian's amendment to the motion by Mr Speaker, Eaghtyrane.

The President: Now, hon. members, I am aware that I have deliberately bypassed a number of members who have been anxious to speak, I have done so quite deliberately to get the amendments onto the floor of the Court so that I am clear and you are clear as to where we are going on this particular matter, having had four amendments in my hand, one not yet seconded; I wanted you all to know exactly how I was going to handle them now at this stage, and if it does get seconded, Mr Karran's amendment would be put to the Court first. At the present time I stress that it is not seconded. I will then put Mr Quayle's, seconded by Mr Kniveton, to the Court because in my view it materially alters paragraph 1 of the motion before us. I then propose to put the amendment as moved by Mrs Christian, and the last amendment I would put to the Court would be that moved by Mr Rodan. All being aware of how I propose to handle it when it comes to the end of your deliberations, hon. members, I call on the hon. member for Douglas West, Mr Downie.

Mr Downie: Yes, thank you, Mr President. I should say at the outset, I think we need to be very careful when we deal with this issue that we are not putting people into respective camps. There is no doubt about it, the identity of the Island and the Manxness is something that we are very, very keen to promote, but you have to bear in mind that there are a number of people in our community who align themselves, for whatever reason, with the Royal Family, with the monarchy – she is Lord of Mann – and in fairness, whether hon. members accept it or not, we do take our allegiance to the Lord of Mann when we become members of this hon. Court.

I would be quite happy if, wherever possible, both anthems are played. I have a problem in my own area, in Douglas, on Armistice Day, when the only standard that is carried on that particular day is the Union flag; I can accept that, but I honestly think that things have moved on and in fairness, in my opinion, both the Union flag and the Manx flag should be carried at the same time at that service and, in fairness, we accept people left this Island and fought under the British flag, but they were also Manx people, and I think if we are going to start services of that nature there should be the two anthems played.

Now, the other issue I want to raise is that many of the service organisations on the Isle of Man and some of the more formal organisations still, after they have had their dinner or a meal, have the loyal toast, and if there is somebody at these gatherings who is musical, they will actually play the piano and they will sing 'God Save the Queen'. Now, that to me is a matter for them, and what normally happens is at the end of the proceedings at the end of the night, they will probably finish off with the Manx national anthem. Now, to me that is good because it recognises their association with the UK, with the British Crown and the service that they give, but it also firmly endorses

the fact that they are Manx I have been to the Gaiety Theatre on numerous occasions and we have always started with the Royal Anthem, if you want to call it that – ‘God Save the Queen’ – and the night has finished off with ‘O Land of Our Birth’ – fine, no problem with that.

I think the option that I will be supporting is the amendment that has been moved by Mr Quayle, because I think that does allow the flexibility and it does give an opportunity for the anthems to be played on occasions as may be felt to be desirable. I have a problem when we say we should be playing the anthems in the schools; I understand that on a regular basis at assembly in schools now, the Manx national anthem is sung and there is a lot more happening in that regard. In fact, we could learn from countries in the Third World, because most Third World countries I have visited – in their assemblies everyday they raise the flag and sing their national anthem, which I think is a very good thing. I do not know what the situation is in King William’s College, because I can virtually guarantee there are more non-Manx pupils attending that college than there are local children, so whether we should be stipulating to an organisation like King William’s College that we should have the Manx national anthem, I do not know; that is something to be discussed. I think there needs to be a common-sense approach, and where various functions are coming up, which are organised or where there is some input from government, we should be stipulating, not leaving it to someone else. A direction should be given that, where appropriate, the Manx national anthem should be played first, and that is it.

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

Mr Singer: Thank you Mr President. I also perhaps enter this debate with caution and I think even more trepidation, because I disagree with Mr Rodan and I shall be briefer than him as well.

I was brought up to sing ‘God Save the Queen’ – no that is not true, actually; I am so old I was brought up to sing ‘God Save the King’ (**A Member:** Hear, hear.) (*Laughter*)

The Speaker: You are wearing well!

Mr Singer: But to me the word ‘Manx’ is very important and it adds to the status of the national anthem to have the word ‘Manx’ before it. ‘O Land of Our Birth’ is now my national anthem, and my first duty is to the Isle of Man, and the word ‘Manx’ to me identifies my loyalties. But there are also many people, Manx-born and non-Manx-born, who do want to sing the Royal Anthem for whatever reason as well as the Manx national anthem, and I believe that Mr Quayle’s amendment is an excellent compromise, because it does accept the tolerance that we have been talking about, and that is demonstrated in the last few words of his amendment, which say, ‘and on such other occasions as may be felt desirable’. Therefore it does mean that people are given the choice, and that is very

important. That is a tolerance that perhaps we should be looking for in this Court, and therefore I would urge hon. members to support the amendment by Mr Quayle.

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

Mr Quine: No, sir, I have no wish to speak.

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

Mrs Hannan: There have been all sorts of suggestions during this debate, Eaghtyrane, that because this is being discussed we are intolerant in some way. I cannot agree with that. Like the member of Council, I agree that we do not have to put ‘Manx’ in front of it; we do not have to give it a name. It is the national anthem of my country. What has developed over time, I think, is that we have been very tolerant, and I do not think many people have even questioned the playing of the British anthem anywhere; it was just the automatic thing that happened that it was deemed to be the national anthem of the Isle of Man because it was never addressed. Years ago – you can look on many photographs, even at Tynwald – the Union flag was flown, and it was flown down the whole of the processional way. Then, later on, it was suggested that our own flag should be used and should be flown, and yes, it does take quite a time to turn that attitude around, but if somebody suggested that we fly Union flags from every building, from outside schools, which I think was suggested last year, and at the airport – well, they do fly them at the airport sometimes, I do not think now, but they are still flown at ports but if they were flown right the way throughout the Island I think many of us here would start questioning why, and what seems to have happened with this actual debate is that we have not said, ‘Why was the British national anthem played and why was it recognised as our anthem?’ But somebody has just sneaked this other anthem in, which is the Manx national anthem, but it has always played second fiddle –

A Member: It is not true.

Mrs Hannan: Even on Tynwald Day, the British national anthem is played many less times but it still seems to be the main item –

Mr Downie: Who is on the arrangements committee?

A Member: No, it is not.

Mrs Hannan: I am sorry, it is, because there is a protocol in using the British anthem, especially when royalty and the Governor and the whole of the anthem is played when the Queen is present; a certain number of bars are played when other members of the Royal Family are present, and certain a number of bars are played when the Governor is present, and that is protocol. That is not recognised here, so what I am

saying is that the actual protocol used in other places is not even used here, that the whole of it is played. I think I have been to one thing recently, – I am not sure, I think it was the Civic Sunday in Peel – where they did actually just play the first eight bars, for which the protocol is correct. I do not know why that was done; it is one of the first times I have heard it done that way, but it is protocol. But suggesting that we have and use our own anthem is certainly not anti-English or anti-British, it is pro our country and it is wanting us to be confident about our country, about what we are. Now, I do think it is important that our schools and our young people know our anthem. (**Mr Karran:** Hear, hear.) I do think it is important that our differences are recognised. (**A Member:** Hear, hear.) We have heard that 38,000 of the population are born here, but a certain number of people were not, and some people actually come here thinking that this is the same as Liverpool or Heysham, or wherever they have come from, wherever the port is, and they do not know that our laws are different, they do not know that they do not have the same rights that they have in the UK, and therefore I do think that there is an awful lot more education that needs to go on. That is not being anti-British or anti-English, that is recognising the facts as they are: that we are different, we are not part of the United Kingdom or Great Britain, we never have been, and these are the issues, I think, that need to be recognised.

The member for Garff spelt out quite clearly how the anthems are related to . . . and why it is called the Royal Anthem in Canada and Australia, and that is how the Speaker has addressed it in his motion before us today. I have no problem with the Speaker's motion but I will support the clarification that was moved by the member for Council, Mrs Christian, because I do feel that it slightly clarifies it and brings it together a bit more and gets away from maybe somebody calling it the Island's national anthem, when in actual fact what it means is that it would be national anthem when it is addressed, so that it is quite clear.

With regard to the other amendments before us, I have a certain amount of sympathy with the amendment moved by Mr Rodan, but it does not have the clarification that what we have decided here would go anywhere else, and I think, if we do make decisions such as this – and it obviously depends on the majority of the Court – any decision should be addressed.

With regard to Mr Quayle's, I do not think Mr Quayle quite understands the actual national anthem aspect, and I think we need to understand that the Isle of Man is national and that you do not need that clarification, because otherwise you are going to get into the situation of whatever anthem, people are just going to put a prefix in front of it, and if we are going to treat this particular motion seriously, then I think we should do it from a constructive point of view and not a destructive point of view.

Mr Quayle: Manx national anthem.

Mrs Hannan: No, it should be just 'Manx national anthem'. The Isle of Man is a nation; I think

people do not understand that. It causes problems for people when they come here to live because they do not understand that. How we get that over to people I have no idea, but if they want the same as they have had in the UK then in some situations they cannot get it unless they stay in the UK, and it is very difficult to get that over to people sometimes. By actually stressing that it is the Manx national anthem, it does make quite clear our position in one aspect, but not in all the other aspects, and I think government needs to do much more work in these areas.

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

Mr Earnshaw: Thank you, Mr President. I shall be brief as I wish to avoid repetition. (**A Member:** Hear, hear.) I am pleased Mr Speaker has brought this motion to Tynwald today and I am happy with the sentiments of the proposal and its intended operation, as I believe the British anthem is too often played at essentially Manx events and it is too often prioritised over the Manx national anthem.

Pleased though I am at the motion of the Speaker, it is the amendment of the hon. member for Middle, Mr Quayle, which has my support as I feel this most accurately summarises the situation, and I like, and I am proud, to use the word 'Manx' and, I am sure, like everybody in here I love singing the Manx national anthem.

As far as Mr Rodan's comments are concerned, I take his point about the British national anthem being played at events such as Remembrance Day services, but I feel the amended motion of Mr Quayle already covers this as it contains the word 'should' and it does not contain the word 'must', and although perhaps the motion is not word perfect, I believe this allows enough elbow room to accommodate such events as this.

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

Mr Lowey: Thank you, Mr President. Like the last speaker, I will formally second Mr Karran's amendment so that at least you have a choice. I think it is very important from time to time that issues such as this are debated in a sober way and I must congratulate the Court on the sober way in which it has been addressing this particular issue.

Like most members, I believe it is a progress of ideas and associations. My national anthem is undoubtedly 'O Land of our Birth' and I do not need anybody to have a Manx prefix or anything before it. Having said that, I am very tolerant; if the Royal national anthem is played at the appropriate time I respect that immensely. Again, that is part of our heritage too, whether you like it or not; you cannot wash it away. It is there and, as long as we have a Lieutenant-Governor, and when a member of the Royal Family comes, I think it is courtesy, and if there is one thing the Manx are noted for it is courtesy.

I think it is a good debate. I am tending towards supporting my hon. friend on Council's amendment for the case that she has made, so I do think that she has made the strongest case so far to encapsulate all the legitimate that have been expressed here this evening.

The President: The Lord Bishop.

The Lord Bishop: Mr President, I just wanted to take the chance of correcting a strange comment made by the member for Onchan when he suddenly said that he felt sorry for the leader of the Church of England, who would not sing the national anthem, implying that there is some sort of foreign body in the midst of the Island. I would like to remind him that we proudly call the Church here the Manx Church and we have done since the 17th century, so we are hardly newcomers. In fact, and I rejoice every time I go to the General Synod of the Church of England where, as a diocese, we have to conform to the liturgical changes, which would make sense as to what we do inside church services, but every bit of legislation that is passed in the General Synod always has at the bottom 'This does not apply to the Isle of Man', because they know there that everything in legislative terms has to be approved by Tynwald – in other words, that Tynwald has direct control over the legislation of the Manx Church, so I just wanted to correct that little erroneous statement.

That leads me on to a comment from the member for Peel about how do we get people to feel that they belong to the Island. I remember, when I was chosen to come here, the first bit of advice I got was to learn the national anthem, which I did before I got on the ferry, and I think if we can make more people who come to live here feel as if they are nationals, not imported foreigners, then we (**Members:** Hear, hear.) would get along a lot better.

I want to applaud the comments made about the schools. I think the Department of Education has made a huge advance with our children, in that if you go to school as I do, probably a lot more than most, when they sing the national anthem they sing it well and they always catch out us oldies because they sing two verses and we do not know the second verse. (*Laughter*)

The President: Some of us do.

A Member: Hear, hear.

The President: Hon. member for Michael.

Mr Cannan: Mr President, the words 'freedom and tolerance' cross my mind in this debate – freedom for people to choose, tolerance of other people's opinions. My first loyalty is to the Isle of Man; born and bred, I am of ancient lineage on both sides of my parents. I have no doubts about it, no inferiority complex, no necessity to wear it on my sleeve, I am Manx first and foremost, but there are occasions, as I have sworn allegiance to the Lord of Mann, when it may be appropriate to sing 'God Save the Queen' and I find, as I go round the Island, more and more

occasions are singing the Manx national anthem. If you look back over 10, 15 years 'God Save the Queen,' the British anthem, is sung less and less, but if people wish to sing the British national anthem who am I, if I profess to freedoms, to say you cannot?

Mrs Christian: Nobody is doing that.

Mr Cannan: – and what upsets me – well, it does not upset me, but what I find strange in the resolution is the second part: 'that the government should forthwith take the necessary and appropriate action to implement Tynwald's decision.' Is then an organisation like the British Legion, to which I am proud to belong, then going to get a directive from some government office telling as and when they may sing the British national anthem? (**Mrs Hannan:** No.) Is a parish church going to get a notice from government office that on Remembrance Sunday you may or may not sing 'God Save the Queen?' Do we really want to get to that stage (**A Member:** Hear, hear.) where we are telling people? If somebody wants to sing the Irish national anthem, as far as I am concerned, let them sing it.

Mr Karran: Good on you!

Mr Cannan: If somebody wants to stand up with his friends and sing the . . .

A Member: 'The Red Flag.'

Mr Cannan: Well, 'The Red Flag,' let them sing it, or 'The Star-Spangled Banner'; let them sing it, but for goodness' sake have tolerance.

I know just a tiny bit about Australia and New Zealand and, as has already been pointed out by the hon. member for Garff, they are two countries more independent than we are but which still have a Governor-General appointed by the Queen, and the Royal Anthem is played on many occasions, and nobody seems to have a hang-up about it. They have already had a referendum in Australia. They have, and sing with great pride, 'Advance Australia Fair.' I am sure many of you have heard it, the Australian national anthem, but they have no hang-ups at the Returned Servicemen's Association, which is the equivalent of our British Legion, in singing 'God Save the Queen,' because many of those returned Australian servicemen served under the Union flag. I have been to funerals in the Isle of Man of Manxmen who have served in the forces and their coffin has been covered with the Union flag? So what. It is their freedom; it is their absolute freedom (**Several Members:** Hear, hear.) and I have been to lots of funerals where the Manx flag covers the coffin and I am proud too, or a coffin covered with the British Legion flag. Are we to get the second part of this motion 'that the government should forthwith take the necessary and appropriate action to implement Tynwald's decision'? I would support Mr Quayle's amendment because I think it is the best one, but he has not, regrettably, taken out the second part. If we supported his amendment we would still be

supporting part (2), and I am sorry, Mr Quayle, because you had the best amendment before us, but you have denied people the freedom of association –

Mrs Hannan: No, we do not.

Mr Cannan: – because it is the freedom of association, the freedom to speak and the freedom to sing whatever anthem they want. Are we to send a directive out to every concert organisation in the Isle of Man? They all sing, in our villages which I represent, the Manx national anthem, and we all sing it with gusto and pride, but are we now to have a directive that we must only sing that and cannot . . . ? I am sure the Chief Minister does not go along with sending directives out to people.

So I then move to Mr Rodan's amendment, and the only thing that I object to it is that he talks about the national anthem of the Isle of Man; I am quite happy with the words 'Manx national anthem.' It gives me pride to see the word 'Manx': the Manx Regiment, the Manx national anthem and so on; Manxman, *SS Manxman*, whatever. 'Manx', 'Manxman', gives me pride, Manx products whatever, so the Manx anthem, but fortunately for Mr Rodan's thing he takes out the second part of the motion and he says 'custom and practice be followed'. Let the people choose (**Mr Cretney:** Hear, hear.) and, as I have said over the last 15, 20 years, people are choosing to sing the Manx national anthem.

Mrs Hannan: They are.

Mr Cannan: You do not find 'God Save the Queen' so often, but if they want to sing it, for goodness' sake, preserve freedom of association, freedom of the right to sing, freedom to sing 'The Red Flag' or 'Long Live the Republic' or whatever. (*Interjections*) Hon. members, the best of a poor bunch of amendments because I 'would like Mr Quayle's, but unfortunately he takes in the government ought forthwith to take the steps'. I will support Mr Rodan's amendment because he gives people the freedom of association and the freedom to do within the law what they wish to do.

Mr Cretney: Hear, hear.

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

Mr Rimington: Thank you, Mr President. I believe this is an area that I ought to tread exceptionally carefully in, (*Laughter and interjections*) and luckily nothing prepared, whatever. (*Interjections*) I do find this whole debate very strange indeed and, to be honest, a total and absolute nonsense. (**Several Members:** Hear, hear.) It should never have even come to this Court. It should have carried on as before, custom and practice developing quite satisfactorily (**Mr Cannan:** Absolutely!) and we could have not wasted all this time and I support the hon. member for

Garff's amendment as being the most liberal and sensible of them all.

Mr Cannan: Hear, hear.

The President: Mr Speaker.

The Speaker: Thank you, Mr President. Well, it has certainly, as the hon. member who just spoke said, been an interesting debate and I have to say that, sitting here listening to it, I suppose to some degree I am quite surprised at some of the points that have been made.

I want to make a number of points absolutely clear first: one is, I am not against freedom of choice, and my amendment does not take away anyone's freedom of choice; secondly I am – the new buzz word that seems to have appeared – not anti-tolerance; and thirdly I am Manx, proud of it – born here, lived here all my life, committed myself and my family here all of my life and, as far as I hope, I will continue to do that all of my life. So do not people tell me that I am, for some reason, maybe not as Manx as others. I know where I stand; I do not have to demonstrate it. I know my views and I am not fanatically Manx, but I am Manx and proud of it. The one thing that really often gets to me is this point that we always feel we have got to put 'Manx' in front of everything. (**A Member:** Hear, hear.) When we are talking about us, we do not need the word 'Manx'. We do for 'Manxman,' but not for the government or for whatever it may be or for our national anthem.

Now, the hon. member for Onchan, Mr Karran – I have to say I had difficulty trying to follow his argument; I think he had difficulty putting his argument – repeated time and time again 'tolerance'; he repeated time and time again about the situation and that he cannot see it being a problem. It is not a problem. The point is, it is the one area we have not moved forward in. Of all the other things we have done, the one area, and clearly, coming out of what members are saying here, there is a reluctance for us to actually say, 'Yes, it is our national anthem and let us give it the prominence it deserves.

There cannot be another country that actually fights off giving its own national anthem the prominence it deserves, and here we are, all going on saying, 'Hang on, hang on!' This is not about offending anyone. If the Royal British Legion wished to play what may be called the 'Royal Anthem,' that is their prerogative, because that is not an official government function. The concert up in the Braaid or up in Kirk Michael is not an official function so they will not be getting a directive from anyone, and hon. members know that. What I have found is that some members have gone up to try and cause enough confusion in the argument to make members sit back and say, 'Oh, I am a bit worried about this.' The one thing I can tell hon. members, if you have any views on this, is: go to an occasion – and I was at one not that long ago in the Gaiety, and they played 'God Save the Queen' –

Mr Cannan: So what?

The Speaker: – and the silence was deafening, and then they played ‘O Land of our Birth’ and you knew they knew the words and they sang it. Now that is fine; that is the people’s choice –

Mr Cannan: That is right.

The Speaker: – but I am talking about official functions, and if you look at the wording of the motion it is clear: if Her Majesty, a member of the Royal Family or the Lieutenant-Governor is there, then – I will use the term to save confusion – the Royal Anthem would be played and the national anthem would be played, i.e. the ‘Manx national anthem, but we do not need the word ‘Manx’ in front of it. As for the argument saying, as the hon. member for Douglas West, Mr Downie, said that if you see it on a programme ‘the national anthem’ you will expect it to be ‘God Save the Queen,’ no, you will not, because the point is that people will get used to it not being, and in fact I have to say, Mr President, one of the reasons this motion is here is because eight to ten years ago we actually were making strides where the Manx national anthem was being used and no other anthem. I have to say, in recent years there has been a move back to actually having both anthems regardless of whether or not there are people there so that the Royal Anthem should be used.

So let us get our identity right. We have our own parliament – we are proud of that; we have our own flag – we are proud of that. We do not share the other flag, the Union flag, with it on our government buildings unless the occasion warrants it. Why haven’t we the same pride over our national anthem? That is all it is about, and I have to say in the community people from across do not find it offensive that ‘O Land of our Birth’ is our national anthem, (**Mrs Crowe:** No.) and the Lord Bishop demonstrated that.

So it is quite straightforward, and I would say to the hon. member for Onchan, Mr Karran, that I go to a number of occasions, as he does, and I would ask him to look more closely at the programme, Order of Service or whatever it may be, and he will often see the words ‘the national anthem’ and then further down the programme, ‘the Manx national anthem.’

Mr Karran: No, not nowadays.

The Speaker: Yes, you will.

Mr Cannan: Yes, you will. So what?

The Speaker: I will say to the hon. member, he will go to government functions and will see that laid out like that. The point is the national anthem of the Isle of Man is ‘O Land of our Birth’ and why do we not recognise it as that? All the rest that has been said, all the other bits . . . and I have respect for many members who have said we have. I do not argue with my friend and colleague of Council, Mr Kniveton; I

understand what he is saying. I understand exactly what he is saying because I am proud to be Manx as well, but I do not need ‘Manx’ put in front of my national anthem because I know what it means, and the hon. member of Council, Mrs Christian, was absolutely right: outside the Isle of Man, yes, it would say the ‘Manx national anthem’ because the people outside would not know what it is otherwise or what to expect, and you have only got to watch the Olympics – what do they say when somebody wins? ‘We are now going to have the national anthem of Australia’, or Canada or Russia, so they use that outside. The protocol here is the same, and the hon. member for Garff, Mr Rodan, actually to me made the case, because he actually quoted Australia and Canada and then Mr Cannan went on to say New Zealand – exactly the same as what I am putting here. The same principles apply here, so why are we arguing about it? Why aren’t we happy to say, ‘Yes, this is our national anthem’? We are not in conflict. People will get used to it. Time will change, as they have got used to the three legs flying on all our government buildings. I can remember – and I think I was in my early 20s – when it was moved that the Union flag would not be flown any more and it would be the Manx flag. I remember well. There were certain people on this Island who went absolutely berserk: ‘How dare the Manx Government make such a decision?’ – or Tynwald, as it was. ‘How dare they?’ What now? It would be the reverse if you said, ‘Let’s put the Union flag back.’ (*Interjection*) So therefore people will get used to it.

Mr President, I am not going to answer everyone. I would thank those who have given support. I would say to hon. members: I believe, as I did, my motion is straightforward. The amendment from the hon. member of Council, Mrs Christian, to me just clarifies it to take away some of these concerns. I am quite happy for that. As far as the second part of my motion is concerned, it is not going to be an instruction – ‘By the way, Mrs Bloggs and your tea party, you shall now only play the Manx national anthem, known as ‘the national anthem’. What it will do is provide advice – that is why I said ‘appropriate, – to local authorities, to government departments and other official – and I underline ‘official’ because that is what my motion says – other ‘official’ bodies who need to know the protocol, and advising people of protocol is part of the job of government. There is no point us making a decision if no-one transmits it to anybody else.

So I would not get hung up on the issues. I would not get too worried about what we are doing. What I can say is that I have not had anybody yet who lives on the Island – and I know a lot of people who have come to live here over the years, as we all do, of all nationalities, not just from the UK but South Africans, Canadians, Americans – who has said to me ‘I find what you are doing offensive to me.’ What they say is that they think we are right; they think the Isle of Man is right to make this move, because it is recognising we have our own national anthem.

Therefore, Mr President, I would ask hon. members just to take this small, but important step that

is not offensive to anyone but clearly recognises the Isle of Man has its own national anthem.

The President: Now, hon. members, the motion which I have to put to the Court is printed at 27 on your order paper. To that we have the four amendments, hon. members, and, as I indicated earlier, my intention is to take them in the order: Mr Karran's, Mr Quayle's, Mrs Christian's, Mr Rodan's. We will pass the barriers as we come to them, hon. members. The motion is printed at 27. To that, hon. members I put the amendment as moved by the hon. member Mr Karran. Those in favour please say aye –

Mr Braidwood: Mr President, I do not think the amendment has been seconded, sir.

The President: It was, sir.

A Member: Mr Lowey seconded it. (*Laughter*)

Mr Braidwood: Right.

The President: Those in favour of Mr Karran's amendment, please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys –

For: Mr Cannan and Mr Karran – 2

Against: Mr Anderson, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Gill, Mrs Crowe, Mr Houghton, Mr Henderson, Mr Cretney, Mr Duggan, Mr Braidwood, Mrs Cannell, Mr Downie, Mr Shimmin, Mrs Hannan, Mr Bell, Mr Singer, Mr Corkill, Mr Earnshaw, Capt. Douglas, and the Speaker – 22

The Speaker: Mr President, the amendment fails to carry in the House of Keys, with 2 votes for and 22 votes against.

In the Council –

For: Mr Lowey, Dr Mann and Mr Delaney – 3

Against: The Lord Bishop, Mr Waft, Mr Kniveton, Mrs Christian and Mr Gelling – 5

The President: In the Council, 5 against, 3 for, the amendment in the name of Mr Karran therefore fails to carry, hon. members.

I put to you the amendment to item 27 as moved by the hon. member for Middle, Mr Quayle. 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 Braidwood, Mr Downie, Mr Singer and Mr Earnshaw – 6

Against: Mr Cannan, Mr Quine, Mr Rodan, Mr Rimington, Mr Gill, Mrs Crowe, Mr Houghton, Mr Henderson, Mr Cretney, Mr Duggan, Mrs Cannell, Mr Shimmin, Mrs Hannan, Mr Bell, Mr Karran, Mr Corkill, Capt. Douglas and the Speaker – 18

The Speaker: Mr President, the amendment fails to carry in the House of Keys with 6 votes for and 18 votes against.

In the Council –

For: Mr Waft, Dr Mann, Mr Kniveton and Mr Delaney – 4

Against: The Lord Bishop, Mr Lowey, Mrs Christian and Mr Gelling – 4

The President: There is an equality of votes in the Council, hon. members; the amendment in the name of Mr Quayle therefore fails.

Hon. members, we now turn to the amendment as moved by the hon. member of Council, Mrs Christian. Those in favour please say aye, against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys –

For: Mr Gill, Mr Henderson, Mr Braidwood, Mrs Cannell, Mr Shimmin, Mrs Hannan, Mr Bell, Mr Corkill and the Speaker – 9

Against: Mr Anderson, Mr Cannan, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mrs Crowe, Mr Houghton, Mr Cretney, Mr Duggan, Mr Downie, Mr Singer, Mr Karran, Mr Earnshaw and Capt. Douglas – 15

The Speaker: Mr President, the amendment fails in the House of Keys with 9 votes for and 15 votes against.

In the Council –

For: The Lord Bishop, Mr Lowey, Mrs Christian, Mr Delaney and Mr Gelling – 5

Against: Mr Waft, Dr Mann and Mr Kniveton – 3

The President: In the Council, 5 for and 3 against, hon. members. The branches are in disagreement; the amendment fails to carry.

Hon. members, I then put the final amendment to you, that in the name of the hon. member for Garff,

Mr Rodan. Those in favour please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys –

For: Mr Cannan, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Gill, Mrs Crowe, Mr Houghton, Mr Henderson, Mr Cretney, Mr Duggan, Mr Braidwood, Mr Downie, Mr Shimmin, Mr Bell and Mr Corkill – 16

Against: Mr Anderson, Mrs Cannell, Mrs Hannan, Mr Singer, Mr Karran, Mr Earnshaw, Capt. Douglas and the Speaker – 8

The Speaker: Mr President, the amendment carries in the House of Keys with 16 votes for, 8 votes against.

In the Council –

For: Dr Mann, Mr Kniveton, Mrs Christian, Mr Delaney and Mr Gelling – 5

Against: The Lord Bishop, Mr Lowey and Mr Waft – 3

The President: In the Council, 5 for, 3 against, hon. members; the amendment in the name of Mr Rodan therefore carries. I put to you the motion printed at 27 as amended. Those in favour, hon. members, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys –

For: Mr Anderson, Mr Cannan, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Gill, Mrs Crowe, Mr Houghton, Mr Henderson, Mr Cretney, Mr Duggan, Mr Braidwood, Mrs Cannell, Mr Downie, Mr Shimmin, Mrs Hannan, Mr Bell, Mr Corkill, Mr Earnshaw and the Speaker – 21

Against: Mr Singer, Mr Karran and Capt. Douglas – 3

The Speaker: Mr President, the motion as amended carries in the House of Keys with 21 votes for, 3 votes against.

In the Council –

For: The Lord Bishop, Mr Lowey, Mr Waft, Dr Mann, Mr Kniveton, Mrs Christian, Mr Delaney and Mr Gelling – 8

Against: None

The President: In the Council, 8 votes for, hon. members, no votes being cast against, the motion as amended therefore passes.

European Union – Exchange of Information for Tax Purposes – Statement by the Minister for the Treasury

The President: Now then, hon. members, I am aware of the Court clock. Can I just say, in relation to the final item, those of you who will attend my Manx Music Festival in May will be able to learn all eight verses as we traditionally print them on the back of the Guild programme, (**Members:** Hear, hear!) and we sing at least three on Cleveland nights.

Hon. members, I was made aware earlier this afternoon that there was an element of disquiet, and the hon. member for Michael has circulated to all members, as I understand it, papers in relation to statements which have been made elsewhere. In conversation with the Treasury Minister, he would wish to make a statement to this hon. Court. I propose to take it at this stage, hon. members. (**Members:** Agreed.) In that case I call on the hon. member, Mr Bell.

Mr Bell: Thank you, Mr President, and I do appreciate the Court's tolerance in allowing me to make this statement, but I do believe it is a very important issue which members need to be fully briefed on.

Hon. members will be aware that a political agreement to the European Union's long standing consideration of what is referred to as the 'European Union tax package' was announced yesterday evening. I trust hon. members will understand that this is still an evolving process and, as such, I am not at this early stage in a position to provide a definitive response. However, I would like to take this early opportunity to inform hon. members of the details of that agreement and its implications for the Isle of Man of this developing international initiative as far as they can be identified at this stage. I must emphasise from the outset that, whilst political agreement was reached at yesterday's Ecofin meeting, final agreement is not planned to be given until a later meeting in March.

As a political agreement it sets out the broad points of agreement, but leaves a great deal of the detailed and technical issues to be resolved at a later date. My officers have received the text of the agreement this morning. Its details are being studied carefully, and clarification of a number of points has already been sought at officer level. Further clarification will be obtained over the forthcoming days.

Discussions at officer level have also taken place with the Channel Islands. In addition, a meeting with representatives of the banking and deposit-taking industry has also taken place today. This allowed those representatives to be briefed of the details of the agreement and allowed us to seek their initial response

as to the options, challenges and opportunities that the EU agreement now presents.

With regard to the directive on the taxation of savings, the main details of the agreement, as we understand them, are as follows. The Council reached political agreement on the tax package and committed itself to formerly adopt the tax package before the European Council in March 2003. Under this agreement, in the case of savings taxation, 12 member states are due to implement automatic exchange of information concerning interest income derived from savings in another member state from 1st January 2004, whereas Austria, Belgium and Luxembourg will apply a withholding tax on savings held by residents of other member states – that is, 15 per cent from 1st January 2004, 25 per cent from 1st January 2007 and 35 per cent from 1st January 2010 – and share the revenue with the country of residence; that is handing over 75 per cent and keeping 25 per cent.

On the directive on the taxation of savings the Council agreed to stick to the June 2000 Feira European Council conclusions that the exchange of information on as wide a basis as possible is to the ultimate objective of the European Union in line with international developments. The Council recalled the conclusions of the Feira European Council that sufficient reassurances should be obtained from certain third countries on the application of equivalent measures to those provided for in the draft directive. Based on the commission's report as submitted to the Council of finance ministers on 3rd December, the Council considered that this condition was effectively satisfied in the case of the United States and it would be satisfied in the cases of Switzerland, Liechtenstein, Monaco, Andorra and San Marino if these countries offered to enter into agreements as outlined as follows.

The Council agreed that the European Community should, on the basis of unanimity, enter into agreement with Switzerland based on the following package: firstly, the retention and withholding tax; Switzerland will apply the same rates of retention of withholding tax as Belgium, Luxembourg and Austria – that is, 15 per cent during the first three years of the transitional period starting on 1st January 2004, 20 per cent as of 1st January 2007, and 35 per cent as of 1st January 2010. The scope of the agreement shall also include the definition of the paying agent, the definition of interest, including interest paid on fiduciary deposits and by Swiss investment funds. In cases where a taxpayer declares his interest obtained from a Swiss paying agent to the tax authorities in his member state of residence, that interest income should be subject to taxation there at the same rate as those applied to interest earned domestically. The 35 per cent withholding rate will remain also after Switzerland has adopted the exchange of information on the OECD standard.

On revenue sharing, Switzerland will share the revenue of the retention tax and will accept the 75:25 per cent division applied within the Community and may even be prepared to reduce the percentage of 25 per cent depending on the overall balance of the

agreement. However, the revenue sharing provisions will only apply to the new retention tax and not the existing withholding tax.

On voluntary disclosure of information, the review clause stated that the contracting parties shall consult with each other at least every three years or at the request of either contracting party with a view to examining and, if deemed necessary by the contracting parties, improving the technical functioning of this agreement. In any event, when Belgium, Luxembourg and Austria change from withholding tax to automatic exchange of information in accordance with the directive, the contracting parties shall consult each other in order to examine if changes to the agreement are necessary, taking into account international developments. Switzerland grants exchange of information on request for all criminal or civil cases of fraud or similar misbehaviour on the part of taxpayers. This part of the agreement may be implemented through bilateral agreements between member states and Switzerland.

The Council agreed that the European Community should enter into similar agreements with Liechtenstein, Monaco, Andorra and San Marino. The Council asked the commission, in extension of its conclusions of 4th June 2002, to continue negotiations in close conjunction with the presidency of the Council, with Switzerland and the other third countries, to press for the exchange of information as the European Union's ultimate objective and to report back to the Council before 2007. The Council invited the commission to enter into discussions during the transitional period, as provided for in the directive, with other important financial centres, with a view to providing the adoption by those jurisdictions of measures equivalent to those to be applied within the European Union.

As regards the member states, the Council agreed that, in extension to its conclusions of 13th December 2001, the directive on the taxation of savings based on exchange of information as the ultimate objectives will contain provisions ensuring that firstly 12 member states will implement automatic exchange of information from 1st January 2004, the date of implementation of the directive and of the agreements with third countries as well as with the dependent or associated territories. Austria, Belgium and Luxembourg will, from the date of implementation of the directive and of the agreements with third countries as well as with the associated or dependent territories, operate a transitional withholding tax with a 75:25 revenue sharing. These three member states will implement automatic exchange of information if and when the European Community enters into an agreement by unanimity in the Council with Switzerland, Liechtenstein, San Marino, Monaco and Andorra to exchange the information upon request as defined in the OECD Agreement on Exchange of Information on Tax Matters, applying simultaneously the withholding tax rates defined for the corresponding period for the purposes of the directives and also if and when the Council agrees by unanimity that the US is committed to exchange of information upon request, as

defined in the 2002 OECD agreement for the purposes of the directive.

By the end of the first full fiscal year following the entry into force of that agreement, Austria, Belgium and Luxembourg will cease to apply a withholding tax with revenue sharing. Austria, Belgium and Luxembourg will set the withholding tax at 15 per cent during the first three years of the transitional period, starting from 1st January 2004, 20 per cent as from 1st January 2007 and 35 per cent as of 1st January 2010. The Council assesses that sufficient reassurances have been obtained with regard to the application of the same measures, applying the same procedures as the 12 member states or as Austria, Belgium and Luxembourg, in all relevant dependent or associated territories – that is, the Channel Islands, the Isle of Man and the dependent or associated territories in the Caribbean and, as the member states concerned – that is, the UK and Netherlands – to ensure that all relevant dependent or associated territories will apply those measures from the date of implementation of the directive.

The Council took note of the progress achieved by the Code of Conduct Group – that is, in relation to business taxation and, as members will be aware, the harmful tax practices – and noted, on the basis of a November 2002 report from this group, that the roll-back proposals from member states described in annexe 1 of this report now form an agreed basis for the evaluation of roll-back. The Council asked the group to consider the proposed revised or replacement measures against the established criteria of the code of conduct and to report back to the Council in March 2003. The Council agreed that it would, in March 2003, assess all the measures of all member states and of dependent or associated territories listed in annexe 3 of the group's 1999 report, and if any proposal for the revised or replacement measure was considered by the Council to be inadequate to achieve roll-back of all the harmful features of a measure, then the Council would seek commitments from the member states and their dependent or associated territories concerned that additional changes would be implemented as of 1st January 2004.

The Council agreed that at the final adoption of the tax package and in the context of an agreement on the assessment of the results reached on the roll-back of the harmful measures, extensions beyond the end of 2005 of benefits of the following measures would be granted: Belgium, in relation to co-ordination centres, has an extension until 31st December 2010, Ireland in relation to foreign income, has an extension to 31st December 2010; Luxembourg has, in relation to the 1929 holding companies, an extension to 31st December 2010; Netherlands, in relation to international financing, has an extension to that same date; and Portugal, in relation to Madeira's free economic zone, has an extension to 31st December 2011. At that stage the Council will also consider the one further request which is being processed. The Council asked the Code of Conduct Group to monitor standstill and the implementation of

roll-back and report to the Council before the end of 2003.

Mr President, I have outlined the results of the Ecofin Meeting at length for the information of hon. members. My initial view – and I emphasise, it is my initial view – is that the position creates greater flexibility for the Island than earlier proposals, and it appears clear from the agreement that the Island will not be treated differently than Switzerland or other third countries and the European Union states of Luxembourg, Austria and Belgium. I also emphasise that the proposals only apply to individuals from European Union states, not individuals from elsewhere, nor does it apply to companies. It is also broadly consistent with our earlier discussions with the United Kingdom authorities.

As I indicated earlier, we need time to study the detail of the agreement as it emerges over the next days and weeks, and we need to seek the views of the industry as to the options, challenges and opportunities it presents to the Island and its business. In all we do throughout this process, we will keep at the forefront of our minds the key principles which have underpinned all our actions to date – namely, fiscal sovereignty, economic well-being and adherence to international standards.

Finally, I would suggest that the European Union tax package has been one of the most challenging issues to confront the Island for a great many years. That we have achieved the progress that we have is largely due to the outstanding contribution made by the Attorney-General and our senior civil servants and I would particularly like to thank our Assessor of Income Tax, Mr Ian Kelly, and our Chief Financial Officers, Mrs Mary Williams and currently Mr Mark Shimmin, for their hard work and negotiating skills, which have served the Island so well at this difficult time.

A Member: Hear, hear.

The President: Now, hon. members, before we go any further I would reiterate the words which the minister said – and I am not intending to protect the minister: the comment there was that it is an unfolding event as it goes over the next few days.

Mr Bell: Mr President, I am sorry – could I just make one point I forgot to make clear? I will be circulating in a moment the copy of my speech, which will give the detail to everyone. I appreciate it is complicated and it is a lot to take in at one go.

The President: A lot of information. Hon. member for Michael.

Mr Cannan: I just thank the minister for his statement. I was going to ask him to circulate; he is circulating and I will be happy. It was very complicated and in depth.

The President: Mr Henderson.

Mr Henderson: Mr President, I have got a couple of questions for the Treasury minister following that announcement, which I thank him for. I realise he cannot give too much detail at this stage but only initial thoughts, and that is what I am after. Could he give some initial thoughts on how Treasury sees the impact of this announcement on business in the Isle of Man? I know he said it was directed at more single-person savers, but if we have a financial institution that has the majority of its funding by individual persons, then I would like to know what the impact of this is, or possible impacts, and, following on from that, would the Treasury minister please give this hon. Court and its members an undertaking that as this scene unfolds over the next few days he will circulate to members odd briefing papers so that we may be kept informed as and when the situation unfolds? I realise that he has given an upbeat statement at the minute, but I think we need to be informed so that we know exactly where we are, because at the back of all this there is obviously a lot of pressure being generated and I think members have the right to know.

The President: Yes, hon. members, as I indicated, it is certainly not my inclination to 'give protection to ministers.' On this occasion I think that having issued the statement, members are probably almost as aware of what is happening as the Treasury minister. So in that case, Treasury minister, if you would care, sir, to reply to Mr Henderson?

Mr Bell: I take on board the point the hon. member makes about the impact that the various proposals might have on our local financial institutions. We have had an initial meeting, as quickly as we possibly have been able to arrange one, with the banking and deposit-taking sectors of the industry, who probably will be the most affected by this. It is too early for them themselves to say how the various options which are before us might impact on them. Clearly there may be costs – in fact, there will be costs – if certain proposals are pursued, but it is difficult to be specific at this stage and, as I say, Mr President, we will be working very, very closely with the business community as we more fully understand the implications of the small print of this agreement over the next few weeks to identify precisely what the implications are for our financial services industry and whether there is a need to do anything by way of mitigation.

In terms of the hon. member's final comment, I will do my best to update members of any major changes as it evolves over the next few weeks but, certainly over the last few weeks as the negotiations have been continuing, it is fair to say that the position has actually been changing by the hour, so it would not really be terribly beneficial, perhaps, to have a daily update, but as major issues are clarified then I will certainly do my best to keep members informed.

The President: Hon. member for Peel.

Mrs Hannan: Thank you. Just for clarification, Eaghtyrane, could I ask the Minister for the Treasury whether this means now that we can trade with the European Union countries or does it not change that?

Mr Bell: No, on the basis at the moment, as we understand it, this does not grant us access to European markets if that is what the hon. member is referring to. That would be a separate issue.

The President: Mr Henderson.

Mr Henderson: Thank you, Mr President. I wish to ask the Treasury minister: from his initial meetings with the banking and finance sector today, I realise they were initial meetings and they may not be able to draw their full assessments from this, but they must have had a general feel for the situation. It is that which I wish to ask the Treasury minister: what was the general overall feeling with the majority of the finance folk that he met with? Was it an ambivalence or positiveness or were they edgy? I really do think we need to know what they thought as far as can be ascertained.

The President: I honestly do not think those judgements are made in that form. However, Treasury minister.

Mr Bell: I really cannot add any more to what I have said, Mr President, because I was not actually at the meeting. Sadly I had to attend Tynwald today (*Laughter*) so I personally have not been involved and really cannot at this point comment on what the initial reaction was, other than that, as I understand it from second-hand information given to me by my officers, it was really one of listening today just to learn themselves of the detail. The reaction will come from the business community over the next few days, I assume, as they absorb the information.

Procedural

The President: Now, hon. members, I am totally in your hands. I am aware of the clock again. We have but the one major matter to deal with at item 28 and the hon. member for Michael, Mr Cannan, is proposing to have the suspension of standing orders to deal with another matter. I am in your hands as to whether you wish to continue to try to complete tonight or whether it would be more sensible to come back and finish tomorrow morning. (**Several Members:** Tonight.) I am in your hands, hon. members.

Mr Cannan: Mr President, for the sake of clarity with everybody having different views I would just like to move that, as this is such an important debate about waste management, affecting everybody on the Island, it would be better, probably, to have it tomorrow morning just to get a division.

A Member: Let us have it tomorrow morning.

Mr Corkill: I put a counter-motion that we proceed until we have finished the items on the agenda.

Mr Duggan: I second that, sir.

A Member: Divide.

The President: Right, hon. members, I am quite prepared to deal with it in that manner if you so wish. Those in favour of completing our order paper this evening . . . Before I put that, hon. members, I want to make it quite plain, sitting here in my chair, that if we are to continue to complete tonight, I would certainly wish to put a guillotine on it at no later than 9 o'clock. (**Members:** Hear, hear.) I think it would be grossly unfair to continue to sit beyond that. So, as long as you are prepared to operate within a guillotine, which gives you just short of two hours to complete your order paper, I am prepared to run with you. Are you content? (**Members:** Agreed.) Hon. member for Peel.

Mrs Hannan: I do have a concern with regard to the debates that we have had before about business of the House. I do believe that this is an important issue. (**Mr Delaney:** Hear, hear.) I do believe that each member should be allowed time to put forward their views. I am quite prepared to go on tonight, but I do not think a guillotine should be imposed. I believe that once we start it we should carry on until it is finished.

Mr Houghton and Mr Duggan: Review at 9 o'clock, sir.

Mr Henderson: Tomorrow morning.

The President: Those in favour of continuing tonight please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys –

For: Mr Anderson, Mr Quine, Mr Rodan, Mr Quayle, Mr Rimington, Mr Gill, Mrs Crowe, Mr Houghton, Mr Cretney, Mr Duggan, Mr Braidwood, Mrs Cannell, Mr Downie, Mr Shimmin, Mrs Hannan, Mr Singer, Mr Karran, Mr Corkill and Mr Earnshaw – 19

Against: Mr Cannan, Mr Henderson, Capt. Douglas and the Speaker – 4

The Speaker: Mr President, the motion carries in the House of Keys with 19 votes for and 4 votes against.

In the Council –

For: The Lord Bishop, Mrs Christian and Mr Gelling – 3

Against: Mr Lowey, Mr Waft, Dr Mann, Mr Kniveton and Mr Delaney – 5

The President: We have 5 against and 3 for in the Council; the branches are in disagreement. The motion fails, hon. members. The Court will resume its deliberations tomorrow morning at 10.30 a.m.

The Court adjourned at 7.10 p.m.
