



**TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
QUAIYL TINVAAL**

**P R O C E E D I N G S**

**D A A L T Y N**

**(HANSARD)**

**Douglas, Thursday 23rd October 2003**

## Present:

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

### In the Council:

The Attorney General (Mr W J H Corlett QC), Hon. C M Christian, Hon. P M Crowe, Mr D F K Delaney,  
Mr D J Gelling CBE, Mr J R Kniveton, Mr E G Lowey, Mr L I Singer and Mr G H Waft,  
with Mrs M Cullen, Clerk of the Council.

### In the Keys:

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

## Business transacted

	<i>Page</i>
Leave of Absence granted .....	187
Welcome to Polish students .....	187
 <b>Orders of the Day</b>	
Taxation Strategy — Motion carried.....	187
Consultancy Review of the Isle of Man s Meat and Dairy Sector —Amended motion carried .....	191
Tynwald Management Committee — Broadcasting offTynwald Court —Debate commenced .....	202
Tynwald Management Committee — Broadcasting offTynwald Court — Debate concluded — Motion carried.....	205
Joint Committee on the Emoluments of Certain Public Servants —Amended Motion carried .....	209
Standing Orders Committee of Tynwald —Addition to Standing Order 2.4 approved .....	226
Standing Committee of Tynwald on Constitutional Matters — First Report received and recommendations approved..	226
Tourism Development Fund (Amendment) Scheme 2003 approved .....	237
Plant Health Act 1983 — Plant Health <i>Phytophthora Ramorum</i> Order 2003 approved .....	240
Sea-Fisheries Act 1971 — Sea-Fisheries (Lobster and Crab Etc. Licensing) Bye-laws 2003 approved .....	240
Agricultural Wages Regulations 2003 approved .....	240
Social Security Act 2000 — Social Security Legislation (Application) (Amendment) (No. 18) Order 2003 approved...	241
Social Security Act 2000 — Social Security Legislation (Application) (No. 19) Order 2003 approved.....	242
Pension Schemes Act 1995 —Pension Schemes Legislation (Application) (Amendment) (No. 4) Order 2003 approved .....	242
Manx Heritage Foundation —Appointment approved .....	243
Petition for Redress of Grievance of Mrs Carolyn Susan Nicholson — Motion withdrawn.....	243
Petition for Redress of Grievance of Philip John Kermodé — Select Committee appointed.....	244
Review of Bus Service for the New Hospital —Amended motion carried .....	247
New Hospital Prosthetics Clinic — Motion withdrawn.....	251
Villa Marina — Douglas Corporation former employeesoutstanding pay —Amended motion carried — Select Committee appointed	251
Villa Marina —Wurlitzer Organ —Amended motion carried .....	256
Respite Care Beds for the Elderly —Adjourned to next sitting .....	267
 <b>House of Keys</b>	
Broadcasting Report of the Management and Members Standards Committee — Motion lost.....	267
<i>Corrigendum</i> .....	268

## Tynwald

*The Court met at 10.30 a.m.*

### PRAYERS

*The Chaplain of the House of Keys*

[MR PRESIDENT *in the Chair*]

### LEAVE OF ABSENCE GRANTED

**The President:** Hon. Members, the Hon. Member for Douglas East, Mrs Cannell, will be absent today through illness.

### WELCOME TO POLISH STUDENTS

**The President:** Hon. Members, before we start our business of the day, you will notice that we have a gathering of young people in the public gallery and we welcome, indeed, the young students from Poland to our sitting this morning. (**Several Members:** Hear, hear.)

## Orders of the Day

### Taxation Strategy Motion carried

**The President:** We turn now, Hon. Members, to our Order Paper and, on completion last evening of item 15, we now turn to 16, the Taxation Strategy.

I call on the Minister for Treasury to move.

**Mr Bell:** Mr President, Hon. Members will recall at the January Tynwald I made a statement about the progress being made within the European Union towards achieving unanimity over a direct taxation package.

That package included measures which provided for a uniform system of business taxation and a process for the effective taxation of individuals resident in an EU member country on savings income arising outside the individual's country of residence. That package was finally adopted by the EU members in June this year and I was able to issue a statement, setting out the Isle of Man's response.

Hon. Members were given a formal presentation on that response and the general tenor was one of agreement on the way forward. Nonetheless, I confirmed that I would bring the matter formally to this Hon. Court for ratification. This motion fulfils that commitment and the paper issued to all Hon. Members, entitled, 'Taxation Strategy – Exchange of Information', sets out the proposals I outlined in June. As with the Taxation Strategy, these proposals not

only contain a way forward in relation to the EU's Savings Directive, but also set down the standard that the Isle of Man will adopt in relation to exchange of information generally.

Let me turn first to the recommended response to the Savings Directive. Mr President, this is an EU initiative and we are not part of the EU, and the provisions of the EU Treaty relating to taxation do not extend to the Isle of Man.

Why then, along with the Channel Islands and other associated territories, do we find ourselves having to even consider the matter? Our understanding is that there has been a deep-felt concern by EU members that, if the dependent and associated territories of the member states did not adopt the same measures for savings income, individuals resident for income tax purposes in those member states would simply avoid them by placing their investments within those offshore financial centres. This would defeat the whole intention behind the initiative, which was to secure the effective taxation of the savings income arising to EU residents.

This concern also extended to Switzerland and the United States, Andorra, Liechtenstein, Monaco and San Marino. For those countries equivalent measures were to be sought. It is understood that the initiative will also be raised with other significant countries, such as Singapore and Hong Kong.

There was then a debate as to how effective taxation could be achieved. The United Kingdom and a number of other countries were in favour of exchange of information. Others felt that a withholding tax at a sufficiently high rate would achieve the same end objective and, initially, a rate of 35 per cent was proposed. After extended negotiations and for reasons that suit the economies of individual members, the end result was a transitional model. It provides for 12 member countries and any accession states to the EU to adopt exchange of information. Three member countries, namely Austria, Belgium and Luxembourg, will adopt a transitional withholding tax.

It was during the Members' discussions over this transitional approach that the United Kingdom agreed to promote, within the framework of its constitutional arrangements, the adoption of the same measures set out in the Savings Directive and the code by the relevant dependent or associated territories.

I have already outlined why this was considered an important requirement. Equally, failure by the UK to agree to such a measure would have put at risk what the UK was seeking to achieve, namely the adoption of its proposal that automatic exchange of information was the way forward.

From the outset it has been made clear that the Government is concerned about the consequences of a tax package determined outwith the Island and in respect of which it has not been able to make any direct input. However, the Government has shown that it firmly believes in the process of constructive engagement, as demonstrated by the ongoing response to the OECD initiative on harmful taxation.

The three key principles of fiscal sovereignty, economic stability and adherence to international standards, remain fundamental to the Isle of Man Government's consideration of any taxation initiative. That was the basis on which a response was made to the OECD initiative on harmful taxation and it remains the basis of the recommended response to the EU tax package and, in particular, to the

issue of exchange of information in direct taxation matters.

Yes, Hon. Members, we could say 'no', but what would that do for the confidence of our business community, if we then found ourselves in a drawn-out debate with the United Kingdom and the potential for an Order in Council being applied to the Isle of Man, as is threatened for the Cayman Islands?

Mr President, I said yesterday, in introducing the Economic Strategy Report that it is an absolute imperative that the Isle of Man retains its position in the global trading environment. I also noted that a key part of the proposed strategy is the need to improve upon the present situation by extending and widening access to geographical markets supplying quality products and services. All of this requires our continued acceptance by the international community.

I put it to Hon. Members that the economic and social development of the Isle of Man would be put into reverse if we were to ever ignore evolving international standards and expectations, particularly those involving our most important current and prospective trading partners.

The Island is acknowledged as a progressive, international finance centre with a sound and well-regarded regulatory framework, which is committed to seeking to prevent its financial systems being used for criminal activities. For many years, assistance has been provided to other countries through both the Island's criminal justice provisions and its comprehensive network of mutual assistance arrangements on indirect taxation issues.

A failure to respond positively would not sit easily with that high standard. We have constructive engagement with international organisations, such as the International Monetary Fund, and remain active participants in the evolving OECD exercise on exchange of information. A tax information agreement has been signed with the United States and we have a longstanding double taxation agreement with the United Kingdom. The Isle of Man, therefore, already embraces widely accepted standards for the exchange of information on direct taxation issues.

It was against this background that I authorised an extensive and inclusive consultation process with the relevant financial concerns on the Island, before coming forward with the recommendations set out in the circulated document. Not surprisingly, that consultation has revealed a significant divergence of views, but it has also shown that the Island's financial institutions acknowledge and accept that exchange of information is the emerging standard. Fundamental to this is the need for a level playing field, in terms of standards adopted and time lines by which they have to be delivered. This applies to competitors both within Europe and other parts of the world. The decision of the Island's fellow Crown dependencies has also been a relevant factor, particularly in the context of the stated desire of the Island's financial institutions to see a consistent approach between all the Crown dependencies. Finally, account has been taken of the international standard favoured by the OECD, which is exchange of information on request.

Taking account of all these factors, it is recommended that, in keeping with the three key principles outlined earlier, the economic wellbeing of the Island will be best served by adopting a withholding tax on the same terms as Austria, Belgium and Luxembourg. This will be for a transitional period, in compliance with the terms and conditions set out in chapter 3 of the Savings Directive, a copy of which has been circulated to Hon. Members with the document.

In June 2004 the Council of the European Union will decide by unanimity, whether all member states, relevant dependent or associated territories, and the third countries of Switzerland, Liechtenstein, San Marino, Monaco and Andorra will be in a position to apply the terms of the Savings Directive from 1st January 2005. If it decides that this is the case, it means that a withholding tax will be imposed on savings interest payable on or after 1st January 2005, but only on interest paid to EU resident individuals.

Subject to Tynwald approval of the recommendation, the Treasury will seek to introduce the necessary legislation to ensure that the 1st January 2005 deadline is met. For the three-year period up to 31st December 2007 the withholding tax will be at 15 per cent. It will then be at 20 per cent for the next three years, ending 31st December 2010. Thereafter, the rate will be 35 per cent. EU individuals falling within the measure may opt out of the withholding tax by agreeing to information on their interest being exchanged with their EU country of residence.

The transitional period will automatically come to an end, as set out in the Directive. Treasury will also keep the measure under review with the industry and with our colleagues in the Channel Islands, who have also decided upon this approach.

Mr President, in making this recommendation, Hon. Members need to be aware that it will not be without some cost, both for the Government and for industry. There will be the administrative costs for our own administration in undertaking the required negotiation and legislative processes. Of equal, if not more, importance is the cost to industry of complying and the impact on its business base, which, in turn, will translate into some loss of revenue to Government. The overall financial consequences of the Savings Directive are difficult to quantify. Independent work recently undertaken on the potential impact suggests a reduction in gross domestic product of approximately 2.2 per cent.

According to the industry, the potential annual cost of compliance may be £1 million a year, with an initial set-up cost of £4.4 million. There will be an impact on direct tax receipts, causing a reduction of approximately £2.4 million. With automatic exchange of information the reduction would be more immediate than with the chosen option of a traditional withholding tax, which is expected to spread the cost over a number of years. Overall, however, the loss is expected to be broadly the same, whichever option is chosen. The withholding tax option does provide for a 25 per cent of any tax withheld to be retained by the Isle of Man, the remaining 75 per cent going to the appropriate member country. No amount has been taken into account in the costings to allow for this because it is not expected to be significant.

Mr President, I have outlined the response to the Savings Directive, but there remains the policy of how the Isle of Man should, in the future, approach the general issue of exchange of information. The published taxation strategy, already approved by Tynwald, clearly states that the Treasury is prepared to enter into bi-lateral negotiations with any country about double taxation agreements or a tax information agreement which provides for mutual economic benefit. Such are the actions of a mature and responsible financial centre, which, given the opportunity, stands willing to participate actively in a constructive and inclusive international debate on the development of new standards.

This does open up the whole question of how we will seek to identify and achieve that economic benefit, which is so important to the future health of our economy. Our officers are going to be fully engaged in the administrative procedures needed to implement all the planned changes. I shall, therefore, be reviewing the level of support available and, if necessary, seek to strengthen it with the experience of those well versed in international market issues. Some work has already been undertaken on this aspect and valuable advice has already been provided. I will be reviewing the options for resource in this vital aspect of our future development, including consideration of the use of the tax strategy requirement fund.

Mr President, Hon. Members, we face a considerably more challenging economic environment than we have for very many years. Our focus of attention must be on responding positively to those challenges. The recommendations that I have outlined and on which I am seeking your support today, are an important component of the approved taxation strategy, which, in turn, is an integral part of the overall economic strategy. Both of these strategies are an important response to the economic and external challenges we face. For the future our attention must be directed to converting the potential opportunities they provide into tangible economic benefit for the Island.

Mr President, I beg to move.

**The President:** Hon. Member of Council, Mr Gelling.

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

**The President:** Hon. Member, Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane. Again we are at a very important point in the development of IoM plc and certainly in the progression of the tax strategy.

I think it is pertinent to speak to the Treasury Minister and point out that what I do not want to see in his winding up of this debate is what we have seen several times over, which is, to all intents and purposes, a schoolmaster preaching to children.

I find it insulting at times that the Treasury Minister feels it necessary to go over the same ground, advising Tynwald Members that we are not living in the real world and that there are serious issues occurring around the Island and that the storm clouds are gathering et cetera. Everybody in here, Eaghtyrane, and to you, Mr Treasury Minister, knows that. (**Mr Houghton:** Hear, hear.) We are well aware of it and we are all very concerned ourselves and I do not think it is doing the cause any justice by re-iterating that point. (**Mr Houghton:** Hear, Hear.) You are not only going to lose the unequivocal support of Members; it is distressing; and it is also sending messages outside and I think we can do this more positively and more proactively than has been said.

We know the seriousness of the situation and we know that the good times are slowing up and I think that is a very important point, Eaghtyrane, that the Treasury Minister must take on board and must recognise the level of intelligence and understanding in this hon. place. It does not need to be undermined and it does not need to be belittled, which I feel it has been from time to time. We know.

Now turning to the strategy itself, Eaghtyrane, the thing that concerns me with the document is that there seems to be a conflict between what the OECD are requiring, or may be requiring in the future, and their future aspirations, and the EU/EC, and what we need to do is define our position within all that and how we manage the conflict between those two massive organisations or empires, if I say that. I think we need to do more assessing on that situation so that it gives us a clarity of where we need to go and what we need to do to get there. Obviously the tax strategy is a start to that, but there are obvious conflicts outlined in here and we need to be more clear as to what they are and the impact on us or in between the various organisations and what the fall-out may be from that – not clear here.

The other thing I would like to say, Eaghtyrane, and I neglected to do so in the economic strategy – but it is pertinent to put in here because they are all linked – is that we have had three very important reports placed before Tynwald, probably the most important for many years. They do not seem to be speaking to each other as clearly as they could be. On the one hand, we are saying that we have got to be careful of EU/EC. On the other hand, we are saying we have got to get into the markets and then here we have an instrument for managing the exchange of information et cetera and the conflicts that are going on as we try to move into this area.

Our strategies need to be more clearly linked, speaking to each other and running in unison. To some extent they are, but, if you delve into the detail of everything, it is not as clear as it might be. I have to make a call yet again and I have heard the Treasury Minister yesterday agreeing to briefings and papers circulated to Members, but I re-iterate that, Eaghtyrane, it is vitally important we receive information, and, if this Government is receiving briefing papers from the UK Government, which are supplied to the UK Parliament, there is no reason why we should not be receiving them or similar sets of information. We need to know and we need to know sooner rather than later.

Also, the Treasury Minister has pointed out that there may well be impacts of this strategy and financial impacts to the tax collection and Treasury. I think what we need here is a fuller impact assessment of this, to find out exactly, over the next few months or a year, the full extent of the impact of the tax strategy and we need to be better placed to know exactly what any losses or problems incurred by the industry are, so that we are better able to respond to those or to any loss in revenue. It is a very serious matter.

My next point is that the Treasury Minister and the Chief Minister have been expounding these three Reports for the last couple of days and more or less said you have got to do it. It has been hammered home. We have got no choice.

My message is clear: we may well have to follow this route for the time being, but we should not be slavishly locked into some of these programmes, so that nothing can be changed in time to meet changing needs or responding to changing situations. We need to keep these strategies and policies totally flexible to respond to the changing needs and, if necessary, they may well need to be revised and changed totally as time goes on, because things are changing rapidly and they are going to continue to change rapidly out in the international economic sphere.

It appears at the minute, anyway, that we are locked into something that we cannot get out of, but we need assurances that it can be flexible and, if needs be, changed

to match what is going on in the markets and for our economy, Eaghtyrane. Thank you.

**The President:** Minister to reply.

**Mr Bell:** Thank you, Mr President. First of all, can I take up the Hon. Member for North Douglas's initial comments, and apologise if Members feel that I have been preaching to them. That was not the intent at all and it was not meant with any disrespect at all to Members, but this new scenario, Mr President, which we are facing is potentially the toughest set of challenges that the Isle of Man has faced for the last 20 years and it is vitally important that Members really do connect the external issues which we are grappling with at the moment with their statements that are made in this Hon. Chamber in terms of higher expenditure, extending services et cetera.

These are most inextricably linked, Mr President, and, if the impact of the external pressures do mean a limit, at least for a period, in the level of Government revenues which are available, clearly we cannot provide ever increasing public expenditure at this time. The two will not balance, so I do apologise to the Hon. Member and to others if they feel that I have been, perhaps, over egging it a bit, but I really cannot stress just how important these issues are and I did, I think, in response to the Hon. Member's comments yesterday, urge that a more regular briefing be made available for Members. I think that that would be a very positive move, not just on the European Convention which we talked about yesterday, but to keep Members fully up to speed with these other international issues, which, in many ways, are far more pressing on the Island than the Convention itself.

I have, in fact, as the Hon. Member knows, in response, again, to his requests, tried to keep Members up to date with changes in the EU and OECD issues as they arise and as we become aware of them, but I can give the Hon. Member absolute assurance that that will continue. As we have any new information, we will make sure that Members know, because, clearly, if I am asking Hon. Members to make decisions related to this in this Hon. Chamber you really need to be as fully briefed as you possibly can be to understand the issues.

The Hon. Member quite rightly has also pointed out what appears to be a conflict between the European Union and the OECD, particularly on the exchange of information, and it is no secret, I think, to say that the OECD is not best pleased with the way the European Union has behaved on this. The meeting of the OECD which my officers and the learned Attorney attended last week in Ottawa, was, in fact, in part to discuss the ramifications of that. Discussions are still continuing and the Isle of Man is very closely involved, insofar as we are part of a working party looking into some of the problems which arise. So, again, as information becomes available on progress there, we will do our very best to keep Members informed on that.

The Hon. Member also makes a point that perhaps the three strands – the economic strategy, the tax strategy and, indeed, the views on the Convention are not quite talking to each other. I think they are, but there is, certainly, from a presentational point of view, perhaps, a need to dovetail the impact of one to the other a bit more clearly than we have at the moment. We have a number of dilemmas here, really. We are not part of the European Union, so, clearly, we resent

the fact that we are having to comply with this. Nevertheless we have to live in the real world. We have to accept that this is our major trading partner.

We are a Crown dependency of the United Kingdom. We must, to a certain extent at least, fall in line with what they are trying to do, but, at the same time, we do need support to try and get into European markets to extend our business base, our business access to Europe, a lot more than we are doing at the moment, because that is where our future growth potentially could come from, so they are speaking to each other, but it may not be coming across quite as clearly as the Hon. Member is saying.

The Hon. Member also makes comment, Mr President, about the need for a fuller economic study on the financial revenue impacts of what we are talking about today. We are endeavouring to keep on top of that as best we possibly can, but we do not have all the actual figures that we would ordinarily like, such as the number of EU customers who actually have bank accounts on the Island.

There has never been a need to keep that information in the past and, therefore, it is not easily accessible to give us an exact figure as to how this may be effected. The estimates that we have given at the moment is a best guess, as to what the impact would be. It might be a little bit more, it might be a little bit less, clearly, as things move on, it is very much in our interest to know exactly what those figures are from a budgetary point of view, if nothing else. So those figures are being studied and, as clearer information becomes available, then, again, you know we will keep Members informed as to what that is.

Finally, Mr President, again the Hon. Member is absolutely right when he states that the Island should not be locked into a firm and fixed position on these evolving matters. Flexibility is the name of the game and, clearly, from our experience over the last 18 months, it has been such a fast-moving evolution of ideas and pressure points, that it would be foolish to strike a firm pose, now set in stone, that we cannot move from at some point in the future. We have to respond to conditions as they evolve and what I am saying today may be totally overtaken by events in six months' time and we have to accept that and respond to it.

I can give Hon. Members an assurance that we are very much on top of the issues at the moment. They are a moving target in many ways, both with the European Union and, indeed, with the OECD and we are trying to be flexible, but, nevertheless, flexible in a constructive manner to try to get the best out of it for the Isle of Man. I hope, Mr President, those few points would assist the Hon. Member.

Finally, could I just make one comment – the amount of work which has been involved in relation to the European Union issues in particular, but also with the OECD, has been enormous over the last year or 18 months for Treasury and I would just like to put on record my thanks to Mr Ian Kelly, the Assessor of Income Tax in particular (**Some Members:** Hear, hear.) for the huge amount of work and patience that he has applied to this exercise. He has been a great servant to the Isle of Man on this issue. We owe him a great deal and I would really think it is appropriate that we put it on record to acknowledge the work that has been done. (**Some Members:** Hear, hear.)

So on that, Mr President, I beg to move.

**The President:** Hon. Members, the motion that I put to the Court is that printed at 16. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Consultancy Review of the Isle of Man's  
Meat and Dairy Sector  
Amended motion carried**

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

*That the report on the outcome of the cross-industry discussions and other policy matters in response to the Consultancy Review of the Isle of Man's Meat and Dairy Sector, be received and the broad principles contained therein be approved.*

**The President:** We turn then to item 17 on your Order Paper and I call on the Minister for Agriculture, Fisheries and Forestry to move.

**Mr Rimington:** Thank you, Mr President. I will try and be relatively brief in my remarks, as the report has been circulated and is quite detailed and also Members have had an information paper on the financial implications of the report.

The first thing that I would like to point out to the Court and put on record is, again, my thanks to the members of the industry who have spent many long hours between last March and today in meetings, going through the Promar Report, the recommendations, and trying to seek a way forward on many of these important aspects for the industry, and, without their contribution, we would not be here today, with what I think, is a fairly forward-looking report.

There is, I am pleased to say, a degree of consensus within the industry on the contents of the report today, certainly not unanimous support, because I would never expect to see that, but there is a degree of consensus within the industry and within the leadership of the industry, that the report today does represent a step forward, in a direction that we need to go.

There are in there, in the details, a number of new schemes, changes to schemes, and the new legislation which will be on the way. All of these will have to return to Tynwald for the approval of Members, in due course. So, in many respects, we are not asking you to give detail for financial sums of money to be allocated in X, Y or Z fashion, because they will all have to come back after, if you like, full consultation on the detail with industry, go through due process and arrive at this Hon. Court for approval by Members.

What we have sought to do with the report and through the discussions, is to try and give some degree of certainty and direction for the industry, so they know where they are going, hopefully, in the coming years.

That is a very difficult thing to do, given the external world and the circumstances that change from year to year, and the impact that has on the Isle of Man, but to make that positive commitment towards the industry, to say yes, we are here to support you, there is a continuing level of support, we are prepared and will adjust it to meet changing circumstances.

And, in particular, you will see on the dairy sector, that we are proposing to introduce a ten-year support scheme to give a degree of certainty there that has not been there before. Members are really only being asked to receive the main body of the report, because, as I have explained, many of the issues, the detailed issues, will have to come back

before this Hon. Court. However, we are seeking support for the broad principles, set out in Section 6 on page 14, and I would like just to briefly go through those.

The first one is the introduction of an independently audited Quality Assurance Scheme for all producers, with a target date of 1st April 2006. We have to say, at this point, it is a target date and there is still a great deal of work and consultation on precisely the nature of that scheme, and how it will be introduced.

Secondly, the introduction of a Countryside Stewardship Scheme, again, with a target date of 1st April 2006, with the main principles being an annual payment per acre of land farmed – and I do emphasise that is *land farmed*, and is not for set-aside land – that is for land in agricultural production; that the payment should be financed by a cut in production subsidies, and there is a list within the report that represents the proposed cut is 25 per cent in those particular subsidies and additional resources. Payment would be subject to compliance with minimum and maximum stocking rates on the land, and, from our information to date, that the maximum stocking rate will, in fact, place a burden, as far as we can see, on possibly only a handful of people, who might need to make adjustments – the stocking rates on the Isle of Man are, in fact, relatively low. And also compliance with good land management practices and basic environmental conditions, and this will not mean that on 1st April 2006, the majority of farmers will have to make radical changes to their pattern of activity, because many of those conditions on good land management practices, et cetera, will actually have been there as part of the Quality Assurance Scheme. So, really, we are saying that you have got two-and-a-half years to build up, and, by the time that the Quality Assurance Scheme comes in, the majority of compliance conditions will have been met. Again, those conditions will have to go out for consultation quite closely with the industry.

The last and major broad principle which we are seeking approval from Tynwald today is on the revision of the Marketing Acts, and we have outlined three underlying principles for the new Act. The first, and possibly the most important, is to ensure that there is liability protection for the Marketing Associations.

The second, potentially controversial, but I do not think it should be, is the retention of the monopoly powers of the Marketing Associations, and we did seriously consider in certain areas saying: 'Well, perhaps that should not be right, perhaps there should be a freer market', and we considered the implications of that and realised that was not the way to go, and, in fact, the very conditions, which required the 1934 Marketing Act to come into place, could easily be replicated if those monopoly powers were actually taken away.

Thirdly, because those monopoly powers are being retained, or proposed to be retained, is to bring in a new framework there for a strong public interest oversight of the Associations, and we would hope to see greater liberalisation within the management of the Associations, and the ability for different products, different ways of marketing, to take place, but within that framework, so that it cannot then expand out into a free-for-all and then you would see significant sectors of the industry collapsing. The Executive Committees of the Marketing Associations we were proposing would be elected directly by the registered producers, which is not the case at the moment, that the

new Act would allow for a public/private entity to manage the slaughter function of the meat plant, and I would like to come back to that again in a moment, and that there would be a new entity overseeing the Marketing Associations, and that umbrella body would encompass the public interest; the oversight would consist of independent nominees, Government and industry representatives.

The subsidy, the slaughter function at the meat plant, is probably the most difficult area that we are intending to embark upon. Yes, it would be hopefully, a formal structure, a legal structure, placed under the new Act.

From now to actually bringing in a new Act will take in some considerable time. Even with the best will in the world, the legislative process does take time and consultation, et cetera. Therefore, we will be seeking to have an interim arrangement, because the industry sees, quite rightly, that the cost of slaughter at the abattoir is one of the most damaging elements in the industry at the moment, and there is a need to bring that slaughter cost down to a level that is more comparable with surrounding jurisdictions. On the evidence that we have at the moment, it would appear that the slaughter cost would be in the region of £160 per unit, whereas the maximum slaughter cost in the UK would be about £60 per unit. There is a considerable difference. To bring a system in, whereby we can actually subsidise that operation, is going to require considerable work, not just from within my own Department, but we are going to have to rely on the expertise elsewhere within Government, and probably some form of external assistance as well, so that we can make sure that there is a transparent use of public funds – that the taxpayer can be satisfied that the money is going in for the purpose that it is intended.

I am quite willing to say, at this point, that I would be content to discuss at any time with the Public Accounts Committee, how progress is being made in drawing up that methodology on the interim basis for this use of public funds, because we all have to come back to Tynwald for that final approval. I would wish that Members be reassured that we are doing it in the best possible way, and that we will not be putting money in, to subsidise things that we do not want to subsidise. We do not want to be subsidising inefficiency, we want to be slaughtering the true cost, and that is going to require some quite considerable work to be done.

Finally, because I would rather respond to the debate and answer people's queries, rather than go on any further at length, it is just to acknowledge that the implementation of this report, is actually going to impose quite a high workload on the Department, and, to an extent, the industry as well. There is going to be, in the coming months and years, the need for many new things to be discussed and drawn up. There are going to be impositions on the industry arising out of this report, and we understand that is not going to be always as straightforward as we would like, but we acknowledge that what is coming forward needs to be done.

Possibly we have allowed ourselves to get a little bit behind in this respect, and we will work as sensitively and closely with the industry on the progression of these matters as possibly as can be. Thank you, Mr President.

**The President:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** I beg to second and reserve my remarks.

**The President:** Hon. Member for Middle, Mr Quayle.

**Mr Quayle:** Thank you, Mr President. I would start by welcoming this overview for agriculture, and congratulating the Minister and his staff at the Department for undertaking such a comprehensive review, as I think he acknowledges it was probably long overdue and, hopefully, many of the recommendations that have come out of this and are to be implemented will be very helpful to the industry.

I do notice on page 3 on the overview, a lot of that is very helpful, but one particular paragraph where it suggests that agriculture maintains the Island's most treasured asset, the countryside, whether that is the hefted flocks, or our moorland, or the fields bounded by traditional hedges.

The countryside is widely appreciated by residents and visitors. It is also a key component in attracting the revenue-earning film industry, and, certainly, I am sure the Treasury Minister would be the first to agree that the film industry has been a significant contributor to the Island's economy. So, there we have quite a weaving of industries which are benefiting the Isle of Man, tourism, agriculture and the film industry.

Great to see that it is acknowledged that agriculture has a vital strategic future, and maintaining the Island's most treasured asset, its countryside. I think, in terms of the meat industry, at long last there has been recognition of the high slaughter costs, and that has already been said, £160, and probably that could be on the low side for over here, depending on the weight of the animal, of course, but £50 or £60 in the UK, an absolute significant difference which, for a long time, producers on the Island have been dissatisfied and wanting action.

So, hopefully, we are able to achieve that in the future, and I notice that in pressing for the derogation of meat, beef and sheep imports, the extension beyond 2005, obviously, will be a significant contributory factor in helping the industry. It is recognised, too, that more can be done on the marketing and the throughput, or a higher throughput of quality meat will obviously be to the benefit of the agricultural industry. I realise that the Quality Assurance Scheme that is put forward here, whilst being seen to be necessary, will, undoubtedly, bring with it a degree of costs, and so it is somewhat a difficulty where farmers are burdened further with costs, and yet requiring additional income.

I turn to the milk sector, and acknowledge now that there will be strenuous efforts to obtain a derogation, and the extension of the Dairy Cow Financial Assistance Scheme is to be welcomed, giving a degree of assurance, if Tynwald approves it, that at least there will be the support there from the Department of Agriculture to give some reassurance to the dairy sector for its planning for the future. There does not appear to be much in the way of any mention of cereals, and I know with discussions, really, on meat and milk . . . but I do flag that up as being a significant area of concern.

I think it is vital that the people of the Isle of Man will continue in increasing numbers to support home industry and buy Manx products, of all descriptions, which will be to the benefit of Manx agriculture and to the taxpayers themselves in helping to preserve and protect such a vital part of the Island's infrastructure, and, in particular, Laxey Glen Mills, which is a significant employer and taking much of the wheat grown on the Isle of Man.

I turn to the Stewardship Scheme, and I have to say that, whilst the Minister suggested that he had widespread support for this particular review, certainly at my attendance at the

recent Manx National Farmers Union Annual General Meeting, when asked by the President, I recall, I think, not one farmer raised his hand in actual support or thinking that the Stewardship Scheme would be either particularly helpful or significant for the industry, and I just really raise that as a matter of my concern.

But, overall, I congratulate the Minister. In particular he has shown a great commitment to the industry and has, undoubtedly, spent a lot of time himself with his officers, to whom I also pay credit for their hard work in attending the many meetings across all parts of the industry, and that is the Manx National Farmers Union and the Marketing Associations, and other people that have been involved, the Isle of Man Creameries. I would wish to acknowledge and pay tribute to all of those who have worked so long and so hard. 1600 man-hours from February to October is no mean feat to try and get a consensus of the industry in supporting a package that can be brought to Tynwald.

So I would conclude, I think, by saying the measures contained within this report and the proposals for the restructuring of the industry, are by no means a panacea. I am not even sure whether or not this will help the industry to treat water, because, as welcome as this particular review is, I do not want anybody in Tynwald here to get the idea that this is the solution that we have been striving for, for so long, which has eluded us, and which will not be the answer to the industry's prayers, because, as welcome as this is, the average age of the farmer, I understand, is 55, and probably still rising, so I think that is a problem. The young people are not coming into the industry.

I do not want to be pouring cold water on this particular review, because I think it is very helpful, but I think that there should be an acknowledgement that what is here is certainly not going to dramatically change the landscape of the industry. I hope that my caution on this is, perhaps, unwarranted and things may improve further than what I am thinking at the moment.

I would, finally, say that I am pleased to have seen the Department strengthened by the addition of another political member, the Hon. Member for Rushen, Mr Gawne, and I thank the Chief Minister for obviously strengthening that Department to assist on the agricultural side of things.

Presumably this has left the Hon. Member for Onchan, Mr Karran, to spend a little more time with his fishing, (*Interjections*) and, no doubt, we will hear in due course, perhaps, a review of the fishing industry and hope that that, in fact, is not being overlooked, so I welcome that.

So, overall, Mr President, congratulations to the Minister for bringing this forward, and I hope it will receive support.

**The President:** Hon. Member for Garff.

**Mr Rodan:** Thank you, Mr President.

First of all I would say to the Minister that there is a most welcome focus in this document on agriculture as a business, and a recognition, of course, that those engaged in agriculture are business people, attempting under very difficult business conditions, and market conditions, to run a business, and I do not propose to go into detail of that aspect of the document.

I would simply like a little further amplification, if the Minister could please, on the Countryside Stewardship Scheme, which I know is one aspect of policy the Minister himself has been personally keen to promote. It is the

question of that element of this scheme which is described as compliance with minimum and maximum stocking rates, good land management practices, and basic environmental conditions, most of which will have been achieved through quality assurance. It is the good land management practices, I wonder if he would comment further upon.

We, of course, know that, in recent years, with the changing nature of farming, the availability of labour being completely different from what it was in years past, the different way that the land is managed and maintained, I wonder if he could say a little bit about those good land management practices which he has in mind, because there is no question, of course, that effective management of the land, in terms of drainage, for example, does have a significant impact on other parts of the community, particularly under adverse weather conditions. Ditch maintenance, field drains, things of this sort, can have quite significant impact on others who live in the rural environments, so if the Minister could do that, Mr President, I think we would appreciate it.

**The President:** Hon. Member for Ayre.

**Mr Quine:** Thank you, Mr President. I wonder if the Minister could just make it quite clear, in terms of what the motion embraces, because the motion asks us that this report be received, and the broad principles contained therein, be approved.

In the report itself, it seems to be that different lines are drawn. On page 14 it says that,

Tynwald has been asked to receive Sections 1 and 2 of this report, which are primarily concerned with detailed changes and policies connected to the dairy and fatstock sectors ,

so that refers only to Tynwald being asked to deal with Sections 1 and 2, and only to the extent that it is *received*.

Then later on, just below that, it says,

The Department seeks

– still on page 14 –

Tynwald's approval of the following broad principles of Sections 3 to 5 ,

but, of course, the one that matters – I am sure Mr President would put me right if I said something that was liable to mislead – of course, is what is on the motion. But the motion does not sit with the stated intent within this report, as set out on page 14, so perhaps the Minister could make it absolutely clear just what he is asking us to do. Are we being asked to see and approve certain broad principles – if so, which broad principles? Or are we just being asked to receive part, in relation to other parts, receive it and approve it? At the moment there is a conflict between what is on page 14 – as I read it – and what is on the Order Sheet. But I am sure the Minister will – if there is any doubt – make it quite clear to us.

I welcome the report, I think there is a lot of good material here in this report. The Minister himself has made it clear that there is a long way to go in making this materialise and bring about the benefits of this. There are still obstacles to overcome, and I think we all appreciate that, but just one or two matters perhaps, for clarity, that he could help us with.

On page 7, there is reference there to,

The Department is willing to consider

– this is relating to one of the recommendations –

consider and provisionally allocate £30,000 per annum for the purpose of the Milk Liaison Officer to be employed.

It is not quite clear whether that Milk Liaison Officer is to be employed by the Creamery or by DAFF, but what would concern me more is – and I presume that this would come at a later stage within the Department – of course, the justification for that, because if we are into an area of making the books balance for agriculture, then I think one has to look long and hard at creating further posts of that nature, particularly when you consider the span of liaison which is involved. The span is quite small, but if the Minister could make it quite clear to us – I know it is a recommendation from a group, but what is important, perhaps more important to us, is how the Minister reads that.

The other matter that I feel a little uncomfortable with, or I can see where he is coming from on it, is this question of the meat plant, and

it is proposed that the slaughtering facility would be run as a public/private partnership with a board of directors,

et cetera. Again, I can see some of the benefits of that, but I am not sure where the line is going to be drawn there, and, even in the group recommendation, there is some confusion. If you go to Appendix 1, for example, they talk there about operating costs, and then they talk about primary slaughtering stage costs. What are we talking about and how are they going to draw the line?

I would have thought that, unless it is very carefully specified, carefully drawn, there would be a likelihood of some creative accountancy, and we would not want that. We would want transparency, but we would not want people to indulge in creative accountancy. I am happy to leave matters there, but I am supportive of the work that has been done here and I thank the Department for it.

**The President:** Hon. Member for Glenfaba.

**Mr Anderson:** Thank you, Mr President.

I, too, would congratulate the Minister and those who have spent many hours in committee investigating these two vital sections of our industry.

It is not difficult to see the problem areas: the cost of processing at the meat plant impacting on the fatstock sector and the dairy sector marketing into a very competitive cheese market, in the past with a general product.

To an extent the dairy sector through the Isle of Man Creamery is moving in the right direction, moving from a generic product in an over-supplied market, to a value-added growing market with mature cheeses. The review recognised this and that this is an achievable aim, but supporting it and getting from 'a' to 'b' is not sufficient in the lifespan of the existing short-term schemes and, in order to give that sector confidence that the tap will not be turned off when they get only half way there in that respect, I welcome the extension of some of these schemes.

The recommendations highlighted in the review in relation to the fatstock sector are quite radical in approach

and I hope the proposals can achieve what they set out to do. I know that there are different views within the subcommittee on various issues, but, generally speaking, the industry thinks the package is progress. Hopefully, in relation to the fatstock, if unit handling charges are able to be brought down, that can significantly cut live exports of cattle that are taking place at the moment.

However, Mr President, I would warn the Minister that there is a very fine balance between sectors and from what I perceive, the package for the fatstock sector will not stop the migration from the dairy sector into it. There are now only 68 registered dairy producers and, although that does reflect a global change to fewer and larger herds, there could become a throughput problem in the Creamery when it potentially drops below the 20 million litres annual intake and then that throughput will dramatically affect fixed costs and economic returns.

I hope the Minister will take notice of what he says are key performance indicators, that are meant to give the Department an indication if the policies he is putting forward are working and I hope that when the alarm bells start ringing, then the balance can be addressed swiftly. History shows very few people moving out of the dairy sector ever come back.

I welcome the endorsement of the importance of the industry to the quality of life on the Island and, in addition, the importance of it to other sectors, as Mr Quayle has touched on already, such as tourism. But the biggest impact on the industry is in the outside world, a world that has become a lot smaller and, as a result, impacts on us very quickly.

So, Mr President, a key area is the protection from these outside threats and I would ask the Minister that he treats the extent of existing derogations as a priority and I would ask the Minister to try and progress the liquid milk and dairy production derogation and treat that as a top priority, as I do not think it has moved on very far in the last two years, certainly since when I was lobbying with the Manx National Farmers' hat on.

The extension of the existing derogations for the fatstock industry is also a vital part in the jigsaw. The overall financial increase in support is not massive. In fact, it is more of a case of change, than in balance, of support, but it does give the industry stability for the future, more than previous schemes have. But could I make a final plea to the Minister to react by rebalancing his schemes when these key performance indicators, as they are called, show the exodus from one sector to the other.

The 1934 Marketing Act has served the industry well for many years and, as a result, there is a reluctance to change, so I hope that any proposed changes will reassure the industry and that the modifications will give protection in the areas of liability. We accept, in the broad principles in section 6 here today, that there is a lot of detail to be sorted out and no doubt there will be strong views on those when they come forward, but that is for another day. The Countryside Stewardship Scheme is one that will be contentious and I think the detail of that will be very important.

I congratulate the Minister and his Department for trying to support the industry through these radical changes. I do not agree with all of them, but I wish him well in his endeavours.

In conclusion, I would just say it is very often the small,

but significantly annoying red tape that is frustrating the industry and, if the Minister wants to make a lasting impression and to be remembered in the countryside as a Minister who left his mark, could he please grasp this nettle – and they do not sting in October!

**The President:** Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I come from the position for my small contribution into this debate, but, obviously, I support local industry and I have certainly got a keen interest in the agricultural industry and, as the Hon. Member for Middle pointed out, the land in farming ownership is very special, not just for the agricultural and dairy industries, but also for the conservation and wildlife aspects that it provides and some of the keen interest that the farming community take in that.

I have to say, though, that some of them do not take a keen interest in it – most do, but some do not – and I think that is a matter that needs promoting through the Department of Agriculture, Fisheries and Forestry.

Having said that, though, my interest is there and I am very keen to see our local products sold and promoted locally and on a wider, economical scale. I have read through the report and, really, I just need to comment on some overview points that are raised within it, one of which has been touched on already and that is the pinchpoint down at the abattoir, or ‘abatire’, depending which butcher is upset, with that particular place, and the price differentials that have already been flagged up. I think that this is a very important part of this report and it shows the situation that has been ongoing for years now – dissent between the customer chain straight from the field to the abattoir, down to the butcher and eventually to the customer.

It is so clearly illustrated now, I do not think anything else but firm action can be taken by the Department and nothing short of firm action is warranted here and that is something I fully support. I have letters from butchers here, Eaghtyrane, outlining in minute detail how all the pricings start off from the farmyard down to the abattoir to the butcher to the customer and it is astonishing to think that if one was prepared to take a carcass across and have it slaughtered and brought back, you could do it far cheaper and sell it much cheaper, which, again, is the problem that we are experiencing because Manx meat is more expensive compared to its competitors.

The other thing I have to say, Eaghtyrane, and I have pointed it out before in these kind of debates, that one or two members of the industry have made public statements that the quality of our products is not up to scratch when they have been asked directly. They seem to have a reluctance to take some sort of national pride in what we are doing and promote it. Instead of saying: ‘no, actually we are under quality and we have got a long way to go,’ why cannot the industry have been encouraged or certain members of the industry, I have to stress, Eaghtyrane, that the majority of the industry are supportive, but certain Members are on public record as saying in a negative fashion and, I think it is incumbent on DAFF to encourage that we should be saying, ‘our products are quality products and yes, there is always room for improvement.’

And spin it that way, rather than coming at it from a negative aspect, which I have heard on at least two or three

occasions from one or two very prominent figures within the industry and I think that is grossly unfair, considering the industry is in somewhat of a decline at the minute, as pointed out by the Hon. Member for Glenfaba, Mr Anderson.

On the last pie chart of our gross domestic product I think the industry represented something like 5 per cent of it, so I think we need to be careful and have a good balance in here. That is my main concern, Eaghtyrane, down at the abattoir and that certainly needs addressing. It has long been calling its own shots more or less down there and, certainly, a lot of poor customer relations between it and the outlets in the high street. That needs addressing and sooner and urgently, rather than later.

The other thing I need to pick up on is marketing improvements, which are being promoted, but we have seen these kinds of reports before, Eaghtyrane. We have had numerous reports through Tynwald and, certainly, in my time on the Department, we have had various assessments done. Marketing improvements are fine and we do need them, yes, but what we do need to do is have an action plan in place with timed objectives to meet various stages of a marketing improvement strategy, so that we can actually see some action taking place and deadlines met, rather than just making a sweeping statement and leaving it at that, because there are numerous reports like this still on the shelf in other places, that said: ‘Yes, we need to make improvements.’ Nothing ever happened. I am not saying this in this case, but there is a danger and the Hon. Member for Ayre has pointed that out already – what is it we are actually approving?

Moving on from that, from a positive marketing policy and action plan, there is another aspect which I have highlighted before – merchandising – when the product is on the shelves. That is the flip side. We can do all the advertising we like. We can have all the advertisements on Manx Radio, national press, UK press, whatever. It is the product on the shelves and how it is presented and how we deal at it from a high street outlet point of view. In some cases, Manx products are hidden away on the backs of shelves and the main promotional items are all the cut-price offers and there is not much thought given. It is a token ‘gesturism’ really, Eaghtyrane, in a lot of cases and the promises we have had from some of the bigger consortiums over here, as to how they are going to promote things have frankly fallen flat. That needs addressing and the consumer’s eye needs to be drawn more to what is available locally. There is one store doing it – Shoprite – whether we love them or have reservations, the way the local produce is promoted is good and we need more of that.

We also need to actually promote being proud of our national products. They are our own. A lot of hard work has gone into their produce. It is Manx and we should be able, without doubt, to say that we are proud of them and when people go into the shops, the first thing on their minds, rather than looking down the supermarket brands, should be thinking, let us see what Manx produce is in and that is the kind of think pattern we should be trying to promote as well.

This report covers a lot of good ground and makes a lot of good points, but the end product is, are we going to implement what is recommended here? We need a firm commitment from the Department for that. Nothing less is going to do now, because I do feel the industry is at a turning point in some cases and this is an important way forward to

support it. We need drive, commitment, determination. We need joint working, and DAFF as the responsible Government Department has to be the driver from it.

At the end of the day, Eaghtyrane, we are back to quality, quantity, marketing, merchandising, full and proper implementation of the recommendations of this report. Then we need the Shirveishagh to undertake regular reviews and to assess the success of any changes implemented, and market forces, and we need a report back to this Hon. place, Eaghtyrane, to see how we are getting on and what successes or changes may be needed.

**The President:** Hon. Member, Mr Gill.

**Mr Gill:** Thank you, Eaghtyrane.

Members will see that there is an amendment before them in my name. If I could just say I welcome the contents of this report, but I wonder, as a matter for all Departments, if there is a more standardised format for reports that, perhaps, could begin with an introduction and executive summary, the text of the report, and then conclusions and recommendations.

It is not what we have before us in this report and, perhaps, that would have clarified some of the points that have been raised, particularly by Mr Quine earlier in his speech. I would echo some of the comments that he made and there is a little uncertainty, so, sir, the reason for my amendment is to hopefully bring a bit of clarity. I can say it is with the concurrence of the Minister and I thank him for that and the amendment therefore, sir, is to

*delete 'therein be approved' and add 'listed under section 6 on page 14 be approved'*

so it is really just to specify the bit that is in question, sir. So that is the first of two points I would like to make.

The second one, sir, relates to something that is not in the report, but I am conscious that the Minister has previously made mention of and given support to, and that is the principle of supporting organic farming.

Taking the fatstock section of this, I cannot see any mention of that, so I thought if the Minister in his summing up could give us some advice about his Department's position on support or not, or if there is any change in that degree of support for organic farming.

Thank you, Eaghtyrane.

**The President:** Hon. Member, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Eaghtyrane. I have no hesitation in seconding this motion, which at first glance appears to be relatively modest.

**Mr Cannan:** He cannot. He seconded the main motion.

**Mr Gawne:** No, no the motion. I did second the motion.

**The President:** You seconded the motion.

**Mr Gawne:** Yes, sorry. Ah, well, Members are being asked mainly to receive the report on the Manx Meat and Dairy Sectors, which, incidentally has a fair degree of support across the industry.

That is not to say that there are not some concerns

remaining among farmers, that the party initiative suggested in the report will not be enough to save certain parts of the industry. Only time will tell if they are right or not, and, while I have a degree of sympathy with farmers' concerns, I do not believe that Government, through the Department of Agriculture, could do much more than what is being suggested.

I think Mr Gill's amendment is quite helpful, but it is certainly my understanding that Members are being asked to approve the broad principles contained in section 6 of the report, which include the revision of the somewhat antiquated Marketing Acts and the introduction of quality assurance and countryside stewardship schemes. This, if you will excuse the pun, is the meat of the report and it has been the Department's intention in developing these broad principles to assist the industry in becoming more profitable, while at the same time ensuring that the Manx countryside is protected.

**A Member:** Or we will.

**Mr Gawne:** Hon. Members have heard the Minister's comments in this debate and had the opportunity to read the report and attend a presentation on its contents, so I will not bore you with a further in-depth analysis of the report. I would like to set a broader context for this debate, however, by perhaps exploring some of the more fundamental aspects of the importance of food production in the Isle of Man and, by doing so, clarify the motivation behind certain aspects of this report.

Depending on which side of the farm gate you are standing, either the farmers get far too much in subsidies or the subsidies do not even go far enough to cover the production costs. Either way, both sides agree that it is the Government's fault for either giving too much or too little. The truth is, of course, that both sides are right; we do pay over the odds to support farmers, but, at the same time, what we pay is not enough for many farmers to make a profit.

The introduction of production subsidies to encourage food production to counter the shortages, which followed the Second World War, were very effective in providing large amounts of low-cost food. However, for many decades now the decoupling of food production from the marketplace, caused by production subsidies, has led to a significant reduction in the value placed on food. Subsidies have provided a degree of certainty to farmers, but they have also helped keep the price paid by consumers for food artificially low.

Global trade, and the exclusion of environmental and social costs from free market economics, means that the already low value we place on food is undercut by countries with less rigorous environmental and social standards than our own, leading to even lower food prices. On the surface, this is good news for consumers, but bad news for our farmers, and I would suggest it threatens the long-term stability of food production throughout the world. At this stage I will leave the environmental damage caused by shipping food halfway around the globe for another day.

As the government of a relatively small nation, we can only take relatively small steps to support our food producers and we can do little to alter the global, European and UK markets in which our producers must compete. It has been suggested that, perhaps, we should cut our links with Europe,

so allowing us much greater freedom to protect our producers and increase the subsidies we pay them. Even if the economic and political case for doing this was proven, and I do not believe that it is, we simply do not have substantial sums of money available to add to production subsidies. The proposals and principles, which the Department has outlined in this report, will move the Manx agricultural industry in a direction where the link between food production and profitability is strengthened and the role of production subsidies is weakened. Quality assurance, updated legislation and improved structures under the Marketing Acts and more competitive slaughter prices at the meat plant will allow our farmers to sell their produce more competitively, both inside and outside of the Isle of Man.

I do understand that the countryside stewardships scheme is a little contentious in the agricultural industry. The countryside stewardship scheme, however, recognises the important potential role which farmers can play in protecting our environment and countryside. When considering such a scheme, it is important to remember that we, as both Government and society, place many restrictions on the way in which farmers carry out their business.

If we chose to remove all farm subsidies and leave farming to what, as I have stated earlier, is a skewed global food market, the Manx countryside would very soon begin to suffer. If, at the same time, we removed the planning restrictions we place on farmland and removed some of the more intrusive environmental restrictions placed on farmers and let profit margins dictate our countryside management policies, our Island would quite quickly become both visually and environmentally unattractive. If any other industry in the Island was expected to comply with such stringent regulations as are placed on agriculture, they would have expected some compensatory measures to assist them. I would suggest that some of the planning restrictions placed on farmland would be akin to insisting that the finance industry only built offices that are housed in single-storey, stone-built thatched cottages. Despite such restrictions, which mean that the price of farmland can potentially be reduced in value by £198,000 per acre, farmers receive no compensation.

I am not suggesting that we scrap planning laws and allow the developers to let rip across the Island, but I do believe that the principle of recognising the role which farmers play in protecting the countryside through a Government stewardship scheme, is an economic necessity, rather than an act of charity.

The broad principles and policy initiatives outlined in this report offer the agricultural industry a strategic direction and a degree of certainty for the next 10 years. If, in the coming months, Tynwald approves the various changes to schemes and legislation which the report suggests, then agriculture will receive a substantial, financial and political commitment from the Manx Government.

The people of the Isle of Man must also accept that they, too, have an important role to play. As consumers, we cannot continue to expect to have the best of both worlds. If we continue to expect to pay substantially low prices for food, we will lose the rural way of life and the beautiful Manx countryside which we all value so highly. If we choose to buy cheap, rather than buy Manx, we will lose our small family farms and, at best, we will see them replaced by very large factory farms. As I said at the beginning of this

ever-increasing but soon to finish contribution, I do not believe that the Department of Agriculture could do much more for the industry. It is now down to the farmers to make the most of what is being offered and the consumers to actively support Manx agriculture.

**Several Members:** Hear, hear.

**The President:** Hon. Member for Peel.

**Mrs Hannan:** Thank you, Eaghtyrane. I would really like to speak quite generally on this particular issue, but I think that one of the points made by the Member, who has just resumed his seat, is with regard to cheap foods from other places affecting our agriculture.

As the Agricultural Marketing Society circulated to us only fairly recently, one of the items that they enclosed in their documentation was that a World Bank economist attacked the rich on farm handouts. Now, this is what we are actually talking about today. We are talking about subsidies. We are talking about being rich and being able to subsidise and support our agriculture and I would say that we must move away from this attitude of 'one country is winning and another country is losing'.

What is happening is that we have the World Bank, the World Trade Organisation, as we have heard this morning about finance, and it is trying to create this level playing field, so that people do not have to go off to the other side of the world to get food so that it is cheaper. The farmers in the other places in these other countries in the world are not getting huge amounts. They have to produce things to the highest standard, otherwise it does not come into the European Union. What I am talking about now is the European Union. If it is not up to standard, meat produced outside going into the European Union has to be produced at a price, at a standard and what that price is going into the European Union is, in some instances, by the by. What happens is, it is the standards.

But the World Bank, the World Trade Organisation, the frontrunners in the World Trade Organisation, are upping the subsidies they are paying to their farmers, but the European Union and the United States . . . but developing countries are now saying, 'where is this level playing field?'

What I am trying to say, Eaghtyrane, is that we have to mind in the future, it is all very well introducing countryside stewardship, which is one way of getting money into the countryside and protecting the countryside, and I certainly support that, but we are saying this payment is to be financed by a cut in production subsidies. We are not told how that will actually. . . so I look forward to that and additional resources.

The Member for Middle spoke about the high cost of production in the meat plant and I suppose that you could add to that the Creamery, but we must not forget that these are operated by producers coming together in a co-operative, so it is the producers themselves that are running this. It is not Government or an outside body and I know that there was an organisation from outside that ran the meat plant for a time at the abattoir and I think it ran it quite well for a period, but then, of course, the producers had to take it back again.

I spoke before about the World Trade Organisation and the World Bank, but we also have the European Union. This document says that on the milk side we should not have quotas.

Now we do know that, in the UK, there are quotas and I wonder if the Minister can explain why, if we are looking for a derogation, why quotas do not come into it, because the quota system has hit the producers in the Isle of Man quite considerably.

People in the UK are able to sell off their quotas for quite a considerable sum, they are even able to move the animals that fed that quota over here, and milk them without a quota, and make quite a considerable sum doing that. So they are able to get to the very best standards, to be able to produce their milk, you could say at the expense of producers here, and producers where they have come from as well.

Could I also ask the Minister about farm loans? He speaks about the interest rate of 6 per cent, and maybe it should come down to 4 per cent, and with the feasibility to explore and convert the grant after five years. I would hope that that would not happen just like that. Interest rates are looking to rise in the future, that is the projection, and I would have thought that you would have to look at a much longer period of somebody continuing to work on the farm, without having to pay back some of the size of loans that we are talking about.

With regard to the comments made by the Member for Rushen, Mr Gill, I do not see the need in amending the motion on the paper, because the motion says 'to the broad principles contained therein' be approved. The broad principles appear in Section 6, so the broad principles – I suppose you could say – can be approved because the initiatives do have to come back to this Hon. Court for . . . whether it is legislation, or whether it is schemes under particular legislation.

So I have no problem with that, it is just that I do have a number of concerns and I am not sure whether this document actually addresses the future, not just for agriculture, but the impact of us trading with the European Union, the level playing field, the World Trade Organisation and, indeed, the World Bank.

On the other hand, the actual threats to agriculture, with the loss of good quality agricultural land to development, and it tends to be the good quality land, which is lower down, surrounding developments, and so what we are being pushed with is the agricultural land being pushed further back into the margins. I do think that, if land is developed, and it has not been zoned and therefore not bought at a price, then any development on land which is not zoned, not bought at that price, should be taxed, and I believe this is something that the Treasury should consider.

Treasury is not here; Treasury should consider this being brought forward and I do not see why people should make a huge amount out of land which is bought up as agricultural land and then succeed in being developed, when the actual cost of buying development land, even just to Government, when it is zoned, is £300,000 an acre. I do think that we should seriously look at trying to retain our best agricultural land and that is not being done. There is no one that is taking any notice of this.

Before I do finish, one of the biggest threats is the multi-nationals, is the supermarkets. Yes, we do want cheap food, but, in fact, we are paying less now for food than we used to. Good food is not valued anymore, it is the McDonalds, it is that sort of thing, and it is not good for us as people, because we know the problems with obesity throughout the world.

On one hand we have got people starving and, on the other hand, we have got people suffering from obesity, Minister.

Thank you, Eaghtyrane.

**The President:** Chief Minister.

**Mr Corkill:** Thank you, Mr President. Just a couple of comments based on when the Member for Glenfaba spoke, with regard to derogations.

I can understand he is making sure that the Department is, in fact, pushing hard to get these derogations in place, and I really just wanted to reassure Hon. Members that work is ongoing.

**Mrs Hannan:** Eight years.

**Mr Corkill:** Only a month ago there was a visit to Brussels and we are quite convinced that the UK is doing its best to get these derogations in place, but the reality is, they are failing to persuade the Commission of the arguments, particularly on the dairy side, in order to make progress.

The EU policy in this area is quite clear, that they expect to see damage proven before they will step in and say that they will entertain a derogation being put in place. And we are very strenuously arguing and the UK is strenuously arguing, that, in fact, that is too late. That is a ridiculous situation to be in, because, in a small marketplace such as ours, any move towards a damaging scenario will be the bottom line, we will hit the bottom line very quickly.

So we have had advice recently, in that area, that another tack on this may well be worthwhile considering, and we have had some – as have the Milk Marketing of course – had some serious advice from our legal advisers in Brussels, White and Case, who really now seem to have an angle which I think is worth pursuing. So I just wanted Hon. Members to know – although it may be quiet on the publicity front with regard to pushing for derogations – Government is very seriously committed to making these things happen.

With regard to the amendment, I am in the hands of my Hon. Colleague, the Minister, in relation to whether we think this is a good thing or not. What comes to mind is that – in accepting the amendment – there might be more of a commitment to a timetable on some of these things, particularly the Stewardship Scheme. Certainly, I think that is an important thing for the industry to take note of and embrace as time goes by, because the issue that we have to deal with is quite straightforward, because of our Protocol 3, which we heard so much of yesterday. We only have one market place. We only have the EU rules to trade within, and this is a downside, I believe, of Protocol 3. It is a downside that the industry has to live with, and I think it is a downside that the industry does very well to live with, and has done for some time, and it is a matter of making the most of what is available to us.

But, certainly, protecting some of our home markets is very important to us as a community, and Government is committed to that.

**The President:** Hon. Members, before we continue with the debate can I make it plain that I am accepting that the amendment is before the Court.

Hon Member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, the only thing that I would like to raise that we have discussed in the Department and I think the Hon. Member for Peel raised the issue about everybody wanting to eat in McDonalds, and things like that. The fact of the issue is, the industry has to provide what people want. Times have changed – we saw in the debate yesterday – we heard the things about how we should have somebody staying at home to look after the children, and things like that, which is all well and good, but today most couples, unless one of them is in a very good income – have to go out to work because of the way we have addressed the housing crisis in recent years. Sometimes not just to go out to work to buy a house, but just to keep a house over their heads. When they are in the private rental market, they can be paying anything up to £800 to £1,000 a month. So I think it is a little bit simplistic to say that this is a terrible thing and the world's a beast and that.

The only thing that I have differed with my Shirveishagh on, is the issue that we have to accept that we have to get involved more, and we hear an awful lot about corporate government, but often we all say, but that is nothing to do with us, but I always thought corporate government was something to do with being joined up, or something.

The issue that I am concerned about, as far as the agriculture industry is concerned – there are many other issues – but one which I think that we do need to sort out, is the issue of making sure that we can put in the facilities to get added value for the base product. As I have said before, it is no use us having the best quality lamb in the world if no one wants to spend an hour or two hours trying to cook a leg of lamb.

What we have to do is find ways, as a Department – if we want to make the agricultural industry healthy – is find ways that we can get that product, that base product, into a way which the consumer wants. Now, Agrimark used to do that sort of thing with the likes of *Prima Donna* beef and things like that, which was excellent. As the people who create the environment for the Island, that is one thing that we must try and find – more ways of hitting that way of producing the facilities, so that the base product is valued and not dumped. We have had some success on that over recent years, but we cannot sit on our laurels, as far as that is concerned, because we have no choice; the agricultural industry will have to go out of business, or it will have to be subsidised more.

So I do think that is one issue which we must not lose sight of, that it is no use having the high-handed attitude, 'our people should not be eating beefburgers.' At the end of the day we do not dictate the eating habits. Maybe, in some ways we might have an effect, the likes of where people are forced out, the wives are forced out to keep the roof over their heads, not like 20 or 30 years ago, but that is something that we must not lose sight of. I think that is something that we in the Department must work extra hard, as far as making sure that if there opportunities there, that we can, to get the base product with more value, then that is what we have got to do, as far as that subject is concerned.

**The President:** Minister to reply.

**Mr Rimington:** Thank you, Mr President.

I thank Members for their contribution and generally thank everybody for their support. I do recognise that one of the key areas is the Countryside Stewardship Scheme,

which is contentious. I suppose the prospect of cutting subsidies from one area, but then putting that money back in another area, does create some difficulty and will have, and I accept that it is bound to have, whenever you change any subsidy system. However, it has some form of economic impact and change in the balance of things.

I would just like to emphasise that the UK and the rest of the European Union are going for 100 per cent cut in production subsidies and going for full de-coupling, and we are not. We are just going for – we have said 25 per cent – that figure is not fixed as yet, that is our figure we have proposed. We are going for that partial de-coupling, because we recognise the potential negative effects that it could have, and that figure, 25 per cent, will not change until we would be – and indeed, I am sure beyond my time – convinced that there is not an adverse economic impact from that.

The other aspect there to emphasise is that, even if Mr Treasury Minister was so kind as to say: 'Here we are, Agriculture, here is £2 million to £3 million to help the industry get on its feet', you have to have a legitimate means of using it – and there are not – you cannot just say, 'I am now going to give  $x$  amount of money on the beef,  $x$  amount of money on the lamb and the dairy', it would not stand up, we would not get away with it. You have to have a legitimate means of using that money.

If the three areas in there where significant sums of money are being placed in different ways, first is through the subvention on the meat plant, that is not a trade-distorting measure, it is supporting that processing thing. If we brought that slaughter cost down to below slaughter cost in the UK, that would be a trade-distorting measure, but we are not. We certainly would not have the money available to do that, and we foresee that that would be legitimate and acceptable. Then, in the intervening years, if considerable sums of money are put into the Farm Improvement Scheme to help with the transition to quality assurance, again, in terms of European state aid that is a perfectly legitimate use of money. Then, thirdly, money in year three going into the Stewardship Scheme – in terms of a European viewpoint, we would foresee, again, that would be considered as a legitimate use of money.

And that, in fact, is probably the only way that we can put extra resources into the industry.

There is another factor there as well. If we, as the Island, have this relationship with the UK and Europe, and we are seeking derogations and we do seek concessions on this, that and the other, if we just crack on ahead with full production subsidies straight on into the future and do not make any recognition of what is taking place in Europe and the rest of the world, with the World Trade Organisation, et cetera, then we would not get anywhere. There is actually a necessity to the methodology there, but I do accept that there are going to be some considerable consultations on those schemes.

The good land management practice that we are considering there, or are provisionally there in the outlying conditions, really relate to ditch management, rotational ditch management and rotational hedge management, and there is obviously there, within that protection of water courses, which is a code of practice, which is already out there in the industry as well, but ensuring compliance with that.

I must say to the Hon. Member, Mr Quayle, that fishing has not been overlooked. The Hon. Member, Mr Karran,

and myself are constantly tackling issues relating to that.

I accept that this report does not offer a solution, and, in a sense, Government cannot provide all the solutions in this area, because it is a recognition that it is up to those businesses to make those solutions happen. We need to create the environment, or try and create that environment, and that is probably what we are trying to do, a degree of certainty, addressing certain key areas, like the meat plant.

The Hon. Member, Mr Quayle, asked about the cereals. Yes, certainly, that was not involved in these discussions, but, again, it is something that is in our brief, on this issue of derogations. There are some particular issues there with the milling wheat, where it does not fall neatly into the agricultural category in Europe, because it is a processing facility, like Laxey Mills; you have got the actual manufacture of the bread, and you have got the production of the wheat. For us it is a small, integrated industry, which does not sit nicely in one area in Europe, but we are addressing that issue, and we are very mindful of that.

I am content with the amendment as it stands; possibly other people are content with the motion as it stands, but, simply, the amendment is just trying to give that extra clarification, that these are the broad principles that we seek approval on, so that the Department can progress on that area. But it does not tie you down to dates or detail, because you cannot give broad approval to a target date, you cannot tie it down to that date, because it is literally a target date, but that is obviously the direction that we are trying to go in.

I accept the points from Mr Anderson, that the balance between the sectors is quite critical and, in our forthcoming business plan, one of our key performance indicators will be seeking to keep milk production above 25 million litres, so that the costs of the Creamery are kept in appropriate balance. Obviously, if that starts going wrong, if we see production going down too far, or heading in that direction, then it is incumbent upon us to readdress what we are doing and see if the schemes that we have got are meeting that objective.

If I may return to the issue of the Milk Liaison Officer, I think it is a technical post, it would not be funded by the Department, we would be funding a post in the industry through the Milk Marketing Association, but we ourselves do not see that case yet. A case that a request has been made, but we feel that we need to see whether there is proper justification for that. So we are not committing ourselves to that money, we are saying, yes, we have made that allocation but you have to provide that justification.

In terms of the meat plant, what are you trying to subsidise, there again, and I have said this is a difficult issue, but essentially, we wish to subsidise purely the slaughter function, so, possibly, that is from the beast in the lairage, and from the lairage through the slaughter process, and then it hangs as a carcass in the chiller room – and, at that point, it is no longer anything to do with any form of subsidy. It is purely getting it to the point where it can then go through further processing, marketing, et cetera, so it is purely on the major operation of the plant that we seek to be involved.

But, as I have said, it is a difficult area. We have to get in there and try and isolate the costs, so we know what we are actually trying to subsidise and I am willing to try and inform Members, or through the Public Accounts Committee, how we are getting on in that process as we go through. If we can, I will try and remove some of the red

tape. It is a difficult area and I think we need to work closely with the industry in ways that we can do that, because some of that red tape is necessary, some of it, hopefully, can be streamlined.

I appreciate the comments from Mr Henderson, and the need, obviously, to support the quality of products in the Isle of Man, and the need for the whole business to be more customer focussed on that side of the industry and I think that has probably been the weakness over the years. We can see on the Creamery side that is a very major part of their activity in the promoting of their products and they are trying to develop their services, develop new products and have quite a few interesting adverts to support what they are doing. I think that sort of approach needs to come over on to the fatstock side to develop better relationships with both the suppliers of the product and with their final customers, so it becomes a much more integrated process.

I thank Mr Gill for his comments and his helpful amendment. I do not know how this might have been put in a standard format, but maybe the idea of having a particular summary at the beginning might be useful, but that is something, I think, that is not really for me to comment on too much. That would be a corporate issue if that was to be done.

Organic farming is not mentioned in there, because it really did not relate to any of the factors coming up. That support is there for it – it is difficult, though, for organic farming sites to take off on the Isle of Man, with the vagaries of the marketplace as they exist at the moment. We are trying to help them, but it is going to be a step-by-step process and could be quite low.

I thank my office colleague for his support, both today and for his work that he has done since he joined the Department, and it has been very useful for me to have somebody working in agriculture, when there has been quite an awful lot going on in recent times. I also appreciate the comments from Mrs Hannan and this concept of the level playing field.

I do not think we can be quite considered as a third-world country here, but –

**Mrs Hannan:** A third country!

**Mr Rimington:** – no, a third-world country, I am sorry I said.

I appreciate you said third-country status in relation to the European Union. We do not want to be that, either, but the issues to do with subsidies and the World Bank and developing countries being able to get their foot in the door, in our circumstances we need that degree of protection to maintain an agricultural industry on the Isle of Man. I think that is the important side.

We are one step removed from the big marketplace in the UK and Europe and we have actually very little option at this moment, but to use subsidies to keep agriculture in place. That is the reality. If that marketplace changes, if things change on the outside, then we can change, too, but, because we are so tiny economically, we have to fit into that, but I do appreciate that there are wider concerns on there.

On the question of farm loans, what the Department has agreed to do, is to make representations to Treasury on the question of interest rates, which have obviously been quite low recently, but might go up again, but we did not see that

the idea of converting loans into grants was a proper use of public money and we also made that clear in our report. The suggestion was that a loan could be converted into a grant after five years if the business proved viable, but if the business proved viable then it has got the ability to pay off its loan, and that leaves money there for somebody else.

I thank the Chief Minister for his comments on the derogations and, just to emphasise that, no, it is not out there in the public arena and probably most of the time never will be, but it is something that is there in the Department, week by week, in the Chief Secretary's office, with the Chief Minister as well, and it is an issue that is being constantly addressed and we are trying to refine our methods of approach on that one.

And, lastly, I thank my colleague, Mr Karran, and I do not actually disagree with him on the issue of getting added value for the base product, probably the area of disagreement is what we can do as a Department in that respect. As I said in the debate on Economic Strategy yesterday, it is a valid thing if we can do that, then that has got to be good for the Island in general and the industry.

I see the Department's role primarily being in terms of primary production, and that is maybe where our skill lies and, possibly, we should take that idea on board and promote it, but, as a responsibility, I would be reluctant to try and take it on within our current structure of activity.

Mr President, thank you very much. I beg to move the Motion.

**The President:** Hon. Members, the Motion is that printed at 17 on your Order Paper. Hon. Members, as I indicated before, I am taking the amendment as moved by the Hon. Member, Mr Gill –

**Mrs Hannan:** For clarification, Eaghtyrane, could I ask who seconded it?

**The President:** – Yes, I was taking it that it was seconded by the Hon. Member for Rushen, Mr Gawne, who fully supported the amendment.

In that case, Hon. Members, in order for clarification, I was taking it that that was the position. I think the Hon. Member for Ayre had queried the question between the Motion and the broad objectives, broad principles of page

14, whether there was a conflict there, and the move by Mr Gill was intended to clarify that position or give Members the option on that position, and I was taking it, Hon. Members, that the amendment was properly moved. It would, therefore, be in your hands to make that decision.

Hon. Members, in relation to Item 17, I put to you first the amendment as moved and circulated by the Hon. Member, Mr Gill. 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 – Ayes 17, Noes 4*

FOR	AGAINST
Mr Anderson	Mr Quayle
Mr Cannan	Mr Henderson
Mr Quine	Mr Duggan
Mr Rodan	Mrs Hannan
Mr Rimington	
Mr Gill	
Mr Gawne	
Mr Cretney	
Mr Braidwood	
Mr Downie	
Mr Shimmin	
Mr Bell	
Mrs Craine	
Mr Karran	
Mr Corkill	
Capt. Douglas	
The Speaker	

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

*In the Council – Ayes 4, Noes 2*

FOR	AGAINST
Mr Singer	Mr Waft
Mr Kniveton	Mr Gelling
Mrs Christian	
Mrs Crowe	

**The President:** With 4 for, 2 against in the Council, Hon. Members, the amendment therefore carries and I put to you the Motion as amended. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Tynwald Management Committee  
Broadcasting of Tynwald Court  
Debate commenced**

**The President:** Item 18. I call on the Chairman of the Tynwald Management Committee, Mr Speaker, to move.

**The Speaker:** Thank you, Mr President. As a long-time supporter and promoter of broadcasting of the debates within Tynwald and the branches, I am pleased, as Chairman of the Tynwald Management Committee, to be putting this matter before Tynwald Court for its consideration.

In the past, individual members, including myself, have promoted attempts for the continuous broadcasting of the proceedings of Tynwald, and, unfortunately, Tynwald has, in the past, not supported the call for all proceedings to be so covered. However, today, Hon. Members have before them a report from the Tynwald Management Committee which investigated the matter, in depth, and recommends that live continuous broadcasting of all our proceedings by Manx Radio be permitted, at the pleasure of the Court.

As a moderniser of the parliamentary affairs, and while wishing to retain the integrity, historical and high standards within our system, I am delighted to promote this matter. We should, as parliamentarians, do all that we can to ensure that our people have the greatest access to what we do in their name. We need to bring the parliament to the people. It is time we made our parliament, and what we do, more accessible to the people.

It is not adequate, in this day and age, with the technology available to us, to say that we are satisfied that matters debated in Tynwald are covered only by editorial licence, through the medium of printed press and radio. It is not adequate to believe that, if there was enough interest in a matter, or debate, that the people will, or should come here to Douglas, to Tynwald, to hear the debate. After all, even if we felt that, we can only seat between 40 and 60 people out of our population of 76,000 or thereabouts, in our chambers, and here, in our temporary chamber, only about 20 people.

Hon. Members, your committee believes that this is a positive, progressive and appropriate proposal, and that it may well create a greater interest in Manx politics and political affairs within the Island. And, importantly, it will give a greater understanding to our people of how they are governed, how they are affected by our decisions made here in Tynwald Court.

We already broadcast, in full, Question Time in Tynwald and in the Keys, so let us now move forward. We have the means to bring the proceedings of Tynwald into every home and into every workplace, by means of Manx Radio. It is past time that we brought the Tynwald debates and the decisions that we make, which so much affect the everyday lives of our people, directly and in full to the people, so that they are fully aware of what is said on their behalf, and of our decisions that we make in their name.

The people of our Island will, if your committee's recommendations are approved today, be able to hear as it happens, first hand, exactly what Hon. Members say, what they believe, and how they vote. That, in my opinion, is real, open democracy. The committee's report goes into much detail, providing the historical background to this matter, from 20 years ago, 1983, when first Tynwald and the-then Tynwald Management Committee recommended

no broadcasting of Tynwald's proceedings, except for the budget debate and other matters which Tynwald may resolve from time to time, which they resolved then should be debated.

In 1987 when Tynwald Court agreed that the budget debate should be broadcast live in future years, unless Tynwald decided otherwise, that is when that first major important decision was made. Then, in 1992, the House of Keys passed a motion authorising the broadcasting of Question Time, with effect from October 1992. In 1994 at its July sitting, Tynwald Court debated a motion put by myself, to broadcast in full the Court's proceedings, but, after a lengthy debate, the Court voted not to proceed with that proposal.

Then, in 1995, at the April sitting of Tynwald, it was determined by Tynwald to begin the live broadcasting of Tynwald Question Time, from October of that year, and also the Annual Government Policy Debate, held until recently at the October sitting of this Court. Recently, with the express authority of Tynwald Court, the debate on the report of Part One of the Mount Murray Report, was broadcast, in full, at the July sitting in 2003.

I would, at this stage, apologise to Hon. Members, for an error that has appeared in our report. As our report states, at paragraph 1.8, the debate took place in June 2003, and, as Hon. Members will be aware, that is not the case; the debate took place in July 2003. In 2003 the House of Keys gave specific permission for the first time to permit the broadcast live of the swearing-in of two new Members of the House of Keys, following the May 2003 by-elections in Ramsey and Rushen.

So, as we can see, over the years, Tynwald and the Keys have slowly but surely moved forward to permit more and more of our proceedings to be broadcast live by Manx Radio, and I think it is fair to say that the early concerns from Hon. Members of Tynwald and of the Keys, about possible abuse of broadcasting have been unfounded. The people of the Island have welcomed the broadcast of Questions, as well as specific debates presently being permitted for broadcasting.

People have found them most interesting and I certainly know of many people who look forward to Question Time, both in Tynwald and in the House of Keys. They find them informative, they find them somewhat exciting at times, and, of considerable interest to them, as is confirmed by the Manx Radio survey undertaken on their behalf – that is Manx Radio's behalf – in the NOP poll in July 2003, which is attached to our report at appendix 3. This proposal, as laid out in the recommendations in our report and on the Order Paper, can only be good for our democratic system and for the Island's democracy.

In January 2003, the Tynwald Management Committee discussed the issue of extending the live broadcasting of Tynwald Court. Correspondence and discussion subsequently took place with Manx Radio, which indicated that Manx Radio was still keen to extend the live broadcasting of Tynwald Court's proceedings, as they had indicated in correspondence in 1996. After further consideration it was agreed in June 2003 by the Tynwald Management Committee, that a report should be prepared for Tynwald Court, with a view to recommending the full, live broadcasting of all proceedings of Tynwald Court. Discussions have been held since then with Manx Radio, as to the implications and the practicalities and also in

relation to the timing of the introduction of full broadcasting, if Tynwald Court approves this report today.

Hon. Members, your committee is of the opinion that the time has come for the whole of the proceedings of each sitting of Tynwald Court to be broadcast live and continuously on Manx Radio. Your committee proposes that broadcasting of proceedings should be continuous and not interrupted by adverts or news programmes, because any interruption in the broadcasting of a debate would obviously disadvantage the listener considerably. It has the potential to cause confusion and misunderstanding, and, importantly, would be unfair to the Member who was speaking at that time. Some of the reasons which your committee believes makes such a development desirable are:

1. Live broadcasting provides the electorate with the opportunity to be better informed about the work of Tynwald and its Members;

2. The accountability of Members to the electorate is enhanced, if the electorate have the opportunity to hear, in full, what their respective Members actually say in each debate;

3. Broadcasting would help to underline the commitment to open and transparent government and, of course, parliament;

4. Broadcasting of Tynwald proceedings would overcome the present perception of some, that Question Time is the whole of the work of Tynwald;

5. The focus of contributions to debate may be sharpened with proceedings being broadcast live, and

6. Greater coverage of the proceedings of Tynwald may assist in improving turnout at future general elections.

Your committee also proposes:

- that the broadcasting takes place on AM frequency, which is available to Manx Radio;

- that a web camera be installed in the chamber, as proposed in our report;

- that guidelines be drawn up by Manx Radio in consultation and with the agreement of the Tynwald Management Committee;

- that the continuous live broadcasting of Tynwald proceedings should commence with the January 2004 sitting of Tynwald.

Further, the committee proposes that the Tynwald Management Committee should act to ensure that the broadcasting of Tynwald proceedings are undertaken in an appropriate manner. The proposals here recommended to Hon. Members, by the Tynwald Management Committee, are, we believe, a logical step forward for Tynwald Court to take. It would provide greater access to our proceedings for the people we represent.

Finally, as Hon. Members are aware, the Hon. Member for Ayre, Mr Quine, who is a member of your committee, has been unavoidably absent during the discussions of this matter and the finalisation of the report before this Hon. Court, and has, of course, accordingly, not been in a position to sign the report. Hon. Members, Mr President, I beg to move the Motion standing in my name.

**The President:** Hon. Member, Mr Karran.

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

**The President:** Hon. Member, Mrs Christian.

**Mrs Christian:** Mr President, I have no problem with

the principle of broadcasting all of these proceedings. My only concern is in relation to potential cost.

Now, I do accept that in the report it says that this would be managed within Manx Radio's current budget. If that can be guaranteed, I should feel a lot more comfortable. I do have concern, though, that in future there would be calls for a greater subvention in order to sustain the costs of providing this. I am not entirely sure about the additional costs once everyone has the wiring and the lines and all the rest of it in.

Maybe the actual time of producing such broadcasts does not add significantly to that initial expenditure, but perhaps the mover could just give us some reassurance on that point.

**The President:** Hon. Member, Mr Rimington.

**Mr Rimington:** Thank you, Mr President. There is a small amendment in my name, which I hope is going to be circulated.

*In paragraph (iv), delete subparagraph (a).*

I do support the principles behind this most fully, and I welcome the broadcasting that has been proposed. I had originally intended to move an amendment which was actually just to leave Sections 1, 5 and 8 in. I had major issues there that live, continuous broadcasting should take place, when it should commence, and that it should be monitored by the Tynwald Management Members' Committee.

If this is going to be so, and voted for in parts, I will, on principle, not vote for part 2 and part 3, which are purely operational issues, which should not really be before this Court today. Tynwald should not really be asked to decide on the mechanics of this particular issue, and especially with a phrase like: 'For at least for the foreseeable future' attached to it. It does not give a fairly clear policy guideline on that, but I do not feel particularly strongly on that, I will personally not vote for those particular paragraphs just on that principle, but I do want to see continuous broadcasting.

The very small amendment that has come round, is if, when this is voted on, in parts – which I would not request myself, even if it has not been requested by anybody else – that the proposal to install a web camera in the chamber be not accepted. I cannot see the value in this proposal. If there was a live camera – because you are focusing on the person who was speaking – then, yes, certainly.

And Mr Henderson is being rude beneath me – he says that will catch me sleeping. I can assure you that, since I was last caught sleeping, I have not, but I have seen at least half a dozen Members who have (*Laughter.*) and who have yet to be reported in the press – (*Laughter and Interjections.*)

**Several Members:** Name names!

**Mr Rimington:** – but I will not name names. And actually, funnily, when I was discussing this with somebody – they were actually the Manx Radio engineer – and I just said if you took a freeze right now, there were two people yawning, and those two people would have been caught for a minute on the web camera, yawning, and then, perhaps, if you did it another minute later you might have somebody picking their nose, or with a finger in their ear. It is a denigrating –

**The President:** Scratching their brains, you mean!

**Mr Rimington:** – scratching their brains or whatever. You are not adding anything to democracy and accountability by taking your freeze of people at one minute intervals.

You either have it live and then you would, hopefully, have somebody focussing on the person who is speaking, to give it some meaning, or you would not have it at all. But this silly little compromise in the middle is the worst of both worlds.

I would remind people that, where live broadcasting is used, predominantly in the UK Parliament, there is a difference. In the UK Parliament, the majority of Members are not in the Chamber the majority of the time, whereas here the reverse is opposite, and obviously it is up to Members to make their decisions on this issue, but I would like to see some justification for this particular proposal and in terms of what it will add to the democratic process and accountability.

**The President:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Eaghtyrane. I am happy to second the amendment here, and, basically, I have not got an awful lot to add to what John has said on that particular issue –

**Mr Delaney:** Big John or Little John? (*Laughter.*)

**Mr Gawne:** – I mean it does seem . . . it was certainly something that jumped out at me when I was reading through this. I thought it does seem like a very strange thing to want to do. Either you are broadcasting the whole of the proceedings, which includes broadcasting through the internet of live pictures, or you are not doing it, and I do not really think that what has been suggested here is a sensible compromise at all.

There are, again, a number of these points which I certainly will not be voting for. Points 2 and 3 are really down to the management of Manx Radio, as far as I can see, and points 6 and 7, it could well be said, that there are certain sinister implications to these.

I am not at all happy at the thought of having a committee of Government deciding what the press can and cannot do. Either these are live broadcasts or they are not live broadcasts. If we are going to decide that a committee of Tynwald can effectively decide what goes out and what does not go out, I would be a little bit concerned about that, so I certainly will not be voting for 6 and 7. The principle, however, is a good principle, it is good that people will have the opportunity to hear debates live on Manx Radio and I certainly will be supporting those sort of principles.

**The President:** Chief Minister.

**Mr Corkill:** Thank you, Mr President.

My comments are brief and I wish to support the work of the committee. I think this is always an emotive sort of issue, but they have done a very thorough job with this report and I think it has brought the specific issues that we are going have to decide upon, maybe one at a time, whatever the vote is done.

And I really disagree with this comment that has been

made about the web cam. Call me sad, maybe, but sometimes when I come back home from Tynwald or Government Offices and I switch the Sky channel on and I look at the national news, I flick through the buttons and eventually you get to the BBC Parliamentary Channel, and I have to say, I start to watch that sometimes, even although I may have been in here for three days. Now that is a glutton for punishment, (**A Member:** It sure is!) but you switch on to there and you see the Welsh Assembly, the Scottish Assembly, obviously you see Westminster, and those parliaments, as new as they are – maybe not Westminster, but the Scottish Parliament and the Welsh Executive – they are promoting themselves to an external audience through a television medium, hour after hour. I think it is a good thing, because, in this day and age, it shows something of the jurisdiction that you are representing, and so I think we should really be aware that visual and voice presentation of parliamentary proceedings is something that nearly everywhere now is embracing.

A web cam, which is, as far as I understand it, an unobtrusive web cam, which just looks at the whole Chamber, so that, when someone is actually speaking, it gives an indication which person in which seat is addressing the Chair, I just see that as an aid to the listener, who is tuned in to whatever medium it be, whether it is radio or the internet. It is an informative measure, that they know which person in which seat is stood speaking at that moment and that is the purpose of it.

I understand what the Member for Rushen, Mr Rimington, is saying. It would be better if we had a situation where the camera moved one on one, but I guess, technically, that is not going to happen, so really it is a first step to what I would hope is ultimately television broadcasting of proceedings in Tynwald, which is a decision for another day, I know, but I think it is important to realise what other jurisdictions are doing and, if you think about it, the BBC Parliamentary Channel, has got all of these parliaments on, hour after hour, and the world's oldest continuous parliament is not there. I think that is a great shame, and it is something that we ought to think about for the future.

But, in terms of the other recommendations, the only comment I have to make, was this responsibility for monitoring. It does sound a bit big brotherish that the state is monitoring broadcasting before it goes out, to see if it is appropriate or not, and I do not think that is what it means, but it could read that way. I was going to ask the mover of the motion, Mr Speaker, to actually expand on 7.5 before the vote is taken, that the responsibility for monitoring the broadcasting of proceedings should rest with the Tynwald Management Committee, because my view on broadcasting has always been that the radio should have continuous access to the proceedings, and it is for their editorial, for their professional expertise to broadcast what they think is interesting and informative to the public; it is not a matter for us.

I think that is what the Member for Rushen, Mr Gawne, has picked up on, and so I was hoping to get some explanation on that, but I would say, in broad terms, well done to the committee, and I hope Hon. Members will support it and not support the amendment.

**The President:** Hon. Member for Peel.

**Mrs Hannan:** Thank you, Eaghtyrane.

If we are going to broadcast, and if the broadcasting is going to be continuous, then I believe someone has to regulate it. It has to be some body within this Hon. Court that does that. I think that Members have to be protected and I would have thought that Tynwald Management Committee are as good a committee as any to protect our interests.

We have got Mr Speaker and Mr President, Eaghtyrane, serving on the committee and, therefore, the House elects three Members to that committee. So I would have thought that we do need regulation of the House, I do not think that we should just hand ourselves over to whatever organisation, and just say: 'Do what you want with us'. I think, with copyright as it is, in every place there should be some sort of control and I think that control of how we are used – we could be turned out into adverts or anything, even adverts for Manx Radio, adverts for the Creamery, or whatever, because we have made a comment on: 'Buy Manx Milk', or how wonderful beef is, something like that, and there is us played, this is what Martyn Quayle said in the House of Keys, blah, blah, blah, and I think we should be protective of our debating situation (*Laughter.*) – I missed that. I am sure that they feel exactly the same. So yes, I think that somebody has got to regulate them, and I think that the Tynwald Management Committee are as good as any.

**The President:** Hon. Member, Mr Bell.

**Mr Bell:** Thank you, Mr President. I only have a couple of points to make, really referring to Part 4 of the report and essentially following on what the Hon. Member for Council, Mrs Christian, has said.

Unless I am wrong – I may have missed it in the report – but I can see actually no reference anywhere to costs. And it is very easy to come along and say, yes, we want this wonderful new service, but just stop for a moment and think, financially, what it is we are committing ourselves, or rather not committing ourselves to, but committing Manx Radio to here.

By saying, on the one hand, that we want continuous broadcasts, which is fine if that is what Hon. Members want, but with no chance, no allowance for a break for advertising or anything like this, you need to remember that there will be no opportunity at all for Manx Radio to make any income, there will be no income stream that is possible to come along to offset the extra costs which are going to be placed on Manx Radio. There is, in Part 4, little more than a fleeting reference to the fact that there may well be increased costs, but then a sort of glib line which says, well, it will have to be borne by Manx Radio, anyway.

I would just remind Hon. Members, it is not very long since we had a long debate and a report on the future of Manx Radio, where we agreed a new subvention based on a certain set of criteria and a new approach to programming, which was in detail costed out over a number of years. If we now, as a body, impose a further public service requirement over and above that agreement, there is clearly going to be some cost falling on Manx Radio. We are not giving them the opportunity to offset those costs against increased income streams and, therefore, inevitably, there will come a time where Manx Radio are going to come back to us again and looking for an increased public service subvention based on that.

I am not saying one way or the other whether we should

or not support that, but I think Members need to go into this exercise, if you are supporting this, with your eyes open to the fact that there may well be a further cost call on the purse in the future, as a result of these extra responsibilities put on Manx Radio. They have a difficult enough reorganisation to carry out, as it is, and we should be aware and cautious, I think, about putting extra charges on the radio station after we have only fairly recently agreed a whole new strategy for the way forward.

So, if it is at all possible and it may be that I have missed it in the report, Mr President, but if Mr Speaker can give us some indication of what the estimated cost of this new exercise would be, I think it would be quite helpful to Hon. Members to know just what, in fact, it is we are entering into.

My only other comment is only a throwaway comment, I suppose, Mr President, but Members – certainly longer serving Members – will remember quite clearly prior to Question Time being broadcast, that there were, in fact, very few Questions asked and Question Time was a relatively short and almost pleasant experience. (*Laughter.*) I would just point out that when Question Time was broadcast, the length of time attached to Question Time expanded enormously and I would just put a marker down that if this Hon. Chamber has the same reaction as we did with Question Time, we will not be here for three days, we will be here four or five days. (*Laughter and interjections*)

**The President:** Hon. Members, I am in your hands. I did think we might be able to have completed this item but, in fairness, now, the list of Members wishing to speak is growing, so I think it is an appropriate time to break for lunch.

We will recommence at 2.30. The first Member to speak being the Hon. Member for Michael, Mr Cannan.

*The Court adjourned at 1.05 p.m.  
and resumed its sitting at 2.30 p.m.*

**Tynwald Management Committee  
Broadcasting of Tynwald Court  
Debate concluded – Motion carried**

**The President:** Hon. Members, before we resume our debate on the broadcasting of Tynwald, can I say that Mr Delaney is absent this afternoon on Government business and Mr Shimmin will be leaving us later this afternoon equally (**A Member:** Hear, hear.) (*Laughter.*) on Government business. I call upon the Hon. Member for Garff, Mr Rodan.

**Mr Rodan:** Thank you, Mr President.

Just very briefly – obviously I do support this report. I think anything that addresses the woeful lack of public awareness in the systems of government and parliamentary practice is to be very much welcomed. I welcome as well the fact that we have well and truly entered the electronic age in the proposals contained in this, with the Manx Radio website proposal and the webcam visual link.

Just to remind Hon. Members, if they are not already aware, the 40 schools on the Isle of Man now all have broadband electronic connection to the internet. There are

something like 13,000 individual email addresses in use. Every child over the age of seven has his own or her own e-mail address. Now the potential, therefore, to ensure that, at the right level, our young people are getting the full information about the parliament and Government of their country is very welcome.

It was a particular pleasure to see the Polish students this morning. I wish that more and more of our schools actually took the time and trouble to come in and witness our proceedings. We well know that individual Members organise, on behalf of their own schools, and through the good auspices of the CPA, and it is something that we in the Department of Education are very keen to see develop much further. There is an awful long way to go. This will help immensely, particularly in secondary schools, but, as I say, there is no reason why, with citizenship now increasingly coming into schools in a Manx context, with Manx institutions to the fore in citizenship, why this should not be a very welcome tool and addition to that.

The only reservation, perhaps, I do have is the recommendation about the monitoring – will the Tynwald Management Committee be monitoring the behaviour in Members, either for better or worse, with the introduction of this new opportunity, which I am quite sure some of us will take full advantage of. I think that would be quite interesting if that exercise was done. Thank you, Mr President.

**The President:** Mr Speaker to reply.

**The Speaker:** Thank you, Mr President. I thank Members generally for their comments and I think that it is picked up by most Members that, in fact, what we are talking about here is bringing what we do in this Chamber to the people and we have a medium that we have had since the early sixties that is capable of doing that and that, of course, is Manx Radio.

Now that is not a criticism of how the media covers what we do now, but let us be realistic. The media now could only provide editorial snapshots, whether it be radio or press, of what goes on in Tynwald Court, because as we all understand – and we only have to look at *Hansard* – it would be absolutely impossible to cover verbatim in any medium what we do, except the medium of broadcasting, by continuously using Manx Radio to broadcast the proceedings in here.

I said in my introduction, Mr President, I believe and have done now for a long time that that medium should be used, because that will bring about a better understanding of what goes on in this Hon. Court. (**Mr Corkill:** Hear, hear.) Importantly, it will enable the people who we represent to hear what we, their representatives – and let us not forget that, we are their representatives – what we are doing for them, whether they agree with us or disagree with us, at least they will be able to judge for themselves.

Whether they want to listen or do not want to listen, they will make that judgement themselves and I believe that, in fact, the broadcasting will also have a spin off enhancement to the written press, because, quite clearly, it may create more interest, so people hear something, they want to read a bit more about it.

Therefore, it is not one is going to outdo the other, it is actually going to help both parties in that, and one day, following on from what the Chief Minister said, I hope that

we will see the Isle of Man – and I believe it is one we should be pushing now – given the same opportunities, as the Manx people pay a licence fee to the BBC, (**Mr Corkill:** Hear, hear.) the same opportunities given to Wales, Northern Ireland, Scotland and England via Sky to have the opportunity not only to see proceedings of Tynwald Court, the Keys, and maybe select committees, but also the opportunity to have local programmes via the Sky network, which is available to all those other areas of the British Isles, so, hopefully, that is something the Chief Minister will take up with David Lambing (**A Member:** Lammy) – Lambing, or whatever his name is (**A Member:** Lammy) – Lammy, when he is here, so that he also knows that we pay a licence fee and we expect a better service and we expect an enhancement of it which we are entitled to.

Mr President, there are a number of issues that I would like to try and just deal with bit by bit and, as I say, I thank Members for their support generally and what is a positive view towards the way forward and I think the apprehensions that we all understandably had in the early days have to some degree settled. We have got used to debating with the radio on and I think that that is a good thing and, therefore, as time goes on, we will forget that the proceedings are being broadcast as such, because we will just get on with the job we are here to do.

If I could just respond to the comments made by Mrs Christian first and the Minister for Treasury, who was concerned about the costs of broadcasting and assurances from the committee, and Mr Bell expressing concern about the cost of this. First and foremost, I would say if I just want to be pretty straightforward – black and white about this – even if it did cost us extra money – why not? It is democracy. We pay for other things and it is a matter of your prioritisation –

**Mrs Christian:** That is exactly the point.

**The Speaker:** – but anyway that is not the issue. The issue is, how is this going to be paid for? All I can say is that the Managing Director of Manx Radio, Stuart Watterson, has confirmed to us that this is seen quite clearly now, under the new agreement, as part of their responsibility to public broadcasting in the Isle of Man and, therefore, the costs will be resolved by Manx Radio. It is quite straightforward; it is their responsibility.

After all, many of us have been fighting for Manx Radio to have a greater input into that area and for Tynwald to fund Manx Radio properly to enable it to do that. The agreement that has been reached, which we approved last year, is, in fact, to do that very thing and, if this is not an important part of our public broadcasting, then I do not know what would be. So I hope that that helps to deal with that one.

Now, the other issues, Mr President, if I can just pick off. There were concerns about a number of the recommendations and I would like to just cover those. Under recommendation (ii) – this is as laid out on the Order Paper – recommendation (ii):

That the continuous live broadcasting of Tynwald Court should use the existing analogue system for at least the foreseeable future.

and then (iii):

That the live continuous broadcasting of Tynwald's proceedings should take place on the AM frequency.

Can I say that this is quite deliberate. We talked with Manx Radio about our draft report. They saw the draft report, because there was no point us coming here recommending to Tynwald something that Manx Radio would say to us afterwards, 'we cannot do that', and we asked about this issue, and all we are doing at this stage is saying, 'this is what is going to happen now.'

If technology, as it is, changes, if Manx Radio for any reason says, 'we want to do 'x' then they will come to the Tynwald Management Committee, if they have the responsibility – and they clearly do for Members – and say, 'this has changed. We wish to change that.' And we are not going to cause a problem, because what we want to do is to ensure that people get the best quality available and that the opportunities of listening to the broadcasting are available. So there is not a problem. This is giving a steer. This is where we are at today. It might move on tomorrow.

Part of our recommendation in the report is, as things change, the Tynwald Management Committee will keep up to date with Manx Radio and, if there are changes, of course, we will come back here to Tynwald Court and say, 'we recommend 'x' because of 'y'.

So I would not get too hung up that we have laid it out. What we have tried to do for Members is actually explain the whole procedure all the way through, so that there is no misunderstanding on what, to some Members, has been a sensitive issue. We wanted Members to understand what we were trying to do, so I hope that Members will not vote against those. Yes, they are management matters, but there is still going to be a close link between Manx Radio and the parliamentary body responsible to you for managing the affairs of Tynwald, to ensure that this all works properly – no more, no less. That is what it is all about.

The other issue that was raised by some Members was the recommendation that the Tynwald Management Committee should, in fact, oversee what is going on – the monitoring. Can I just make it clear – the Tynwald Management Committee are not going to sit down and monitor exactly everything that goes on. In fact, the Members are sat in here, because they would have a job to be listening to it, but we have to be honest and realistic. If a Member raises a concern about broadcasting that they feel that something happened that should not have happened, who is the Member going to complain to? If there is not a structure there, they will complain to the relevant presiding officer. The relevant presiding officer will then have to try and take it up on their behalf. What we are saying is, 'Let us start from day one with a structure where the Tynwald Management Committee has a responsibility on behalf of this Court to work with Manx Radio and, if there is a problem, then we can try and deal with it professionally, as partners, to deal with the issue and make sure that we, as Members, are then content.'

If a Member has a complaint, they must have somebody to go to – not just to Manx Radio, but, in fact, if it is serious enough, to be able to go to the body responsible for the link between Manx Radio and the station. So we use the term 'monitoring'. We are talking about evaluating what is going on. That is all. Keeping an eye on it – not in any way giving any direction to Manx Radio and, I have to say, knowing Tynwald Court, and knowing the individual Members that are here, if there was even a hint that the Tynwald Management Committee were trying to favour one Member against another by using Manx Radio, I know what would

happen – there would be a motion down here straight away criticising Tynwald Management Committee and saying that what they are doing is wrong, so I would not get hung up on it. What we are talking about is a system to ensure that the relationship between Manx Radio and Tynwald is a good one.

The other issue is, Members should be aware, as they are, that what we have said is, that it is at the pleasure of the Court that we have the broadcasting. Now that is a safety valve, that if anything seriously went wrong, Tynwald ultimately can make a decision to withdraw its acceptance that it can be broadcast – it is, yes, it can be approval. So if you are going to have that, you are going to need a mechanism and I know, from our discussions with Manx Radio on the draft report, that they are quite happy for that. It does not cause any grief for us and it does not cause grief for them because there is then somebody to talk to if there is something that changes. If they need to make a change, they have got a body straight away they recognise who says, 'this is what we would like to do.' So I hope that that helps Members understand that and that they are clear on that.

Now the other point and I would just pick on the contribution from the last speaker, Mr Rodan, and he said that anything that will assist the public awareness of Tynwald and its work should be welcomed and I absolutely agree.

We have been, in the last couple of years, as Tynwald Management Committee, as CPA and myself as Speaker, trying to provide more public information and attracting more people to come to see the proceedings of Tynwald or see the Chambers, than, maybe, for some time and we have done that deliberately, because my view and the view of colleagues is that we need the public to be more aware of what goes on in this Chamber and to actually see it. To see where it takes place. How their lives are ruled, to basically use the term. How people are made responsible and so on and so on. So anything from that, as the Hon. Member for Garff said, has got to be welcomed. And that is our whole objective and this is another step forward – an important one – but another step forward to do that.

Now then, Mr President, the final one I have got is the web camera and the Hon. Member for Rushen, Mr Rimington. I was a little bit surprised, really, because I must admit I thought that he was one of the Members who was actually looking forward more to use modern technology, to use things that are available to us that we have not been able to have before. I would not get too hung up on the point that, if Tynwald approves it today, there would be a web camera which, we have said, would have to show all the Members so that there is not just one Member. We all know that there is a limitation on the technology of a web camera. It is not like a TV camera. It is not like broadcasting into a television set.

The nature of web cameras is somewhat different and I think that the point was made very aptly by the Hon. Member again, for Garff, who said about the schools. For goodness sake, we have our children who sometimes might hear about Tynwald and the Keys because we go and give a talk to them, but they have not got much else about it, unless they have been fortunate enough to be brought in by a Member who has invited their school to come in and see the Chambers and we know some Members are able to do that better than others. We know that the CPA will pay for the transportation in and out, so, hopefully, we can build on

that, but the point the Hon. Member, Minister for Education, Mr Rodan, made is absolutely clear. The technology is in our schools. Why on earth deprive them of the ability to see inside the Chamber from their classrooms? Why deprive somebody listening to the internet of the ability to actually see the proceedings?

One of the points made by the Hon. Member, Mr Rimington, the Member for Rushen, was about the issue of the change of the picture causing a problem and he was concerned that, if we do that, the change of the picture every couple of minutes is too long. We can take that on board and I can give an assurance now, that we will talk to Manx Radio about that. Manx Radio have already advised us that they can actually do that change so that it is quicker. There is a problem then for the person receiving it, because their equipment may not be able to keep up with the speed and that is an issue of the early days of technology in terms of what people are buying, but that will improve as time goes on.

The point that should be made is, that what it will do is give, for example, our schools an opportunity to see into this Chamber and when we get back into the Chambers across the road and see what is here, that we are here. The point that we might be seen to move only every so often – that is accepted technology on the website. If you look at the picture over Douglas, it changes, I think, every two minutes, something like that. If you go to other places, exactly the same, because of the technology. Now that will change with broadband. It will change with people with their own improved computer systems as time goes on, and five years down the road, who knows what will happen? But to say do not let it happen at all, I think is a little bit sad. For goodness sake, let us modernise this side of it. Let us use the technology to get us to the people. Never mind hiding and saying, ‘we do not want that to happen, because I might have happened to turn to my left when it took that snapshot, and it is going to be another minute before it changes.’ The point again made by one or two Hon. Members is, you stand up speaking – and there are very few Members who speak for less than a minute – you stand up speaking and the camera will show that person speaking and for a minute or two minutes or whatever it is, it might be slightly out of sequence, but the point is Manx Radio have already advised us that they can speed it up.

I would ask Members to acknowledge that we, as Tynwald Management Committee, will talk to them about that and get the best we can out of a webcam so the change of picture is not too lengthened. In other words, if we can shorten the time that that should happen.

Mr President, I hope Members can support the amendment, as it is laid out, for the reasons I have explained and I would just like to thank Stuart Watterson and the new managing director who is taking over – I do not know if he has yet – Mr Leaming – thank him for his support because he came to discuss with us the draft report and both Stuart and he actually gave us quite a bit of advice, which was more than helpful and I would just put on record, Stuart Watterson – I do not know if he is retired, well, he is retiring soon, anyway –

**A Member:** In March.

**The Speaker:** – to thank Stuart for what he has done – in March I think it is, yes – because he has helped us move

forward with this issue and we appreciate the advice and support that we have had from the station. I beg to move.

**The President:** Now, Hon. Members, dealing with item 18 on your Order Paper, I am conscious of the fact that there have been various comments made that it should be taken in its sections.

Hon. Members, with your concurrence, what I propose to put to the Court is items 1, 2 and 3 together; 4 we will take separately; 5 we will take separately; 6 and 7 we can vote on together; and, again, the eighth as an individual part.

Now then, the Hon. Member for Rushen, are you unhappy at that? (**Mr Gill:** Yes.) Do you want 6 and 7 taken separately?

**Mr Gill:** No, Eaghtyrane. Is there a difficulty with taking each of them individually?

**The President:** If it is your wish, sir, I will take all eight individually, (**Mr Cannan:** Hear, hear.) I hoped we could have avoided that, but, nevertheless, Hon. Members, we will take them all separately, so that there is complete clarity.

Item 18 (i). Those in favour please say aye; against, no. The ayes have it. The ayes have it.

18 (ii). 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 – Ayes 16, Noes 4*

FOR	AGAINST
Mr Cannan	Mr Anderson
Mr Quine	Mr Rimington
Mr Rodan	Mr Gill
Mr Quayle	Mr Gawne
Mr Houghton	
Mr Henderson	
Mr Cretney	
Mr Duggan	
Mr Braidwood	
Mr Downie	
Mr Shimmin	
Mrs Hannan	
Mrs Craine	
Mr Corkill	
Capt. Douglas	
The Speaker	

**The President:** Part (ii) of the motion carries, with 16 votes for and 4 votes against.

*In the Council – Ayes 6, Noes 0*

FOR	AGAINST
Mr Waft	None
Mr Singer	
Mr Kniveton	
Mrs Christian	
Mr Gelling	
Mrs Crowe	

**The President:** With 6 votes in Council for, Hon. Members, part (ii) carries.

Part (iii). Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Part (iv). Those in favour please say aye –

**Mr Rimington:** Mr President, I have a seconded amendment on part (iv).

**The President:** Which, if passed, would allow. . . Right. Okay. Dealing with paragraph (iv). Yes, we do, Hon. Members, so, dealing with the amendment first then, in part (iv) of 18, Hon. Members, the amendment circulated to you in the name of the Hon. Member for Rushen, dealing with part (iv), amendment first.

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

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

*In the Keys – Ayes 8, Noes 12*

FOR	AGAINST
Mr Anderson	Mr Cannan
Mr Quayle	Mr Quine
Mr Rimington	Mr Rodan
Mr Gill	Mr Henderson
Mr Gawne	Mr Braidwood
Mr Houghton	Mr Downie
Mr Cretney	Mr Shimmin
Mr Duggan	Mrs Hannan
	Mrs Craine
	Mr Corkill
	Capt. Douglas
	The Speaker

**The Speaker:** Mr President, the amendment to part (iv) of the motion fails to carry in the House of Keys, with 8 votes for and 12 votes against.

*In the Council – Ayes 2, Noes 4*

FOR	AGAINST
Mr Singer	Mr Waft
Mr Kniveton	Mrs Christian
	Mr Gelling
	Mrs Crowe

**The President:** With 4 against and 2 for in the Council, the amendment fails to carry, Hon. Members.

I now put to you (iv) in its entirety. Those in favour please say aye; against no. The ayes have it. The ayes have it.

(v), Hon. Members. Those in favour please say aye; against no. The ayes have it. The ayes have it.

(vi), those in favour, Hon. Members please say aye; against no. The ayes have it. The ayes have it.

(vii), those in favour, please say aye; against no. The ayes have it. The ayes have it.

And finally (viii), Hon. Members. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Now, Hon. Members, for clarity I will put to you the whole of item 18. Those in favour, Hon. Members, please say aye; and against, no. The ayes have it. The ayes have it.

**Joint Committee on the Emoluments  
of Certain Public Servants  
Amended Motion carried**

19. The Chairman of the Committee (Mr Speaker) to move:

*That the First Report of the Joint Committee on the Emoluments of Certain Public Servants for the Session 2003-2004 be received and its recommendation approved.*

**The President:** Hon. Members, in dealing with item 19, the Emoluments Committee is technically a joint committee and its reports and motions would, therefore, normally be dealt with in the branches. However, on this occasion, at the specific request of the Chairman of the Committee, I have allowed this report and motion to appear first on the Tynwald Order Paper and I call on the Chairman of the Committee, Mr Speaker, to move.

**The Speaker:** Thank you, Mr President.

First can I just say that I used the wrong name when I talked about the new managing director of Manx Radio. It was actually Anthony Pugh, who was here and I do apologise.

Could I just say that the reason this is coming before Tynwald as a report in this way is because the committee agreed that there was no new policy and the principles have already been determined and, therefore, it is a matter for Members to make up their own mind.

Mr President, in the session 1997-98 the Committee reported on a number of matters, including the remuneration of Members of Tynwald. The relevant part of the report, to provide the historical background to this matter, is attached to today's report at appendix 1. Hon. Members will note that the recommendation in the 1997-1998 report proposed that the fixing of Members' pay at the mid-point between the top spine point salary of the executive officer grade and the top spine point of the higher executive officer grade was an interim measure.

However, the principle of using the mid-point to determine Members' salary has never been changed and this report makes no recommendation to change that Tynwald policy. We are all aware that there are some who have criticised that we are recommending that a new Order be made to rectify the deficiency in the original Order, made in 1997, so as to ensure that the principle of Members' pay being fixed at the mid-point in the EO-HEO grade is, as was agreed, maintained. It has to be said that if the Order made in 1997 had been written properly to cover the agreement that Members be paid at the mid-point, which, at the time, was Point 27, then this report and a new Order would not have been necessary, to honour the principle of the pay agreement determined in the Tynwald 1997-98 report and Members would have automatically received all the adjustments in the relevant pay grade that have taken place since 1997. Unfortunately, it was not.

Therefore, Members of Tynwald have, since 1999, lost salary payments that would have normally been paid to them. Loss of salary to Hon. Members due to the changes made in the civil service grading system since that date, is, I believe, in excess of £2,000 per Member. Mr President, I would wish to clarify one important issue – that is for the requirement that Tynwald has to approve a legal Order of Tynwald to determine Members' pay. This is something, whatever we feel, that cannot be avoided. This is regardless of whatever system is brought in and regardless of who determines the level of salary to be paid and it is Tynwald and only Tynwald that has the responsibility and the authority to make legal Orders and approve expenditure of taxpayers' money.

This, therefore, makes our position unique, whatever we may wish and no matter how difficult we find the situation and I know that Hon. Members do find this matter difficult to deal with and always have. I can, however, confirm that the recommendation by the select committee on the reduction of committees approved by Tynwald in December 2002, that the Emoluments Committee should consider the matter of Members' pay being determined by an independent top salaried pay body is presently under active consideration by your Joint Emoluments Committee.

Mr President, it is a matter for Hon. Members to determine whether or not they wish the anomaly that has developed in relation to their salary, to be corrected. Your Committee has a responsibility to put this matter before you for your consideration. As there is no new policy matter to be determined by Hon. Members, then it is appropriate that this issue be dealt with by this report coming directly before Tynwald for determination.

If Hon. Members do not endorse the recommendation of your Committee and, ultimately, the Order made under the Payment of Members' Expenses Act 1989, then Members' pay will remain at the level, which is concrete to that intended in 1997. Your Committee's report lays out the circumstances surrounding the issue and reasons why this change is necessary, if Hon. Members wish to retain their salary as intended in the 1997 report of your Committee, which was approved by the branches.

Mr President, I beg to move.

**The President:** Hon. Member, Mr Waft.

**Mr Waft:** Thank you, I beg to second, Mr President.

If I might, perhaps, clarify the thinking behind the Civil Service pay to which we are aligned. Firstly, the position in regard to changes to the points on the Civil Service pay spine relates solely to the implementation of the annual settlements which were recently as follows: 1999 was 2.3 per cent; 2000 was 4 per cent; 2001, 3.3 per cent; 2002, 5.6 per cent and 2003 is now, as we all know, under negotiation. The chief executives' pay, that is the Chief Secretary and the nine departmental chief executives, from 1st August 2000 had a separate agreement. The link was broken and they were taken off the pay spine and they are no longer under the 1990 agreement. It was felt that we did not have enough scope within the existing spine to deal with the most demanding senior roles within the Service.

However, the annual settlement in 2001-02 was the same as the rest of the service. The position of salary scales of posts on the pay spine are kept under review and could be varied for a number of reasons, usually due to market pressure and recruitment and retention difficulties. From 1st August 1999 independent arbitration decided that all scales were to be advanced by one spine point. From 1st January 2003 certain scales were improved and repositioned on the spine as a consequence of independent data which demonstrated that adjustments were needed to maintain market competitiveness.

In regard to the management grades, it was also necessary to maintain internal relativities, due to the existing hierarchy of management levels within the Civil Service. Generally, increases ranged from 4 per cent at line management level to 12 per cent at senior level. This particular increase did not apply to chief executives. Thus the relationship between Members' pay and that of the Civil

Service pay spine has not moved with that of the Service. In effect, the spine has not moved, but the position on that spine has changed for the gradings to which we were aligned on that spine point. As the legislation, to which Members' pay is analogued, relates to a point on the pay spine and not to the position within the Civil Service, we have thus fallen behind the midway point; that of executive officer and higher executive officer.

I hope that does go some way in explaining the position Members find themselves in today and perhaps will help them to make a decision on the motion. However, the present situation is not a very satisfactory way for dealing with Members' pay and that is what I feel personally, but it is all we have to go on at the present time and, to be honest, we are stuck with it, as we are finding at the moment. So, until we find a more satisfactory way of dealing with determining our salaries, this is how we are dealing with it at the moment.

As the Civil Service Commission believes that, in the future, a senior civil servant's pay should be determined by an independent body, a similar mechanism could be used to determine Members' pay, but that is for the future and this is my own personal view. It is particularly important from a Government point of view, that there should be no self-interest in any such group deciding their own pay and I hope that helps clarify the situation from the Civil Service, sir.

Thank you, Mr President.

**The President:** Hon. Member, Douglas East, Mr Braidwood.

**Mr Braidwood:** Mr President, given the subject matter of this debate, it was always going to be a difficult one. This was the case in 1997, when an increase in salary was last discussed.

However, as elucidated by Mr Speaker, on this occasion the increase is to restore differentials. This anomaly began in 1999, when the mid-point between executive officer and higher executive officer altered to our detriment, when adjustment was made in the restructuring of the Civil Service pay.

This was further exacerbated in January 2003, when the scale was again altered. Despite the fact that the increase has already been incorporated into Civil Service pay, the proposal to restore the differential to Members of Tynwald has been met with a not unexpected indignation and anger of the public. Mr President, as one of the Government representatives on the employers' side of Whitley Council, I can categorically state that the employee side has always campaigned vigorously for restoration of differentials in cases where wage increases to certain sectors of public pay employees has adversely affected other sectors and eroded the established pay difference.

In light of this, it is, therefore, hard to understand, when comments are made in the media by union officials, openly criticising the proposal that the same rules should apply to Members of Tynwald. I was a member of the previous Emoluments Committee and I can confirm that it was always the intention to have the basic pay of a Member of Tynwald set at the mid-point between executive officer and higher executive officer. I do believe that the differential should be restored. However, I equally believe that it would be totally unacceptable to receive such a payment backdated to January 2003.

**Mr Henderson:** It is everywhere else.

**Mr Braidwood:** I am mindful of the repeated messages given out by the Treasury Minister that tougher times lie ahead for the Island. Indeed, we are already seeing some of those changes occurring. We cannot appear to be complacent with the public purse and to accept such a pay award, at a time when we are asking others to show restraint. It would not be the appropriate message to, nor a good example for, the public.

Some people say that perception is the reality and I believe that the public perception of this, regardless of the rationale given and any amount of explanation, is simply that we have one rule for them and another for ourselves. It is simply not appropriate. I believe it would be more prudent and would spread the financial impact if implementation of the differential could be phased in to ensure that an even playing field is restored by April 2005. I would, therefore, like to propose an amendment to this effect and I hope all Members have now received the amendment and that is to

*delete the words: 'and its recommendation approved' and substitute:*

*'in principle, but that the proposed Members of Tynwald Annual Sums Order to be put before the Court at the November 2003 sitting to provide for the change recommended to be introduced in two stages as follows: (i) The adjustment to the annual sum payable to Members, which should have been made following the change to the Civil Service pay spine in 1999, referred to a paragraph 7 of the committee's report, to take effect from 1st January, 2004 and (ii) the adjustment to the annual sum payable to Members, consequential on the changes to the Civil Service pay spine in 2003 to take effect from 1st April 2005.'*

I thus move. Thank you, Mr President.

**The President:** Hon. Member, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Eaghtyrane. I find this a very difficult issue –

**The President:** Sorry, Mr Gawne. Are you seconding Mr Braidwood?

**Mr Gawne:** No.

**The President:** Okay, if you would just resume your seat, then I would like to get the amendments on the floor first. I call on the Chief Minister.

**Mrs Hannan:** He could if he had wanted to.

**Mr Corkill:** To move an amendment in my name, sir.

**The President:** Move your amendment, sir.

**Mr Corkill:** Yes. Thank you, Mr President.

Can I say that I was very pleased and perhaps relieved when the mover of this motion, Mr Speaker, and the seconder, both referred to this top pay review body, because I think we find ourselves in this position from time to time. It is a very awkward position. We have an Emoluments Committee, which does the job that it is meant to do, but, at

the end of the day, we always come with motions to this place.

We have a situation, then, where an Order has to be moved to action the policy of this Hon. Court. The discomfort that I have always felt in all of this, Mr President, in my time in this Hon. Court, is that the deliberations of the Emoluments Committee are, indeed, ourselves or a number selected from ourselves. I think we give them, as a Court, an impossible task to come up with a solution that is going to be acceptable to ourselves, acceptable in the eyes of the public.

The previous speaker spoke of perceptions and I think it is very important that we do reaffirm something that was in a previous report, the report of the Select Committee on the Reduction of Standing Committees of Tynwald. Now the mover has actually mentioned that and, in some ways, perhaps, makes my amendment not necessary, but I would like to think that Members of this Hon. Court, bearing in mind what we are debating, the reality of where we are at, in this particular process, would wish to reaffirm a commitment that was in that report, (**A Member:** Hear, hear.) because there were a number of standing committees referred to and there was a number of modifications suggested. We had a debate about a number of issues that day and this was one of many in that report.

So I have circulated to Hon. Members, paragraph 3.5, 3.5.1 and the recommendation at (e) for us to read again, whilst in the course of making our decision today.

The committee should give serious consideration to the establishment of a top salary review body which would subsume the work of this committee.

That is the Emoluments Committee and I would like to think that, at the end of today's debate, whatever happens, Mr President, that we make a reaffirmation, as it were, to ask the Emoluments Committee to proceed with that work so that, next time around, when this subject is being considered on the floor of this Hon. Court, we are debating the efforts of such a panel and not a committee of this Court.

It is not everything, because, at the end of the day, Hon. Members will always have to vote for their own pay. I mean we are responsible for public money. We budget public money, we tax and we spend and we are part of that expenditure and so we should not ever shirk that responsibility, but I think the comfort that the public will have, is that if they think that the process, in advance of us considering the situation, has been arrived at independently, with people from outside our own environment, I think that would do a lot to make me, as a Member, more comfortable (**Several Members:** Hear, hear.) and, hopefully, members of the public see the transparency of what has to be done.

As long as, at the same time, those members of the public do realise that we will vote on these things at the end of the day, otherwise we would have no revenue, no salaries whatsoever, because we have to vote moneys through on an annual basis et cetera and I think that is something that is important for me to try and persuade Members of this Hon. Court to reaffirm.

So I am hoping that that will be seen as a helpful amendment. I have not, prior to coming into this Court, arranged for a seconder because I wanted Hon. Members to think about that and hopefully I will receive one.

**Mr Henderson:** You will.

**Mr Corkill:** If I may, while I am on my feet, Mr President, speak – no, because it has not been seconded – I cannot speak to the amendment before us, so we will have to try and think about that. I think on the actual motion itself – I have looked at this in some detail, as I am sure Hon. Members have, and I would regard this over a period of time as being a technical drift.

The reality is that, perhaps, we, as Members, should pay a bit more attention to what our salaries are on a more regular basis and I think there is probably a reluctance to do that. A reluctance borne out of what we know will be the public reaction. Therefore it gets put off. Therefore, when a mistake like this occurs, it does not surface too quickly and I think that is unfortunate, because, obviously, when you try and put it right, the problem has got bigger and therefore the headlines get bigger proportionately.

I have always said in these debates, Mr President, that I am not a civil servant, I never wanted to be a civil servant, I do not intend to be a civil servant. I hope I am a Member of this Hon. Court for as long as the people want me to be here and I want to be considered in that light and I do think that the fact that we attach our incomes to the Civil Service pay spine at all is a mistake. (**A Member:** Hear, hear.) I know why that has happened in the past, because it was an easy way of getting incremental increases without the big public debate, but I really think we ought to have a situation where we have a public debate, that we make sure that the public have the confidence that the process is being done as independently and as transparently, that word that we hear so much of, as is possible.

Unless we do actually put some weight behind this review body and give it another shove and make sure the Committee knows that the Hon. Court wants this to happen, then we could arrive in the same situation again without that having been resolved.

So, Mr President, I intend to support the motion, as is printed at the agenda item. My amendment is in addition to that, which is to give an incentive for the next time around and I really do hope that, next time around, I am not voting in a situation which does not have enough transparency in my view (**A Member:** Hear, hear.) and is linked to the Civil Service pay spine. Our job is not to behave like civil servants. We have a completely separate role and that role is sometimes confused and if the pay is confused as well, then that is understandable, isn't it?

I do hope the amendment in my name is taken in good heart and I look for a seconder. I beg to move,

*Before the word "That" insert "(a)" and after the word "approved" insert*

*"(b) that Tynwald reaffirms its commitment to para 3.5.1 and recommendation (e) of the 'Report of the Select Committee on the Reduction of Standing Committees of Tynwald'.*

Thank you, Mr President.

**The President:** Hon. Member for Ramsey, Mr Bell.

**Mr Bell:** Thank you, Mr President. I would like to second the proposal put forward by the Chief Minister, basically for the reasons which the Chief Minister has put forward.

This is an issue, I think, a nettle which should have been

grasped a very long time ago. It is something that, every time we have a pay debate, or a debate about Members' pay, it is raised, it is talked about, our hands are wrung over it and then it is put back on the shelf again until the next pay round comes around, when we do exactly the same thing again.

I do hope, Mr President, that Hon. Members will this time grasp the nettle once and for all (**A Member:** Hear, hear.) and take positive steps to set up an independent pay body. Whether it is specifically for Members or whether it is linked to the senior civil servants, at this point I have no view either way, but I do believe the system that we are working under at the moment is an absolute nonsense and we are going to have this embarrassment every time our wages are discussed.

Perception is important and one or two of the previous speakers have mentioned the perception of the public outside. I find myself in somewhat of a dilemma on this issue, because, on the one hand, I entirely endorse the sentiments of the speaker behind the rationale of this particular move. It is a realignment, it is not Members jumping on the pay bandwagon to feed themselves voraciously on the taxpayer's money, but the perception is just that. I am interested to see a document, which Members have had circulated, from Frank Allen, the General Secretary, I think he is, of Prospect, saying how Members fully deserve the rise, even though it is headlined at 10 per cent. I have to say, being one of life's cynics, a trade union official would say that, wouldn't he?

We need to recognise, Mr President, that we are in the middle of a very sensitive pay round at the moment with the Civil Service. We have ongoing negotiations, I understand, with Whitley Council. I have, particularly in the last budget, warned Hon. Members of the escalating cost of salaries in Government. Our annual wage bill now across Government is £215 million a year. For every 1 per cent across the board of pay rise that Government gets, we add another nearly £2.2 million a year onto our budget and that is money which is taken from each and every Department and it is not available for other services.

So, the dilemma I have is, on the one hand, supporting the principle and the sentiments behind the resolution itself and, on the other hand, as Treasury Minister in particular, trying to send out a strong message to the rest of Government that we cannot afford across the board, escalating pay settlements at the present time. It is beyond our reach, unless we start cutting into the services that we provide. This is going back to perceptions and the perception will undoubtedly be that, if Government can pay 10 per cent for itself, we can claim 10 per cent for the rest of the workforce and Hon. Members who were in at the time, will remember quite clearly the 17 per cent escalation there was a number of years ago, which we are still getting thrown in our faces now –

**Mrs Crowe:** Yes, that is true.

**Mr Bell:** - at pay negotiations. So I would urge Hon. Members just to bear in mind that we must not be seen to have double standards on this. If this goes ahead at 10 per cent, rightly or wrongly, it will be used against Government as a pay bargaining lever later on.

If I could just finally touch on one point again, Mr President, in relation to perception. Every time the issue of

Members' salaries is raised, the cry goes up, we are claiming this money for ourselves without doing the work. We do not deserve it. What about the pensioners? What about the elderly people? I know, and I think most Members in here would agree, that most Members here work exceptionally hard, long hours, weekends, unsocial hours sometimes. The problem we have got is that there is a constant message coming out from this Chamber and one other, of denigration of what Members actually do.

We do not actually tell the public what work we do. If this message is drip-fed to the public for a long period of time, why should we be surprised if the public turn round and say we are not worth the salaries that we get paid now? I would urge Hon. Members to bear this in mind. This is a legacy we have to live with now. The more we denigrate each other, the more we denigrate, in particular, the chambers that we work within, the less public esteem is there for us outside and when we do come to issues like our pay and any other conditions which change, then, clearly, we are not going to get very much sympathy from people outside.

So there is a couple of exercises to be done here, Mr President. Please support the Chief Minister's amendment. I think it is a very positive step forward, which will help us in the long run. Please think twice before we denigrate the work that all of us do in here. Please let the public know the factual side of it, but I would just ask Hon. Members, too, to be cautious, that, whilst I support the principle of what we are doing, we must be careful not to send out the wrong message, because we just cannot afford unlimited pay rises at this particular time across the board. It will cut into services and it will cut into budgets elsewhere.

**The President:** Hon. Member, Douglas South, Mr Duggan.

**Mr Duggan:** Thank you, Mr President.

We have been in this boat before, sir, as you are well aware. We do ourselves no favours, as the Treasury Minister says, and as for the wrong message, it has already gone out. You only have to listen to the Mannin Line really, people are playing hell, thinking we are big, fat cats, and I think it is overdue, the time, as Mr Speaker is well aware, too, that we do have an independent body really setting our salaries, (**Mr Henderson:** Hear, hear.) because it is very embarrassing. I find it very embarrassing, but, however, I do support the amendment of Mr Braidwood and I will second that, sir.

**The President:** Mr Singer, Hon. Member of Council.

**Mr Singer:** Thank you, Mr President. I do agree with everybody else.

It is difficult, it is a very difficult situation, when we have to vote on our own pay and it is particularly sensitive for elected Members, who are obviously looking over their shoulder and asking themselves what do my voters think? It is understandable, but I think the Chief Minister has come up with a good proposal, because it will take a certain amount of that pressure off, but I would just like to extend it a little bit further here as a general point.

We have heard today and yesterday, both the Treasury Minister and the Chief Minister talking about the problems that we face internationally, the problems that we have faced,

the problems that we are facing and the problems that we are going to face.

I believe it is important that, when it comes to an election, the public can choose the right people to be sitting in here, to face those problems and the situation is, at the moment, that they do not get the choice because there are people who are perhaps highly qualified, lawyers, medical people, finance people, who will not put their names forward to stand here, to stand for the parliament. Even though they may feel they have that calling, they will not put it forward, because, whatever one thinks of the pay levels now, the pay levels would mean that they would have to take a major pay cut, so, in fact, we are cutting out a lot of people who would represent this Island well, because of that situation.

If we look at other governments around the British Isles, the Welsh parliament, the Scottish parliament, those members, even the backbenchers in the UK Parliament, many, or the majority of those people, do not take on the same responsibilities that are taken on by Members in this Hon. Court, whether they are Ministers or they are members of Departments. So, to a certain extent, if you look at it in general, we tend to undervalue ourselves. I am not saying that we should suddenly increase, double our pay, whatever, but I think, perhaps, a top salary review body, rather than ourselves, can look at the situation and make a true judgement, which I think they will do, compared to the work we do and the work done elsewhere and then we will have no argument. Nobody will have any argument really. The public will obviously look at what they say, but we will not be making the only judgement on ourselves and I think that is a very important position and, therefore, I will support the amendment as put by the Chief Minister.

**The President:** Hon. Member for Douglas South, Mr Cretney.

**Mr Cretney:** Yes, thank you, Mr President. I will not be agreeing with everybody else!

I think that what we are doing here is getting things out of sync, because what we have got in front of us, which has been circulated by the Chief Minister, is a section of a report of a Select Committee on the Reduction of Standing Committees of Tynwald, which makes reference to an independent body to look at whether that is the right way forward.

I think we all agree that that is the case, but this piece of paper, this report of the select committee was in front of us in December last year, December 2002, and here we are, we are in October 2003 and nothing has been done about it to the best of my knowledge. I do not know. Has it been referred? Have they considered it? Well, if they have considered it, why haven't we got that in front of us – because that is what we should have in front of us.

What we have got here is an attempt to justify if it had been written properly, if the Order in 1997-98 had been written properly and it was always the intention.

Well, Hon. Members, we are legislators and Orders in front of Tynwald are written in a way and if they are written wrong, then it is our fault that they are written wrong – nobody else's. I agree that the vast majority of Members, not all, but the vast majority of Members, do work very hard and do sacrifice private life. I know that to my own cost and I am sure others do, as well. We do work hard, the vast majority of us, and it was not helped – if we are talking

about perceptions – on the radio only this week it says, ‘Yes, the Hon. Members of Tynwald are going back after their long break from July to October.’ What a load of nonsense! (A Member: Hear, hear.) I mean the vast majority of us, I think –

**Mrs Crowe:** Have not had a break.

**Mr Cretney:** Well, I have had a break, I had a break, I had 10 days, but the vast majority of us do continue our work – all that does not happen is we do not have sittings of the House of Keys and we do not have sittings of Tynwald. That is the only thing that does not happen in the summer months –

**Mr Houghton:** The time is filled up with other things.

**Mr Cretney:** What I would like to ask, Mr President, is, because I am not going to vote for the Chief Minister’s amendment, because it includes part (a) – and I do not think we should be doing that – I think we should be having the independent body to look at this *first*, rather than having the catch up and then looking at the independent body. What I would ask is, if we do go to an independent body, that they look at the long overdue rationalisation of this mileage allowance, where some Members claim and some Members do not claim and this tax-free expenses allowance, which is from a time long ago when, in my opinion, Members of Tynwald were not properly recompensed for the amount of work that they put in, but that is completely different now, in my view. There is no justification for a mileage allowance, which is unaccountable. Nobody checks it to see whether Hon. Members have done the mileage they claim for. It is disgusting and it is about time it was finished.

**A Member:** Move to Douglas!

**Mr Houghton:** And we could get the mileage allowance instead of you!

**Mr Cretney:** I suggest, Mr President, that the sooner it is referred to an independent body, the better, (Mr Houghton: Hear, hear.) (Mr Corkill: Support the amendment.) but I am not going to support the amendment because I believe that should come before awarding the rise, which is considered now, and the basis that it has been justified is – if something had been written properly or it was always the intention. Too woolly for me, I would rather we get something right.

**The President:** Mr Shimmin, Hon. Member.

**Mr Shimmin:** Thank you, Mr President.

Some years ago I voted with the substantial pay rise in 1997. Part of my argument at that time has just been used again by Member of Council, Mr Singer, and, having voted for that, I believe it was wrong.

The motives that I did it for were correct, but what it actually achieved was, many Members in this Court earning a sum of money that they could not get out on the streets and are making damn sure they are going to keep on getting re-elected by working on lower level politics than we should be working at. Now that sounds holier than thou and arrogant. I work hard, we all work hard.

As a union man, I can take the Prospect information, I can take the words of the Speaker and the Committee; I understand where they are coming from. We are not civil servants, we are public servants and, I am sorry, but a mistake was made in 1999 when the previous Emoluments Committee failed to recognise it. (Mr Houghton: Hear, hear.) Why? Because we had just awarded ourselves a 17 per cent pay rise and nobody was going to go anywhere near it for the next couple of years. As a Minister, who has to move Orders and increase in costs to the public, above an inflation rate, because the Department has not moved them for some years before, we have fallen into this trap ourselves.

We are public servants. We know now that, when we talk about perceptual reality, I would say there is another word we have not used a lot of, it is credibility. I believe today we have an opportunity to turn around and show the people of the Island that, when the Treasury Minister and others talk about the impact on the economy of the Island, we can actually put our money where our mouth is and say ‘We will set an example. We will show to the people of the Island that we are not going to take this pay rise, however well justified, in order to actually get a message across that times are more serious than a lot of people still think.

I believe the credibility of the Court is at stake. I will support Mr Braidwood’s amendment, on the grounds that it at least defers the payments, rather than back dates it to 1st January 2003. I will support the Chief Minister’s amendment on the understanding or hope that it can be split in two parts, in which case I would then have the opportunity of voting against part (a) but in favour of part (b), which I think we would all be in agreement with.

I fully understand the difficulty for Members. I believe that, in my family circumstances, I have a young family, I have a big mortgage and I believe I can live on the money that I am currently being paid. I do not believe this is justified at this time in the Isle of Man’s economy, sir.

**The President:** Hon. Member, Mrs Hannan.

**Mrs Hannan:** Thank you, Eaghtyrane. I would just raise some caution about having an independent review body, top salary review body, as proposed by a number of people. What do we do if they come forward and they say that we should get £90,000 a year? What do we say then?

**A Member:** We can still vote against it.

**Mrs Hannan:** You know, what do we say, then? We would not accept that. We would still have to vote for it, so why appoint somebody to look at this particular issue. My understanding is that we had an independent – and it was not local, it was international – the CPA, who were asked to put forward people. Well, (*Interjection by Mr Downie*) but my understanding from that is that they came and they said that we should have a great increase.

**A Member:** Yes.

**Mr Singer:** Yes, they did.

**Mrs Hannan:** But we did not accept that report. Somebody on the radio said ‘Oh, they got rid of that report, never seen the light of day because it said they should get a reduction in pay.’

Now that is not my understanding and this will happen if we get a top salary review body. They will come back and they will say 'You are law makers. You are passing laws. You are doing this. You are doing that. You are doing the other and therefore you should at least get £90,000, £100,000, whatever. That is what will happen.

What the emoluments body looked at was is there a way to do it without every year having a vote and going through this particular issue and – I am not saying it is virtually accepted everywhere – one thing that has been put forward recently is that law makers should not be seen as being elite. If you have a top salaries review body, you are looking at somebody who is going to come along and is going to suggest that we are elite and what has been suggested is that people get an average pay, because we are not the elite, we are here representing our people. If our people cannot manage on some of the pay that they are getting, why should we get more? You have only got to look at the title that the Chief Minister is suggesting, or has been in this document, 'Top Salary Review Body.' That puts us up there before we start. (*Interjection by Mr Corkill*)

Mr President, we are talking about us and what I am suggesting is that we should not be seen as the elite. What has been suggested is that it is rationalised that, year on year, we would get an increase.

I am in a difficult situation with regard to looking at increases of pay. I am not in a similar situation to some Members of this Hon. Court, but, on looking at it from a rational point of view, I think the proposal put forward by the Member for East Douglas is a more satisfactory one, and I think the second part of it does look at the Civil Service pay and I would be much happier with that than looking for an independent body, which is going to come forward with recommendations that we cannot accept –

**Mrs Crowe:** That is right.

**Mrs Hannan:** – we have to be rational when we look at issues such as this, simply because we know what has happened in the past and, if Members think that they can accept huge sums, I think we are mistaken.

The other issue that the Emoluments Committee should look at, are the issues raised by the Member for South Douglas, receiving a non-taxable allowance. Anything that we claim under that, we should be able to claim to a certain amount, but we should put in a claim for that and the other area is the travel allowance. I do feel quite strongly about the travel allowance, but I think there should be some transparency. There should be some accountability (**A Member:** Hear, hear.) and I think at the moment there is no transparency and there has certainly been no accountability. Someone can actually clock up how many miles they have done from one place to another, but they know they can go round the Isle of Man to get there. I know it is slightly rationalised since then, but we do need to have some sort of accountability for these sort of extras, especially when we are looking at these sort of issues.

Before I end, Eaghtryane, I am not sure what this letter from Prospect is meant to do. Maybe it is meant to comfort us, to say, 'Yes,' but this is circulated by a member of the Committee and I would like the Chair of the Committee to clarify in what aspect this particular letter was circulated. Was it with the Committee's approval? Thank you, Eaghtryane.

**The President:** Hon. Member for Ayre.

**Mr Quine:** Thank you, Mr President.

I did not support the motion in 1997 and I am afraid that is a situation which I am still in today. As set out in *Hansard*, my principal concern at that time was the fact that we did not have before us the advantage of an independent assessment, upon which we could be judgemental, in terms of whether what we were being asked to approve was reasonable or not.

It might be interesting to recall that I moved an amendment to have a commission of independent persons – and I am not talking about commonwealth parliamentary associations, who are politicians in their own right – but I moved an amendment to have an independent commission look at the legislative salaries, but it was not approved. It was turned down by the Keys at that time, but, as far as I am concerned, that is still a major consideration.

I accept, of course, that we ultimately are going to have to approve finance. That goes without saying, but it is one thing for us to decide ourselves what we should pay ourselves and then approve it as well. I think at the least we could expect, and the least the public would expect, is that, at least, we have an independent assessment – and I am not talking about people from Timbuktu or wherever you want to go – I am talking about locally based people with a good spread of opinion here, looking at legislative salaries. If we had that information before us, I think we would be certainly in a stronger position to represent why, if there is an increase proposed, that we should support that increase.

So I did make an honest attempt to bring that in, in October 1997, and it was not supported, but I think the proposition we have here today is somewhat different again, because, what we have here today, is we have an assertion that, in 1997, our job was worth a certain sum of money and that equated to mid-point between the EO and the HEO. You have got to ask yourself, was it a question of what our job was worth, which fortuitously coincided with the mid-point, or was it a question of us looking for a convenient peg and, in a somewhat subjective fashion, attaching ourselves to that peg?

I am afraid it was the latter and, if you look at the document that matters as a starting point, which is, of course, the 1997 Annual Sums Order, there is nothing in that upon which you could hang your hat, for what is the proposition before us today. I do not believe you could hang your hat on this; it simply says that the annual sum prescribed for the purpose of section 1 shall be the amount equal to the annual salary, payable to a member of the Civil Service on a spine point  $x$ ,  $y$ ,  $z$ . That is quite a different proposition, that is not inferring that there is a basis for comparison between the two. We are just attaching ourselves to that, but here we are now, five years later, Mr President, and, even if you put the best interpretation on that, (*Interjection*) the actual spines and the responsibilities and duties which are attached to the Civil Service spines, because we have had a change in the number of spines, a truncation, if you wish, in the number of spines, those spines do not necessarily equate in terms of the job that the civil servant is doing today and what he is being paid for today, with what our legislators are doing today.

The two things do not necessarily hold together over that five years. So I think it is somewhat fallacious, somewhat disingenuous, for us to try and hang our hat on

that, particularly when the foundation, as laid in this Order, is, I believe, subjective, to say the least. Even if we were to accept, even if you were to put the best interpretation on it and say, 'Yes, it was our intention to be pegged there,' the Civil Service spines have not changed. The relativity between the two that we are trying to link here have not changed.

Even if we could do that, there is a question of reasonableness and the Minister for the Treasury has, in effect, spoken to this. Is it acceptable for us to stand up here today and speak in support or vote for what I believe is an adjustment in remuneration from 1997 to date in excess of 50 per cent? I do not think it is. I do not think that is reasonable and it certainly does not tie in with the financial situation which the Island is now being confronted. It does not tie in with the philosophies we have been trying to put across in pay negotiations with the different associations.

So I think this question of reasonableness comes into this as well and I do not think it is reasonable. My own view is, and remains, that, through independent assessment, we should be able to look at our job description, attach a value to that, but, in the Isle of Man situation, having got that far, there has to be and I believe the public look to this, historically it has been there, we have to look to what I would call, and what I have called previously in these debates, a heavy public service discount. It is expected that people who go into politics in the Isle of Man are going to have an element of public service built into that. Not that they are here for what is the price for a job, as if they were selling cars, and I believe we should be looking at a fairly objective way of evaluating what the job entails and the price that is attached to that –

**Mr Corkill:** Promises, promises.

**Mr Quine:** – yes, but it should not stop there, it should simply go on from there and say, yes, but in our situation – in the Isle of Man situation – recognising how we view Island politics, there has got to be a heavy public service discount attached to that and that is why, again, I feel if we had, like the Hon. Member for Peel, who obviously is not in favour of independent assessment and I can see what some of her reservations are.

I believe that, notwithstanding that, the type of assessment we could get from an independent body who understands the local situation, would be of great value to us and, as with all top pay, I certainly would not call it 'Top Pay Review'. I think it is probably the worst term you could pick for it, but if you just take that type of body, it is then open to us, as it would be open to any other party looking at an assessment of salaries, for to say, 'Yes, but in our situation we are not going for 100 per cent of this, for whatever reasons we wish to attach to it. The principal reason is because we should be attaching a public service discount to all of this and that would give us the flexibility we need to make a remuneration for members of the legislature reasonable.

Just one further comment that I would make on this, and that is the element of income, of remuneration, the add-on elements which relate to Department membership, Board membership, and Ministers, not Chief Minister.

I will explain why I say not Chief Minister. Those elements are awarded by the Chief Minister of the day, by the Government of the day. I believe, therefore, that that is

the situation which is contrary to a prime consideration, which should be for us to have a parliament with independence of action, a parliament which fits in providing adequate scrutiny, a parliament which gives us the checks and balances which we need. I do not see how you could have even a perspective of that, where a large slice of salary is being granted or withdrawn through the goodwill of the Chief Minister, or, in some cases, the Council of Ministers. That is an element I think we should be looking at indeed.

The Chief Minister is different, because Tynwald says that we decide that he will be the Chief Minister and, therefore, I do not think there is any question about it in his case, but there is a big question about it where we are talking of Ministers, chairmen and members of board, which are sizeable sums of money which are there at the grant of the Chief Minister or the Council of Ministers. That is another aspect which I am most unhappy with.

Quite honestly, my position has not changed since 1997. I believe I provided an opportunity in 1997, when I moved the amendment to have this independent scrutiny. It was not taken up, it was voted out, and, as far as I am concerned, unless and until it is in place, then really I do not wish to be a party to this.

**The President:** Now, Hon. Members, I call the Hon. Member for Rushen, Mr Gawne, and when I do so I wish to apologise to him. As Members know, he did rise to speak earlier and, in my desire to get the amendments on the floor, I did ask him to resume his seat. In the flurry of names that arrived thereafter, he has been overlooked. Hon. Member for Rushen.

**Members:** Ah!

**Mr Cretney:** He is all right, he will rise above it.

**Mr Gawne:** I think a lot of what has already been said is what I would have liked to have said myself, but probably said by better people than I. (*Interjections of disagreement.*)

I think what Mr Shimmin had to say is certainly very similar to what my position would be. I would hope that the Chief Minister's amendment would be taken in two parts and I would certainly be happy to support part (b) and have the opportunity to vote against part (a).

There are many deserving cases in the Isle of Man at the moment for increased pay and I think the point that many people have already made is that, perhaps, we are not the most deserving case. When money is tight, I think really we should be looking to send the money in other directions. I do not intend to speak for a long time on this matter and, perhaps, as the baby of the Court, I am being a little bit naive in my thoughts on this, but, quite frankly, I would not ask my kids to set the level of their pocket money, and I do not believe that Members of Tynwald should be asked to set theirs.

**The President:** Hon. Member, Mr Rimington.

**Mr Rimington:** Thank you, Mr President.

I also find it difficult to vote for any of the amendments in front of me, except possibly part (b) of the Chief Minister's. A couple of weeks ago today, I, in the evening, stood in front of the massed ranks of the farming industry and explained to them that there was not that extra money

that they would like to have seen coming their way and that I was taking money out of this budget to use here, and I was cutting this particular subsidy to use in that particular purpose, because I could not just say, 'Here you are, here is some fresh cash.'

I had to argue quite strongly to them that we were in a period where money is tight. I feel, in the next week or so, when I am going to have my next meeting with the Farmers' Union, that they would laugh at me when I walk through the door, if I put my hand up for an extra lump of pay for myself. I do not think it has any form of public credibility and I agree with the Hon. Member for Ayre, Mr Quine, that there is a strong public service element of what we are doing and I know that I am not the only Member and I know there are certainly other Members, my Hon. Member of Council being one of them, as well, who, when she stood for election and became elected, did not have a clue about the money and that was the same for myself.

I did not stand for election for the salary that was on offer and that was something actually when I came in, within a couple of days, I went into the office and said, 'By the way, how much am I going to get paid? I would like to know,' at that point, because it was not any part of the reason why I was standing.

Yes, I want to have enough money. I like to pay my way, which is, I think, what other people would expect and I accept that the Chief Executive of my Department earns considerably more than I do and that does not bother me in the slightest, because this is what I decided that I want to do and some form of independent – possibly, as the Hon. Member said, the Top Salary Body is probably the wrong name.– (*Interjection by Mr Corkill*) some form of independent body does need to be there and then you can judge that.

The other thing, people have mentioned, this issue about allowances. I would just like to say it on public record, I do not understand what that tax-free allowance money is for. Perhaps somebody will tell me one day. It was never made clear to me when I came in. I can see that I have to spend a few pounds on hiring the necessary clothes on Tynwald Day. I have to pay some extra phone charges. Beyond that, I regard it as part of my salary and, if it is going to be part of my salary, then let us be up-front about it and call it part of my salary and it is taxed as such, because in no way do I use that allowance for expenses and I cannot think of any expenses that I could use it legitimately for.

Again, with the petrol allowance, I managed, I did in my first year claim the £17 when I travelled up to Sulby to have a look at the reservoir, when I was involved in that issue, thinking, right, I will do that. Since then I have found I just cannot bring myself to do it. I drive in in the morning, my wife drives in in the morning. She does not claim an allowance for that purpose (*Interjection by Mr Corkill*) and hundreds of people and thousands of people drive in to work in the morning and that is what they do. So I think there does need to be something rationalised on that.

The other area that certainly does need to be looked at and has been referred to and I do again accept the points the Hon. Member for Ayre said – in fact, I am finding myself too much in agreement with him today – when he said, 'If you are going to do it, you look at the basic salary which everybody gets and then not have too much of this patronage element, that comes into it, that people need to be or want to be on a Department because that gives them actually a

significant sum of money, which may or may not be justified by their presence in that Department. (**Mrs Crowe:** Absolutely.)

That, again, is to look at that balance of payments, of the percentages and see are those appropriate. What should it be for Ministers, and, if you think Ministers do have an extra level of work and responsibility above the norm of Members. Having said that, I think that the Treasury Minister and the DHSS Minister have certainly an extra level of work and responsibility above the norm of other Ministers and that might be an issue. That is my personal opinion and I think there does need to be some sort of reflection on that and I can find myself unable to go for this.

**The President:** Hon. Member, Mr Downie.

**Mr Downie:** Yes, thank you, Mr President, I have listened to the debate thus far and there seems to me to be a way in which we can unite the two amendments and possibly finish up with a solution, in order that we can get some agreement and get this issue progressed.

I have a great deal of sympathy with the work that the Committee has done and the study that they have carried out, to be able to advise the Court today on where these anomalies took place. I agree with the amendment that has been moved by the Hon. Member for East Douglas, Mr Braidwood, that, if we are going to fall back in line, it would be totally wrong to accept this money all in one go and this should be phased in, this catching up as it were should be phased in over a period ending on 1st April 2005.

A lot of discussion has been based on the proposition that we should not be determining our own pay and I totally agree with that and I agree with the comments that were made by the Hon. Member for Ayre, Mr Quine. We should not be talking about top pay or anything else. We want an independent pay review panel or a pay review board and I would be more than willing to let that board look at a review of Members' expenses, including travel. Let us have the whole thing looked at and properly assessed.

The tax-free allowance, I know some Members, when I was first selected, actually employed secretaries who worked for them on a Saturday morning. They dealt with constituency areas, I think some people still do. Perhaps a way of addressing that is to provide telephone and telecommunication services, broadband for internet at home as part of a replacement programme for this whole allowance and then your calls can be metered and you can identify what was personal and what was used in connection with your membership of the Court, so it is not beyond the remit to do that and have that looked at.

Mr President, I would just like to formally move the amendment that has been circulated in my name and I hope that Members can support it. It will give us a resolution to the initial problem and also it will set the ball rolling, that we look at moving away from the Emoluments Committee and setting up a much more transparent regime and an independent committee.

**The President:** Hon. Member for Garff.

**Mr Rodan:** Mr President, I have no difficulty with the principle of restoring the differential, the technical adjustment as it has been presented.

If the practical effect of the technical adjustment was an increase of 1, 2 or 3 per cent, even on headline rate of pay, I suspect no-one else, either in here or outside of here, would have difficulty either. The problem, of course, is, quite simply, that this technical adjustment, justified as it is, has produced not 1, 2 or a 3 per cent pay increase, but an inflation-bursting pay increase and there is the problem – and it is, quite simply, a political problem for, above all, the credibility of Government's position in both current and future public sector pay bargaining.

The Treasury Minister has clearly spelled out what the impact on the public purse is. of a 1 per cent increase in the public pay bill, the salary bill costs. My own Department is already struggling within its three-year business plan, with the tremendous pressures on, particularly, its revenue budget, and our ability to get our revenues to fit the policy developments over the next one, two and three years. Already we are having to trim and postpone and the idea that that budget will have its bottom line reduced again, because of what Treasury has clearly spelled out as the impact on the public finances, is just not acceptable and I cannot be party to contributing to that situation.

I realise, Mr President, that all of us to one extent or another, are coping and struggling with budgetary issues of one sort or another. The Department of Education is not unique in this, but, at the present time, my concern is that budget, is the public service that my Department is charged to deliver, and I am not seeking to draw an invidious distinction in this Court between Members who have budgetary responsibilities that are greater than others, because, as I say, we all have them and there will never be a right time. I think that is well recognised, but in my opinion, now is certainly an acceptable time.

I have considerable sympathy with this Committee. I have been a member of it in the past myself and, at exactly the same issue and last time around, a technical adjustment was proposed which had a political impact and I believe that we are just going to, certainly from my own point of view, have to live with this anomaly for the time being. Plenty of people out there are living with anomalies of one sort or another – and that is not to say that a time will not come where this will have to be confronted. The way to confront it, I think, is to look at the issue in the broad sense. Others have made the case better than I can for an independent pay review body to decide the right rate for the job, acknowledging that the decision will, under present law, ultimately still have to be made in this place. I am not naive to wash hands of that aspect of it, but, from the point of view of having the responsibility to budget for public services, and to know that I cannot deliver to the extent that I would wish, those services to the public, and to jeopardise those that have been budgeted for, by cuts in future revenue streams, I am afraid that I cannot, whatever the merits of the case, sign up to that.

**The President:** Hon. Member for Rushen, Mr Gill.

**Mr Gill:** Thank you, Eaghtyrane.

I stand as a member of the Committee and also as the person who circulated this letter and Mrs Hannan queried through the Chairman, Mr Speaker, the base on which I had circulated that, so, perhaps, if I could answer her directly, sir?

When this report was published, I had a telephone call

from Mr Frank Allen, who, as you can see, is the National Secretary of Prospect, because he is representing the Civil Service in their pay negotiations with the Civil Service Commission, as we have heard previously from the Chair, Mr Waft. Initially, sir, his view was, how could we be so insensitive and what were we doing giving ourselves a 10

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17 October 2003  
QG1710lg

Dear Quintin

#### MEMBERS EMOLUMENTS

Thank you for responding so positively to my query about Tynwald Members' pay. Having read the Joint Committee's Report you forwarded so promptly, the increase in Members' pay is not only understandable but also deserved.

The above so as clearly in the 1997/98 Report there was an intention to analogue remuneration to the midway between the top spine point salary of the EO grade and the top spine point salary of the HEO grade. As is correctly stated in the 2003/04 Report, adjustments to EO and HEO grades has resulted in that point now being spine point 29.

It therefore follows that if it has been previously determined that the appropriate remuneration for Members of Tynwald be the mid-point between the top of the EO and HEO grades, then that should from 1 January 2003 be spine point 29 (£27,791) plus 2% i.e. £28,350 per annum. However, there is another way of looking at it.

In paragraph 3.2 of the 1997/98 Report it is stated "that our recommendation in paragraph 3.2 is a midway point in the present Isle of Man Civil Service pay spine." If it were the real intention to analogue Members' remuneration to the midway point in the Isle of Man Civil Service pay range, one needs to take account, in 2003, of the fact that Chief Officer Group were removed from the spine. The top remuneration for Chief Officer Group as at January 2003 was £97,358 per annum. The maximum spine point in the Isle of Man Civil Service pay scales is spine point 55. The spine points move in 4% increments, therefore applying 4% increments until one reaches a salary of or close to £97,358, gives us spine point 61 (£97,500) therefore the midway point in respect of Civil Service remuneration is spine point 30 plus 2%. In other words were Tynwald Members, members of Prospect and I leading the negotiations, I would be arguing for a further 4% than that contained in the 2003/04 Report!

It is clear from the 2003/04 Report that the Joint Committee is merely seeking to maintain an established, predetermined market position. This is no different from Association's claim to maintain market position of Civil Servants as a whole. The Association can therefore fully understand the basis of the Committee's recommendation.

Regrettably what is perceived is the headline 10% figure; as set out in the Report, that masking the 'underpayment' over the past few years since the adjustments to the pay scales for EO/HEO grades.

Tynwald Members will come in for particular criticism as, at the end of the day they have no choice but to make the decision themselves; there being no other body to do it. There were proposals in the past, referred to yet again in the last edition of the Examiner about an independent body to determine Member's pay. One notes at this point the proposal for the establishment of some independent body to determine Chief Officer pay. Perhaps such 'independent body' could do both Chief Officer pay and Member's remuneration; or would that perhaps be too radical?

However criticism is unwarranted as it is in fact a case of maintaining properly the link that was determined back in 1997/98. The population forget perhaps too readily that it is the politicians who form the Government of the Isle of Man who have so successfully steered the Isle of Man through a period of economic growth over the past two decades or more providing the benefits of virtually no unemployment, excellent incomes and earnings growth, maintaining the link of pensions increases to the rise in earnings and many other benefits. In 'Performance Pay' terms the Islands politicians are delivering and should at least maintain their pay level relevant to others.

Regards

  
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per cent pay rise? However, sir, when he read the report and when he discussed it, this is the letter which we now have before us, is a consequence of his reconsideration and that of the executive committee.

Now, sir, we have heard the Treasury Minister say – he described himself as, cynically – well they would say that wouldn't they? I do not know, sir, I am not going to put words or thoughts into their heads or mouths, but that is the letter we have, sir, in response to the situation we find ourselves.

So rather than read it aloud for the sake of *Hansard*, could I have your permission that this letter could be added into *Hansard*?

**The President:** If you wish, sir.

**Mr Gill:** Thank you very much.

But, sir, I think the point that I would say as a member of the Committee, I would have dissented if the report had recommended we vote ourselves a 10 per cent pay rise, so that is not the recommendation. Other Members have said that is the effect, that is the perception. Possibly that is true, sir, but that is not the recommendation.

The recommendation is that there was a mistake a few years ago that should be remedied. The acid test of this was put to me by my colleague for Rushen, Mr Gawne, and he quite rightly said, sir, 'What would Members be saying and voting if this was in July of an election year and they had to go out canvassing with this fresh in people's minds and, sir, I would say, as I have said in this report, I would support it because I believe it is the right thing to do, I believe it is justified. It might be unpopular, sir, but if we are just about popularity then we will be making bad decisions for wrong reasons. So, sir, others will disagree with me. Others will put reasons and they will subscribe reasons for me taking that view and I do not know if I would accept them or not.

If you just come back to some of the other points, sir, that have been raised, if I may. The previous speaker says that he could not vote for this whilst the Department of Education, my Department also, which I have the great honour to serve under Mr Rodan, is unable to do all it would like to do. Sir, we never will be. We wish we could, but that is just not going to be the reality. To say that it is a matter of bad timing, it is a matter of spending money on ourselves, it could be spent on the schools, yes, you can argue that, but, when you actually break the figures down, £10,000 or so per Department really would not go that far. That is not the issue, sir, but the principle is that it is a bit disingenuous to say that that in itself is a good enough reason. (**A Member** : Hear, hear.) I believe, sir, it is a powerful argument, that does not mean it is a right argument.

The other point I would like to touch on, raised by Mr Quine, where he talks about the invidious position, as he sees it, that Members of Departments are really at the gift of the Council of Ministers and the Chief Minister, so I think that that is entirely appropriate. We have heard in here that we all work hard.

We have also heard comments say, 'most of us work hard.' Well, sir, I would say that the latter is true. There are certain Members, sir, who do not attend to their duties and they cannot be relied on. Sir, that is a matter for individual Ministers, it is not a matter for me, but, certainly, sir, if I were in that position I think I would be going to the Council and saying, this person is not worth the money that we are

paying them and I do believe that the Council should have that -

**Mrs Crowe:** Quite right.

**Mr Gill:** - responsibility and they should take the courage of meeting that responsibility a bit more than they do.

So, sir, they are the points. Those who are going to disagree with me will disagree with me. Those who will agree with me will agree with me. That is the way of it and it can be cast as being honest or it can be cast as self-serving. I can only say things as I see them, but I do hope that the points that I am raising will be accepted as honestly made, so I do think that the amendment by the Chief Minister, because it is true, I think everybody has agreed – no body should set its own pay and this Hon. Court should be no different.

Admittedly, we have a role in voting whether we accept it or not and those people who are saying that we should never be paid any more than we are at, they should really think of one of the consequences of that. If we stick at a certain pay scale which has been determined through poorly drafted legislation, then, in real terms, Members of the House of Keys, Members of Tynwald will fall further and further behind and those very same people, when they say we should be broadening access to the legislature to men and women from all sorts of backgrounds, not just those who can afford to come here on a second wage or on a kept wage, (**Mr Houghton:** Hear, hear.) but people for whom this is their working wage, sir, then those people will be disadvantaged by that principle.

So, I only throw that in, sir, others might take a personal slight at that, it is not intended - (*Interjections and laughter*)

**A Member:** You are not a kept woman are you?

**Mr Gill:** - so I would not claim any person in this Court is a kept man or a kept woman. (*Interjections and laughter*) I am saying that it would be leading to that -

**The President:** Hon. Members.

**Mr Gill:** Politeness usually digs holes in my experience, sir, but I am not suggesting, nor am I looking for a row about this. I am trying to be honest, sir, and I am saying that that will be one of the effects of setting a rigid pay scale and saying, well, we just cannot move from that, because what would the people think?

There will never be a right time to move from that, sir. Now is not the right time, July of an election year would not be a right time, but, sooner or later, sir, we should have the courage of our convictions. Everyone will have the courage of their convictions if this pay rise goes through, I have no doubt. So, sir, they should have the courage of their convictions now.

**The President:** Hon. Member for Ramsey, Mrs Craine.

**Mrs Craine:** Thank you, Mr President. I rise really to criticise this report.

Mr Waft said, earlier on in the debate, that the Committee kept things under review. Well, I would have to ask why nothing was done four years ago (**Two Members:** Hear,

hear.) to correct this technicality and stabilise it at that time.

**Mr Waft:** A point of clarification, Mr President. When I said, 'the Committee', it is the Commission, I was not talking about the Emoluments Committee.

**Mrs Craine:** Thank you. I do think, though, that, in bringing this report to Tynwald today, it would have been most helpful to have received in the appendices, the actual report of the Committee of the Commonwealth Nominees and their recommendations, for Members who have not had the benefit of seeing that report. There is reference to it, but no sight.

Of course, as ever, this subject creates ill-feeling across the Island, the timing is appalling – turkeys and Christmas do come to mind. It has been labelled as outrageous and I do have empathy with those making those accusations. I find it fascinating that when we talk about Civil Service pay, it is always referred to in spinal points and percentages and I can understand why, but it means nothing to the man in the street and only serves to cloud the issue. Let us talk in pounds, shillings and pence.

We repeatedly hear in this Court about transparency and accountability. Now is the classic time for transparency and accountability. (**A Member:** Hear, hear.) Let the people know who is being paid what. As Members, I recognise that we are damned if we do and we are damned if we don't. Those who vote against this will be labelled as being smug and trying to curry favour with the electorate and those who vote for it will be labelled as being greedy and only in it for the money, but I would ask Members not to get carried away by looking at finance sector salaries.

The salary for an MHK is a handsome living. I do acknowledge that there is probably a case for revising the differential between basic Members' pay and Ministers' and that will be for another day.

I would just like to make a point about travel allowances and I stand to be corrected, but, in reference to Mr Cretney's comments earlier on, I do wonder why it is believed by Members that those who live at Cregneash or the Point of Ayre are worth less than those who live at Douglas –

**A Member:** Hear, hear. This is your place of work.

**Mrs Craine:** – because, basically, if we had been able to utilise Ramsey Town Hall, instead of coming here when we had to move out of the 'wedding cake' building, I am sure the Douglas Members would have wanted to be able to claim their travel allowances to come north.

**A Member:** Could have come on the motor bike.

**Mr Houghton:** Could have come on the tram an hour later.

**Mrs Craine:** The bottom line, Members, is that, in any business, the question is what can the job stand? And we are all looking, at the moment, at a situation where each Department is being asked to cut their budgets. To make this alteration in the present climate is insensitive and I would ask Members to consider whether this should be backdated, whether it can be justified. And, as it stands at the moment, I find that I cannot support any of the amendments before us.

**The President:** Hon. Member for Michael.

**Mr Cannan:** Mr President, as a member of the Committee, I would say to this Court that this report was brought to you in good faith and I can say that there has been a lot of correspondence between the personnel department and the Committee to find out where exactly we were going – a lot of correspondence. And what we have done is to say simply, which you all know, that the band of pay that we were on has been so adjusted, that civil servant 'a' has gone up two further spine points, not on merit, not on ability, but just purely on the restructuring of the Civil Service pay.

Members are entitled to the rate for the job. I am not a trade union member, but that is, I understand, one of the fundamental principles of trade unionism – the rate for the job. If Members had been members of a trade union and had gone to a national trade union leader and had said: 'our grading, everybody on that grading has moved up the scale but we haven't', the trade union leader would have been there, thumping the table and demanding restitution. Those are the facts of life.

It is easy for Members in here to beat their breasts. We have had it all before. I saw it in 1997, 1998. I saw it in 1988 when the ministerial system came in and ministerial pay was introduced and some were for and some were against and it was carried, but, bless my cotton socks, those who spoke so strongly against it and when the pay cheque came next month, did they hand back the increase? No. Have they handed it back ever since? No – (*Laughter*) of course not.

It is easy for Members here to say: 'No. We won't do it,' and hope that it will go through and then they will collect it, because that is what has happened time and time again and I have got the copies of the *Hansard* and it is all written here – who voted against the last pay rise – and I am quite sure that they have all been accepting it once it got through, but that is not the issue.

We have tried to make sure that we were on the pay scale and that there was integrity in pay and the Hon. Member for Ramsey has asked, 'well, let's have some figures.'

Well, I will give the hon. lady some figures. At the moment the basic salary for a Member is about £25,000. We will take it in round figures. And so the Chief Minister of the Isle of Man, the office holder – never mind the personality – the office holder gets a salary of £45,000 a year – the Chief Minister of the Isle of Man, with all his responsibilities and, of course, there is the public service commitment to it, because his chief executive gets £97,358.

**Mr Houghton:** A hundred grand a year.

**Mr Corkill:** He works very hard for it.

**Mr Cannan:** And so does the office of the Chief Minister work very hard for it. (**Several Members:** Hear, hear.) Works very, very hard.

Forget the personalities, whether you are pro or anti the Chief Minister, we are talking about the office of Chief Minister, now gets the princely sum of £45,000 a year; the chief secretary £97,000. A Minister on the present salary scales gets the princely sum of £37,500 a year in round figures and their chief executives get between £80,000 and

£72,000. £80,000 and £72,000.

Who says there is not a public service commitment to all this? The Minister for Local Government, like her or love her –

**Two Members:** We love her.

A Member: Do we have a choice? (*Laughter*)

**Mr Anderson:** We haven't got much choice!

**Mr Cannan:** Who can tell me that the Minister does not work hard? You might not like what she does, (*Laughter*) you might be against her policies, but who can tell me here that the Hon. lady does not work hard –

**Mrs Hannan:** What is he after?

**Mr Cannan:** - and every other Minister. We vote against their policies; we curse them; we damn them –

**Mrs Crowe:** That's true.

**Mr Cannan:** - but I don't think any of us can say they don't work hard.

**Mr Cretney:** Send her some flowers, then.

**Mr Downie:** Send her a bouquet.

**Mr Cannan:** I'll send you a raspberry, (*Laughter*) but, Mr President, this Committee did, in all honesty and in all integrity, say there is a rate for the job and we are staying consistent with the rate for the job. That is all we did.

We have not said: 'Aha! It is time that we jumped ten points on the scale.' No, we have kept parity with civil servant 'a.' We have kept parity and that is what we have done. And who are you kidding yourselves by beating your breasts? Do you think anybody will think any better of you? And, of course, on the Mannin Line you are damned and cursed, but there are intelligent people out there who say to me: 'Is that all you are getting? Is that all the Minister gets? Do you mean to tell me that the Chief Minister of the Isle of Man only gets £45,000 a year?'

**Mr Corkill:** It is not me that is telling them.

**Mr Cannan:** It's not me! That's the people out there - the intelligent, sophisticated people. They cannot believe it. The man responsible for the good government of this Island, the man responsible.

So I am relaxed about this and I hear the criticisms of people who are against, but, as I have already said, I am absolutely certain that they have been quite happily drawing the salary when it came through the post, and the public service element is well and truly in, and we are putting up the salaries on this report and the Chief Minister would move, I think, to about £53,000 and would anybody out there complain that the Chief Minister of the Isle of Man got £53,000 a year? Very few. Very few people. They see big percentages. It is wound up, but let us look at the rate for the job.

Then I move to the top salaries. Now I was here when we had review bodies. We had a review body in 1980 and we did not like what they said. We had the review body in

1997-1998 with the CPA and there were members from Cyprus, Malta and somewhere else and they drew a report and said: 'my goodness me, we cannot pay ourselves that much. It is outrageous.' So we didn't. We went back to the Civil Service spine. (**Two Members:** Yes.)

That is what we did. We went back to the Civil Service spine and I am all in favour of getting another top independent assessment but, as the Chief Minister and others have so rightly said, 'it will come to you.' And, say it came to you with the same figures, say it just for argument's sake, the same figures as your Committee has reported, that we stay at the mid-point between higher executive and executive officer. Would you accept it? Or would we have all the breast beating this afternoon? That is the question. You would still have to vote on it, as the Chief Minister has rightly said. You would still have to vote on it. It would still be the headlines – 'independent review body gives the Members. . . ' whatever the headlines are in the press. And would you feel any better for it? (**A Member:** Independent.)

Well, you didn't feel any better for it when the independent people that we got from the Commonwealth gave us salaries that we thought were much too much, and, say the independent people gave you greater than what. . . say the independent people locally, it was suggested locally, and who would you get locally? You will get a mixed selection from the business community, because, after all, we are business and conducting the business of government, and the business of the Isle of Man, and they gave you a higher figure than what we would get on the mid-point, would you accept it? Or would you say, 'well, no, no let us go back to the old mid-point, boys?'

You have got to be reasonable. You have got to look at this sensibly and you have also got to look at it as those people wishing to come in, and you want in the Government of the Isle of Man people of ability. You have got to have it. We are becoming a sophisticated world. Every government seeks people of ability. Every political party seeks people of ability and the Labour Party in the UK, when they see a person of ability, but they feel that he needs to have his education enhanced, they send him to Ruskin College, Oxford, which is the Labour Party's own college –

**Mr Rimington:** Did you get Prescott?

**Mr Downie:** Right, two Jags.

**Mr Cannan:** - and he has done well, he has got four jags – or four houses and two jags. Anyway, let us be sensible. This is very important. You need to have, as our successors, people of ability, people who will be able to say, yes, I can go in, it is reasonable, there is the public service ethic. I could earn more. I am earning more, but I have this commitment, this vocation, but, even with people with vocation, they still get paid. The Church gets paid. The bishops get paid. They have a vocation and we have a vocation to be here, too, but let us not sell ourselves short.

Let us walk tall and hold our heads up and say, 'Yes, we work hard. We are committed to our constituents.' They do not hold it against you, our constituents. As I say, I have been through these pay rises and these rows and they have still returned me. They have not said: 'Ooh, you voted for that pay rise. I am not going to have you.'

**Mr Cretney:** They have not much of a choice, have they?

**Mr Cannan:** Ooh, they had plenty of choice, and they voted for the Hon. Member for South Douglas as well.

**A Member:** They would have a choice if they go up to 90 grand.

**Mr Cannan:** The people will see that there is a rate for the job and the rate for the job, Hon. Members, which we have agreed. I believe it is very fair, is this mid-point and that is what we have put before you in honesty and fairness and with integrity and I think I have set the reasons out.

Have some self-respect and some regard for ourselves. We achieve nothing by selling ourselves short for the sake of a little bit of noise on Mannin Line. Mr President, thank you.

**The President:** I would point out, Hon. Members, that Mr Downie's amendment has not been seconded. Mr Speaker to reply.

**The Speaker:** Thank you, Mr President.

Like the Hon. Member for Michael who just spoke, I have been here since the early eighties – it was 1981. I think the Hon. Member came about two years later or just under that, 18 months later.

**Mr Cannan:** 11 months.

**The Speaker:** 11 months later, and, since that time, we have gone through changes in our pay and pay structure and all I can ever say is that in every one of those, if you read *Hansard*, you will have the same debates reflected in the *Hansard*, regardless of the membership. Why? Because Members are put in a public arena to talk about their salary and the only people in any country are the parliamentarians who have to do that.

It does not matter whether it is the Isle of Man, whether it is the UK, whether it is Germany. It is the parliamentarians who ultimately decide what their salaries shall be. May I say, Mr President, there is no apology whatsoever for bringing this report to Tynwald, so that is your starting point. No use getting excited about it. The decision is yours, Hon. Members, whether or not you believe that the report truly reflects what you should be entitled to, based on the agreement that was agreed in 1997.

Mr President, there are a number of important issues I want to answer. Can I just clear the independent pay tribunal or whatever you want to call it, top pay salary people. That is an issue, as I have indicated, and as has been indicated by others, that is in the hands of the Emoluments Committee, on a recommendation of the Committee, into committees, because we were conscious that this is an issue that needs consideration, but one thing is absolutely clear. Do not think it is dead simple, 'We will just set somebody up, it will be fine.' It will not. The Hon. Member for Michael has clearly explained it.

We have tried it twice and it always caused a problem, even then. The Emoluments Committee will evaluate that very carefully. I am sure we will take on board all these points. Yes, you can consolidate in – and let us give an example – you can consolidate in to your pay, the expenses, and to keep those expenses at the value they are, you would have to increase them quite substantially for the additional

tax and national insurance contribution paid, as happened the last time, or you can leave it out altogether and then Members will be financially substantially worse off. I mean, there are all sorts of sequences. We can do that.

I do not want to spend too much time on it, but let me just cover, in fairness to Members, the issue of travel expenses. Again, it is not unique to the Isle of Man. Parliamentarians are paid travel expenses from their constituency to the place of the parliament. Go to Australia, Canada, the UK, Germany, France, you will find that is the situation. No different. And I would say, to say that it is totally unregulated – hopefully Members are acting properly, secondly there are specified mileages – it is not you can you driving around the Island, with respect to my hon. friend and colleague from Peel, and, say I leave Castletown so I will go via Ramsey, so that I will get more mileage, because, if I did that, I would be in trouble.

We have laid down specified mileage in our papers – it is in my pocket – and it tells you, Castletown to Douglas – 10 miles; Peel to Douglas – 12 miles. All laid out. I do not think of a figure or 'I went via Ballasalla and I went up Ronague, oh, I will put down 17 miles.' That is not the case and I know no Member would do that. All of us do not claim every piece of expense on mileage that we are entitled to. I know that for a fact, because I do it and I know others do it. Never mind in our constituencies. We will be on departmental work and we will go off.

When I used to be in the Department, you would go off somewhere, three or four miles outside Douglas and come back. You did not claim for that. So we can argue all these things, but the point is, it is the principle of the issue. Now that is a matter for another day and I want to leave it at that, but I just wanted to clarify the points that were made, which gave the impression that this was just 'think of a number and put it in as mileage.' It is not. It actually has a control. And I would add, nobody has to claim it. It is up to the Member and there are many Members who do not and there are other Members who do and maybe you should be asking yourselves, why do they?

I want to come back to an issue that is very important. The Hon. Member for Ramsey, Mrs Craine, raised an issue and she said: 'the timing is appalling' and we have heard from others both in the House and outside: 'the time is not right.' Well, again, all I can say, every time that there has been adjustment in pay, it has always been said: 'the time is not right.' I do not know when the time will ever be right, but it is never right. But the point is about the timing, because it is what the Hon. Member for Ramsey said, is something I would like to respond to, because I think the Members and the public should know exactly what the situation is.

We are being criticised because it is being proposed in the report that the pay increase – and I do not believe it is an increase – but the pay adjustment, the parity being retained, should be effective from 1st January 2003 – why 1st January 2003? Simple – because that is when the adjustment was made. The adjustment made by the Civil Service Agreement, was effective from 1st January 2003, in terms of how it affected our mid-point this time.

Do not forget, we are not suggesting Members get paid all those years back that they were entitled to and I will tell you what, I often wish we had Bernie Moffatt representing us, because we would be getting it! (**Mr Cannan:** Yes.) But we are not claiming that back, because we do take on board our public duty. We do recognise that we are not here

just for the money, but we still have to live and there is a big variance in the pay of salaries in here for many different reasons, (**Mrs Crowe**: Absolutely!) from the young Members, most of whom, they only have this salary, to others, who have a different range of salaries for different reasons.

So let us not just be – it is easy to sometimes criticise. But let us look at it: 1st January 2003 is when the Civil Service new pay, the adjustment we are talking about, became effective. That was agreed on 28th May 2003. The Emoluments Committee, who had been asking the Civil Service to keep us up to date on what was happening, we contacted through the chairman, the Civil Service, and said: ‘what is the situation with the pay?’ We were advised that it had been agreed from 28th May, the Emoluments Committee then met and we then proposed that an Order should be made to Tynwald for the July sitting.

Let me explain. Under the legislation, the Order has to be made by the Treasury Minister, who has to stand up and present it here. This is only a report. Because there was no change in principle, we asked that the Order be made for July sitting. The Order went to the Council of Ministers and it was refused. We then were told it should wait until October, so the Emoluments Committee acknowledged that and said: ‘fine.’ October gets near, the Order goes and we are told: ‘no.’ So the Emoluments Committee said: ‘Hang on – it is not for you to decide, it is by statute, yes, ultimately, but Members have a right to know how their pay is affected because of this change.’

So the Emoluments Committee quite rightly said, Tynwald needs to know. Hence why you have got this report here. No change of policy. No change in pay rate. Parity of the point that was agreed in 1997. That has been allowed to slip because, unfortunately, and I do not know why: I was not there. Unfortunately, it was not picked up when the adjustment happened first in 1999.

So, if it had been straightforward, this Order would have been with you in July and 1st January was the effective date. Nothing has changed. All that has changed is that we are now in October and, if this report is approved, the Order will come, hopefully, if the Treasury Minister agrees to make it, it will come in November. Not of all our making. People made decisions that affected the timescale and that is why it is so far away now, but if you have parity, you have parity. You do not mix and take, as and when, Hon. Members.

If the 1997 Order which we made and, maybe, if Members concentrated more on the legislation than on whether or not they should get it, the Order might have been right, we would have had this pay now. We would have had all of the increases that have happened since, based on the scale that was applied to us, and it would have just happened. There would be no debate here, because the Order would have allowed it just to tick on and happen.

We have had pay increases since it happened. Nobody shouted about getting it. We are not saying and, I have to say, that we are not asking for a 10 per cent pay increase. Yes, it is an increase of 10 per cent on our pay, but retaining the parity that we would have had, if, in fact, the order had reflected properly the decision made in 1997. Now that is our fault and you could say, ‘well, let us live with it.’ Fine. We are living with part of it, because we are saying that we are not claiming back past January 2003, so let us keep calm about this and keep steady. The point is that Members have an agreement. That agreement is put into a legal Order.

Nobody else has that problem. This Committee makes recommendations for Deemsters, High Bailiffs and all sorts, (**Mr Cannan**: The Governor) but it does not come to Tynwald, but it happens. But ours comes to Tynwald and, therefore, it is unique and we need to just be steady about that. I know we are all conscious, every one of us is conscious, about this issue. We find it so uncomfortable because we go down the pub, those of us who do, and you get digged about it. ‘Oh, I see you are giving yourselves a big pay rise.’ You go to an agricultural show or a farm dig-in, or whatever it might be – ‘Oh you lot are all right, aren’t you?’ Then you say to people how much do you think I get. They have not got a clue – most people – some have, but not many, and, honestly, when you say to them, ‘well, do you know that the Chief Minister of the Isle of Man gets £45,000 a year.’ ‘What! Is that all?’

**Mr Cannan**: ‘Is that all?’ That is what they say.

**Mr Houghton**: That is right.

**The Speaker**: And then you say, and I want to point this one, there has been criticism that I kept mentioning; the basic pay of Members. Straightforward in anything you deal with - it is the basic pay. Why? Because if a Member does not want to serve in Government of the Isle of Man, that is the only pay they will get. That is the only pay they will get.

**Mr Cannan**: Some of us know, Edgar. . .

**The Speaker**: So, therefore, the enhancement is because they decide to take that extra responsibility on board and I think Mr Gill made some very pertinent points and I hope that that has been (**A Member**: Hear, hear.) taken on board.

Now then, parity is what it is about and there are a number of words that came out from Members and I made a note of them: perception, entitlement, double standards. Well, I agree.

There is a perception problem with the public – always is, I am afraid. We will never win that one. We have to try and explain it, but it is the way of politics.

‘Entitlement’ – either we are entitled to this or we are not. It is not a matter of whether it is a popular decision to make or not, it is whether we are entitled to it. Your committee says you are, because of the Order being deficient. We are not saying, ‘Let’s give us an extra 10 per cent because of ‘x’, we are saying, get you back to where we always agreed from 1997 because it has slipped, it has been faulty.’ You have got to judge that yourselves, Hon. Members.

‘Double standards’ – I absolutely agree. There should not be double standards, and, if we were employees of the Government, we would get this and we would be back paid to 1999. (**Mr Cannan**: Absolutely!) We would get the full lot, if a mistake had been identified – whether we are one employee or a group of employees. Yes, so let’s not have double standards.

Let’s treat ourselves as we expect to treat others and that is all the Committee is saying to you. It is your decision, Hon. Members, not the Committee’s. The Committee has got a responsibility to report to you and that is all we are doing. You have got to make the decision and you know that and that is a matter for you to take on board.

Mr President, I think that I have covered the main points that were made. I would just cover the point about the amendments before us. We have two amendments before us and the first one, if I mention that, Mr Braidwood's, and with the greatest of respect to my Hon. Colleague, I do not see how, if you do not agree with the principle, how can you say I do not agree with the principle, but let us put it off for another year. I just do not understand that. Why? Why should we put off this pay, where there has been a fault in the Order to January 1st 2004? It does not make it any less painful. Why should we put off the adjustment, the pay negotiation increase in the Civil Service that is now effective until 2005? Why? (**Mrs Crowe?**: Why?) And I would ask Members to reject it. It just makes the position even worse. It makes the whole thing even more confusing and, actually, it is either right, or it is wrong. (**Mrs Crowe**: Yes.) You either decide that you are going to stay on the mid-point, or you decide you are going to stay on Point 27.

Members, that is your choice - not mess about with when you might get a bit or not. It is not a pay rise, it is a pay adjustment to get us back to where we started, where, unfortunately, there has been a hiccup. I understand that, but I am making the point about the timing. The Chief Minister's one I have no problem with –

**Mr Cannan**: No problem.

**The Speaker**: – and I do not think that the Committee has, because it is what we are doing. Can I just re-affirm to the Hon. Member for Douglas South, Mr Cretney. He asked about – it was December that report was made – why has nothing been done? Well, the Committee is looking at it and I think it answers a point that the Hon. Member made before. Members are very busy and the Committee has met on a couple of occasions and, to be honest, the Committee has had difficulty, like every committee that I am on, getting enough Members together to get a quorum on some occasions.

It is no excuse. This looks at days, lunchtimes, early mornings, late evenings. The staff have to be brought in. The staff need breaks. We need breaks and we are all trying to do it. I am not trying to make a sob story. This is our job. We do it because we like to do it. Some people think we are mad, but we like to do it. There is our public element, we do it because we like to do it. We want to care and help our community, but we also want to be paid a reasonable rate for doing that job and all I would say to Hon. Members is, you might find in yourselves, well I am quite happy. I get enough, but not every Member is the same.

There are different circumstances in this Hon. Court and, in the future, there will be others with different circumstances and one thing I would say, which was said by my predecessors who have stood here and done this same thing – Jack Nivison and my predecessor, Sir Charles Kerruish – Members are entitled to a fair pay, so that, not only can they be a Member, not only can they get into the House, but they can afford to be in the House. They do not have to work elsewhere so that they can make ends meet for them and their families.

The days of poor politicians – in other words, it is a bit extra on top of what they earn elsewhere – are gone and should be gone and that is something that has been fought

for over many years, trying to improve the pay. When I got in this House, if you are talking about public duty, and I am not alone on this, there are others, my pay in 1981 – our pay as a Member – was about £4,000 a year. I, as an electrician, dropped income for my wife and I of about £20 to £25 a week because I wanted to be an MHK, and I did not know what the future held for me. None of us do. You can be in here for five years and out on your ear, but the point is that nobody is recommending a pay increase. What we are recommending is that the parity that was agreed in 1997 be honoured. I beg to move.

**The President**: Hon Members, the motion that I put to the Court is that at 19 on the Order Paper. We have the two amendments, Hon. Members, and I propose to put Mr Braidwood's amendment first. If Mr Braidwood's amendment is successful, the Chief Minister's amendment would then be put to that. Hon. Members, item 19 and the amendment in the name of the Hon. Member for Douglas East, Mr Braidwood. Those in favour of Mr Braidwood's amendment please say aye; against no. The noes have it.

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

*In the Keys – Ayes 5, Noes 16*

FOR	AGAINST
Mr Duggan	Mr Anderson
Mr Braidwood	Mr Cannan
Mr Downie	Mr Quine
Mr Shimmin	Mr Rodan
Mrs Hannan	Mr Quayle
	Mr Rimington
	Mr Gill
	Mr Gawne
	Mr Houghton
	Mr Henderson
	Mr Cretney
	Mr Bell
	Mrs Craine
	Mr Corkill
	Capt. Douglas
	The Speaker

**The Speaker**: Mr President, the amendment fails to carry in the House of Keys, with 5 votes for and 16 votes against.

*In the Council – Ayes 0, Noes 6*

FOR	AGAINST
None	Mr Waft
	Mr Singer
	Mr Kniveton
	Mrs Christian
	Mr Gelling
	Mrs Crowe

**The President**: With 6 votes against and none for in the Council, Hon. Members, the amendment, therefore, fails to carry.

I now put to this Hon. Court the amendment moved by the Chief Minister, circulated to you on the White Paper. You all know what it is, Hon. Members. Those in favour of the amendment, as moved by the Chief Minister, please say aye; against no. The noes have it.

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

*In the Keys – Ayes 13, Noes 8*

FOR	AGAINST
Mr Anderson	Mr Quine
Mr Cannan	Mr Rimington
Mr Rodan	Mr Gawne
Mr Quayle	Mr Cretney
Mr Gill	Mr Duggan
Mr Houghton	Mr Braidwood
Mr Henderson	Mrs Hannan
Mr Downie	Mrs Craine
Mr Shimmin	
Mr Bell	
Mr Corkill	
Capt. Douglas	
The Speaker	

**The Speaker:** Mr President, the amendment carries in the House of Keys with 13 votes for and 8 votes against.

*In the Council – Ayes 4, Noes 2*

FOR	AGAINST
Mr Waft	Mrs Christian
Mr Singer	Mr Gelling
Mr Kniveton	
Mrs Crowe	

**The President:** With 4 votes for and 2 votes against in the Council, the amendment therefore carries, Hon. Members.

**The President:** And now I put to you item 19, as amended. Item 19.

**Mr Shimmin:** I did request earlier if it would be possible to take this in the two parts – part (a) and part (b), sir?

**The President:** It is not in two parts. We will take the motion as amended, Hon. Members. Those in favour.

**The Speaker:** Sorry, Mr President, the amendment does put it into two parts, sir.

**The President:** Why?

**The Speaker:** Because it says ‘before the word “that” insert “(a)” and after the word “approved” insert “(b)”.’ (*Interjections*) Mr President, if I can explain, we have approved the amendment, which introduces a part (a) into the main motion and then adds a part (b), so it is, in fact, in two parts.

**The President:** If you like, Hon. Members, okay, if you want to work it that way around for clarity. In actual fact, what you have done is made an addition to, but nevertheless, part (a) then. Those in favour of part (a), which would read ‘that the first report of the Joint Committee of Emoluments on Certain Public Servants for the session 2003-2004 be received and its recommendation approved.’ 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 – Ayes 9, Noes 12*

FOR	AGAINST
Mr Anderson	Mr Quine
Mr Cannan	Mr Rodan
Mr Quayle	Mr Rimington
Mr Gill	Mr Gawne
Mr Houghton	Mr Cretney
Mr Henderson	Mr Duggan
Mr Downie	Mr Braidwood
Mr Corkill	Mr Shimmin
The Speaker	Mrs Hannan
	Mr Bell
	Mrs Craine
	Capt. Douglas

**The Speaker:** Mr President, the first part of the motion fails in the House of Keys, 9 votes for, 12 votes against.

*In The Council – Ayes 6, Noes 0*

FOR	AGAINST
Mr Waft	None
Mr Singer	
Mr Kniveton	
Mrs Christian	
Mr Gelling	
Mrs Crowe	

**The President:** With 6 votes for and none against in the Council, Hon. Members, part (a) fails, Hon. Members.

We then take part (b). Those in favour, Hon. Members, please say aye; against no.

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

*In the Keys – Ayes 20, Noes 1*

FOR	AGAINST
Mr Anderson	Mrs Hannan
Mr Cannan	
Mr Quine	
Mr Rodan	
Mr Quayle	
Mr Rimington	
Mr Gill	
Mr Gawne	
Mr Houghton	
Mr Henderson	
Mr Cretney	
Mr Duggan	
Mr Braidwood	
Mr Downie	
Mr Shimmin	
Mr Bell	
Mrs Craine	
Mr Corkill	
Capt. Douglas	
The Speaker	

**The Speaker:** Mr President, the second part of the amendment carries, with 20 votes for and 1 vote against.

*In the Council – Ayes 4, Noes 2*

FOR	AGAINST
Mr Waft	Mrs Christian
Mr Singer	Mr Gelling
Mr Kniveton	
Mrs Crowe	

**The President:** With 4 votes for and 2 against in the

Legislative Council, Hon. Members, part (b) therefore carries.

**The President:** So I put to you now the motion, as amended, which remains as part (b) of the Chief Minister's White Paper. Those in favour please say aye; against no. The ayes have it. The ayes have it.

**The President:** Hon. Members, I think it is an appropriate time in which we withdrew. Can I say, Hon. Members, that I am aware that there is concern, during these long sittings, of Members leaving the Chamber and coming in and out of the Chamber. I am aware of an empty chair this afternoon. In fairness, I have to say that, in fact, part way through the afternoon I was notified that Mr Karran has telephoned in that he has a migraine this afternoon and is at home.

Hon. Members, I make the comment about Members being absent from their chairs, because, for this month's sitting, most Members are very good in seeking leave of absence. At this month's sitting, Hon. Members, I had the occasion to refuse two Members of this Court permission to attend things which I deemed not to be of a parliamentary nature. So, Members have been refused permission to be absent from this Court today when they could very well have been attending other things. I just make the point, Hon. Members, that if I am to continue to interpret Standing Orders, which say that you should be in your chairs without leave, and I am to interpret that you only get leave on Government or parliamentary business, then, I expect Members, on most occasions, to be in their chair for as long as is practical. Thank you, Hon. Members. We will resume our deliberations at 5.30.

*The Court adjourned at 5.05 p.m.  
and resumed its sitting at 5.30 p.m.*

**Standing Orders Committee of Tynwald  
Addition to Standing Order 2.4 approved**

20. The Chairman of the Committee (Mr Speaker) to move:

*That the addition to Standing Order 2.4 recommended in the First Report of the Standing Orders Committee of Tynwald for the Session 2003-2004 be made.*

**The President:** We have a lot of business to get through, so we move on to the Standing Orders Committee of Tynwald and I call on Mr Speaker to move Item 20.

**The Speaker:** Thank you, Mr President.

The Standing Orders Committee's attention has been drawn to a defect in Standing Order 2.4, with regard to the effect of the bank holidays on time deadlines, where the strict application of the Order is at odds with established practice – I have heard that before!

The difficulties arise when the deadline in Standing Orders for the giving of a notice of a motion or notice of Question falls on a bank holiday. In such a case, section 36 of the Interpretation Act 1976, which is applicable under Standing Order 11.4, extends time limits to the day following. For example, the time for giving notice of

Questions for the July 2003 sitting of Tynwald expired under Standing Order 2.4(3) on Monday 7th July, but, because the day was a bank holiday, the Interpretation Act automatically extended the deadline to Tuesday 8th July.

However, the effect of the Interpretation Act has not, in practice, been taken into account in the past and the deadlines adopted have previously been the Friday before, instead of the Tuesday following the normal Monday. This customary practice was felt by your Committee to be practical, when taking into account all the circumstances, and, although it may be seen to cut down Members' time for giving notice of motions or questions, it is, in fact, a practice which has been in place for a number of years and your Committee, after giving the matter consideration, believes that the present established practice should be properly catered for within our Standing Orders.

The proposal also allows Members a better period to digest the importance of motions or Questions before the sitting, because the relevant Order or Question Paper is not delayed under this proposed change.

Your Committee, therefore, recommends a change to our Standing Order 2.4, as laid out in our report before Hon. Members.

Mr President, I beg to move.

**The President:** Hon. Member for Middle.

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

**The President:** The motion I put, Hon. Members, is that printed at 20 on the Order Paper. Those in favour please say aye; against, no. The ayes have it.

**Standing Committee of Tynwald  
on Constitutional Matters  
First Report received and recommendations approved**

21. The Chairman of the Committee (Mr Speaker) to move:

*That the First Report of the Standing Committee of Tynwald on Constitutional Matters for the Session 2003-2004 be received and its recommendations approved.*

**The President:** We turn then to 21. I call on the Standing Committee of Tynwald Constitutional Matters – Mr Speaker.

**The Speaker:** Thank you, Mr President.

Tynwald Standing Committee on Constitutional Matters has, as one of its considerations, been giving consideration to the role and functions of the Lieutenant-Governor of our Island, which has, from time to time, in the context of evolution of the Island's constitutional position, attracted some comment.

In giving consideration to the practices relevant to appointment of the successor to the present Lieutenant-Governor, the title itself, borne by the holder of this office, has emerged as a matter which has significance in indicating the tasks which, in modern constitutional conditions, are expected to be discharged by the holder of the office and are perceived by external observers as being the role of the Lieutenant-Governor.

Hon. Members, your Committee has been conscious that the current Lieutenant-Governor's term of office will expire during the life of the present House of Keys. It is, therefore, felt to be of some urgency that any proposals for change are made in good time before a new appointment is made.

Your Committee has given thought to the basis of the Island's Governor and the public perception of the role of the post holder and how the role has changed in recent times.

Following the Revestment Act 1765, since when the British Crown has appointed Governors to the Island, the role of the Governor has change substantially from a position where the Governor governed and was the Government – hence the name 'Governor' – to one where we have an elected Chief Minister and nine Ministers, who are Members of Tynwald, and who make up the executive Government of the Island and who have the responsibility for the Island's Government affairs.

His Excellency does not now chair or attend meetings of our executive Government, the Council of Ministers. Nor does the Governor represent the Island's Government overseas unless specifically requested to do so by our Government, which is a very rare occurrence.

We have also seen the change where His Excellency does not now preside at sittings of Tynwald Court held here in Douglas. We now elect our own presiding officer, the President of Tynwald.

Many other key reforms have taken place over the years and they are laid out in your Committee's report before you today. Your Committee has considered further proposals for change and the issue of the title of Her Majesty's representative in the Island is one which has been raised in this Hon. Court on a number of recent occasions, as well as outside the Court.

It is important that the role and function of Her Majesty's representative in the Island is clear and that the use of an outdated title does not cause confusion, especially in relation to the Island doing business, and especially in relation to off-Island business, which, of course, is now a more regular occurrence than a few decades ago.

Your Committee is, therefore, of the view that it is opportune to propose a change in the title at this time, reflecting the wishes of the Hon. Members and people of the Island and enabling the position to be clear.

Therefore, if Tynwald approves the recommendations of your Committee today, then it will enable the Government to put this matter to the United Kingdom Secretary of State for Constitutional Affairs at an early date so that he may bring it forward in the context of making the next appointment of Her Majesty's representative in the Isle of Man, an appointment that will be made in the year 2005.

Mr President, within our Report we provide historical background to the title, role and functions of the Island's Governor and its Lieutenant-Governors over the centuries and we also lay out the considerations we gave to identifying an appropriate title for the post in today's changed structure of our Island's Government.

The present title is outdated within the modern Isle of Man. Unlike our neighbouring Crown dependencies, we have a form of properly structured ministerial government, with a body determined by statute, with a clear statutory role, and a body that is statutorily the Island's Government. In other words, we are, in parliamentary, democratic and governmental terms, substantially different from the other Crown dependencies and the Lieutenant-Governor's role

here in the Island, within Government, is very limited and substantially differs from that of the other Governors.

The importance of a change in title may seem to some to be a matter of limited importance. However, if the title reflects an image to those within our Island, and especially those outside the Island, of a person being in charge of our Government, when, in fact, they are not, then we should correct this image as soon as possible (**A Member:** Hear, hear.) and when an appropriate opportunity arises.

That opportunity has arisen; the time is now. His Excellency is Her Majesty's representative within the Island. However, the role of His Excellency has, through constitutional changes, promoted and made by the Island, especially in recent decades, with the support of the United Kingdom Government reduced the involvement of the Island's Lieutenant-Governor within the role of the Government of the Island to a very limited extent, much of which has happened within the last 15 years.

Most of the present day role and functions of His Excellency is limited to ceremonial: presiding at Tynwald at St John's, Tynwald Day, as well as being involved and playing an important part within our community, for example, attending public functions, supporting charitable events, et cetera.

Then there are a number of formal statutory functions and duties to be undertaken, one such being as Governor in Council functions. I think it is worth clarifying how a Governor in Council function is undertaken, as some Members may not be aware. The procedures are as follows: The Lieutenant-Governor, in exercising these functions, does not require that His Excellency sits with the Council of Ministers to determine a matter. What happens is that the Council of Ministers considers a matter and make a decision in relation to a Governor in Council function. Then their decision is forwarded to His Excellency for him to consider and endorse, or not, as the case may be.

If His Excellency endorses the decision of the Council of Ministers, which is usually the norm, then this is termed as 'a Governor in Council decision'.

As I indicated earlier, your Committee gave consideration to alternative titles which may be appropriate and, in doing this, we considered titles used throughout the Commonwealth for Her Majesty's representatives. These are identified within our report at Appendix 2, for example, such titles as 'High Commissioner' and 'Commissioner.' We have also considered such titles as 'Queen's Representative', 'Queen's Seneschal', 'Queen's Commissioner.'

After considering the different options and their appropriateness for our constitutional position and the relationship with the British Crown, your Committee has agreed to recommend that the most appropriate title to reflect the position now held by Her Majesty's representative in the Island, and reflecting today's role and functions, would be that of 'Queen's Commissioner.'

In recommending this change of title, we also consider the use of the title within the Manx language, and, whilst we do not recommend the use of the Manx title only, we do believe that it is appropriate to adopt the title in both Manx and English, in line with the established practice within the Island.

Your Committee has also identified, as we have laid out in Appendix 1 of our Report, that there may well be a number of functions still with the Lieutenant-Governor which could

well be transferred to the Council of Ministers or the Chief Minister or Departments and that the appropriateness of these functions remaining as at present should be considered by the Council of Ministers, with the Council reporting back to Tynwald during the current legislative session.

Mr President, Hon. Members, your Committee therefore recommends the following: (1) that the Council of Ministers should re-examine the functions remaining to the post of Lieutenant-Governor, with a view to bringing the statute book up to date and report during the current legislative session; (2) that Tynwald approves the use of the title 'Barrantagh ny Benrein', 'Queen's Commissioner' or when appropriate, 'Barrantagh ny Ree', 'King's Commissioner' for the person appointed to succeed the present Lieutenant-Governor, when his term of office expires; and (3) that the Government should communicate the wishes of the Court of Tynwald to the United Kingdom Secretary of State for Constitutional Affairs, so that he may bring it forward in the context of making the next appointment of Her Majesty's representative in the Isle of Man.

Mr President, I beg to move.

**The President:** Hon. Member for Rushen, Mr Gill.

**Mr Gill:** Thank you, Mr President. I am pleased to second and reserve my remarks.

**The President:** Hon. Member for Ramsey, Mrs Craine.

**Mrs Craine:** Mr President, I beg to move under Standing Order 3.12(1)(b) that this report be debated as one, but voted upon separately. It is the item 37.2 that most concerns me and I will come to that in a moment.

The thorny issue in this matter is not to confuse personalities in this debate. For many years, the erosion of the role of the Lieutenant-Governor has been on the agenda and for many of us that cannot happen quickly enough.

To retain the vestiges of imperial colonialism at a time when our Island is establishing itself in the evolving global market is inappropriate, if not offensive, to our nation today. I wholly appreciate that slow and steady wins the race and our constitutional arrangement is something that, 50 years ago, was but a dream and we have much to thank our predecessors for.

But, Mr President, I refer to the fact that we have become confused on this issue with personalities, even down to that of the Queen. Is the role of Lieutenant-Governor an appointment to us by the Queen, the Lord of Mann, or the Crown? What is in a name? Well, quite a lot actually, as has been recognised by the Committee.

However, the title they have arrived at is 'Queen's Commissioner.' There is a great deal of loyalty to the Queen as a personality, as there will be to the King when he comes to the throne. Now, I am a Queen's Guide, and the title of 'Queen's Commissioner' does nothing for me to divorce the role of the appointment from that personality.

I would like to refer the matter back to the Committee to give further consideration to the title being that of 'Crown Commissioner.' We acknowledge that we are a Crown dependency, and I feel that this would distance the position from the glamour some people associate with the Royal Family and reflect a more formal business-like relationship and would respectfully ask the Committee to look again at this proposal and, for that reason, I ask for the items to be considered separately.

**The President:** Chief Minister.

**Mr Corkill:** Thank you, Mr President.

I rise also on the same point that the Hon. Member for Ramsey, Mrs Craine, has alluded to, because I think that there are quite a lot of good things in this Report and I do know that the Committee has spent quite a lot of time looking at alternative titles that are more appropriate to the functions of His Excellency, the Lieutenant-Governor, on the Island. You can tell by the debate that has gone on within the Committee, and it is within the Report, that, in fact, they spent quite a lot of time on that.

I, too, have a feeling that there is a view afoot that a change is required, but I, too, do not like 'Queen's Commissioner.' It just does not ring true when you say it and there is obviously a matter of opinion in that.

Mr President, I have got an amendment circulating in my name, which I hope Hon. Members will have before them:

*That the words after 'receive' be removed and replaced with:*

*'recommendations 37.1 and 37.3 be approved and, in respect of recommendation 37.2, that Tynwald recognises the need for change in the title of the Lieutenant Governor on the Island and authorises the Government to open discussion with the Crown and the Department for Constitutional Affairs in order to seek an appropriate alternative.'*

In terms of this Report, there are some good recommendations and my amendment accepts completely two of the recommendations, and, if I can start with 37.1 and the recommendations there, it is probably most timely that we do go through Acts of legislation that have been approved by Tynwald to see where these residual functions that are historical and no longer appropriate still crop up and I think that that would be a worthwhile exercise for Government to do and I think that we ought to trawl the legislation and I thank the Committee for actually listing all the Acts of Tynwald where we can actually start the work and I think that is an important thing that the Council of Ministers can quite easily sign up to doing. Okay. Now, that is straightforward, so my amendment totally accepts the recommendation 37.1 and 37.3.

But I would also remind Hon. Members, whilst I am just talking about legislation, that there are a number of United Kingdom Acts where powers flow over into the Isle of Man and an area where dialogue and consultation is underway at the moment is in relation to immigration issues, where, with the United Kingdom Act on immigration, a great deal of it flows over and applies to the Isle of Man. The Lieutenant-Governor applies certain functions on behalf of the Secretary of State in that legislative framework – a UK legislative framework – so there is a broader issue here in terms of His Excellency's role and legislation that not only we apply within the Island but it is also applied externally. There are other examples that we are keen to broach.

I am now going to come to a criticism, I think, of the Committee's deliberations, because I am not aware that any consultation has occurred with the Crown or His Excellency, the Lieutenant-Governor, in relation to this renaming. Now, I think –

**Mrs Hannan:** It is not our responsibility. Tynwald approves it.

**Mr Corkill:** – that is something that would be worthwhile to try and strike up some consultation and put across quite straightforwardly that Tynwald is looking for a change in the name and this is why I have moved the amendment.

Now, I appreciate, Mr President, that this can be very emotional and it can get people wound up quite quickly and I do not intend to do that because I fully support the Committee's view that a name change should happen sooner rather than later. I would add my name to that; I think it is important that we achieve that.

But we have already heard the first Member in this debate, the Member for Ramsey, Mrs Craine, talking about her dissatisfaction about the title that has been chosen and I think – I know from debate prior to this sitting – that there will be comments from other Members perhaps in relation to that.

I have to say that I prefer to include, somehow, the word 'Crown' for the very reasons the Hon. Member for Ramsey mentioned, but I do think that, in all of this debate, we ought to ask the Crown what their view is and there is a knock-on effect, whether we like it or not, that two other Islands also have Lieutenant-Governors.

I noticed in the presentation that Mr Speaker made it very clear that that is not a matter for us to be concerned with, but it may well be a matter that the Crown is concerned about. So we should at least ask for some opinion, so that we at least can consider that opinion as part of our discussions.

Now, the way the amendment is framed, it would accept 37.1 and 37.3 – and I think 37.3 is a very strong recommendation, Mr President: that the Government should communicate the wishes of the Court of Tynwald. Can I say that we try to do that anyway? We are obliged to do that anyway to the United Kingdom Secretary of State for Constitutional Affairs so that he may bring it forward in the context of making the next appointment of Her Majesty's representative in the Isle of Man.

Now, can I say, also for the information of Members, that I have already, in my office, given instructions that, in fact, the appointment process that we have should be reviewed. I think the last time around, the process was difficult and so there is some dialogue set up at an initial stage with the United Kingdom authorities to discuss the appointment process and how that is arrived at.

It would be very easy to add to that dialogue the very recommendation that Tynwald is requesting here today, which is to put forward Tynwald's view, and I would certainly pledge to make sure that that was very much part of the process – the dialogue that is already engaged in with the Department of Constitutional Affairs in London.

I would make a point that, when we are dealing with this issue, we should come up with a title that has the right pitch in regard of status. I have spoken briefly to His Excellency, the Lieutenant-Governor, about this Report and he very quickly said, 'Well, obviously, it is a historical title. It does not mean "governing" or "Government".'

**Mr Bell:** Tell that to him.

**Mr Corkill:** Therefore, it is an historical title and there

is a certain status that goes along with that. Now, he would say that, wouldn't he? (**Mrs Hannan:** Yes.) and I appreciated his comments, but it is only when I raised the issue of this Report that he was aware of it, so I do think that underlines the issue that we should consult with the Crown and the Crown's representatives.

**Mrs Hannan:** But that's what it says.

**Mr Corkill:** Now, what we are actually saying on 37.2 is that we have decided on the title and this is what is being conveyed. I think my view is that the Committee may have decided on a title, but I am not so sure that Tynwald Court has and that is just talking to Members in the margins.

So, whatever title we do go with, we should be very, very clear on and I am not clear and I, as I have said – and I know other Members will say it – would prefer the word 'Crown' to be in there – the institution not the person, the Head of State and, of course, there is the issue of 'Lord of Man'.

Now, whether we like it or not, Mr President, there are times when the good offices of His Excellency, the Lieutenant-Governor, are helpful to the Isle of Man and that an external audience's point of view, revolves to some extent around status. Now, whatever name we come up with, I would totally agree with the Committee we must not mislead people outside of this Island externally that, in some way, the post holder governs the Isle of Man. That is what is sensitive and that is what is wrong and that is what we should try and design out of the title. I think that that is appropriate.

But, whatever title we do have, I think it is important that when we have certain diplomatic relationships to enhance – and we talked about this yesterday, about internationalism – that we have someone who, from time to time, acts as a facilitator to benefit the Isle of Man on behalf of the Isle of Man. We may not like that, but can I assure Hon. Members that that does happen now from time to time to the benefit of industry, of trade, to this Island, and we should be careful that we do not do something that would be detrimental to that facilitating process – which brings me back to the point that it is crucial that we get the right title.

I know the Committee has worked hard at this and they have looked at equivalent situations all around the world, but I think that they got it wrong on this one, on this particular title. My amendment is in no means. . . I hope it is not going to be construed as some way of derailing this recommendation or wrecking, because it is not.

I personally fully accept the need for a change in the title. I fully accept 37.1, which talks about bringing the statute book up to date and that is perhaps something that Government is guilty of not having done sooner. Having been prodded by this recommendation, we will carry it out.

Point 37.3 – it is a duty for me on behalf of Government and whoever else is incorporated, to convey the wishes of this Court and that happens anyway. It will be happening again next month when Mr Lammy visits. Policy issues that are important to this Court, whether it is environmental or whatever, will be put across to the Department of Constitutional Affairs within the framework of our constitution. That is very important that we continue to do that.

As I have said, this whole process of the Lieutenant-

Governor's appointment, I think, was a rocky ride last time and unfortunate and I know my predecessor found it a very difficult time. I would wish to make sure that, in good time, the process of appointment was revisited, so that it is a more straightforward situation for all those involved next time around.

Certainly the title and the way that that job is advertised will determine the type of calibre of person that applies for that job, because we are in a situation these days, where the job is advertised. We do not have appointments like the old days; the job will be freely advertised.

So, when we choose to do this change, Mr President, we ought to be very clear what it is we want.

Now, my amendment, Mr President, approves 37.1 and 37.3, but, in respect of 37.2, I would like to put the words:

*'that Tynwald recognises the need for change in the title of the Lieutenant-Governor on the Island and authorises the government to open discussion with the Crown and the Department for Constitutional Affairs in order to seek an appropriate alternative.'*

Now, obviously, if there is an appropriate alternative, it would be incumbent upon me to come straight back to Tynwald Court with what that consultation brought about, but I finalise my comments, Mr President, that we should at least have dialogue with the Crown over this proposal.

**The President:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Eaghtyrane.

I very much welcome the very measured way in which the Chief Minister has approached this very sensitive subject. It is an emotive issue. There are certainly people who feel very strongly that the role of the Lieutenant-Governor is very important and are very respectful of that role but, at the same time, we must not forget that there are also many people in the Isle of Man who have an opposite view.

I have no wish to start opening up that division at this stage, but there are a few things that I think this report does highlight and, certainly, listening to the mover going through section 13, I think a very important point is made here. The last sentence of that paragraph basically says,

in 1992 most of the remaining executive roles of the Lieutenant Governor were transferred to the relevant Government Department

et cetera, et cetera.

So I suppose what my amendment is asking for is a full review, not just of the functions of the Lieutenant Governor, those remaining functions, but, also, bearing in mind the way in which Government Departments are being asked to review very closely the way in which they are spending their money – we are being asked to review services – are we still getting value for money?

Times change, things move on. Times have certainly changed in terms of the role of the Lieutenant Governor and I do believe it is time that we actually looked to see whether the money which is spent in supporting that post, could be better spent going towards some of Treasury's international marketing initiatives for the Isle of Man. So I beg to move the amendment.

**The President:** Hon. Member, Mr Rodan.

**Mr Rodan:** Thank you, Mr President. I rise to second the amendment in the name of the Chief Minister and, before I explain my reasoning, I would like to make one or two remarks about the report.

I very much welcome the principles that are behind this report. As constitutional advance has taken place, there is a corresponding need, from time to time, to examine the titles and the symbols at the same time, and the title of Lieutenant Governor, there is no doubt in my mind, is now outdated and in need of a modern term that more accurately reflects the realities of Government in the Isle of Man.

The report is interesting, the history side of it is very interesting, but it is very important, since we are talking about terminology and the sensitivity of using what might be called outdated terms, it is very important that we are accurate when we describe the usage of the word 'Governor', or the usage of the word 'Commissioner'.

On page 8, the report clearly says, in favour of the word 'Commissioner', that

this reflects the way the office of Lieutenant Governor exercises a commission to represent Her Majesty in the Isle of Man, in the way in which Lieutenant Governors represented the Lord the Mann before revestment .

Well, that is not so. Before the Revestment Act of 1765, when the Crown rights and the Lordship of Mann was sold to the British Crown by the then Lord of Mann, the third Duke of Athol, the representative of the Lord of Mann was not known as 'Lieutenant Governor' but was known as the 'Governor and Commander in Chief'.

At the time of revestment, the title of the then Governor, who was John Wood, became known as 'Governor in Chief and Captain General'. First use of the title 'Lieutenant Governor' was in 1773 and became applied to the Deputy Governors, who obviously deputised and stood in for the Governor during his absence. That was the first usage of the title 'Lieutenant Governor'.

Now, when the Fourth Duke of Athol was himself appointed Governor in Chief by the British Crown in 1793, he had absolutely no intention of actually doing anything and, therefore, a Lieutenant Governor was also appointed, not just to deputise, but actually to do all the work, and this was the situation until the death of the Duke of Athol in 1830, as the report says, from which time the title 'Lieutenant Governor', which was the sole occupant of the position, that became the usage and has been used to this day.

We also have some description of the word 'Commissioner' and especially the expression 'High Commissioner'. Now, Appendix 2 talks about the High Commissioner and the use of the words 'Governor General' and, on the very back page, it says that the title 'Governor General' was used in Australia, Canada, New Zealand and its use is restricted to those Commonwealth countries that originally had dominion status and that the title of 'High Commissioner' appears to be used elsewhere.

Well, that is not so. There is confusion, apparently, between the diplomatic representative and the head of state and we will talk about these titles.

The term 'Governor General' is used in 15 Commonwealth countries, which are monarchies, which recognise the Queen as Head of State, as opposed to being republics.

A Governor General is a national of the country

concerned and represents the person of the monarch, not just in Australia, New Zealand or Canada, but, in fact, symbolises the Crown in that country and, as I say, there are 15 such countries.

But these countries also have High Commissioners, which is the diplomatic term used instead of Ambassador when we are talking about the Commonwealth. So, for example, Jamaica and the Bahamas all have one of their citizens as Governor General, but also send a diplomat, known as the High Commissioner, to the UK and other Commonwealth countries.

Now, Hon. Members may think that this is being pedantic and it does not really matter for the purposes of this debate, but it does, in fact, because what we are talking about is not only a personal representative of the person of the Queen, as the Governor General of Canada is in that country, but someone who exercises specific functions of the Crown as an office, and, therefore, that fact has to be acknowledged and recognised when we are talking about a change of title and other Members, I think, have alluded to this.

What one would have in mind, of course, in the case of the Isle of Man, the Crown has an office, we have the Crown's right of assent to our legislation, we have the power of the Crown to exercise the royal prerogative of mercy, which is exercised by the Lieutenant Governor. There are other functions, of course, of the Governor, given to the Governor specifically by Acts of Tynwald, as this report does acknowledge, but given in his own right, not only as Governor in Council, and, of course, a Governor also retains certain functions under United Kingdom legislation that extends to the Isle of Man – and the Chief Minister has referred to immigration and, as we know, passports and nationality.

So there are areas that are the result of the Isle of Man not being a sovereign state and not having its own Manx citizenship. So it is all, therefore, rather more complex than the simplistic notion of the Governor simply as the Queen's personal representative and that is why, in my opinion, none of the terms, 'Queen's Representative' or even 'Queen's Commissioner' adequately reflects the role.

As well as being a personal representative, there is the carrying out of the functions of the Crown as an office of the state. I personally agree that the term 'Crown Commissioner' would be more accurate, but then, again, there may be a title that is even better or more reflective of the role to be carried out and, therefore, I would, for that reason, support the amendment to provide for the title to be further examined, not for Tynwald this afternoon simply to declare 'Queen's Commissioner', but for the matter to be the subject of further discussion, as any change will have to be with the Crown and the Department of Constitutional Affairs, this is going to have to happen, in any case, but it would be, I think, wise of the Court, at this point, to go with the amendment in respect of Part 2 of the Resolution.

**The President:** Hon. Member, Mr Houghton.

**Mr Houghton:** Thank you, Mr President. I just simply rise to second the Hon. Member for Rushen with his amendment, sir.

I do support, indeed, what he says with that amendment, in the escalating costs in order to keep such a Lieutenant Governor in the fortunate circumstances that he does and I

give one inkling into that. I investigated some time one simple issue, the electricity account for that premises and it was in the order of £10,000 a year.

Hon. Members, work out *your* electricity bill and see if you can compare it with that figure. I would imagine that that figure now would have increased somewhat because the premises are lit up at night now like a Christmas tree and that electricity bill, I would imagine, would have gone up quite some degree higher.

So I do support the Hon. Member, and his contentions, with his amendment and I am quite pleased to do so, sir.

**The President:** Hon. Member, Mrs Hannan.

**Mrs Hannan:** Thank you, Eaghtyrane.

I get the impression that Members quite like this report but they wished they had thought about it first. (*Laughter and interjections*)

The comments that have been made, I think most of them are supportive, except I do not think many Members have read 37(3), which states Tynwald is being asked that Government, if this is approved, should communicate the wishes of the Court of Tynwald to the United Kingdom Secretary of State for Constitutional Affairs, so that he may bring it forward in the context of making the next appointment of Her Majesty's representative in the Isle of Man.

What it has got to do with the present incumbent, I have no idea. I think the mention was made, it is not personalities, it is not the person. This Committee has looked at the situation and has said, we have got to be realistic. This post is here for now, but we think that the whole of the situation should change. We now have a Government, we have a Chief Minister, the Chief Minister is responsible to this Hon. Court, not the Governor, as was in the past, where, in that case, it was the House of Keys fighting against the Governor and his Council.

Things have changed out of all proportion and it is all very well having a history lesson from the Member for Garff about where the names have come from, but it is history, it is in here and I think it depends on which side of the Irish Sea you were as to what name they called the representative at that particular time.

The Committee has suggested, and I am one of the members of the Committee, that the Queen's Commissioner – but I take it that it could be the Crown Commission, because then you do not have to change it – it is the Crown, whether it is male or female, and it is just the Crown's Commissioner and so that is one thing.

But I would suggest that, from this Hon. Court, even taking this report into account, that the Council of Ministers needs direction, and I believe that this report does that, it directs the Council of Ministers and I think they need that direction from this particular Court (**A Member:** Frequently!) and, if the title that the Committee, five of us, have suggested is not acceptable, then I would suggest that the Chief Minister discusses it before the next sitting of this House and comes back with a title that he feels that the Council of Ministers could support, for this Court to support the Council of Ministers going forward with that title.

I do think that the Council of Ministers needs the support of this House to go forward and I think that this is what this report does. It has been seconded by the Chief Minister and by one of his Ministers, but I would hope – I have not moved

an amendment – but I would hope that, if that is the feeling, that the Chief Minister will come back with the title of their choice to this Hon. Court, so that he can seek approval at the next sitting and it should not take that long to do that. One sitting should see to that, but I do think that the Council of Ministers should have the backing of this Hon. Court.

Thank you, Eaghtyrane.

**The President:** Hon. Member for Middle.

**Mr Quayle:** Thank you, Mr President.

I think there has been a lot of work put into this particular report. I am pleased to say that I had actually spoken to one or two Members, prior to even seeing sight of this report, and had myself suggested that something along the lines of ‘Crown Commissioner’ might have been appropriate and, when I actually saw this report, I was rather pleased to see that, in fact, some good, worthy consideration had been given to the change of the title of the Lieutenant Governor to more appropriately represent what the current day situation is with the Isle of Man.

So I, too, would concur with the Hon. Member for Ramsey, with her view, when she suggested ‘Crown Commissioner’, but I think, rather than us actually coming up with a title, and dictate to the Lord of Mann what she should be calling her representative for the Island, I think the amendment in the name of the Chief Minister actually is rather helpful, because, as a matter of good manners, it would only be appropriate to consult with the Crown and the Department for Constitutional Affairs, and, perhaps, they would take into account the views expressed today.

But I do think that, whilst I can recognise 37.3 affirms that the Government should communicate the wishes of the Court of Tynwald to the United Kingdom, the Secretary of State for Constitutional Affairs, so that he may bring it forward, that is fair enough. But that is more or less an instruction to the UK of what we would have decided to call that representative, and I think, as a matter of courtesy and good manners, I am more inclined to support the amendment in the name of the Chief Minister, because I think that is a way forward to achieve a change in the title of the Lieutenant Governor and come up with one such as the Crown Commissioner. There may be even a better one than that and I appreciate there have been some put forward for us to consider, but I am not just sure whether either of those that have been put forward are the most appropriate. Thank you.

**The President:** Hon. Member for Michael.

**Mr Cannan:** Thank you, sir.

I think we should, on this occasion, heed the words of the Chief Minister and treat this 37.2 with a little bit of caution. (**A Member:** Hear, hear.)

If you are going to go down this road, then at least have the good manners to ask the Crown what it thinks. That is the first thing, ask them what *they* think. We can air a view. The proper way is not to choose the name, but to be in consultation with them through the Chief Minister, if that is the wish of the House, that there should be a change.

Now there are many people in this Island, and they will be your constituents, and they are in all parts of the Island, who I think will see that the name change is, perhaps, a little unbecoming and, as Mr Gawne said, will be divisive.

There are many people, certainly in my constituency, who look to the office of the Lieutenant Governor or the Crown as the final bulwark against (**A Member:** Democracy.) oppression, or misgovernment, or whatever. You have only got to make enquiries, to find that the number of people that write letters to Government House when they have a grievance and can go nowhere else.

**A Member:** Including Members of Tynwald.

**Mr Houghton:** And nothing is done about it.

**Mr Cannan:** And nothing is done about it, because they cannot do it because (*Interjections*) – Look, I am not debating with you, sir. I am debating with the Tynwald Court through the President. (*Interjections*) What I am saying is that there are a large number of people, who see and respect the office of the Lieutenant Governor and I see it on so many occasions. The Lieutenant Governor and his lady visit all sorts of things in the Island and there is certain respect when they meet him and people tell me how they accept the office of Lieutenant Governor and look to it for maintenance of standards, if nothing else.

**A Member:** Now you sound like Fenella. (*Laughter and interjections*)

**Mr Houghton:** Well done!

**Mr Cannan:** And it may be very all right for these closet republicans to come out with all this, (*Laughter*) but, even in Australia, and have the Australians got a chip on their shoulder? No. But they still want the office of Governor General. The states of Australia, Queensland, Western Australia, Victoria, South Australia, they all have a Governor, a Governor of the State, and the powers of that Governor are about the same as our Lieutenant Governor, but they retain the title.

Other people of New Zealand . . . New Zealanders, because they have somebody who is the Governor General, living in Government House, and what do we see here, an endless stream almost every evening of either the Governor going to functions or people going to Government House, and people accept those invitations and they are sought after.

I am happy to tell you that those are the facts of life. You might not like them, Hon. Members. You might not like the people in the Isle of Man going up to Government House for dinner, lunch or tea. You might not like these receptions, but I can tell *you* that when somebody gets them, they go and put on their best bib and tucker and go up there. They do not turn them down. (*Interjections*) Oh no, they do not turn them down; one or two may, but most of them accept it and what I am saying is, before . . . I mean, you can laugh at these people, (*Interjection*) but they are your constituents and you can mock them and you can ridicule them, as I hear from the benches across here, but they are your constituents.

**Mrs Hannan:** Excuse me, Mr President.

**The President:** Hon. Member, he is perfectly entitled to make his case.

**Mrs Hannan:** Yes, but he does not need to insult

everybody in the process. (*Interjections*)

**The President:** Hon. Member for Michael, please continue. (*Interjections*)

**Mrs Hannan:** Oh, shut up, Peter.

**Mr Karran:** But that is precisely your reaction.

**The President:** Hon. Member for Onchan.

**Mr Karran:** It is always the same –

**The President:** Hon. Member for Onchan. Hon. Member for Michael, please continue.

**Mr Cannan:** Thank you, Mr President, sir.

And so I say that the Chief Minister and the Council of Ministers would be right and proper to consult with those affected, consult with those affected, and see what the reaction is. Consult with the Department of Constitution, consult with the Governor himself, and, even, if necessary, consult with the Channel Islands. We consult with them on so many other things on matters of constitution, that it may be necessary to see that we are all, with the Channel Islands, singing from the same hymn sheet.

So I will be supporting the Chief Minister's amendment and I will say to him, have the widest possible consultation. Not just the consultation with the Department of Constitutional Affairs, but a consultation with the people of the Isle of Man and say, how do they feel, whether the title should be demeaned to 'Queen's Commissioner', or 'Crown Commissioner', or whatever, because the role of the Lieutenant Governor is twofold. It is vice regal, which is to be the opener of fetes and to recommendation for honours. (*Laughter*) Yes, and the other part of it, he is the political representative of the Government of the day in the United Kingdom, because they do not have an Ambassador here, they do not have a High Commissioner here, so their only political representative is the Lieutenant Governor.

Mr President, I would ask Members to support the amendment of the Chief Minister.

**The President:** Hon. Member for Onchan, Mr Karran.

**Mr Cannan:** That is all right. A Member of the Most Honourable Order of the British Empire, Officer of the British Empire.

**Mr Karran:** Eaghtyrane, I am very concerned today, because I need no lectures from anybody up here.

I caused quite a little bit of upset when I described Government House as the best and most expensive tied cottage in the Isle of Man to a previous recipient of the honour of residing in Government House – and it did cause a little bit of stir!

I have certain things within this Committee, that have been proposed in this report, I have already tried to do. I looked to the Select Committee of Tynwald for Tynwald ceremonies over the presiding of the Hill, I tried to amend certain things to do with the dissolving of parliament in the previous Representation of the Peoples Bill, so I do not need any lectures from born-again nationalists in this Hon. House.

What concerns me is, like somebody said beside me here,

'we give this one a one-way ticket'. I wonder how many of the people in this Hon. House would want to give him a one way ticket, because of what he has done over Mount Murray, and how much respect that has caused by the vast majority of the people, who don't hold us in a very high regard, and we must face the political facts of life, as far as that is concerned, and I know, Eaghtyrane, you would not be one of them that would be wanting this Hon. Member with a one-way ticket.

The danger is, and what concerns me today, is that I have no problem, I have always – and I am glad we have finally, after well over a half a century more likely, got a fluent speaker back in here, and I suppose really I should use *phobble* if I am using good Manx, but daa sleih, un slattys – I have always recognised there are two people in this country. There is one country, but there are two people, and there is one law and that is something that I am very, very concerned about at the moment.

I have looked at many Commonwealth countries and we have seen what has happened and we have seen the cherry picking to egg the egos, and the egos in this Hon. Court are something very dangerous at the present time –

**A Member :** That is very true.

**Mr Karran:** They are very dangerous and I think it is important, that, if I was looking at a priority at the moment, the Governor would be on the hit list of things that need to be changed, but I do think the problem between the separation of function between an executive and a parliament that holds the executive to parliamentary account and the judiciary, are the most important things.

I think, like some of the points that I have raised in the past, in the free-for-all of the issue, we have the likes of the Attorney General's post, and we argued the point that, because Britain had the right, for the Attorney General, to reopen Court cases in the Attorney General, we were talking fish and fowl, compared to the Isle of Man, because the point is the Attorney General is more connected with the executive, and the likes of going that way in recent times, and the danger is that that power deludes the separation of the judiciary from the executive and power deludes the separation of the judiciary from the executive and, as that is one of the things that concerns me, where you can see that certain cases or convictions could be reopened because they had the pleasure of the executive more than the other way. Now, all right, that does not happen today at the moment, but that is the danger, and that is why I do feel that, in the future, we have to be very, very careful.

I have to say that I do agree with an awful lot of the points, but I think, again, we have allowed our egos to get involved as far as the recommendations are concerned. The person who should be in Government House is you, sir, as the Queen's representative, but elected by the people. That is where it should be, in my opinion: elected by the people as another firewall in our very cozy arrangement we have in here, where, basically, the biggest political party is the Council of Ministers and the Members who have to be, who are in that Department.

So, virtually, you are on a hiding to nothing in some cases in certain Departments, as far as proper parliamentary scrutiny, and, especially, if you have a problem where you have people who turn from an extensive history of being in the executive to then going straight into the chairs, as far as parliament is concerned.

I notice in the report it talked about Sark, and I thought, well, I tell you this much: I would not to be associated with Sark, it is . . . Well, I had better not repeat what it is recognised as. But this Island is nothing like Sark, and I do not want that sort of image shut – oh, we talk about Sark . . . because some would have it that way and would have the privilege like it used to be 40 or 50 years ago, with the blessing of Governors then, when they had no check on them.

The way it used to be was that certain people in our society could not be policemen, could not be in prime jobs because of the fact of where they came in society, and my concern at the present time is that there is too many in this Hon. Court who would like to go back to the old adage – ‘it is not what you know, it is who you know’ – and, if the economy goes down, the ones who are in will be looked after, and what did we get for that, we got the disrespect of a large section of our community for generations. We have started to claw that back; we had started to claw that back, and there is a lot more people had a lot more respect out of that side of the *deyr sleih* – or should I say *deyr pobbyl*, if I am using good grammar, as far as the Manx language is concerned? But as I do not tend to use good grammar with English, I do not see why I should be any different –

**The President:** Hon. Member, I would be pleased if you would come a little closer to the motion before us.

**A Member:** Absolutely.

**Mr Karran:** Eaghtyrane, I understand it is hard for these, we have heard the Hon. Member for Doolish Twoaie, Douglas North, talk about Government House and the cost. I totally agree with him, but the issue is, what we should be giving our people the opportunity to do is to vote either for a Governor or vote for an Ard or vote for a President, whichever that way is, as far as I am concerned. That is what we should be doing.

If we want things like this done, it should be done through the people, not the matter of us tinkering with the fact that we might end up moving up the magical-chair system that we have at the present time, if we are good little boys or girls.

There are a number of points that concern me, and, before I finish on Government House, Government House happens to be used more by an element in here, more than likely, than anybody, any section of the community, when we talk about the costs of it, as I say, there has been enough invites up here to Government House over the years.

I look at the recommendations –

**Mr Henderson:** Absolutely shameful!

**Mr Karran:** Well, it is the truth.

**The President:** Hon. Member.

**Mr Karran:** Eaghtyrane, there are things that do concern me with the report. I am not bothered about the title of the Governor. I would see that the Governor issue being addressed once or for all, whether there should be a Governor or not. And what should be in its place. What I do not want see in its place is something that is not firewalled against parliament and the executive, because that is

important. Whatever you replace it with has to be firewalled between parliament and the executive. It is about the separation of function of a real democracy.

I know it goes over many heads in this Hon. Court, but it concerns me, the likes of the functions. When we look at the functions of the Advocates Act, I would not want it being left to the disciplinary of the Council of Ministers to be able to pick . . . Oh, he is a friend so we will put him as Chairman of the Advocates. If there was an elected office as President, who was nothing to do with us and he was elected separately on a different mandate, then I would have no problem.

But just think about that. Just think of the unwieldy power that you can cause, because you are not always going to have a *dooinney seyr* – as my Hon. Member for Rushen would say – a gentleman, maybe, as an Ard-shirveishagh – you might have somebody who is a drogh-dooinnie – a bad Ard-shirveishagh, and that is why it is so important. That is why I have tried recently about the importance that we do not want to add the Isle of Man to the list of former colonies that have allowed themselves to take over the same corrupt old system that used to be in the colonial system, and we do not want that in the Isle of Man.

So when we look at the likes of the Advocates Act, I am concerned on who would actually, would pick who is going to do the discipline – how cosy it would be.

We look at the likes of the issue of the national emergency and war –

**The President:** Hon. Member, you are stretching my patience quite considerably at the moment.

**Mr Karran:** But Eaghtyrane, if you look at this report, it talks about the remaining functions of the Lieutenant Governor and the changes in the Statute Book. These are issues that we are talking about –

**The President:** Recommendation 37.1 asks the Council of Ministers to re-examine those functions and come back to this Court. We have no need to go over them all today.

**Mr Karran:** All right, I am happy to do so, but what I am concerned about is, Eaghtyrane – I am happy to sit down now – the fact that there are some very, very powerful functions there, and, in the wrong hands, we will not be doing a service to our people.

That is the one thing, and I am very concerned that this Tynwald Committee has decided it is down to the Council of Ministers, it should be the Council of Ministers. Why should it be the Council of Ministers? That is what concerns me. Why have I not got an input into that, as a Member of this Hon. Court? That is what worries me. That worries me. (*Interjections*)

I do feel that those points need to be seriously considered. I am concerned about that. That is what concerns me. By all means, let us go down the road to getting rid of a Governor, but I have to say that I am concerned that this is more because of it being post-Mount Murray than anything else, Eaghtyrane.

**Mrs Crowe:** Oh, rubbish!

**The President:** Hon. Member of Council, Mrs Christian.

**Mrs Christian:** Mr President, I think we are all a little

bit aghast at the contribution of the Member who has just resumed his seat. (*Interjection by Mrs Crowe*) I wonder if he has read the report? (*Interjections.*)

This is not about getting rid of the Governor, nor is it about changing the legislation that he has begun to go through line by line; it is about the Council of Ministers re-examining those functions and reporting back to this Court, (**Mrs Crowe:** Yes.) so that the Members of this Court can express a view on whether change – as recommended by the Council – is acceptable or not.

I think it was timely for the Committee to progress these issues and I certainly have no difficulty at all with recommendation 37.1. I do, that there is some concern with the Court about 37.2 – not that there is not a view that there should be a name change, I think the general tenor of the debate has been that it is an appropriate time to consider a name change – but I think that the Committee may find that there is not universal support for their proposal, and there are not any amendments before us about the particular title, although ‘Crown Commissioner’ does seem to have more support than the title ‘Queen’s Commissioner’.

For that reason, I do not think the amendment proposed by the Chief Minister is so far removed, really, from what the Committee are trying to achieve.

I take the point made by the Hon. Member for Peel, that paragraph 37.3 does give the Government some backing and instruction from this Court, which I think they certainly would recognise in accepting 37.3, but there is some slight discomfort simply about the title, and, to that extent, I think that the amendment helps.

**Mr Corkill:** Lack of consultation.

**Mrs Christian:** We have had Members saying that the present incumbent does a grand job and that everybody trots up to receptions and so on, and the community like to have them visit; we recognise all of that! The present incumbents are doing a grand job for the Crown. (**Mr Gelling:** Hear, hear.) (**Mrs Crowe:** Yes.) But this is not what it is about.

**Mrs Crowe:** For charity.

**Mrs Christian:** It is about the perceptions in the Island and outside of the actual role and function of the Lieutenant Governor. And reference has been made by the Hon. Member who is no longer in his seat, that they have Governors in Australia, they have Governors in New Zealand. I do not think that we are really that concerned about what other people have decided to retain. What we are about tonight is looking at what we think is currently appropriate for us.

There has been a long debate, Mr President. I just think that we need to focus on what is actually before us, instead of wandering off into all sort of other realms, and, with that in mind, I will sit down, but will support the amendment.

**The President:** Hon. Member of Council, Mr Gelling.

**Mr Gelling:** Yes, thank you, Mr President. I actually welcome this report because, as was suggested by an earlier contributor, I was the one that was sent down to London to be part of the selection of the last Governor, and I can assure you it was a very difficult situation, because I went with a mandate from this parliament only to find, of course, that I

was only part of the selection of that particular officer who is now our Lieutenant Governor. Certainly, I got the feeling there that they were appointing their person, as much as we had a contribution to make, or we were being consulted, if you like.

Nevertheless, I still came home thinking, that is all very well, they are putting their man – or their lady, it could be – into the Isle of Man, but we are paying, and, usually, when you are paying, you have a fairly good say in who actually that person might be.

I welcome this report from the point of view that I think it was from that particular area of discomfort of going from this Island – albeit that it had moved on a considerable way down the line. We have gone from a Governor being selected and imposed upon us; we have gone, then, further down the line to a Governor that . . . I think it was three we could choose from, any one of three. Then we moved to a situation that, at least, we were in at the interviews. The only problem was – again, as the Chief Minister said – it was an open opportunity and there was about 58 applications, and to suddenly be sat in a room and be given 58 applications that went from one extreme to the other was not an easy job.

Now, I would say that we are going about this in the right way. Parliament here is having a say in this Report that our colleagues have brought to us in a suggestion of how the name of the Governor could, in fact, be changed. That was the very point that was brought up when we were down in London, because the gentlemen there that was representing the United Kingdom Government said, well, ‘Is he not the Lieutenant Governor?’ And, of course, you have to say, ‘Well, yes he is, but he is not really, because he is not what he used to be’ and, of course, this where it was, again, suggested, I think, by the Hon. Member for Michael, that we should consult with Jersey and Guernsey.

But we have moved on a considerable amount further than Jersey and Guernsey. Even in their new system that they are putting in, which is very much a copy of the Isle of Man system that has been in since 1986, it still has the Governor sitting in the parliament. So they have not got that division, that the Governor is not actually governing. So I would suggest that the ‘Lieutenant Governor’ of Jersey/Guernsey is still appropriate because he is part of government.

Now, again, I would say from here: yes, the correct way forward in my view is to say to our Government, our Council of Ministers, our Chief Minister, ‘Right, this is the view of the parliament. We want you now to go and negotiate with the United Kingdom.’ They might very well have a view that they might think that the Lieutenant Governor is not doing the job that they would wish him to do, he might not be actually operating in – as I have already suggested – a Lieutenant Governor role, but, at the end of the day, all my plea would be is that the Council of Ministers, through the Chief Minister – I hope that the amendment that the Chief Minister has moved does get approved – actually gets a grip of this, gets in touch with, now, the Constitutional Affairs Department, and actually get it sorted out, because I would not like the Chief Minister to be in the position that is coming up very, very soon, that we will be again selecting someone to represent the Crown, the Queen, in the Isle of Man, if that is still the case, and if that is still what is required.

So I will be supporting the amendment, Mr President,

and I just hope that this now kick starts the process which will make it much, much easier for the next Governor, or whoever that might be, when they are selected, sir.

**The President:** I call on Mr Speaker to reply to the debate.

**The Speaker:** Thank you, Mr President.

I think my starting point in responding, is to say to Hon. Members, let us have a bit of courage, we are moving forward. (**Mr Cretney:** Hear, hear.) For goodness sake, stop being scared, it is our Island! Let us move forward. We have made major advances in the last 20 years, we are not what we were, and the Governor is not what he was, and that is the reality, and all the other waffle – which it was, I am afraid – about tea-parties and all sorts, is irrelevant, because, to be honest, the report does not even mention it. It does not even say: ‘And there shall not be any more tea-parties’. (*Laughter.*)

I know, a lot of people in the Isle of Man feel honoured if they are invited up to Government House, no matter what age they are, but they are not honoured because of the title of the person who holds the position, they are honoured because of the position of the person there – that they represent Her Majesty. That is what it is about. So if they are introduced to the Lieutenant Governor, or the Queen’s Commissioner, or the Crown Commissioner, or whatever it is, they feel honoured. That is what it is about.

But what the report is about is that the title is inappropriate now, because the Isle of Man has changed dramatically. So I think we can put aside all the bits that were thrown in, for whatever reason they were thrown in – a bit like a custard fight, I suppose.

The other thing is that we are in a position where there is an opportunity. Timing is everything. The United Kingdom Government is about to start the process next year of advertising for the post of Her Majesty’s representative in the Isle of Man. If we do not get a title change now, you will not see a title change for at least another five years. So timing is everything.

And what we are saying is: ‘We have moved forward; let us move forward a bit more.’

Contrary to what the Hon. Member for Michael said, it is not about disrespect for the position of Her Majesty’s representative in the Isle of Man – that respect will stay there. The position is what it is, but the title does not reflect what the role is; it has changed, for all the reasons I explained: His Excellency does not preside in here any more; His Excellency does not sit in the Council of Ministers any more – or Executive Government as it was; His Excellency does not chair it; he does not chair Legislative Council; he does not run the Government of the Isle of Man any more. So we need to change the title. The title is important.

And to be quite honest, and to put it extremely bluntly, I do not care what the Channel Islands want or have, we are not part of the Channel Islands. We have no link whatsoever with them except now you can get a plane there and back.

**Mr Corkill:** No, you cannot.

**The Speaker:** Well, via Gatwick, if the connections are right. But I mean, in reality, we have no historical connection with the Channel Islands. The only thing that we have in common is that we are Crown Dependencies, but the basis

of our structure, our historical basis, is totally different. There is no comparison. We are Viking-based; they are not, they are French-based. Go there, it is a different country, even than the Isle of Man.

So, it is all different, and I wish people would not say: ‘Well, we had better see what they are doing’. It does not matter. In business, yes, we might get agreements, but, in this role, it is *absolutely irrelevant*, and I really think that is important.

May I also say that the name – the Chief Minister mentioned – is historical. Chief Minister, in the context of the Isle of Man, the name ‘Chairman of a Board of Tynwald’ was historical, and we changed it, and we changed our structure of Government, so that we had Ministers. Why did we do that? Because the whole system was changing. The Government was to become an Executive, where the Lieutenant Governor stepped out, and that is why we made the changes.

So anything can be historical: we could, if you like, call Mr President ‘the Chieftain’, if you are really worried, let us go right back that far – or call His Excellency ‘the Chieftain’. Yes, we all hold on to our history, but when things change, we have to change with it.

When we first introduced the system of Chief Minister into the Isle of Man, and Ministers, initially people were a bit miffed about this. Today it is accepted. The Chief Minister is the senior politician of the Isle of Man, in terms of the Government.

So do not hang on to the name. What you have to do is recognise where we are coming from. The Committee believes that time is now opportune, and now is the time to do it.

I do not have a problem with the amendment, as long as I have an assurance from the Chief Minister – and I would seek that assurance, if possible, before we vote – that, in fact, he will give an absolute assurance that we will still meet the timescale to enable a change of name to be applied to the new appointment of the next position, as far as we are concerned – ultimately, it is a matter for the Crown, Her Majesty, to decide if she is happy – but, from our side, that we will actually still pursue that timescale. Because I do not want what sometimes the UK is very good at: delaying tactics of sending something off to a department and suddenly it is lost a little bit, and it takes a while to get it back, and ‘oh dear, we have run out of time.’ So I do think that is important to have that assurance.

With that assurance I do not have a problem. ‘Queen’s Commissioner’ . . . We came up with a number of names and we have brought them here.

Consultation is not a matter for my Committee as such; my Committee is here to report to Tynwald and say: ‘Tynwald, we believe this is a way forward, constitutionally, to make changes’. If Tynwald approves it, then it is over to the Government – Government, you get on with the job.

Yes, I accept that we actually came up with a firm title, but that was really looking at how different names across the Commonwealth actually operate for different roles, and we believed ‘Queen’s Commissioner’ – and if it becomes a King, ‘King’s Commissioner’ – was an appropriate title.

If you want to call it ‘Crown Commissioner’, I do not have a problem with that, none at all. But I think that is an issue that clearly needs to be discussed. So I think that timing is very important. In fact, timing, Chief Minister, is critical, and I would hope that you are able to do that.

Mr President, I would thank Members for their contributions, especially those who, I suppose, kept to the issue – without being funny. I think it is important that we make the change. The opportunity is now, and I would propose that we go for it. I beg to move.

**The President:** Hon. Members, the motion which I have to put to the Court is that printed at 21 on your Order Paper, and to that we have received, and have copies seconded, of two amendments.

The first, Hon. Members, that I propose to put to you is in the name of the Chief Minister, as circulated to you on a White Paper. I put to the Court the amendment moved by the Chief Minister. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

And now, Hon. Members, I put to you the amendment moved by the Hon. Member for Rushen, Mr Gawne, seconded by the Hon. Member for Douglas North, Mr Houghton. Those in favour of the amendment moved by the Hon. Member for Rushen, please say aye; against, no. The noes have it.

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

*In the Keys – Ayes 9, Noes 12*

FOR	AGAINST
Mr Gawne	Mr Anderson
Mr Houghton	Mr Cannan
Mr Cretney	Mr Quine
Mr Duggan	Mr Rodan
Mrs Hannan	Mr Quayle
Mr Bell	Mr Rimington
Mrs Craine	Mr Gill
Capt. Douglas	Mr Henderson
The Speaker	Mr Braidwood
	Mr Downie
	Mr Karran
	Mr Corkill

**The Speaker:** Mr President, the Amendment fails to carry in the House of Keys, with 9 votes for and 12 votes against.

*In the Council – Ayes 1, Noes 5*

FOR	AGAINST
Mrs Christian	Mr Waft
	Mr Singer
	Mr Kniveton
	Mr Gelling
	Mrs Crowe

**The President:** With 5 against and 1 for in the Council, Hon. Members, that amendment therefore fails.

I now put to you Item 21, as amended by the Chief Minister's amendment – the motion, Hon. Members, as amended. 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 – Ayes 20, Noes 1*

FOR	AGAINST
Mr Anderson	Mr Karran
Mr Cannan	
Mr Quine	
Mr Rodan	
Mr Quayle	
Mr Rimington	
Mr Gill	
Mr Gawne	
Mr Houghton	
Mr Henderson	
Mr Cretney	
Mr Duggan	
Mr Braidwood	
Mr Downie	
Mrs Hannan	
Mr Bell	
Mrs Craine	
Mr Corkill	
Capt. Douglas	
The Speaker	

**The Speaker:** Mr President, the motion as amended carries in the House of Keys, with 20 votes for and 1 vote against.

*In the Council – Ayes 6, Noes 0*

FOR	AGAINST
Mr Waft	None
Mr Singer	
Mr Kniveton	
Mrs Christian	
Mr Gelling	
Mrs Crowe	

**The President:** With 6 votes for in the Council, Hon. Members, the motion therefore carries.

#### **Tourism Development Fund (Amendment) Scheme 2003 approved**

28. The Minister for Tourism and Leisure to move:

*That the Tourism Development Fund (Amendment) Scheme 2003 be approved. [GC No 30/03]*

**The President:** Now, Hon. Members, we move on to Item 28 on the Order Paper, having completed 22 through to 28 on Wednesday.

So, Hon. Members, Minister for Tourism and Leisure to move 28.

**Mr Cretney:** Thank you, Mr President.  
The Tourist Development Fund Scheme was introduced

by my Department in August 2000. It was designed to address the key issues of bed-space numbers and quality throughout a tourism industry, whose customers are becoming more discerning and with ever-increasing expectations.

It was also designed to encourage members of the agricultural community to diversify into tourism accommodation by the conversion of barns and other such buildings, adding value to the countryside.

The scheme has been amended twice: the first time, with effect from 1st November 2001, to allow grant-funding of up to 50 per cent where works are needed to comply with the new grading criteria of the Tourism General Amendments Regulations 2001; the second amendment became effective from 1st July 2002 and extended the scheme up to 2006.

This has become necessary because the impact on the scheme with the foot-and-mouth crisis, during which there was little development activity throughout the tourism industry. The amendment also covered the definition of an approved contractor and removed the need for bills of quantities to be provided for schemes under £200,000.

In trying to listen to the needs of the industry, consultation has taken place with the Chamber of Commerce Tourism Committee and other industry members. This has identified some problems with the scheme conditions, which are felt to be too onerous for the smaller businesses.

This amendment seeks to address some of these issues and, hopefully, will encourage and increase the number of applications. Most of the amendments are minor in nature and serve to provide greater clarity in definition within the scheme.

There are three key changes within the amendment, the first of which is to increase the maximum qualifying grant from 33 per cent to 50 per cent, for improvements to facilities for persons with disabilities, up to a maximum grant of £50,000. This is an area for improvement which I particularly support and it will become increasingly important, with any future enactment of disability discrimination legislation.

The second key change covers the documentation which must accompany each application. Instead of an absolute requirement to provide audited accounts and detailed business plans, the amendment gives the Department discretion on what is appropriate, given the nature of the business and the funding requested. This is specifically designed to aid smaller businesses.

The third key change covers the requirement to provide three competitive tenders or quotes. An increasing number of applicants are finding it difficult to satisfy this requirement because of the full workload in the construction industry at the moment. The amendment gives the Department discretion after consulting with the Treasury to waive the requirement for three competitive tenders or quotes for projects under £100,000, provided that at least one tender or quote has been received and value for money has been established by an independent quantity surveyor.

For projects over £100,000, the requirement for three competitive tenders or quotes may be waived, if the applicant can show that it is not practical to provide them. One tender or quote must be received, as well as Treasury concurrence.

Whilst the Department is looking to encourage greater participation in this scheme, often by the relaxation of its

conditions, the need for control to safeguard public money is acknowledged and this task has been vested in the Tourism Development Fund Committee, which has been set up to scrutinise all applications.

I am sure Hon. Members will agree with me, that the Tourism Development Fund offers opportunities to make a real difference within the tourism industry and which should act as a catalyst for reinvestment, so that much-needed improvements and additional capacity can be achieved.

Mr President, I beg to move the resolution standing in my name.

**The President:** Hon. Member for Middle.

**Mr Quayle:** Thank you, Mr President.

I beg to second and, in doing so, I would mention that as Chairman of the Tourism Development Fund, I was charged with looking through the particular Tourism Development Fund Scheme and would pay tribute to all of the work that went into it from the officers of the Department in doing such a thorough job in actually working through the particular scheme, in order to make it more appropriate to current needs. I do hope it will receive support this afternoon, and should be to the benefit of tourism in the Isle of Man. Thank you.

**The President:** Hon. Member of Council, Mr Waft.

**Mr Waft:** Thank you, Mr President. I welcome this recommendation here today, particularly with regards to the Discrimination Bill, in the future going to be enacted, hopefully, and the need for bringing the tourist premises up to date.

I would just like to mention that, when we do scrutinise the legislation and we scrutinise what is happening, you really need some quality assurance. For instance, when you look at a particular item, it is not just pieces of paper, it is actually ringing round hotels and finding out who have got disabled access, and going there and taking somebody in a wheelchair with you and trying to get into that hotel, and get access to the bedroom, to the toilet and to the shower room. Some people think that it is enough to put a ramp up and that is it; you have actually got to get from the top of that ramp and then you have got to get inside the door once you have reached the top of that ramp and be able to open the door as well and then get into the lift and get your wheelchair into the lift, plus your luggage, and then up to the next flight and access to the hotel bedroom, without going up any more steps. Sometimes you can get up to the first floor, but there are still steps there which they have forgotten about.

So a bit of quality assurance around these things and having somebody round actually visiting sites makes an awful difference. Thankfully, there are more people now making disabled access available, but the truth of the thing is actually going there and seeing what is happening, and, sometimes, very good hotels do not have the access they should have. Despite the amount of crowns or keys or whatever you give them, if that disability access is not there, you are disenfranchising a lot of the customers that come to the Island. I have had the problem of trying to get access and I know how difficult it is.

Thank you, Mr President.

**The President:** Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, I am happy with this Order. There are three points that I would like to raise with the Shirveishagh.

Firstly, the issue with the farm industry: will his Department be more proactive in trying to get out to farmers, to try and sort out the things? There is an untapped wealth there, there is that need for quality accommodation in the countryside and I do feel that, sometimes, if his officers could be more proactive, maybe out with them, maybe unsolicited, it might help to get more people, especially with the state that the farm industry is in at the present time with its financing.

The second thing I would like the Shirveishagh to talk about is the issue of whether this sort of grant would provide for, maybe, either a charity, or some other organisation, to look at the issue of bunkhouses. We have got the Foillan Way around the Island at the present time and one of the things that I have always thought was a great shame, whilst we have not got the distances like Scotland, with their bivvies, but the issue of maybe a couple of bunkhouses or something, where people can, as an event, walk around the Island, with reasonable periods, with the most basic of bunkhouse facilities there, to encourage the walkers, because I do not think we have got that sort of facility enough.

**A Member:** What about Eary Cushlin?

**Mr Karran:** The issue is a bunkhouse is different to Eary Cushlin, and the situation is that is aimed more at children; this would be aimed at more on the basis of a bivvy that would be in Scotland.

And the third thing that I would just like to congratulate the Minister on, the Shirveishagh, is the disabled aspect, as when I renovated Kenyon's Caf as a facility for the kids, one of the biggest worries was the issue of disabled access and, whilst the added costs to make sure that that facility could have disabled people in it, there were other things that will almost certainly could have been forced on the project, which would have made the project not viable.

So I do understand and I am glad that the Minister and his Department has recognised the importance that we have to do. If we want to make sure that we are inclusive as far as the disabled are concerned, it is a big financial liability when people are developing things in any walk of life. So I think that that something that should be applauded as far as the motion is concerned, because it is . . . And I know in that particular case, if we had had to take the front door off and put in new wider front doors and things like that, it just would have made it financially unfeasible. So I think that is a good move, as far as the disabled are concerned.

**The President:** Hon. Member, Mr Gelling.

**Mr Gelling:** First of all, I would like to thank the Minister for reacting very, very quickly to a plea by the Foundation, following on the point of the disabled, in restoring the lift in the likes of the swimming pool at the NSC. Therefore, obviously, that is more to the forefront of the Tourist Department in the way they go forward with facilities for the disabled.

The question I would ask the Minister – I think it was the Hon. Member of the Tourist Department, who said they had reviewed this particular scheme and consultation had taken place with the Chamber and so on – is it purely

consultation, or have we got a few people out there who are tempted, or have they made noises that, with this scheme, they could very well be enticed to do so?

**The President:** Minister to reply.

**Mr Cretney:** Thank you very much, Mr President. Can I thank the Hon. Members for their remarks, which, I think, all have been supportive.

In terms of the disability, I think we have to recognise that, as we go to the future, it is very important that we make available and accessible tourism premises, as the illustration by the Hon. Member of Council, Mr Waft, pointed out. We do need to make sure that we do have adequate provision on the Island and I do not believe that we do have adequate provision presently. I do believe that this will assist in taking things forward, and I thank him in particular for his constant reminder of our requirements in that regard.

Also the Hon. Member of Council, Mr Gelling, in that regard: yes, we are listening and, in relation to the National Sports Centre, we were able to further improve facilities for disabled people there in the swimming pool. I think that was very important; we should not be precluding anybody from visiting our lovely Island and I think we presently are because of the inadequacy of some facilities.

In relation to the agricultural industry raised by my friend, the Hon. Member for Onchan, I could not agree more: we have to be more proactive, we have worked in tandem with the Department of Agriculture, Fisheries and Forestry in terms of sending out correspondence and making it clear to those involved in agriculture what they can take advantage of.

I think we all must be aware of the difficulties in that industry in particular: you look at the dairy side of things, and 75 per cent of those persons who come to the Island do so because of the loveliness of the countryside and so it is a very neat fit. It is something which is ideal for the Isle of Man, so that, if we can assist them and their economies, and, by so doing, improve facilities in the Island for people who want to come here, then that is what we should be doing.

I think the same applies also in relation to the Hon. Member for Onchan, in terms of bunkhouses. Yes, this scheme would assist people if they wanted to set up such facilities. The Hon. Member did contact my Department some time ago in relation to youth hostel facilities. I know that is different, but we contacted the youth hostel organisation at the time, in the UK; they came and had a look and, unfortunately, it came to nought, but we need to be proactive and if we are pursuing, in particular, walking holidays, which are so ideal, again, about the Isle of Man, then those kind of areas are ones. People want fairly basic facilities where they can then do the next day's walking or whatever and I think it may well be that people could come up with schemes for that, and, yes, this scheme would assist in that.

Finally, the Hon. Member, again of Council, Mr Gelling, asked whether there were people out there who were interested. Yes, there are. The comments we have had, in particular from smaller businesses, and this is why we have reacted, are that they were a little concerned about some of the bureaucratic aspects of the scheme and that was putting them off. That is why we have tried to be more flexible, we

have tried to demonstrate that we are listening, but, at the end of the day, there are protections in there for the public purse, which obviously are needed.

I hope the scheme will assist more people to become involved. We have a number of people who are interested in hotel developments and I hope, if just one or two of them come through, then that will help to lift the standards, which is definitely what we want to do.

I beg to move.

**The President:** Hon. Members, the motion I put to the Court is that printed at 28. Those in favour please say aye; against no. The ayes have it. The ayes have it.

**Plant Health Act 1983**  
**Plant Health (*Phytophthora Ramorum*)**  
**Order 2003 approved**

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

*That the Plant Health (*Phytophthora Ramorum*) Order 2003 be approved. [SD No 605/03]*

**The President:** Having completed 29 through to 36 yesterday, as well, Hon. Members, I turn to the Minister for Agriculture, Fisheries and Forestry to move 37.

**Mr Rimington:** Mr President, global markets and movement of goods of all sorts worldwide bring with them concerns about unwelcome travelling companions. In this case, the concern is about a fungus that affects certain species of tree. It has become a considerable problem in the United States of America.

There are milder European strains, but the American strain has been identified in shrubs in British garden centres. Two very popular garden plants, rhododendron and viburnum, are unfortunately carriers of this fungus. In America, the fungus causes Sudden Oak Death. I am sure that Hon. Members will agree that we have few enough oaks in the Island without running the risk of losing them to disease.

The current situation with Dutch Elm Disease is a serious one; losing elms is bad enough, without losing oak trees as well.

However, I do not want to sound too alarmist. The fungus has not established in oaks in the British Isles, it is not known if it would cause Sudden Oak Death in British species of oak, nevertheless we certainly would not want to find out the hard way.

This Order is designed to keep out plant material that originates in an infected area of the USA, or to take all the necessary steps to eradicate the fungus if it ever did find its way into the Island. I therefore beg to move.

**The President:** Hon. Member, Mr Gawne.

**Mr Gawne:** I beg to second and reserve my remarks.

**The President:** The motion Hon. Members is that the Plant Health Order 2003 be approved. Those in favour please say aye; against no. The ayes have it. The ayes have it.

**Sea-Fisheries Act 1971**  
**Sea-Fisheries (Lobster and Crab Etc.**  
**Licensing) Bye-laws 2003 approved**

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

*That the Sea-Fisheries (Lobster and Crab Etc. Licensing) Bye-laws 2003 be approved. [SD No 604/03]*

**The President:** Item 38, Minister for Agriculture, Fisheries and Forestry, please.

**Mr Rimington:** Mr President, at the sitting of Tynwald in May, Hon. Members approved a set of byelaws dealing with lobster and crab licensing in a three mile area.

My Department's intention was to have legislated for the whole of the territorial sea.

With regard to the three to twelve mile area, the Department requires the concurrence of the United Kingdom Secretary of State.

In reply to a serious of queries raised by the United Kingdom Government, my Department continued to make its case for concurrence. However, in the absence of concurrence, my Department wish to legislate for at least a three mile area. It was that legislation that was approved in May.

Through the formation of the United Kingdom's Department for Constitutional Affairs, it seems to have been one of its first tasks, to give concurrence to the Department's lobster and crab licensing regime, in the three to twelve mile area.

Whilst it seems so soon after the earlier byelaws, which came into operation on 1st June 2003, the important factor is that these provisions are now applied throughout the territorial sea. Because they apply over the wider area, the maximum number of pots which may be used in the territorial sea is set at 500, of which no more than 300 may be used within the three mile area. I therefore beg to move.

**The President:** Hon. Member for Rushen.

**Mr Gawne:** I beg to second and reserve my remarks.

**The President:** The motion Hon. Members, is that printed at 38 on your Order Paper. Those in favour please say aye; and against no. The ayes have it. The ayes have it.

**Agricultural Wages Regulations 2003 approved**

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

*That the Agricultural Wages Regulations 2003 be approved. [SD No 402/03]*

**The President:** Item 39, again I call on the Minister for Agriculture, Fisheries and Forestry.

**Mr Rimington:** Mr President, the Agricultural Wages Board is constituted under the Agricultural Wages Act 1952 and consists of eight members, who are elected or appointed

for a three-year term. In addition, there is a chairman with a background in the legal profession, who is elected annually by the members.

Three members represent employees in agriculture and are required to be regularly and actively employed in the agricultural industry. Three members represent employers and are required to be engaged in agriculture, employing labour other than their own family. And two members are impartial and appointed by the Department of Agriculture, Fisheries and Forestry.

The Board has power to fix minimum rates for wages and minimum holiday entitlements for all workers employed in agriculture and horticulture. The Board sits annually to consider what minimum rates of pay and holiday entitlement should apply.

The Board currently follows a policy of implementing increases broadly in line with those set by the Wages Board for England and Wales. The Board also has the power to define benefits or advantages, which, for the purpose of the minimum rate of agricultural wage, can be reckoned as payment in lieu of cash. One such advantage is the provision of accommodation.

In 2003 the Board has applied an increase of five per cent. This is consistent with the increases in minimum wage rates, applied through the Wages Board Order 2003 and is also the same percentage as that applied by the Department of Local Government and the Environment in 2003, to public sector housing rentals.

Mr President, I beg to move.

**The President:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** I beg to second and reserve my remarks.

**The President:** Hon. Member for Michael.

**Mr Cannan:** Mr President, I support the Agricultural Wages Regulations and I more strongly support that they are policed and implemented and that those who they affect receive their proper rewards.

You will see on item 45 a Petition of Grievance, where a lowly-paid farm worker did not get his wages, he appealed to the Agricultural Wages Board and the whole bureaucratic system played against him. You have the papers in front of you that have just been delivered.

I am not going to debate the item 45, but I am drawing attention to the Minister: fine words about an Agricultural Wages Regulations Board, but if they are not enforced and those employed in agriculture are totally disadvantaged and when they complain they find the might of the bureaucratic machine in front of them, what good does it do them? And what good does it do anybody in here approving those regulations?

So I hope that the Minister will bear in mind that, if he brings regulations like this, that those who feel aggrieved are properly investigated, that the Agricultural Wages Board works properly and effectively and efficiently, and does not allow itself and the whole bureaucratic machine to bamboozle – and I will not use the word ‘simple’ – an agricultural worker at the bottom of the scale. If I can have that guarantee, we will be starting off on a good footing, before I move onto item 45 at a later time, Mr President.

**The President:** Hon. Member of Council, Mrs Christian.

**Mrs Christian:** Mr President, my query to the Minister is not about the content of the Order, which we have placed before us on an annual basis, and which deals with charges for living accommodation, but why we should have this Order on our Order Paper at all? We do not have the Agricultural Wages Order on our Order Paper, but simply this one element of it.

It seems to me inconsistent and, perhaps, if it is not necessary to have the Wages Order before this Hon. Court, why do we have to have this piece of legislation brought before us?

**The President:** Minister to reply.

**Mr Rimington:** I take my usual method of answering the last question first.

I really could not give you the answer to that, but I think you are making an exceptionally valid point. I have moved this twice now and I do not think it has lent anything to the proceedings at all by bringing this forward, especially when, in respect of this, it really is a very minor routine matter, and I will make note of that and follow that one up.

To the Hon. Member for Michael, humankind often makes mistakes, so it would be unwise for me to give you a hundred per cent guarantee of the actions of other people, but I am sure it would be my intention, as the Minister of Department, that all due processes should take place properly and I will be, later on, supporting that you manage to get this sorted out in pursuit of your constituent’s case, sir.

**Mr Cannan:** Thank you very much, sir.

**The President:** Hon. Members, the motion I put to the Court is that the Agricultural Wages Regulations 2003 be approved. Those in favour please say aye; against no. The ayes have it. The ayes have it.

**Social Security Act 2000  
Social Security Legislation (Application) (Amendment)  
(No. 18) Order 2003 approved**

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

*That the Social Security Legislation (Application) (Amendment) (No. 18) Order 2003 be approved.  
[SD No 734/03]*

**The President:** We will turn, then, to item 40 on the Order Paper and I call on the Minister for Health and Social Security.

**Mrs Christian:** Mr President, this Order increases the permitted work hire earnings limit for incapacity benefits, to reflect the Island’s increased standard minimum wage. I beg to move.

**The President:** Mr Gawne.

**Mr Gawne:** I beg to second and reserve my remarks.

**The President:** The motion Hon. Members is that

printed at 40. Those in favour please say aye; against no. The ayes have it. The ayes have it.

**Social Security Act 2000  
Social Security Legislation (Application) (No. 19)  
Order 2003 approved**

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

*That the Social Security Legislation (Application) (No. 19) Order 2003 be approved. [SD No 735/03]*

**The President:** Item 41, Minister for Health and Social Security.

**Mrs Christian:** Mr President, this Order applies to the Island United Kingdom statutory instruments. The first adds guardians' allowance to the list of types of income, which are disregarded as income for income-based job-seekers allowance, whilst the second makes consequential amendments to various regulations following changes, which were made in April this year, in relation to the payment of increases in certain benefits in respect of children. I beg to move.

**The President:** Hon. Member, Mr Gawne.

**Mr Gawne:** I beg to second and reserve my remarks.

**The President:** Hon. Member for Douglas North, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I would like to ask the Shirveishagh just a question on this particular Order, where we are looking on the back page of the explanatory notes and the very final sentence:

so as to make amendments which are consequential on the abolition of the payment of increases in respect of children in certain benefits by the Act.

That sounds quite straightforward, but I just want to know what it is we are abolishing, exactly, and I would like it placed on public record that that is, in fact, what is being asked of us here tonight. Thank you, Eaghtyrane.

**The President:** Minister.

**Mrs Christian:** Yes, Mr President. The preamble and, I think, the memorandum circulated to Members makes it clear that what we are doing is dealing with consequential amendments to an action which was agreed in April this year.

At that time we had a debate and various Orders came before the Court in relation to the interrelationship between the United Kingdom Government's changes involving working tax credits and the way in which we in the Island are paying our benefits in respect of children.

Now, because the United Kingdom has introduced, as I described them at the time, 'the smoke and mirrors of tax credits', which are really benefits by another name, and, at that time, I explained to the Court in full and the Hon. Member asked questions, we will continue with Family

Income Supplement, which supports children and families, and that is not happening in the United Kingdom.

But the resources which are being taken from one area are being reissued in another, and, as often happens with legislation and is often put to this Court, there are occasions when benefit legislation changes take place in the United Kingdom and, because of our reciprocal arrangement, it is necessary that we change them, too, but sometimes we do that after the event, although the actual implementation of the legislation has been effective since April; this is part of that exercise.

It was agreed early in the year what the changes would be. We are now bringing the legislation up to date and the Hon. Member will appreciate that, if you make changes in one piece of social security legislation, it is often referred to in other bits and we have to bring those other bits up to date. That is what we are doing here.

**The President:** Hon. Members, the motion as I put to the Court is that the Social Security Legislation (Application) (Amendment) (No. 19) Order 2003 be approved. Those in favour please say aye; against no. The ayes have it. The ayes have it.

**Pension Schemes Act 1995  
Pension Schemes Legislation (Application)  
(Amendment) (No. 4) Order 2003 approved**

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

*That the Pension Schemes Legislation (Application) (Amendment) (No. 4) Order 2003 be approved. [SD No 736/03]*

**The President:** We will turn to 42 and, again, I call on the Minister for Health and Social Security to move.

**Mrs Christian:** Mr President, this Order adds a schedule to the Occupational Pension Schemes Transfer Values Regulations 1996, as they were applied to the Island.

The effect of them is to require the trustees of Occupational Pension Schemes, to provide to scheme members information relating to the transfer values and their cash equivalents. I beg to move.

**The President:** Mr Gawne.

**Mr Gawne:** I beg to second and reserve my remarks.

**The President:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

Again, I have a query with this particular Order, as there seems to be an oversight being put right here and it indicates in the explanatory notes and elsewhere that, perhaps, there is going to be no reason to believe that any person suffered any detriment because of the oversight. Well, that is fine, but I need the Shirveishagh to give us an undertaking here in this Hon. Court that, should it become apparent that any person has suffered detriment, now or in the future, that her Department will rectify that, to that person's benefit, as a consequence of any error on the Department's behalf, Eaghtyrane. Thank you.

**The President:** Minister.

**Mrs Christian:** Yes, Mr President. The Schedule deals with the provision of information. If, because this schedule was not in place in the Isle of Man, someone has failed to be given information, they could have certainly taken that up. If, in the past, they had not received information which they believe they should have been able to get, I believe they would have raised it with the Department.

There have been no such instances raised with us, which I think tends to indicate that there has not been a problem for people seeking information about the Occupational Pension Scheme Transfer Values.

However, if the Hon. Member finds that over that period someone feels they have not had information from their Occupational Pension Scheme provider, then they can certainly bring that to us. They could get the information retrospectively. Whether that has any practical consequence would need to be analysed. It simply is to tell them whether or not there is a cash equivalent or a transfer value available now.

I suppose it depends on any individual circumstances whether that has a consequence, but if the Hon. Member –

**Mr Henderson:** It could have a big consequence.

**Mrs Christian:** – finds that someone feels that they have had some consequential effect, he could certainly bring it to the Department.

**The President:** Hon. Members, the motion I put to you is that printed at 42 on your Order Paper. Those in favour please say aye; against no. The ayes have it. The ayes have it.

#### **Manx Heritage Foundation Appointment approved**

43. The Chief Minister to move:

*That Tynwald approves the appointment of Mrs Melanie Jansen as a member of the Manx Heritage Foundation.*

**The President:** Item 43, Chief Minister to move, please.

**Mr Corkill:** Mr President, following the election of the Hon. Member for Ramsey, Mrs Craine, it has become necessary to make a new appointment to the Manx Heritage Foundation. The Foundation is a statutory body and registered charity that exists to promote and assist the permanent preservation of the cultural heritage of the Island. As Hon. Members can see from the circulated curriculum vitae, Mrs Jansen is an eminently suitable person for this role and, Mr President, I beg to move that Mrs Jansen's appointment be approved, sir.

**The President:** Hon. Member for Glenfaba, Mr Anderson.

**Mr Anderson:** Thank you, Mr President, I beg to second.

**The President:** The motion, Hon. Members is printed

at 43 on the Order Paper, Those in favour please say aye; against no. The ayes have it. The ayes have it.

#### **Petition for Redress of Grievance of Mrs Carolyn Susan Nicholson Motion withdrawn**

44. The Hon. Member for Onchan (Mr Corkill) to move:

*That Tynwald appoints a Select Committee of three Members to examine the Petition for Redress of Grievance of Mrs Carolyn Susan Nicholson, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 and report back with recommendations.*

**The President:** In relation to item 44, Hon. Members, the Chief Minister has indicated that he wishes to withdraw and hold that one over at the moment.

#### **Procedural**

**The President:** Hon. Members, I am also aware of the Court clock. We sat till late last evening, Hon. Members, we have cleared the Orders and the governmental business in relation to the Order Paper. With your concurrence, I am prepared to sit on with a guillotine of say nine thirty, ten o'clock, to see, in fact, if we can clear the paper, but I am in your hands, Hon. Members, and it is for you to make the decision.

**Several Members:** Crack on, sir, crack on.

**The President:** Okay, Mr Speaker.

**The Speaker:** Mr President, I believe that, if we go on till half nine – Members were very late last night, they were late the night before – Members do have commitments outside, as well. We are willing to sit late, but, quite honestly, Members get to the stage where they are not as alert with sitting here from ten thirty, dealing with these issues, and I really believe that half nine is too late. By the time Members get home, most of them, it is anything between half an hour and an hour, and I would propose that we endeavour to finish at half past eight. I would move that.

**Mr Singer:** Mr President, may I say that I have a particular item on this agenda, which is an item which probably needs some speedy resolution, one way or the other, and it is of great public interest, and that is the item of the Wurlitzer Organ, and I do believe that there are people here from the public who have come along to listen, but I believe that it is necessary that we do get some kind of answer, either for or against this situation, which is getting more difficult as time goes on, so I would hope that we would manage to discuss that particular item tonight.

**The President:** The longer we talk now, Hon. Members, (A Member: Hear, hear.) is the less time we have to deal with the matter. I will be looking at the Court clock from eight thirty onwards.

**Petition for Redress of Grievance of  
Philip John Kermode  
Select Committee appointed**

45. The Hon. Member for Michael (Mr Cannan) to move:

*That Tynwald appoint a Select Committee of three Members to investigate the Petition for Redress of Grievance of Philip John Kermode presented at Tynwald Hill on 7th July 2003, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 and report to the Tynwald sitting in February 2004 at the latest.*

**The President:** We then turn to item 45 and I call on the Hon. Member for Michael.

**Mr Cannan:** Hon. Members, we have before us the Petition of Grievance of Philip John Kermode of Craig House Farm, Douglas Road, Kirk Michael, and it is a particularly sad story. (**A Member:** Hear, hear.)

It has come to this Court and I have taken it up, because here is a young man, if I may say and no disrespect, at the bottom of the scale of life, who has been very badly treated by an employer and if he cannot get justice anywhere else, then let us hope that he gets justice here. You have before you the story and I will go through it very quickly,

following a period of part-time working, I was in full-time employment with M & K Poultry Limited from September 1997 until September 2000. Written terms and conditions of employment were not provided,

That, to start with, is contrary to our law – ‘during the period’ – and I would ask Members to listen to this –

during the period of full-time employment I received wages below the minimum rates set by the Agricultural Wages Orders in force at the time. The total deficit was in excess of £4,000 and a brief summary of efforts made to recover the deficit follows. October 2000 to December 2000: attempts to discuss the issue with Mrs Morrey, a director of M & K Poultry, unsuccessfully. Unable to contact Agricultural Wages Board, as secretary was on indefinite sick leave,

Now that is an indictment to start with. Is there nobody who can be acting or in place of? Does the whole system grind to a halt, or depend on one man?

February 2001, send wages slips as evidence to Nigel Taylor, newly appointed secretary to the Wages Board, advised that the matter would be discussed at the next meeting April 2001.

So, you are hanging around for another couple of months. This is somebody – we are not talking about some wealthy professional – we are talking about an ordinary working lad at the bottom of life’s scale and he cannot get his wages.

... and discover that Mr N Morrey, a director of M & K Poultry, was a member of the Wages Board

— magic!

May 2001, M & K Poultry Limited argue that my work was not agricultural. Wages Board cannot deal with this case until this matter is resolved.

He is working on a poultry farm, but he is not

agricultural! We will go on –

Request the Department of Agriculture confirm that M & K Poultry had listed me as an agricultural worker in their returns for the relevant periods. July 25th, when request refused on advice from the Attorney General, quoting Data Protection Act,

I thought the Data Protection Act was to protect people not to disadvantage them –

Industrial Relations Officer suggests attempt at conciliation. I agreed that I would accept 50 per cent of the claim to save further trouble. M & K Poultry offered £200. Industrial Tribunal decides the case was statute barred six months after the last offence. I discovered the information requested in my letter to the Department of Agriculture should have been made public. September —

Listen carefully to this one –

further requests made for copies of lists of agricultural workers. All farms have to send in lists in their annual returns of agricultural workers. The list for the year 2000 did not include my name. When the Department was questioned, the Department of Agriculture sent another list which did include my name, no explanation was given.

Now, how can a Department of Government be honest and above board, suddenly decide one time that he was not listed and the next time he was listed? It raises big queries and questions of undue influence.

October: meeting with the Agricultural Wages Board at St Johns. The Board accepted my submissions and recommended the Attorney General’s Chambers to consider prosecution of M & K Poultry Limited. Once again, that action was statute barred under the Summary Jurisdiction Act, a fact that the Chairman of the Board, a magistrate, must have known.

November 2001: in total frustration the young man came to me and I took my case up with the Attorney General, who, in his letter to me, states, and I will not read that, but there it is in front of you all, there is power of the Agricultural Wages Board to make a prosecution.

March 19th 2002: further letter from the Attorney General to me explaining that the Minimum Wage Act had replaced parts of the Agricultural Wages Act and outlined procedure again on enforcement, so, on January 3rd 2002, the Attorney General says that the Agricultural Wages Board will start a prosecution, then the Attorney General writes to me after that and says,

I have made a mistake. The Minimum Wages Act is in now, and the young man should start to make his claim against the minimum wages and the Department of Trade and Industry.

We are talking about a young working lad at the bottom of life’s ladder.

We move on to March 2002: legal arguments between the Department of Trade and Industry, an advocate for M & K Poultry, regarding inspection of wages records. Mr P Wood, February, moves on, advocate for M & K Poultry Limited, has pointed out a loophole in the Minimum Wage Act, which, UK lawyers have decided, precludes the issue of enforcement notices in respect of workers who have left the offending employers.

March 31st: Mr Woodward of the Department of Trade and Industry – as the Isle of Man Act, Minimum Wage Act, was based on the UK version, there exists a similar deficiency to that recently addressed in the UK, and I am

advised that the enforcement of a minimum wage in relation to a worker that has ceased working for an employer before a notice was served, is not possible under the present legislation.

We move on now to February this year.

The Attorney General has decided to await the issue of amending legislation to the UK Act and then consider whether the Manx Act should follow suit. By the time this is in force, my case may well be statute barred again. My complaint could and should have been dealt with by the Agricultural Wages Board two years ago, or since January 1st 2002, by the Department of Trade and Industry under the Minimum Wage Act. Procedures for offences, as detailed in the Minimum Wages Act 2001 and the issue of an enforcement notice, is not a prerequisite to taking legal action. Although lowly paid, my disposable income is above the £8,000 limit which is £160 a week, which is below the actual minimum 40 hour at the minimum wage, hence I am not eligible for legal aid. Wherefore Your Petitioner ever prays et cetera that Tynwald takes up . . .

Hon. Members, this is a sad case. We all of us here speak of how we are here to protect those who can least protect themselves, and yet all this goes on in the mighty machinery of Government, and all the lad is wanting is £4,000 back pay, and I suggest it has cost the machinery of Government in time – and if you measure time and staff time, Attorney General's time, the whole caboodle – it has cost more than £4,000 and nobody is prepared to pick this case up, no Department, nobody is prepared to pick this case up.

It is not on, so I am asking this Court this evening to show some responsibility or compassion, or whatever you care to call it, and just back this young man and let us have a select committee of three people and let us look into how it all went on, how the agricultural Department can, first of all, deny that the man was on the agricultural returns and then, when the Department was pressured, they suddenly changed their mind and said he *was* on. What sort of conduct is that? Hon. Members, I ask you to back me tonight.

Thank you very much, Mr President.

**The President:** Hon. Member, Mr Downie.

**Mr Downie:** Thank you, Mr President. I have no problem whatsoever in supporting the Hon. Member for Michael in pursuit of this case on behalf of his petitioner, Mr Philip Kermode, and could I put on record the Hon. Member for Michael has worked long and diligently to try and bring this matter to a satisfactory resolution.

Unfortunately, there appears to be an anomaly in the law, which, in my opinion, will require a minor change in primary legislation to remedy this matter. In 2001 the Minimum Wage Act replaced parts of the Agricultural Wages Act 1952 and I believe it is this change-over that was responsible for effectively denying Mr Kermode a mechanism to progress his grievance.

Under this legislation you have to be employed to make a case and, at the time, Mr Kermode was not employed, so I would urge Hon. Members, quite an easy issue, this, I think, to resolve.

Let us get the committee set up, let us get on with it and let us redress this grievance. There are opportunities in the pipeline, but I do not know how far they are ahead in the legislative programme, but I think some minor amendments to this existing legislation will provide a suitable remedy for this particular issue.

We have tried in the Department and the legal opinion

has been, it is best left until a suitable time comes along, but I think we can deal with this by setting the committee up and getting the matter resolved.

As far as I am aware, Mr Kermode is the only person who was caught in this when the change came from the Agricultural Wages Act to the Minimum Wage Act. There is nobody else involved and I think it is an easy one to tackle and we should get on with it.

**The President:** Chief Minister.

**Mr Corkill:** Just briefly, I can remember the debate during the minimum wage legislation and one of the issues that cropped up was whether there was a need to have more than one minimum wage for the whole Island, when, in fact, we have a duality of system going on here. Obviously the agricultural side has been in place for many years.

We now have new minimum wage legislation and we have obviously found something that needs to be addressed and that is to be most regrettable by the circumstances that sound quite horrendous, and I do not want to prejudge the situation, but whether it will get this gentleman his money or not, I have my doubts, but the committee will do that.

But I do wonder whether a committee should look at this issue of whether there is a requirement to have more than one minimum wage scenario, when, in fact, all other sectors of the economy are brought under one heading.

**The President:** Hon. Member, Mr Rimington.

**Mr Rimington:** Yes, I would like to support the establishment of a select committee and there were comments about the Department of Agriculture, and it is irrelevant whether it was in my time or before my time –

**Mr Cannan:** Before your time, sir.

**Mr Rimington:** It might not make any difference. It makes no odds at all if there has been an instance where things have not gone right, and that is materially affecting somebody, then I am quite happy that they should be investigated and cleared up in whatever way that should be.

I do know that one of the issues with the June returns, and what follows from those returns, are various lists of things like agricultural workers, stock et cetera. In recent years the June returns have tended to become autumn returns and producers have possibly not been as diligent as they should be, in years past, in actually getting these returns back, and, possibly, and that is a system that has slipped, and that is the system that we are trying to tighten up at this time.

I am not saying that would offer the explanation at all and that we would look into. I am just saying that is something I know has happened. I think where there is an area of concern like this, it should be looked at, and, if there are procedures and things that have gone astray or awry there, then they need to be brought out so they can be corrected, sir.

**The President:** Hon. Member of Council, Mr Waft.

**Mr Waft:** Yes, thank you, Mr President. This does seem a very sad, sorry tale all the way through it, and there seems

to be a need for intervention quite early on, which seems to have got nowhere. The reason I am brought to my feet is on the last page when it mentions,

my disposable income is above the £8,000 limit, so I am not eligible for legal aid.

Now an £8,000 limit for legal aid, that is appalling, and it needs addressing immediately, and as soon as this legal service commission reports back the better, so that we can get this legal aid nonsense sorted out for the future.

Legal aid should not be taken lightly. People have very serious concerns when they do reach problems and, when they apply for legal aid, we are faced with that sort of nonsense in this day and age. Some of the salaries, with respect to my colleague here of the legal profession, they are not going to be able to look at getting any help when they need it.

Thank you, Mr President.

**The Speaker:** Yes, thank you Mr President.

I have no problem in supporting the motion before the Hon. Court. I am actually brought to my feet because I am somewhat confused. We have the Chief Minister, former Minister for Agriculture, present Minister for Agriculture, all saying this is a small problem that should be sorted out.

What on earth is it doing here? Why is it not sorted out at executive government level? We make somebody petition Tynwald, then we end up, unless a Member moves it, which the Hon. Member for Michael has, we end up with having to set up a select committee to do something that executive government is saying we need to do something about.

Change the law, that is the job of a Minister to promote changes in the law, and, with respect, also a Department has the ability to make an ex gratia payment. All it has to do is justify that circumstances warrant the payment being made, so I am just brought to my feet because I am confused. Yes, let us have a select committee, but, for goodness sake, why are we dragging somebody through all this process, when in fact a Department of Government could sort it out?

**The President:** Mr Cannan to reply.

**Mr Cannan:** Thank you, Mr President. Just starting on Speaker Brown's comments, this matter you see before you has gone on for three years –

**The Speaker:** Crazy.

**A Member:** It is scandalous, isn't it?

**Mr Cannan:** And I on behalf of young Philip Kermode, I have been banging my head against locked doors and obfuscation in Departments of Government, just to support what the previous speaker has just said – nothing has been done – the Minister for Trade and Industry, and I thank him – but he was the Minister for Agriculture when all this nonsense was going on and now he is Minister for Trade and Industry and, yes, I will do something, and, yes, we will sort it out! *(Interjections.)*

This lad has not been paid since 2001. Never mind our salaries, this lad has not had his wages since 2001, he has been cheated of his wages. The Chief Minister says it is employer, not Government, but Government has issued by

decree the agricultural wages and if they do not police them, as I said half an hour ago, what is the point of issuing Orders that these things should happen? What is the point of having an Agricultural Wages Board and paying the members attendance fees? All this has been going on and what I am saddened about tonight – I hear you all saying 'support, support', but it is all conditional. The Chief Minister, regrettably, has said, 'Well, I do not think he is going to win, you know' –

**Mr Corkill:** I did not say that.

**Mr Cannan:** – in this legislation and it is all obfuscation. Is this the way we treat people in the Isle of Man? Is this the way you want to treat those citizens, our own kith and kin, in this manner and it is not for a grant from Government that he should be paying, it should be a decree from Government to his employer to pay what he was legally bound to pay under the Agricultural Wages Act –

**Mr Downie:** We have not got the law to do that.

**Mr Cannan:** And all very well, legislation might come in and Orders might come in.

I thank everybody for their support, I hope you will support the select committee, but if the select committee is only going to spend more time talking, instead of giving this guy his money . . .

I think I have made my case, Mr President. I ask the Court to give unanimous support to this and quickly appoint three members on the committee. Thank you, Mr President.

**The President:** The Motion, Hon. Members is printed at 45, that Tynwald appoint a select committee of three Members. Those in favour please say aye; against no. The ayes have it. The ayes have it.

Now, then, Hon. Members I need nominations for your committee.

**Mr Braidwood:** I nominate the Hon. Member for Michael, Mr Cannan.

**Mr Henderson:** I second the nomination, Mr Cannan.

**Mr Downie:** I would like to nominate the Hon. Member for Middle, Mr Quayle, please.

**Mr Anderson:** I second that.

**Mr Gill:** I would like to nominate my colleague for Rushen, Mr Gawne.

**Mr Henderson:** I nominate Member of Council, Mr Delaney.

**Mr Braidwood:** I second Mr Gawne, Mr President.

**Mrs Hannan:** I would like to propose Mr Houghton, Member for Douglas North.

**Mr Houghton:** Second Mr Delaney, sir.

**Mr Braidwood:** Propose nominations closed, Mr President.

**Mrs Hannan:** Hang on.

**The Speaker:** I was just about to propose Mrs Craine, Hon. Member for Ramsey.

**Mrs Hannan:** Yes, I will second Mrs Craine.

**The President:** Are we happy, Hon. Members?

**Mr Cretney:** Could I second Mr Houghton?

**The President:** He was seconded, sir. Right, Hon. Members, we will just confer with the Clerk and then we will have the ballot papers distributed and we will tell you whether or not we are in agreement. Hon. Members, when you have your ballot paper, the Clerk will read out the names. You are voting for three, Hon. Members. Read the names, please.

**The Clerk:** Mr President, the Members nominated are Mr Delaney, Mr Cannan, Mrs Craine, Mr Gawne, Mr Houghton and Mr Quayle.

**The President:** Mr Attorney will act as teller for the Council.

**The Speaker:** Mrs Hannan for the Keys, please.

**Mrs Hannan:** But I proposed.

**The Speaker:** Mr Rodan, Hon. Member for Garff.

**The President:** Has everybody handed in their paper, Hon. Members? We will be quicker if we deal with it smartly and efficiently.

*A ballot took place.*

**The President:** Hon. Members, please. The result of the ballot, Mr Delaney received 8, Mr Cannan received 16, Mrs Craine received 14, Mr Gawne received 9, Mr Houghton received 12, and Mr Quayle received 7. Therefore, receiving the required majority, elected to the committee are Mr Cannan, Mrs Craine and Mr Houghton.

#### **Review of Bus Service for the New Hospital Amended motion carried**

46. The Hon. Member for Douglas North (Mr Henderson) to move:

*That Tynwald is of the opinion that Isle of Man Passenger Transport, part of the Department of Tourism and Leisure, immediately reviews its bus service and timings to the new hospital to better meet the needs of our community, especially the more vulnerable of our society, and provide an appropriate bus shelter to service the main entrance of our national hospital.*

**The President:** Having dealt with Item 45, Hon. Members, we turn now to Item 46, and I call on the Hon. Member for Douglas North, Mr Henderson, to move.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

The fruits of this simple motion lie in the summer months, with the opening of the new hospital, and my continued attempts through the following weeks from the hospital opening with regards to the bus service and connections to the new hospital, and in special reference to our pensioners and the more vulnerable of our society.

I had, I do not know really, many e-mails to the Director of Transport, letters to the Director of Transport, e-mails to the Health Service, and what was becoming apparent, was that the transport company, at that point, were saying that they might have a bus shelter, and they might be doing this, and something else might be happening.

Everyone was passing the buck, and, certainly, in relation to the bus services, the director gave me assurance that they would look at this situation and see if it could be improved, because, at one point, pensioners were having to line up outside, and having to wait for maybe an hour-plus before a bus actually came to the hospital. following their exit from whatever appointment it was – and the Shirveishagh for the DHSS looks on with incredulity.

I can tell you that the amount of complaints and calls that I have had have been quite tremendous, and many Hon. Members in this hon. place will back me up, no doubt, as the debate goes on, so, luckily for me it is not pie in the sky, it is very serious. (**A Member:** Hear, hear.) There are lots of people who have been affected here.

Mr Howard has tried his best to improve things, with regard to the bus timings, but we still have pensioners coming to me, and other Hon. Members, complaining that it is very difficult, either to get to at times, and, certainly, some of the circuitous routes that have to be taken to get there, it is almost like a sight-seeing tour of the Isle of Man before you get to the new hospital. Admittedly, that is diverting routes to service the main entrance, which is fine, but I think we can do better, and we still have pensioners waiting for an hour at a time, before they get a bus from the main entrance. Now that cannot be right. It is not right and I am seeking that the Minister and his Department review the situation. I am sure something better can be achieved.

I may have confused the issue slightly when I was talking about, in particular, the bus shelter. That may sound a trivial little point to bring to our national parliament, but, having said that, it is the Island's new national hospital, and probably commensurate with something like St. Thomas's, or that ilk, in London. I would say, probably more prestigious, because it is the national hospital, and, therefore, the problems with having no bus shelter whatsoever, or seats at one particular point, was quite incredible – again floods of complaints, again letters, e-mails, (**Mr Houghton:** Hear, hear.) and I discovered that, apparently, the transport company were offering a bus shelter, the DHSS did not want it, because they wanted something with bells and whistles on, and refused the offer. I do have, in black and white, a letter, from an official, stating that very clearly.

We batted backwards and forwards throughout the summer and, in the end, I got fed up, and put it down here tonight, to have a bit of a vote on it and for the Tourism Minister, who is in charge of transport, to actually give us some sort of commitment to have – for goodness sake – a review of the situation. Let us have some better timings up there, especially for pensioners, and let us have a better bus shelter. What happened? We got something on four legs, with a little roof on, as far as I am aware, with no sides on. Perhaps we might learn that it will get sides on, but, at the minute, it will take about four or five pensioners and all we

need is a bit of rain and wind, and, if they have to wait an hour, then we have got the problem back again. Not very good.

So, all I ask, Eaghtyrane, is that the Minister for Tourism and Transport could possibly go back to his Department, have a review of the situation, or talk to the Department of Health and Social Security. Let us have something more appropriate in the way of a bus shelter for our folks, especially at our national hospital, and a better bus service.

**The President:** Hon. Member, Mr Houghton.

**Mr Houghton:** Thank you, Mr President.

In support of my hon. colleague, I would like to second his motion, and what I would simply suggest is that it has been suggested to me by many of our constituents, is a circular bus route, starting at Douglas station, along the promenade, up through Onchan, Governor's Hill, Willaston, Noble's, then moving out towards Farmhill, Anagh Coar, Pulrose and back to Douglas, covering all the main estate areas and so on. And, also, that bus route, during the busier times of the day, could be going in either direction.

So you would not have to travel all the way round, if you lived in Onchan, all the way round through Pulrose, et cetera, before you get back to Onchan. You could go on the bus route that goes the other way. So those are the things that I would like the Hon. Minister for Tourism and Leisure to look at, because, indeed, his own constituents themselves are affected, so I would like him to look at that.

In support of what my hon. colleague has said about the shelters and everything else, due to inclement weather up in the rural area where that beautiful new hospital is situated, there were two impractical and ill-thought-out planning issues to do with Noble's Hospital. As you know, it is a good 50-to-60-yard walk from the front concourse of Noble's Hospital to the bus stop, eventually then to be crammed into a small shelter, especially for the elderly. Why, oh why, was there not an arrangement planned within, that there was an internal sort of walkway, or concourse to the bus shelters and so on?

That was the first thing, and the second one was, which was slightly irrelevant to this debate, but the ambulance bay is completely exposed. That should have been a proper van dock, where you close the doors and let the ambulances go in and out, but we will talk about that on another day, because I can see there are problems looming there.

So, with regard to the practicality of these buses, and many people who are not well at all, that is the reason why they are attending Noble's Hospital, have to stand out in the elements, the cold elements, only then to be returned back home and be in the cold because there is no gas conversions. (*Laughter.*) Thank you, Mr President.

**The President:** Hon. Member, Mr Cretney.

**Mr Cretney:** Thank you, Mr President.

The Public Transport Division of my Department have continually monitored and reviewed the bus services provided to the new hospital since its opening in July. Where it has been identified that improvements to the service were needed, every effort has been made to meet that need.

My Department has so far been able to do this within existing resources, i.e., buses and personnel availability. Given the major change of the hospital's location, in the

main, the service changes have worked well, and real improvements could be seen in the service provided to the hospital.

This was something I promised publicly and I do not break promises made. When the new hospital was opened in July this year, my Department was able to provide an approximately hourly service, Mondays to Saturdays, to the main entrance of the hospital from Douglas. This equated to 20 journeys per day, Monday to Friday, to and from the hospital, 15 on Saturdays and 10 on Sundays between Douglas, Lord Street, and the main entrance to the hospital, and 11 in the opposite direction. This is in addition to the approximately hourly service provided on Monday to Saturday to the Newlands bus stop in the hospital complex.

Further improvements to the level of service provided at Noble's Hospital have subsequently been identified and the frequency of off-peak Monday to Friday services are now operating at approximately half-hourly intervals. On Monday to Friday there are presently 29 journeys a day going to the hospital main entrance and 28 depart from there for Douglas, Lord Street, an increase of almost 50 per cent in frequency. On Saturdays there are 24 journeys going to the hospital and 23 journeys travelling in the opposite direction, an increase of almost 65 per cent in frequency. The Sunday service remains the same.

The improvements to the timetable would have been introduced earlier; however the change had to be delayed until 15th October because of the closure of Strang Road, which was necessary to allow the Department of Transport to install traffic-calming measures.

There has been a much-improved service from Ramsey and Peel, with nine direct connections from points in between for the first time. The only other area which we have received on-going concerns about, has been that from Onchan, which previously enjoyed a direct service to Noble's Hospital in Westmoreland Road. In light of this, a further application has been made to the Road Transport Licensing Committee for an alteration to the service between Douglas and Old Laxey that is currently provided on Monday to Friday, in order to re-route the service to serve the main entrance of the new Noble's Hospital and Onchan. The effect of this will be to introduce four journeys each day on Monday to Friday in each direction on this service, as additional facilities, and also to provide a direct off-peak link between Onchan and the new Noble's Hospital. It is anticipated that, subject to the authority being granted, this facility can be introduced in early November.

Of course, improvements to service have to be considered by the Road Transport Licensing Committee and are not automatically approved. Indeed, they have been challenged by taxi proprietors, as is their right in law, but we hope that in the public interest, the authority will approve these latest improvements, as they have our previous requests.

I should like, if at all possible, as soon as resources allow, to improve that frequency for Onchan residents. As these actions demonstrate, every effort is being made by my Department to improve both the bus services and timings for the new hospital. I can assure Hon. Members that I take my responsibilities very seriously, and so we will, of course, continue to keep the situation under review and take further action when needed. We believe these actions demonstrate our on-going commitment to the needs of our community, particularly the more vulnerable, who have witnessed

flexibility and prompt action exercised by my Department to meet the customer needs of our bus service, and I would like to place on record my thanks to the bus drivers and other staff for their co-operation in this matter.

With regard to the provision of a bus shelter, the new hospital commissioning team was offered the provision of a new bus shelter prior to the opening of the facility to the public. However, the management of the hospital indicated the desire to provide their own individual-style shelter and declined on two occasions an offer from the Public Transport Division to provide this facility.

Following a period of operation without the provision of a shelter, the hospital management subsequently reversed their initial decision and approached my Department for the provision of this facility. My Department has now been able to source a suitable alternative by relocating the decorative bus shelter which was previously on the Queen's Promenade and subsequently relocated to Castletown Railway Station. The structure has already been erected and an order has been placed with the suppliers of this shelter for the laminated glass required for re-glazing purposes. This is a one-off bus shelter for the Island, originally purchased by the Department of Transport, and, therefore, depending on our suppliers, the work will hopefully be completed within the next few weeks.

We will also monitor to ensure that it provides sufficient accommodation and, if not, we will provide a further shelter, or a larger one, though the one-off shelter was much more expensive than our standard or larger shelters in place Island-wide.

Mr President, I have proposed an amendment to the Clerk and I beg to move the amendment standing in my name, that after the words in the resolution the following wording be substituted:

*'Delete the words after "That Tynwald" and substitute - supports the action taken by the Department of Tourism and Leisure, Public Transport Division, to meet the additional demands generated by the new hospital and supports an ongoing policy of providing additional services to meet the demands generated.'*

Can I conclude, Mr President, by referring to a letter from my Director of Public Transport on 22nd December 2003 to the Hon. Member, Mr Henderson, when it was made quite clear that a shelter was to be installed in the front of the hospital. It has been, and we are only waiting for its glazing to be replaced after it was vandalised elsewhere. I do what I say I will do. I believe that we have demonstrated our commitment to the best in public service provision in this area of my Department's responsibility and I seek Tynwald endorsement to carry on that work by voting for the amendment.

**The President:** Hon. Member, Mr Quayle.

**Mr Quayle:** Thank you, Mr President. I have the greatest of pleasure in seconding the amendment and, in doing so, would like to offer congratulations to the Minister for being so pro-active to the concern from people around the Island over the last few months, in order to be able to provide additional bus services on a timely basis, which, as we know now, is every half-hour. The public around the Island will be very much appreciative of that.

I do think that, perhaps, instead of basing a motion such as this on the Order Paper – and I really should not be criticising anybody for bringing to this Hon. Court such a motion – but I would have thought something like this could easily have been sorted out by speaking to the Department, or the members of the Department, or the officers of the Department, or, in fact, by dealing with one or two questions. I think we did have a Question from the Hon. Member for East Douglas on this similar situation, so I would have thought that would have been a better use of the Court's time.

Thank you, Mr President.

**The President:** Hon. Member, Mr Gill.

**Mr Gill:** Just a few very brief points. First of all, sir, I listened to the Minister's answer there with great interest and I am sure he will correct me if I missed it, but I believe I did not hear any mention of the south, nor the west, nor the north.

But, certainly, the bus services from the South – and I realise that public transport provision is a no-win situation, whatever you do it is never enough and it is never on the right time, and all the rest of it, and that is why we all like to use cars – but there are people who depend on public transport, and that is quite right that their needs are met and they are assessed and that is what this motion does.

I understand the comments from the previous speaker, Mr Quayle, when he says this should have been dealt with internally through correspondence and meetings. But it is before us, so it is an opportunity to say that there is a great number of people who have contacted myself, and other colleagues, I have no doubt, in southern constituencies, who have raised concerns that it is taking up to three hours to get to a five-minute appointment in the hospital. That is, three hours to get there and sometimes the same length of time to get back.

I do not think there is a bus service which goes from the south, through Castletown, Ballasalla, to the hospital and then into Douglas, and the same route coming back. But again, perhaps, that is something that could be looked at, that would be a benefit to a great number of people, so I would throw that into the pot, if I may.

Just on this issue about the shelters and whether the shelter should come from one source or another, could I just ask two questions? One, is this wheelchair-accessible, and, of course, the buses, are they wheelchair-accessible –

**A Member:** Of course they are.

**Mr Gill:** – well, I look for confirmation of that and I would appreciate that, and, similarly, if the Minister could advise if the shelter actually has seats in it. *(Interjections)* Well, again, it sounds a straightforward question and it is a straightforward answer, and I would appreciate both of those.

And also consideration for residents in the south, the west and the north. I am speaking on behalf of my constituents – our constituents – in the south. Thank you, Eaghtyrane.

**The President:** Hon. Member, Mr Gawne.

**Mr Gawne:** Gura mie eu, Eaghtyrane.

My colleague, Mr Gill, has just made the points that I understood I was going to be making before him, but it seems that I was missed from your eye, once again. (*Laughter*)

I would like to thank the Minister for Tourism and Leisure for reading out the answer to Question number 26, which we already had, and I, too, would like to make the points that Mr Gill has made. In his answer he says:

There has been a much-improved service from Ramsey and Peel with nine direct connections from points in between for the first time. The only other area which we have received on-going concerns about has been that from Onchan.

Well, a lot of my constituents have been on the phone to me and they have told me that they have been in touch with the Department of Tourism and Leisure, and I am very alarmed to see that the Department of Tourism and Leisure is not concerned about them. We are talking about three hours to get in and three hours to get back.

**Mr Cretney:** Mr President, point of order. Of course, we are concerned about whoever we provide services to, but if we have not been contacted by either the people or their public representatives, what am I supposed to do?

**The President:** Okay. Continue, Mr Gawne.

**Mr Gawne:** It is certainly my belief that my constituents have been in touch with the Department. I have not really got very much more to add, other than I would be very grateful if the Department of Tourism and Leisure would look at the situation from the south.

It is okay looking at Onchan and Douglas, but Onchan and Douglas are actually pretty close to the hospital already. The people in the south have got an awful lot further distance to go, and it would be helpful if a better service was provided.

**The President:** Hon. Member for Council, Mrs Christian.

**Mrs Christian:** Yes, Mr President. I am sure the Court will be conscious of the fact that there have been many meetings between the DHSS and the DTL with regard to the frequency and the timings of buses and so on. And I do believe that the Minister has been doing what he can within the resources that are available to him, to improve the services to the new hospital. And I think it is only in the trying and the testing that we will begin to identify where the weaknesses are in the service.

From our own perspective, we would very much like the buses to go round the whole site and not just come to the front door bus stop or to the back door, but not to both, and I am sure that the Department will be looking at the possibility of making that a feasible route in the future.

With regard to the bus stop, there is a bus stop now, it does have seats. I would suggest that to imply that people have to wait outside for an hour for a bus –

**A Member:** They have been.

**Mrs Christian:** – well, they should not have been waiting outside for an hour. If they wanted to wait inside, there is seating inside. You know what time the bus comes,

you do not need to wait outside for a whole hour. So, I think that element of it is somewhat over-egged.

So far as the north is concerned, we did try, at the time of the opening of the hospital, to draw people's attention to perhaps, rethinking, the way they approach the hospital. We tend, in the north, to think we come to Ramsey and go to Douglas to get to the hospital.

People in the north now need to think, let us go through Peel, because, frankly, from Ramsey Bus Station you get directly to the front door of the hospital if you take the Peel bus, and it is no longer. So we just need to do a little bit of adjustment in our thinking about that particular approach and get that message across to people. Do not think the traditional way, think the new way.

But there will be on-going discussions, I have no doubt, and I am sure that there will be efforts made to improve this service.

**The President:** Hon. Member, Mr Karran.

**Mr Karran:** Eaghtyrane, I know that I raised the issues as far as my constituents, a couple of times with the Minister.

I have to say that I am a little bit alarmed that, obviously, the Hon. Member for North Douglas has every right to put down whatever motions he wants to put down in this Hon. Court, and should be allowed to. I am happy enough with the amendment, so long as the Shirveishagh can do two things for me. One is that he will do something to advertise what the new services are to the hospital, so that individuals, like what the Member of Council has talked about, as far as it might be more effective for people from Ramsey going through the Peel route. This needs to be got over to the elderly in our community.

The other thing is that, maybe, they should do some sort of report back to this Hon. Court in, maybe, six months' time. We do not need any amendments, we just need the assurance of the Shirveishagh to do that.

But there is something that does annoy me, and I do get annoyed with the Hon. Member of Council talking about over-egging situations. I think, very often, things are under-egged when they are in this thing, and it is alright for Mrs Christian, the Member of Council, she is not old, she is not sick, and she is not short of a few bob, (*Laughter*) as I say, and I think it is all right for her.

I mean, I can have total and utter empathy with the likes of these people – it is hard enough, as it is, when you get old and you have got no one who can give you a lift, or give you a hand, and, let us be honest, that the entrance hall was cut down by a third in our time, as a Member for Health – the issue of they can go and sit in the main entrance area, but, to be fair to these people, they cannot just get off and run off down the street like five-year-olds, and I think it is important, and it is no use us spending all this money on health care, and we are going to let them catch pneumonia waiting for a bus.

And I think, whilst I would rather have seen, on this Agenda Paper, other issues that are far more important to this Island, far more important about the new hospital, this is an important factor for the old, the sick and the ones that have not got a few bob in their pockets. It is important, and I hope the Minister will give a nod that he is prepared to do a PR exercise on that, and then I think everybody would agree with the amendment.

But I would just ask – and, unfortunately, the Minister

has sat down now – we spent a fortune on the commissioning body, apart from the administration body, and I just wondered what did they do, how much the commissioning body cost us. These are the sort of simple things that that commissioning body was supposed to liaise, sort out and help the administration, because, I mean, what happened there, but then there are a lot more questions that need to be asked about the new hospital.

**The President:** Mr Henderson to reply.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I think this debate really shows the breadth and depth that a Member of Tynwald has to work to. Yesterday I was contributing to the European and Economic Strategies – and I have had a note from Treasury, requesting a copy of my speech and input into that – today we are looking after our elderly and infirm folk, and what the high and mighty in here seem to consider as a trivial issue.

It is not trivial to the – and all credit to the Tourism Minister, it is not trivial to him – but it is certainly not trivial to the people who are affected, and the people who were complaining, it is not trivial to them, and that is why I am here. I have been trying all summer, I have written letters, and I have got fed up, to be quite honest, because, yes, improvements have been made, but complaints have still been coming. That is why we are here, and I reserve my right to place a properly-worded motion, within Standing Orders, at any time. But, yes, indeed, by the dozen if necessary.

With regards to the Tourism Minister's input, fair-do's to that, the amendment is fair enough, which I can go along with, but we will be monitoring it, and, if necessary, we will be back!

I think I have sorted Mr Quayle's queries out, with regards to what motions I may and may not put in. But, certainly, one thing struck me, there is a bus service to Newlands, which does not go to the main entrance of the new hospital. I am sure we could tie it up, as the Health Minister said. That just might be the answer to some of it.

I thank Mr Gawne for his input, Mr Gill for his input, and I thank Mr Karran for his input, and I would ask all Members to support me with the amended motion, so that we can keep the situation under review.

Thank you, Eaghtyrane.

**The President:** Hon Members, the motion that I put is at 46 and to that you have the amendment moved by the Hon. Member, Mr Cretney. Those in favour of the amendment please say aye; against, no. The ayes have it. The ayes have it.

Motion as amended, Hon. Members, those in favour please say aye; against, no. The ayes have it. The ayes have it.

**New Hospital  
Prosthetics Clinic  
Motion withdrawn**

47. The Hon. Member for Douglas North (Mr Henderson) to move:

*That Tynwald is of the opinion that the current services*

*offered at the new hospital, at the Prosthetics Clinic, are totally inadequate and humiliating to the disabled members of our community who have to use this service, and that it is embarrassing and requires urgent and immediate upgrading to properly and adequately meet the needs of people who use this clinic.*

**The President:** Item 47. Member for Douglas North.

**The Speaker:** Point of order, Mr President. Standing Order 2.9: I wish to raise under that an adjournment matter and that is that all remaining business on the Order Paper be adjourned until 10.30 a.m. on Friday, 24th October 2003.

**Several Members:** Oh, no.

**Mr Duggan:** Could I move, sir, that we sit until half past nine.

**Mr Downie and Another Member:** Hear, hear.

**Mr Henderson:** I second the Speaker, Eaghtyrane.

**The President:** Hon. Members, I am not prepared to sit on Friday, 24th. (**Several Members:** Hear. Hear.) It is as simple as that, there will be no sitting tomorrow, as I have made perfectly plain to Members who have asked previously.

**The Speaker:** With respect, Mr President, that is a matter for Tynwald Court; it is in Standing Orders.

**The President:** It is a matter for Tynwald Court to decide. Item 47.

**Mr Henderson:** Gura mie eu, Eaghtyrane. I wish to withdraw this particular item on the Agenda Paper.

**A Member:** Good man.

**Villa Marina  
Douglas Corporation former employees'  
outstanding pay**

**Amended motion carried – Select Committee appointed**

48. The Hon. Member for Douglas North (Mr Houghton) to move:

*That Tynwald approves the appointment of a Select Committee of three Members to investigate the reasons behind Douglas Corporation's denial to settle outstanding pay due to its employees, following the transfer of the Villa Marina to Government.*

**The President:** Item 48, Mr Houghton.

**Mr Houghton:** Thank you, Mr President.

I rise to ask for the Court's indulgence in appointing a select committee of three Members to investigate the background of the reasons why Douglas Corporation went to such great lengths to deprive two of its former employees, who remained at the Villa Marina until its closure and

transfer into Government hands on 14th March 2000.

The employees were Mr Martin Blackburn, who was General Manager, and Mr Noel Quigley, who was employed as Bars Manager, right up until the date of the closure of the premises. Both Mr Blackburn and Mr Quigley worked like trojans during the latter months. Staff had been shed as time went along, which placed a heavy burden on Mr Blackburn and Mr Quigley.

Mr Blackburn's contract was such that he was a salaried employee of Douglas Corporation, and Mr Quigley was paid under Whitley Council conditions. The operational workload and responsibilities of those operating the Villa Marina dictated that many hours would be undertaken during pressure periods, when the Villa Marina was heavily committed, and time off in lieu of these additional hours worked were claimed when activities at the Villa Marina went quiet.

Due to the gradual reduction of staffing, it was virtually impossible for both gentlemen to take time off in order to reduce the accumulation of hours owed to them. In fact, as the closure of the Villa Marina drew closer, the premises actually got busier, thus placing a further burden on the remaining staff.

During one occasion, when one of the final concerts was being held, leading Councillor, David Christian, approached Mr Blackburn and Mr Quigley and personally thanked and complimented them on behalf of Douglas Corporation for their wonderful work. He also took the opportunity to assure them that all moneys due to them in respect of additional hours worked would be settled in full by the Corporation, before they ended their employment at the Villa Marina.

So much for those words of consolation given by Mr Christian at that time. Mr Blackburn and Mr Quigley received their final pay cheques, following their departure after the closure of the Villa Marina, and were flatly refused payment in respect of the additional hours worked. This was a very serious matter, when one takes into account that Mr Quigley had himself worked an extra 564 hours alone.

Those hours had been properly recorded and confirmed by Douglas Corporation as a true and accurate record, but they vehemently refused to pay up. They owed Mr Blackburn over £11,000 and Mr Quigley almost £8,000. When one takes into account the large additional profits made by the Corporation in respect of the Villa's bar sales, their payments were truly justified on that performance alone.

Legal action soon began, with both gentlemen going down the road of an industrial tribunal hearing. Mr Quigley later pursued his claim through the High Court, which soon ran into severe delays, when Jeremy Callin, the Corporation's advocate, denied the Corporation was liable to pay any arrears owed to its former employees at all, because the premises were now owned by Government and that it was the Government's liability to pay the overdue wages - a rather unbelievable contention.

How could this be, when the work was being undertaken during the Corporation's ownership of the Villa and they were employed by that local authority at that time? This unbelievable farce was then dragged through the courts at enormous cost to the Corporation alone. A judgment was delivered by Deemster Cain on 12th September 2001, which consisted of some 15 pages, holding the Corporation liable to pay its former employee, Mr Quigley.

While this was going on, the Corporation once again,

through its advocates, at an enormous public expense, was busy throwing a spanner in the works with Martin Blackburn's claim via the industrial tribunal avenue. Mr Blackburn was also placed under huge stress at that time, with real threats of Mr Callin's fees being charged to him if his claim failed. Due to the dreadful and underhanded tactics of Douglas Corporation, through its advocate, who continued to deny payment to Mr Quigley, after they lost their court case, Mr Quigley contacted me to see if I could assist him to further his claim.

By this time Mr Quigley's advocate had pursued this matter relentlessly and was being paid for his professional services by Mr Quigley's union - the Transport and General Workers. The documentation of background papers and evidence collated had, by this time, amounted to some four lever arch files.

On commencing pursuit of Mr Quigley's interests in October 2001, I began to pursue Councillor David Christian. I met with him once in the early days and obtained an assurance from him that he would do all that he could to resolve the matter. Then I got the cold shoulder from him and, following numerous telephone calls, and I mean hundreds of calls to his home and mobile telephone, it was quite clear that he was running away from his responsibilities. I detected David Christian was managing to ignore my calls when I was aware he was answering calls from other people on his mobile 'phone, so I rang him from an alternative 'phone and caught him out on many occasions, (*Laughter and interjection.*) only to be promised the world, Mr President, but nothing further would materialise from that man.

It became quite apparent that Mr Christian was being shackled by the Town Clerk of Douglas, (*Expressions of disapproval*) a stance which continued throughout my campaign in support of Mr Quigley's claim. I entered into correspondence with the Town Clerk, and, later, with Jeremy Callin, advocate, only to be fobbed off with holding letters or being completely ignored. I contacted Councillor Mrs Doreen Kinrade.

Mrs Kinrade held similar views to myself and we set about working together in support of a fair and proper resolution. In February 2002 a sum of £3,891.60 was offered as full and final settlement to Mr Quigley's claim. That sum amounted to exactly half of what was owed. The offer was turned down on principle.

Mrs Kinrade raised the matter at the Town Hall, time and time again, and, in June 2002, when she raised the issue once more, this time with Jeremy Callin, he was most angry with her for pursuing this matter thus far. However, Mrs Kinrade's efforts appeared to be paying off, as an offer of £6,000 was made to Mr Quigley, following a Corporation meeting, but only to be reneged on by the Corporation in late June 2002 at a further policy and resources committee meeting.

In July 2002, Mr Quigley's advocate stood down and I took over full responsibility of pursuing Mr Quigley's interests. Evidence was uncovered regarding a memorandum from the Deputy Chief Executive of Douglas Corporation, dated December 1999, which recommended that Mr Quigley be paid at time and half for the additional hours that he had worked.

This was put to the Corporation advocate, only to be ignored once again. Mrs Kinrade and I carried on relentlessly with our measured, but determined pursuit of a satisfactory

resolution. We were being constantly fended off by Mr Callin, with the Town Clerk hiding in the background. An interesting scenario was exposed that Mr Callin, in replying to letters from me, would state, of course, that he was taking advice from his client, but, when pressed, he admitted that his client was, of course, Douglas Corporation.

It was most interesting, though, Mr President, to note however, that most councillors who made up the representation of Douglas Corporation were in agreement and in favour of paying Mr Blackburn and Mr Quigley.

When I tried, on a number of occasions, to bring a councillor with me to see the Town Clerk and Mr Callin, the advocate, or either official, alone, we were continually denied that opportunity. In September 2002 Mr Blackburn's tribunal hearing took place. It disgusts me to report that an attempt to mislead the tribunal was made by Mr Callin. At the beginning of the hearing, the Town Clerk was present and Mr Callin's introduction included him as a named witness to the hearing.

When the Town Clerk was required to give evidence, he was not present and the advocate denied that he was ever to be called. The chairman of the tribunal had to remind Mr Callin of his original contention given to the hearing. This, however, unfairly denied Mr Blackburn the opportunity to cross-examine the Town Clerk. David Christian attended as the Corporation's witness, however, and Mr Quigley attended to support Mr Blackburn. This hearing should not have been allowed to go ahead in the first place, because Mr Callin, when asked by the tribunal to give evidence to defend the Corporation, failed to offer any defence at all.

In March 2003 the tribunal delivered its judgment in favour of Mr Blackburn. What a complete waste of time and money spent by Douglas Corporation trying to defend the indefensible. The only thing that the Corporation was successful at was to baulk and delay the progress of Mr Quigley's claim during the adjournment of Mr Blackburn's case, pending judgment, at more excessive costs to the ratepayer, I might add.

Following Mr Blackburn's well-earned success, pressure was finally brought about on the Corporation to settle Mr Quigley's claim in full. Douglas Corporation proved themselves as either hard learners, or poor losers, because they continued to spend a fortune trying to defend themselves from meeting Mr Quigley's claim in full.

In another letter written by Mr Callin, dated 24th April 2003, they made an offer of settlement at single time, rather than time and a half. This again was firmly rejected. When was Douglas Corporation going to learn that we were not going away? The resolution rested in the hands of Mr King and Mr Callin at that time.

More correspondence and more delays and denials followed, but Mr Blackburn eventually received his settlement cheque on 8th May this year. On 29th May I wrote to all the town councillors, appealing for this matter to be resolved by settling with Mr Quigley. With the exception of Inkerman Faragher and, of course, Mrs Kinrade, no other replies were received from anybody else.

A notable respondent, whose awaited response, of course, never materialised, was leading councillor David Christian, the man who promised all, but did absolutely nothing.

**Mr Cretney:** What's new?

**Mr Houghton:** Indeed. Mrs Kinrade and I continued with our pursuit of what we believed to be right, and, on 29th May 2003, I issued a final demand for the full amount of the claim to Jeremy Callin and on 3rd June Mrs Kinrade again brought the matter up at a policy and resources committee meeting, only to be rejected once again.

We amended our tactics at that point and Mrs Kinrade called a special meeting on 28th June this year, with officers and other councillors, and told them that, if this matter was not resolved, I would be taking the Corporation to an industrial tribunal. The next day settlement was agreed and the claim paid in full, and a cheque immediately issued to the Industrial Relations Officer.

Mr President, this tale is all about the deep intransigence of Douglas Corporation, who must have spent at least two, if not three, times the amount of total moneys owed to Mr Blackburn and Mr Quigley.

Right from the word go, the Corporation were pursuing a lost cause, but why? The reason why soon became apparent to me, when I started to investigate this disgraceful matter. For the Corporation to continually deny payment of its dues in a right and proper manner to its former employees, who were loyal and industrious and honest workers, says a lot about the local authority, especially when the majority, if not all councillors, wanted to see a satisfactory resolution.

Mr President, this was a lost cause. It went on for some three years and put two highly respectable men under immense pressure, whilst trying to fight for what was rightfully and legally theirs.

I would ask this Hon. Court to support my motion today by asking for an appointed select committee to find out whether the Corporation acted properly by spending a large amount of ratepayers' money on legal action. I would also ask them to accurately identify how much those legal costs amount to. I repeat, I would like the committee, if so appointed, to identify exactly how much those legal costs amounted to.

In addition, Mr President, I would be grateful if the committee could report within their findings whether an advocate working for a local authority, with a seemingly bottomless pit of financial resources, should, by acting in the interests of those ratepayers, give advice in circumstances such as this, that continued legal assistance would be declared as improper and, therefore, would withdraw, and, whether in these circumstances, as this matter develops, a halt should have been made to further proceedings in the ratepayers' interest.

Finally, Mr President, I would ask that a proposed cost benefit appraisal policy be considered by such a committee as to be appropriate for local authority politicians, in order for them to be kept aware of similar, long running legal matters and their relevant and ongoing costs, for consideration of merit and worthiness for that case to continue. This case should put a stop to dirty tricks, such as happened in this case. The continuing legal cost of such a lost cause was withheld from Douglas Town councillors and this information was even denied to the Minister for Local Government and Environment when she was preparing an Oral Answer for this sitting of this Hon. Court.

In closing, Mr President, I would take this opportunity to pay tribute to Councillor Mrs Kinrade, (**A Member:** Hear, hear.) for the high principles she displayed as she conducted herself throughout this sorry episode.

I beg to move, sir.

**The President:** Hon. Member, Mr Karran.

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

**The President:** Hon. Member, Mrs Christian.

**Mrs Christian:** Mr President, I think the hon. mover has made a very eloquent case and explained the background very well. I just wonder if we could have some advice from the learned Attorney, please, on the powers of a select committee -

**Mr Houghton:** To look into.

**Mrs Christian:** - to effectively carry out what the Hon. Member seeks. I am not quite clear at the moment whether select committees would have appropriate powers to demand that people come and give evidence.

**Mr Houghton:** Can I, Mr President, before, perhaps, the Hon. . . just as a point of order, sir, before the Hon. Member . . .

This matter has now been concluded. I did say it earlier in my speech. It has been concluded. So it is something that we are looking at after the fact, of course.

**Mrs Crowe:** What about the cost to the ratepayer?

**The President:** Mr Attorney, are you going to say anything?

**The Attorney General:** Mr President, I am sorry to be imprecise, but my recollection is that there is power under the relevant legislation for the chairman of the committee to summon witnesses and to produce documentation. Perhaps I might be allowed to research that and -

**A Member:** The 1876 Act of Proceedings, I think it is.

**The President:** I am sure we can.

**The Attorney General:** Tynwald Proceedings Act. (*Interjections.*)

**Mrs Hannan:** Yes, here it is. It is here - 1876, sections 3 and 4.

**The Attorney General:** There we are.

**The President:** We can subpoena.

**The Attorney General:** Well, I think that must be so, Mr President. Of course, as the hon. mover of the motion states, this is a matter which has already been dealt with -

**Mr Houghton:** It has been dealt with, sir.

**The Attorney General:** - and the merits of the case have been adjudicated and this is sort of looking back to the conduct of the local authority. Yes.

**Mr Cannan:** So let us move on, then.

**The Attorney General:** Thank you, yes. I am most obliged to the Learned Clerk, Mr President.

It is, as has been mentioned, section 3 of the Tynwald Proceedings Act 1876.

Witnesses may be summoned to appear before the Court or either House or a committee specially empowered by the Court or either House to take evidence and the production to the Court or either House or a committee of papers, documents or records

and so on.

The attendance of witnesses and the production of documents may be enforced by summons and the witnesses may be examined on oath.

Mr President.

**Mr Cannan:** Right. Can we go home, Mr President?

**The President:** Right. Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane. I have to say I was lined up to have the motion seconded, but I am happy to third it and can say, with all honesty, that my hon. colleague and friend has worked hard and long on this particular case. (**Several Members:** Hear, hear.)

It is one of those matters that comes to our attention, now and again, that is clear and there are obvious mistakes and blatant disregard to proper rules and procedures, and it is one of those things that you can either take up or let go and lessons will not be learnt for next time and the same thing will happen in the future. I am glad to say that my hon. colleague has acted with integrity on this matter and has done the honourable thing and seen it through to the bitter end and I fully support his endeavours here tonight and I hope all Hon. Members can support a select committee on this issue.

It is somewhat sad that I have to say, Eaghtyrane, that it is a sense of *deja vu* from almost four years ago, when we had a similar scenario over the valuation situation with the Villa Marina, when Douglas Corporation decided, in their wisdom, to test the charitable status of that complex in the Court and brought a barrister/QC from the United Kingdom to do so. They had advocates, Jeremy Callin as his adviser, and the legal adviser present, and the Town Clerk present in the back of the Courtroom for the entire proceedings.

I have yet to discover, after many requests, the cost to the Douglas taxpayer of that futile situation and needless spending of Douglas rates' money and, in fact, I am still waiting for responses to clarifications, as a Douglas ratepayer, to a breakdown of my rates bill, for which I filled in the forms and have requested.

I think Mr Houghton is fully justified in what he is saying here tonight and from what I know of the case, Eaghtyrane, and I fully support him.

**The President:** Mr Speaker.

**The Speaker:** Yes, thank you, Mr President.

The issue of summoning evidence et cetera has been raised and it has become the normal practice to endeavour to include in a motion the powers, as given under the Tynwald Proceedings Act of 1876, and, therefore, to be helpful, I would propose an amendment to the motion on the Order Paper, which says,

*'after "Government" add "with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876".'*

I think it is important that the select committee does not have to come back here for those powers, (**Severall Members:** Hear, hear) in case there are any problems and I beg to move.

**The President:** Hon. Member, Mr Quayle.

**Mr Quayle:** I beg to second.

**Mr Cannan:** Vote.

**The President:** Mr Houghton, do you wish to reply, sir?

**Mr Houghton:** Yes, sir, just to thank all who have spoken, to thank my seconder, Mr Karran, Mr Henderson, who does have a thorough understanding, and also the fact that Mr Henderson did allude to another similar scenario of sheer waste of ratepayers' money from that local authority, who must be investigated, sir. And I thank Mr Brown and I do accept his amendment, sir, to this and I thank him for his advice on that.

I beg to move, sir.

**The President:** Hon. Members, you do not have the amendment moved by Mr Speaker in front of you, so I propose, Hon. Members, to read it to you, before I invite you to cast your vote on it.

The amendment, as moved by Mr Speaker, will be to add after 'Government', in other words at the end of the paragraph on your Order Paper, to add the words: 'with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876.'

We will take the complete sentence: 'following the transfer of the Villa Marina to Government' and then add: 'with powers to take written and oral evidence', Hon. Members if you are happy. Anybody want to query that – the additional words to the original paragraph? Those supporting Mr Speaker's amendment, please say aye; against, no. The ayes have it.

I, therefore, put to you, Hon. Members, the motion as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, Hon. Members, we had a short discussion some time ago as to whether we should sit. I was suggesting maybe 9 o'clock to 9.30, Mr Speaker was suggesting half past eight. We are now splitting that at almost 9 o'clock. I am in your hands again, Hon. Members.

**Mr Karran:** I move that we keep on going until we finish the agenda. (**Severall Members:** Hear, hear.)

**Mr Duggan:** Seconded, sir. We are near the end now.

**The President:** Okay, Hon. Members, item 49.

**Mr Quayle:** Point of order, sir.

**The President:** Oh, yes, we have to elect a committee first. (*Laughter*) Nominate three, please.

**Mr Quayle:** I propose Mr Houghton, Mr President.

**Mr Henderson:** I second Mr Houghton.

**Mrs Christian:** I beg to move Mr Henderson.

**Capt. Douglas:** I second Mr Henderson.

**Mr Rimington:** I propose Mr Gawne.

**Mr Karran and Mrs Hannan:** I second Mr Gawne.

**Mrs Crowe:** I propose nominations are closed.

**Mr Corkill:** Mr Karran I was going to propose.

**A Member:** I second Mr Karran.

**A Member:** I propose Mrs Cannell, sir.

**Mr Gill:** I second Mrs Cannell, sir. (*Laughter*)

**Mrs Hannan:** Could I propose Mr Singer, Member of Council?

**Mr Anderson:** I will second Mr Singer.

**Mr Singer:** Thank you very much.

**Mr Karran:** I propose Mr Duggan, as he has a long experience of representing Douglas.

**Mr Singer:** I second Mr Duggan.

**Mr Braidwood:** I propose nominations close, Mr President.

**The President:** Hon. Members, we have had that thrown at me twice. We have, I think, seven candidates. Okay.

Once the ballot papers are distributed, Hon. Members. As soon as you have got your ballot papers, the Clerk will read the nominations.

**The Clerk:** Mr President, the Members nominated are Mr Singer, Mrs Cannell, Mr Duggan, Mr Gawne, Mr Henderson, Mr Houghton, Mr Karran.

**The President:** Mr Waft act as teller, please.

**The Speaker:** Mr Downie please for Keys.

*A first ballot took place.*

**The President:** Hon. Members, the result of the ballot is that: Mr Singer received 10; Mrs Cannell received 15; Mr Duggan received 11; Mr Gawne, 7; Mr Henderson, 8; Mr Houghton, 22; and Mr Karran, 5.

The result of that ballot, Hon. Members, is that Mrs Cannell and Mr Houghton are elected. We require to elect one more, Hon. Members. The five remaining people on the ballot paper are Singer, Duggan, Gawne, Henderson and Karran. All remain within the ballot, Hon. Members. You have got your ballot papers, Members. Please, voting for one. The Clerk will read the names.

**The Clerk:** Mr Singer, Mr Duggan, Mr Gawne, Mr Henderson, Mr Karran.

**The President:** Same tellers, please.

*A second ballot took place.*

**The President:** Now, Hon. Members the result of that ballot is that Mr Singer got 5; Mr Duggan got 10, Mr Gawne got 5; Mr Henderson got 5; Mr Karran did not receive any votes. Hon. Members, none received the required majority. We will drop Mr Karran off and re-vote.

**The Clerk:** Mr President, the Members remaining are Mr Singer, Mr Duggan, Mr Gawne, Mr Henderson.

**The President:** Same tellers complete the ballot, please.

*A third ballot took place.*

**The President:** Hon. Members, the result of that ballot is that Mr Singer received 5; Mr Duggan received 16 (**Several Members:** Hurrah); Mr Gawne received 4; and Mr Henderson received 1. I have to announce, therefore, that the committee consists of Mrs Cannell, Mr Houghton and Mr Duggan. Congratulations, Hon. Members.

**Villa Marina  
Wurlitzer Organ  
Amended motion carried**

49. The Hon. Member of the Council (Mr Singer) to move:

*That Tynwald is of the opinion that the Department of Tourism and Leisure should arrange for the installation of the Wurlitzer Organ in the Royal Hall of the refurbished Villa Marina.*

**The President:** We now turn to item 49 and I call on the Hon. Member of Council, Mr Singer.

**Mr Singer:** Thank you, Mr President.

I think this one should be really easy, after the last. Mr President, this motion is worded so that the Hon. Minister of Tourism can explain to this Hon. Court and, of course, a very interested general public, why the Wurlitzer organ should not be installed in what many hundreds of people believe is the ideal place, that is, the Royal Hall of the Villa Marina.

I know that there are Hon. Members who dislike the Wurlitzer as an instrument, but I ask them to make a judgement on the overall appeal to both visitors and local people, which will very much depend on where the Wurlitzer is installed.

There were, initially, two options to the Wurlitzer, because it has to be moved from Summerland because of the impending demolition. The first option was to find a new, and I would contend, a distinguished, home for a musical instrument of such tremendous power and wide spectrum for entertainment, or the second option was to sell it or scrap it.

I am content that our Hon. Minister and his Department did not choose the latter course. However, I am unhappy at the decision, where it is eventually proposed to install the Wurlitzer in the Villa Marina arcade.

The proposed state of the Wurlitzer has been the subject of two Petitions of Grievance, which I will refer to shortly,

but time is of the essence and that is why I have chosen to bring this motion before Hon. Members today.

I can inform, Hon. Members, that I have presented a Petition on the installation of the Wurlitzer in the Royal Hall to the Minister of Tourism. It has over 3,300 signatures and I would pay tribute particularly to Frances and Tom Thorpe for their efforts. I would briefly like to relate a little of the history of this particular instrument, so that Hon. Members will get a full picture of the events that have brought us to the present position and I hope that, at the conclusion of this debate, we can be sure that decisions are not made for the wrong reasons, or for no reasons at all.

It has been known for eight years or more that the Wurlitzer organ would fit into a refurbished Royal Hall, even during the time that the Villa Marina was still in the ownership of Douglas Corporation. However, to go back to the beginning, in 1987, Gaiety Manager, Mervyn Stokes, and Dr John Bethell, viewed and purchased the Wurlitzer organ for £25,000 and it was installed in Summerland, at a cost of £44,000.

While the original intention was to install the Wurlitzer in the Gaiety Theatre, a recommendation was made that it should go in the Villa Marina, but it ended up in Summerland. Expert opinion, which I will refer to later, says it is an extremely bad installation in Summerland; for example, the large sound time lag and the shutters not working and of incorrect length.

When the decision to refurbish the Villa Marina was proposed, views were expressed that the Wurlitzer should be installed in the Royal Hall, but the Department said it would not fit. Dr Bethell from the Arts Council had had previous discussions with the architect, the late Ian Brown, in Mr Brown's office, where there was a scale model of the Villa Marina. They both went to the Villa and agreed it could fit in easily. The fact that the Wurlitzer could fit into the Royal Hall and how it would be installed was reported to the music panel of the Arts Council and I am sure it is also a fact, if the architect's brief had been to fit the Wurlitzer into the Royal Hall, then it could and would have been done.

Therefore, I do not think it takes much thought to realise that the Tourism Department decided, as a policy, that they did not want the organ in the Villa Marina. At the end of the year 2000, Mr Lowey MLC, said that the Department would love it in the Villa, but it would not fit. This is not in line with the views of the architect at that time.

On viewing drawings, showing the Wurlitzer installed at the Villa, the former Member for Glenfaba, Mr Walter Gilbey, formed a committee which met with the Tourist Board at the Sea Terminal on 19th July 2001. At that meeting, where the drawings by Mr Tom Thorp, who is an engineer, were presented, the Minister unfortunately had to leave almost immediately, but he stated that Mr Lowey MLC, was in charge. Also present at that meeting were Mr Mike Ball, Mr Steve Dawson, the Manager of Summerland, Mr and Mrs Thorp, Geoff Corkish, Peter Jones, the organ builder at St John's, and Minister Gilbey.

**A Member:** And Kenny Radcliffe.

**Mr Singer:** I beg your pardon, Mr Radcliffe. Thank you.

It was suggested by Mr Lowey that a meeting be held with the architect two weeks later and Mr Lowey said that, if it could be fitted, Mr Brown was the man to give it the 'wow factor' and he would love to see the Wurlitzer in the Royal Hall.

There were already, as I have mentioned, 1996 plans showing the Wurlitzer being accommodated in the Royal Hall and a set of plans for Douglas Corporation. That meeting took place two weeks later and I think it is of extreme relevance to realise that, at this date, work on the Villa Marina had not yet commenced and the Villa did not close for another two months.

At this meeting with the architect no real faults were found with Mr Thorp's plans and it was only two hours into the meeting when it was declared, 'Well, you know it is a fire hazard.'

Contact was made with the Chief Fire Officer, Mr Heap, over this claim. He asked for and was provided with the full drawings and declared by letter that there was no fire hazard. The Department does have a confirmatory letter to that effect.

It would be interesting to know on what grounds that fire hazard statement was made, because, clearly, the fire authorities were not asked by the Department to comment and it does appear somewhat of a knee jerk reaction, as the Department had decided that, despite what they might say in public, they did not want the Wurlitzer installed in the Royal Hall.

There is another reason for objection. You cannot get a wheelchair from the rear of the stage onto the stage if the Wurlitzer is installed in the Royal Hall. First of all, I do not think anyone is aware of an artist in a wheelchair ever performing on the stage of the Royal Hall. However, it has been shown that a normal wheelchair can be manoeuvred successfully, and the building regulations officer of Douglas Corporation has said that, anyway, there is flexibility in the regulations.

The message to me comes over quite clearly: the Department do not want the Wurlitzer in the Royal Hall, full stop. Now, neither the Minister of Tourism, nor his colleagues, would claim to be experts on Wurlitzer organs and neither would I. They have engaged Mr Len Rawle, an international organist and consultant, to dismantle the Wurlitzer and place it into safe storage until its re-installation in the shopping arcade in a few years' time.

One genuine fear of the Wurlitzer's supporters is that, in a few years, it may be said that the parts did not store well and, therefore, the Wurlitzer cannot be rebuilt. I can assure Hon. Members that, unfounded or not, with much depending on the Department's policy in the future, that fear is absolutely genuine.

Accepting that Mr Len Rawle is the expert on Wurlitzer organs, I would like to refer to a report of October 28th 2001 on the Isle of Man Wurlitzer by Mr Rawle. This report I have here and is available to Hon. Members who would like a copy and I believe that ignoring this independent advice from Mr Rawle has tipped us into the situation in which we now find ourselves.

First of all, his comments on the Wurlitzer itself,

The Wurlitzer is an Opus 2081 built in 1929, with two manuals and nine ranks, very similar to the original Tower Ballroom Wurlitzer in Blackpool. It was originally installed in the City Theatre, Leicester, and then subsequently privately owned by Mr Donald Hickling, who enlarged it. In 1929 its original price would have been about £8,000.

Now Mr Rawle's comments on Summerland,

The acoustics are not suited to live acoustic non-amplified music. The stage on which the organ console is situated is at an uncomfortable

distance from the pipe chambers, from a performer's point of view. The organ's pipe chambers are located to the rear of the snack bar facility. This severely restricts the egress of the sound emanating from the high level swell shades.

Mr Rawle says that the actual installation was impressive and the working parts in good condition, but the console, being situated at the furthest possible point from the chambers, and with so little volume coming into the main body of the hall, only the most experienced performers could handle this situation, and this, Hon. Members, explains why the first Summerland concerts attracted 700 people or so, but the organists would not return, and the Wurlitzer lay virtually dormant for 15 years.

On October 2nd 2000, when one of the resident organists of Blackpool Tower was on the Island, there was a concert arranged at Summerland. His reaction to trying to play our Wurlitzer was somewhat of a surprise. He stopped during his first piece to apologise for not being able to perform, because of the unacceptable installation of the instrument. Hon. Members, I was privileged last Friday to go down to Summerland and listen to the organ being played and I can quite understand why that comment was made.

In conclusion, Mr Rawle said,

The condition of the organ is well above average and is virtually as original. It is a quite rare model Wurlitzer, which, in the right environment, for its size could give world-class performances and produce excellent recordings and broadcasts.

He then says,

Sadly, I have to report that this is the least effective theatre organ installation I have encountered in 40 years' association with these instruments and it does no-one credit to present it publicly.

Mr Rawle then comments on possible venues, excluding, I am glad to say, the back of the Sefton, the Sea Terminal Building and the sea end of Ramsey Pier, which I understand were mentioned within the Department. We will be getting the Nunnery suggested next!

Mr Rawle visited both the Royal Hall and the arcade. He says – now this is Mr Rawle's quote in 2001,

The Royal Hall is a lofty, octagonal building with excellent spatial and non-resident acoustics which are perfect for acoustical musical performance, such as orchestras, pianos and organs. Although space behind the side walls is limited, shallow organ chambers are to be preferred in such a building, the better to force into the hall the original tones of the Wurlitzer. The evenly balanced walls would create a perfect stereo image for the two pipe chambers. Reverberation is ideal at 2.5 seconds.

He continues:

As a concert/multi-function room, the Royal Hall would complement perfectly the character and usefulness of a Wurlitzer. I highly recommend that every possible attempt be made to overcome whatever challenges may arise to achieve its installation within the Royal Hall.

Despite all this expert comment and the experience of organists unable to play one poorly installed in the wrong environment, the Department is determined to knowingly go down what I think is the wrong path, spending considerable amounts of money, yet bringing about the same disastrous results.

Mr President, I would remind Hon. Members that the Department had Mr Rawle's report in October 2001 and

also plans drawn up and Mr Thorp's plans accommodating the organ in the Royal Hall.

Mr Rawle then commented on the Arcade. He said he was told that the Arcade was to be re-roofed and the shops dispensed with and the floors to be levelled as far as possible. Currently, he said,

the reverberation time is 1 second and, with parallel walls and a long narrow structure, the sound of any musical instrument is likely to be local to itself. Basically, it will not produce the right sound.

He says that

It is unlikely that such an installation would give the best musical experience.

Of course, the plans now, I understand, are that, within the Arcade, there will be toilets, a café, quality shops, a booking office for the Gaiety and the Villa Marina. Surely no-one can believe that this is conducive to a concert hall and multi-purpose function room. It is planned to install a magnificent Wurlitzer in a shopping arcade.

Mr Rawle, in his report, finally concluded,

I sense we are all agreed that such a special Island would enjoy and benefit from the best possible installation of such an example of Wurlitzer's work. Eminently useable for a great deal of music of today and yesteryear, it should not be allowed to become a curio/museum piece.

Mr President, I think the report in October 2001 by Mr Len Rawle is crystal clear in its direction. There are Wurlitzers, many newly installed throughout the whole of Great Britain, and if I can just give you a few examples.

In Stockport Town Hall there is a £1 million restoration; the Granada in Harrow has a Wurlitzer; Wolverhampton Town Hall; the largest public hall Wurlitzer is in the Worthing Town Hall; Thursford museum has a resident organist and twice daily concert; Castle Hill Church in Ipswich is used for church services and afternoon theatre organ concerts, and there is never an empty seat; there is a Wurlitzer at the South Bank University and a second Wurlitzer has been installed in Blackpool in the Winter gardens. And, while those authorities are proud to have their Wurlitzers entertain their public to maximum effect, here in the Isle of Man, where we own one of the finest examples, we are going to put it in a shopping arcade with a miserly 100 or so seats, a place where dampness will penetrate through the doors from the sea. A Wurlitzer needs to be in a place where the temperature limits are controlled and, certainly, where there is no dampness.

Very few people are going to make the effort to come to the Island to play the instrument when it is in such an uninspiring and unsuitable venue. Very few will turn out to sit in one of the 100 or so seats in an arcade with people walking past with shopping bags and noisy children. The Department, I believe, has produced a recipe for failure. They will be spending a great deal of money and we do not know how much, to produce a museum piece. That is not what the people want. They want to be able to sit comfortably in pleasant surroundings for an afternoon or evening, listening to a powerful instrument played by top-class musicians and producing the full sound and quality it was meant to produce. They want to be able to dance to the music and buy a drink and chat to their friends in a convivial atmosphere. I doubt if anyone can believe that those needs

can be achieved by placing our Wurlitzer in the Arcade.

On October 2nd I heard Mr Mike Ball on Manx Radio, saying he thought the Royal Hall would bring back the days of the thirties and forties. What would be more compatible, then, with those aims than the Wurlitzer organ? Now I have heard my colleague, Mr Lowey, on the television, saying it is too late to change anything. The Hon. Member of Council said the following,

It can't go in the Villa Marina Hall now, even if it wanted to, because of the advanced stage of the building. Of course, they will claim it can. Of course, it can be done at an exorbitant price. We started from the same premise, it couldn't be done. This has been explained time after time and the people of the Isle of Man, when they see the finished job, will be proud of what we have achieved on their behalf.

Yes, as Mr Lowey says, 'It can be done.' And I believe it is not too late. It may produce a delay, but it is worth spending the money to get it right for the many years ahead, rather than spending money, as proposed, to get it wrong. The extra, after taking into account what is going to be spent in the Arcade, anyway, is a tiny proportion of the overall £16 million and that cost would be more than compensated for by the extra income from the Wurlitzer organ experience, promoting an asset. There is a clear business case for the Royal Hall containing the Wurlitzer.

At the end of the last session, Mr President, we were told, when discussing proposals for the new Summerland complex, that it was too late to change their proposals. For the Department of Tourism, it appears it is often too late. I am of the opinion that the Department realise now that the Arcade cannot buy off the Wurlitzer supporters, nor would any plan which might suggest an alternative of installing the Wurlitzer at some unspecified future date in the new Summerland complex. It would be totally unsuitable to place it in an ice rink, doubling as a five-a-side football pitch, and, of course, this Hon. Court was clearly told by the Department of Tourism three months ago that no changes can be made in the Summerland development plans, because the developers would, most likely, walk away. So that, of course, is basically a non-starter.

I would say to Hon. Members that, in view of the overwhelming public concern, and that it is a known fact that the Royal Hall is a suitable venue, it is not too late to recover the situation, where money is planned to be spent on a project that will produce a damp squib, even if it ever came to fruition.

The future of the Wurlitzer Organ has been the subject of two Petitions of Grievance, in 2002 from the former Lieutenant-Governor, Sir Laurence New, and, in 2003, from Mr and Mrs Thorp.

The petition of 2002 says that the Department's objections have proved categorically incorrect and I believe that I have shown that today.

Examples are given of many of the uses the Wurlitzer would have within the Royal Hall, including the Manx musical calendar, such as accompanying brass bands, choirs, the Guild and organ festivals, tea dances, ballroom dances, Christmas carol concerts, to name a few. The Petition sums up the situation by saying,

These instruments were built for entertaining in places of splendour .

I do not think anyone can dispute that statement.

Recently, two opportunities were organised at

Summerland for the public to hear the Wurlitzer. About 700 members of the public turned up and, I know, officers of the Department of Tourism and Leisure, and representatives of the architects. They can have been in no doubt when they saw people dancing and the large numbers enjoying the music, that the Arcade is not the place for the Wurlitzer. The Wurlitzer in the Royal Hall would, without doubt, bring in much needed revenue to the Department, to counterbalance the cost of installation. There is no such possibility from the Arcade.

What is of interest is the number of people who attended the demonstrations, who had no idea there was a Wurlitzer at Summerland. The history of the poor installation and it lying dormant for 15 years is the reason, and that has shocked people. But all is not lost if this Hon. Court listens to the people and not to the excuses of the Department, which decided, however good the case, the Wurlitzer would not be installed in the Villa Marina Hall under any circumstances.

I ask Hon. Members to support this resolution, as the reasons put forward, from the beginning and up to date, by the Department of Tourism for not installing the Wurlitzer in the Royal Hall have been proved to be without substance.

Thank you. Mr President.

**The President:** Hon. Member, Mr Gawne.

**Mr Gawne:** Gura mie eu, Vainstyr Eaghtyrane.

I rise to second the motion, not because I am a particular fan of Wurlitzer organs. My own particular taste is traditional music and, had time allowed tonight, I was going to demonstrate a point by actually singing a verse from a traditional Manx Gaelic song. (*Interjections.*)

However, Members will be pleased to know, that, as I am watching the clock, I will not do that. The point I was going to make, however, was that traditional Manx Music is best played around the hearth, in pubs, in small rooms. That is the place for traditional Manx Music.

Wurlitzer organs, on the other hand, are not best suited for small houses, for pubs, for shopping arcades, but, perhaps, the Royal Hall in the Villa Marina *is* the place. I have spoke at length to Mr Lowey on the subject. We have now got this letter, but I am afraid that I am not convinced by the arguments, and I think going back to something which the hon. mover pointed out, the architect – or the late Ian Brown – was quite happy that the Wurlitzer could be fitted in the Royal Hall at the Villa Marina.

I think that really comes to the sort of crux of the matter. The architects are saying: ‘It can be done’, but the Department is saying: ‘It cannot be done’. Thanks.

**The President:** Hon. Member, Mr Cretney.

**Mr Cretney:** Thank you, Mr President.

I would like to thank the Hon. Member for Council, Mr Singer, for leaving the petition on my desk this morning when I arrived at 10.30. Amongst all our other business, I have taken the opportunity to have a glance through the documents and thank him for that.

I wonder if it is his contention that this is one petition or is it an amalgamation of several. I seek clarification on this point, as we have signatures from the year 2000 on some pages, and 2001 and 2003 on others. Not only that, but some pages are headed, ‘Support the Installation of the Wurlitzer

Organ into the Villa Marina Hall’, a number have nothing at all printed at the top of the page, with signatures underneath, and many have simply: ‘The Wurlitzer Supporters Group’.

This is very much like the campaign which has been taking place to save the Wurlitzer. Its future safety was never in doubt, and I count myself as a supporter of the Wurlitzer, so I could have signed *those* pages. –

**A Member:** I did.

**Mr Cretney:** – Yes, you and Mr Gawne are the two MHKs who have signed it.

There has been something of a co-ordinated ‘Call the Mannin Line’ campaign on this matter, which is fine. I am a supporter of that medium, to provide an opportunity for people to have their say. It is, however, a little sad that the same people all too often seem to monopolise the airtime, and they are certainly not the voice of the people, as far as I am concerned.

I am fortunate to have had the support of the people at the elections to this hon. place five times over the past 18 years. Some of the callers have been rejected by the people of the Island, and some of the callers have never faced the electorate (**A Member:** Yes.)

Whilst I looked through the pages of signatures, I noted that regular Mannin Line caller and letter-writer, Brian Jay, had signed the petition on behalf of himself and family of three, twice, on pages 56 and 86. Regular Mannin Line caller, Bert, had signed twice, on page 11 and page 100. Occasional Mannin Line caller and letter-writer, Frank, had signed the petition three times, on pages 9, 91 and 101.

It was clear from my brief overview that at least 20 others had signed at least twice and I have their names. I am sure an audit of the petition would find even more discrepancies. That is not to undervalue those many people who have signed the various petitions. I support the rights of the people, but let us be honest in our campaigning.

Another Mannin Line regular, who often prides himself on checking his facts, I hope will credit *me* with noticing the signed name ‘Roy’ on pages 27 and 70, (*Laughter*) but I check mine.

More worrying, though, from my perspective is that, about three weeks ago, at the end of a Sunday Mannin Line, it was suggested – and the suggestion was aided and abetted by the presenter – that, if the ‘Save the Wurlitzer’ campaign had not started, the organ may have ended up in a skip or in the sea. Completely untrue, of course.

At the start of the Mannin Line it is stated,

The views expressed on Mannin Line are exclusively those of independent contributors, and should not be taken to represent the views of Manx Radio staff or management .

Yet this presenter’s name is on the petition on page 62. I felt, at the time, that the presenter’s impartiality on this subject fell below what should be expected from a public service broadcaster, and I would ask Manx Radio that great care is taken regarding impartiality in the future.

**Mr Corkill:** Press Complaints Commission . . .

**Mr Cretney:** Much of the public debate in relation to the Wurlitzer organ has been focussed on decisions taken by my Department over the last three years.

My Department Member, the Hon. Member for Council, Mr Lowey, who has delegated responsibility for Leisure, has written to Hon. Members setting out the historical background very fully. I do not propose today to go over the history of how we arrived at the present situation, other than to say, 'I stand by the decisions taken'.

The starting point for considering the resolution before the Court today can only be the present situation. The fact is that, in July 2001, this Hon. Court unanimously approved the Villa Marina Refurbishment Project, and this Project did not include any provision for a Wurlitzer Organ in the Royal Hall.

The fact is that the Project has been on site for over two years and is now close to completion. The fact is that the refurbished Villa Marina will be re-opening at Easter next year. The fact is that we could not practically, at this stage, issue a contract variation and, indeed, the refurbishment of the organ could not be completed before it would need to be installed.

The resolution needs to be considered in the context of looking at the possibility of installing the Wurlitzer in the Royal Hall at some time in the future, and that has to be considering installing it in the Royal Hall as we have now refurbished it.

Indeed, Hon. Members may feel that, if the Hon. Member for Council was so concerned about the need to include the Wurlitzer in the Royal Hall, he might usefully have raised the issue during the consultative exercise in June 2000, or in this Court in July 2001, when Tynwald voted in favour of a refurbishment scheme, which did not include provision for the Wurlitzer.

At that stage, at least we had practical options as to how we could have achieved the objective, having effectively completed the refurbishment and invested over £15 million of public money in a magnificent national facility. We would be now be seriously restricted in the options available, and these would involve ripping out large sections of what we have just completed.

I have asked the design team, if Tynwald expressed an opinion that it wished to incorporate the Wurlitzer in the Royal Hall, how would we go about it? Firstly, in the light of expert advice from our Wurlitzer specialist, the only installation configuration which would meet operational requirements for both the venue and the organ, would be to place the organ workings and pipes either side of the stage.

The implications of this installation would be the only realistic option to incorporate the Wurlitzer in the as-built Royal Hall would be in the area either side of the stage on two levels. The location of the Wurlitzer would necessitate the loss of four of the seven dressing rooms, within the Villa Marina, and the loss of part of three sets of toilets.

Dressing room and toilet provision were seen as key deficiencies of the old Villa and we would be demolishing something which we have just provided at considerable expense to the taxpayer. The location of the Wurlitzer would require the punching of two substantial holes on each side, four in total, each about seven feet tall and eight feet wide, in the structure of the Royal Hall. This is a Manx-stone rubble wall and, in all of our refurbishment, we have, for obviously reasons, sort to minimise work on this 1913 structure.

The structural engineer has concerns about the risks inherent in such large holes in the old structure. The extensive works required would necessitate closure of the

Villa Marina for at least six months. The provisional capital cost of the works would be £740,000. In addition to this, there would be substantial loss of income whilst the Villa is closed. The works could not be carried out until 2005 because of the extensive refurbishment required to the Wurlitzer prior to its re-installation.

In short, the installation of the Wurlitzer in the Royal Hall, at this late stage, is both totally impractical and ridiculously expensive. Although, back in 2000, the Department took the decision that it was not feasible to utilise the Wurlitzer in the Royal Hall, it has always retained a commitment to retaining the organ in the Island and locating it in a suitable venue, where it can be enjoyed; enjoyed both as a musical instrument and as a feat of 1920s design ingenuity and craftsmanship. This is something that I made very clear during the debate in July 2001.

In terms of the permanent home for the Wurlitzer, I must emphasise that we have not made any final decision. The favoured site is the Villa Marine Arcade, and I know that this suggestion has attracted some scepticism, but, listening to our critics, I sense that they are basing their judgement on what is there at present – and I think that has even come out today with the Hon. Member for Council – and not as we are, upon what it can be in the future.

The plan is to put the Wurlitzer at the heart of a redevelopment of the Villa Marina Arcade, by creating, on the upper level of the Arcade, a closed performance space catering for up to 150 seated customers, as well as a small dance floor. We have appointed Len Rawle, who is recognised as the United Kingdom's leading expert on Wurlitzer organs, to plan and undertake both the extensive refurbishment of the organ and its reinstallation. He is enthusiastic about the Arcade project and is happy that the organ will function well in its proposed new home.

The Arcade would have three advantages. Firstly, the scale of the area proposed is far more in keeping with the realistic level of demand. Whilst there *is* an interest in Wurlitzers – I am all too well aware of that in the last few weeks (*Laughter*) – it has to be accepted that it is a minority interest. One of the problems at Summerland was that a realistic audience of 50 to 100 for a concert was lost on the Piazza level, with a thousand-plus capacity, though I do recognise that this was partly down to the poor installation.

Secondly, the design will allow the public not only to listen to the Wurlitzer, but to actually see how it works. You do not even have to like organ music to be absolutely fascinated by this feat of 1920s engineering.

Thirdly, we would be putting the Wurlitzer into a contemporary setting. The Wurlitzer organ is an asset of historical significance, even though that history has had nothing to do with the Isle of Man until about 15 years ago, and it should be restored to its former glory and reinstalled in a suitable venue.

I regret that the Royal Hall is not a suitable venue, and I do genuinely mean 'regret'. Both Eddie Lowey and myself would have liked the Wurlitzer in the Royal Hall. However, it was not feasible back in 2000 and, by now, it is just not realistic.

Mr President, I have had circulated an amendment which I now beg to move, and that is,

*In line 2 delete "installation" and substitute "restoration";*

*In lines 2 and 3 delete "in the Royal Hall of the*

*refurbished Villa Marina” and substitute “and its installation in a suitable venue”.*

The amended resolution would then read: ‘That Tynwald is of the opinion that the Department of Tourism and Leisure should arrange for the restoration of the Wurlitzer Organ and its installation in a suitable venue.’

Can I conclude by just commenting on one aspect which has been often spoken about on the radio, and it was again challenged today, and this is this situation about the corridor and the fire concerns. My advice is that the byelaw waiver on fire regulations would be required in order to allow disabled access. I regret, I regret that the Hon. Member, as others have, has said: ‘Oh, there has never been anybody on stage in the Villa Marina in a wheelchair’. So what! Who is to say there will not be in the future, and why should we not be welcoming, perhaps, a young person to the Isle of Man, in an orchestra, in a wheelchair? Why should they not be able to get up on the stage?

Mr President, this is the first major public building since Summerland, and Eddie Lowey and I were not prepared to seek byelaw waivers on fire safety. I beg to move.

**The President:** Hon. Member, Mr Braidwood.

**Mr Braidwood:** Thank you, Mr President. In this Hon. Court on –

**The President:** Mr Braidwood, could I ask if you are seconding Mr Cretney.

**Mr Braidwood:** – I am hoping to get to that, sir.

**The President:** As long as I know, because I have got other amendments to make.

**Mr Braidwood:** – Yes, I will second it when I come through.

In this Hon. Court, sir, on Tuesday 15th April 1997, I asked the Minister, ‘What are the future plans for the Wurlitzer organ?’ He replied,

With regard to future plans for the Wurlitzer organ, my Department has indicated to Douglas Corporation, via the Villa Marina Project Team, that the Wurlitzer organ could be made available to the Villa Marina, following its refurbishment.

To date, this Department has no indication of the likely outcome of this proposal, which will, in the final analysis, depend on practicality and financial viability. Both these items have yet to be finally determined. In the event that the Wurlitzer organ is not relocated at the Villa Marina, my Department will have to reconsider its options as part of the future of Summerland’.

I then asked,

I do appreciate the Hon. Minister is not Reginald Dixon and would rather tune in to motorbikes, but would he give me an assurance that if the Wurlitzer organ is situated in the Villa Marina, after its refurbishment, the manner of installation should off the working parts, like drums, symbols, tambourines, et cetera .

The Minister replied:

I would like to thank the Hon. Member for recognising I am not Reginald Dixon. Yes, I agree. I have seen the working parts of the

Wurlitzer Organ at Summerland. They are very interesting, and I do believe that, if it were to be the case, at sometime and in the future, that it is found *practical* to place the organ in the Villa Marina it would be a wonderful thing for the parts to be exposed so that all members of the public can see them in action .

Time has gone on, the Villa Marina has been refurbished. We have seen from the letter that has been circulated by Mr Lowey, it is now impractical to put the Wurlitzer Organ in the Villa Marina. It would hold up six months for the Villa Marina to open. We cannot wait that length of time, we are hoping to open in April of next year.

I am quite happy to second the amendment in the name of the Minister, because of the points which have been pointed out. Even Mr Rawl says now, although Mr Singer said in 2001, ‘It was impractical to put it in the Villa Marina Arcade’, the foremost expert in the UK is now saying: ‘Yes, it can be put in the Villa Marina Arcade’.

Thank you, Mr President.

**The President:** Hon. Member, Mr Kniveton.

**Mr Kniveton:** Yes, thank you, Mr President.

I, like other Hon. Members, have been bombarded with correspondence on this subject over the past few years. I have listened to all the arguments as to why the Wurlitzer should be installed in the Royal Hall, Villa Marina.

It has been a long time since I heard a Wurlitzer organ. I do remember many years ago actually sitting on the organ bench with Reginald Dixon at the Winter Gardens, Blackpool, and, I have to say, that was a memorable moment, made all the more memorable by that magical musical instrument which was listened to and enjoyed by so many people.

Now, I am not going to say, at this very moment, that I support the motion. More than likely I will vote against it, I am in a quandary here. We have heard all the reasons why it *should* go into the Royal Hall, and now we have must heard from the Hon. Minister, why it should *not* go into the Royal Hall.

So, I think it is important enough, an important enough subject to give just a little bit more thought to, certainly important to quite a large number of people, and an urgent decision is required, particularly on account of the conflicting evidence that we have heard here this evening, produced by Mr Singer, and produced by Mr Cretney.

I am sure that neither is trying to mislead us, but there must be a mediator somewhere between the two. So, I would like to propose an amendment to this motion, and that is that a committee of three Hon. Members, excluding the Department of Tourism and Leisure Members, should be elected and appointed to consider and recommend the future position of this mighty organ, and report back no later than December 2003 – two months time – to a sitting of Tynwald.

Obviously, I seek a seconder. I trust that Hon. Members will agree to take some of the temperature out of this subject, and eventually accept a recommendation of a select committee, and so I move, sir.

*For all the words after “opinion” substitute - “that a Select Committee of three Members be appointed to consider the future location of the Wurlitzer Organ and report to Tynwald not later than December 2003.”*

**The President:** Hon. Member, Mr Gill.

**Mr Gill:** Thank you, sir. I rise to second this.

I appreciate that we have had the time argument put – by both sides — put into this discussion, and, maybe, both sides will feel that this will not help progress matters, but I disagree. I think that it will bring some clarity and some balance to the argument, and so, on that basis, I think it is a very sensible amendment and I will certainly be more than pleased to support it, and second it sir. Thank you.

**The President:** Hon. Member, Mr Karran.

**Mr Karran:** Eaghtyrane, I would just like to say that I moved this amendment because I actually think that this would have been the best way to deal with this subject.

If you read Mr Lowey's letter, and, obviously what he says about three-quarters of a million, then, obviously, there is no answer to that, but, we cannot afford it, to be perfectly honest with you, if it is going to cost three-quarters of a million, especially when we hear the issue of . . . I have just had a meeting last week with the Minister about autism unit that has had to be cut out, and people who had been promised accommodation have been cut out.

Mr Singer has already had a letter back that we have had a copy of, concerning Health Care and Home Helps, then that is the end of the subject. But I have to say – even allowing that they are my good friends and Labour Party colleagues – I believe that one of the things that should be done in order to have these things verified, is the Public Accounts Committee should look at this issue, and investigate, is that the case. If it *is* three-quarters of a million, and it is not a matter of it being 'pumped up' for political reasons, then there is no question, Mr Singer's motion has to die, and I am afraid it has to be done what the Hon. mover is concerned.

Now the reason why I am keen on this is because I know that, when I tried to save the Falcon Cliff lift in Douglas and wanted it relocated to Groudle Glen, in order that the disabled could have an access on to the . . . they came back with a figure of something like £140,000 – I am sorry, I have not researched this – £140,000 to do a job that I was told by other, apparently more professional, people, would cost not a fraction of that, more likely £40,000, and, of course, they got paid, I think, something in the region of about £30,000-odd in the process.

Nice work when you can get it, isn't it? Shame it did not go out to tender. This is one things that I get so upset with the executive, but if that was the case of it coming back at that sort of price, and that was the correct thing, and that was fair enough.

Now, if this is the case that these figures are correct about this three-quarters of a million, there is no question at all, I have to vote with the Minister, as far as that is concerned, and there is no question about that. You just cannot justify three-quarters of a million, and I am sorry, I know how the likes of . . . how important the likes of the Mannin Line is, as far as this House is concerned, on many subjects. We have only got to look at Item 19, as far as that is concerned, but the point is, at the end of the day, in my opinion, it would be wrong for me and irresponsible of me to complain to the Minister of Health that you have reneged on those vulnerable people and yet I am going along to be popular with the Member for Council.

I do hope that this Hon. Court will support my amendment. I believe my amendment is better than the

amendment for Council, because I believe that this is the sort of role, when we get our structures of Government right, and we have people permanently on the likes of the Public Accounts Committee, and nothing to do with Government Departments, this is the sort of thing that they can do and verify these facts, because there is an old saying, and my good friend for Rushen may not like my saying this, because it is an English adage, but it is, 'Who pays the piper, names the tune'. I am concerned, when I hear all this professional advice, and when I know that, with the likes of the Falcon Cliff lift, that it could almost pay to have the thing installed, with the professional fees, I think I could be convinced of whatever the paymaster is paying. I think that this is a sensible, middle-of-the-road way of resolving this issue.

You want my vote, Shirveishagh? You can have my vote, so long as it is independently verified that it is going to cost me three-quarters of a million pounds to install it in the Royal Hall. You have my vote. But what I am not prepared to do is, I am not prepared to see this turn up – admittedly to the hon. mover, he did say yesterday to me that it was three-quarters of a million – but if this would have come a week or so ago, I might have had a chance to talk to somebody, but to come today. . . I mean what am I supposed to do, nod, have a lobotomy and say, 'Right, executive, yes we will do it'?

I am concerned and I hope Hon. Members will either support my proposal, because that is what the Public Accounts Committee is there for, or support the Select Committee, preferably the Public Accounts, because they are the ones who are the right body to be dealing with these things when we are scrutinising the Executive.

I beg to move.

**The President:** Mr Quayle, Hon. Member for Middle.

**Mr Quayle:** Thank you, Mr President.

I would like to support the amendment in the name of the Minister for Tourism and Leisure, which I understand has been seconded by Hon. Member for East Douglas.

Firstly, I would like to acknowledge the interest from all of those who have certainly shown their enthusiasm, and I would congratulate Francis and Tom Thorpe for their energy and enthusiasm (**Several Members:** Hear, hear.) and endeavours to have it located in the Villa Marina over a period of time, and those who also have expressed interest and support.

I think my own sympathy is for it actually to have been installed in the Royal Hall, but, I think, for a lot of very good reasons that we have heard, and a decision that obviously goes back, even before I was elected to this Hon. Court, a decision was taken some time ago. We have had a lot of information, as we all are aware, and I know that there have been a significant amount of people who have signed the petitions, but I understand those people who have signed have had a mixture of expectations and aspirations when signing that particular range of petitions, so everybody can, effectively, when asked, support the Wurlitzer; then they are quite readily going to sign up to that.

It has never been an option, as far as the Department is concerned, to not see it located satisfactorily somewhere, and it certainly has never been an option for it just to be scrapped. I notice that the Member for Council, Mr Singer, had suggested that if it was installed in the Arcade, moisture would permeate from the sea. Well, certainly, I think he

would expect any Department of Government to ensure that, if there is such a massive refurbishment at the Arcade, which is a £3-£4 million scheme, then, certainly, great care would be taken to protect the huge investment in the restoration and refurbishment of the Wurlitzer, should it, in fact, be the decision to locate it there. So the plans would certainly prevent any deterioration to the Wurlitzer if it was installed in the Arcade.

I know it was mentioned about 700 people viewing the Wurlitzer at Summerland. However, I think I was informed by members of the Department that most of the people there had turned up early to see 'The Calendar Girls.' (*Laughter*)

It was entirely co-incidental that the Wurlitzer organ viewing was happening that particular evening, but I am assured by those that were there that certainly 700 people were not there to actually view the Wurlitzer, but I acknowledge that there would be a significant amount of people there, but not all were there for that purpose.

We have obviously all seen the letter from my colleague on the Department, Mr Lowey, and I think from that that you will see that there is a history, which he has been able to illustrate, with all the difficulties ensuing and the various procedures that resulted in the present day situation.

It is sad, really, that Mr Lowey is not able to be here to, perhaps, benefit us with his indomitable spirit, as it is in his particular side of things on the Department of Tourism and Leisure, and I am sure that he would have enjoyed the cut and thrust of this particular debate and being able to share with you all his particular enthusiasm for making sure that he would convince you all, I feel sure, that the Wurlitzer would be installed in a suitable location.

I think it has long been accepted that it was poorly installed in Summerland and, certainly, the mistakes that have been acknowledged in the past would be repeated for the future and that is why significant amounts of money are planned to be spent on the actual restoration and refurbishing of the Wurlitzer.

I think it was disingenuous for people to actually think that there ever was an option to scrap it and I am sure that, if people did suspect that for one moment, then they obviously must have been under a misunderstanding.

I think, when you refer to the letter from Len Rawle, you will see that he has been working with the Department and Ellis Brown, since December 2001, to discuss the renovation and its installation in the Villa Marina arcade. He is sure, as you will have seen, that the Wurlitzer will provide a magnificent focal point in the top part of the arcade, if it was to go ahead there, and he is confident that, when installed, the public would be delighted with its new home, the public would be delighted with its performance and appearance – and particularly pleased he would be that the pipework and internal mechanisms of the Wurlitzer would be able to be viewed. I know what has been said is that people, while they appreciate the music – it is such an incredible instrument – that half of the attraction is actually in seeing the accoutrements and the instrumentation in all its magnificent glory.

So, as he confirms in his letter, he has looked at the Royal Hall, together with the architects, and can see that it would affect the functionality of the hall and, indeed, would involve major and costly works. Here I have to mention that the Hon. Member for Council mentioned about various Wurlitzers installed – I think one was at the South Bank in London, and one was at Blackpool – they have a catchment

area, well, in London 10 million – 12 million, I would think. In the north-west, millions of people have the capacity to have holidays there, and a regular catchment area is such that you can expect a lot more people on a regular basis being attracted to the Wurlitzer in that type of concert venue.

I think, as much as I am a committed and enthusiastic member of the Department of Tourism, we are never likely to see thousands of people flocking over to the Isle of Man to attend performances of the Wurlitzer, much as I do support it, and much as I would, perhaps, have liked to have seen it in the Royal Hall.

So, I would say, obviously, that the Department would have installed it in the Royal Hall, had it been possible. It had been agreed some considerable time some time ago, the favoured site is the Villa Marina Arcade, but the Department is not actually restricted to it – and with that, Mr President, I would encourage Members to support the amendment in the name of the Minister for Tourism and Leisure.

**The President:** Hon. Member, Mr Anderson. Can I suggest that we do not be repetitive, Hon. Members.

**Several Members:** Hear, hear

**Mr Anderson:** Mr President, I can assure that I will not be repetitive, (*Laughter*) but I do rise to support the amendment in the name of the Hon. Member of Council, Mr Kniveton. I think it is a way forward.

We have heard tonight of two polarised views and I do not think that the amendment from Mr Karran has been seconded, but I am sure the concerns that he has raised can be incorporated into a select committee and those views relayed back to us, so I would urge Hon. Members to support the amendment in the name of the Hon. Member of Council.

**The President:** Chief Minister.

**Mr Corkill:** Thank you, Mr President.

Politics, I guess, drives us to these situations sometimes and, certainly, as the debate set off, and over the last year or so, we have been dealing with a situation, where a number of people are all around, in different camps, or as the word 'polarised' was used, frustration all round, and that is a pity that that happens. But, Mr President, it is what happens in life, it is what happens in our particular domain of politics, and, so, as I have been listening to the debate, and it is not easy at this time of night, I have to say, Mr President, I have been trying to find some positives in all of this.

When you actually think of the situation that we are debating, there are a lot of positives in what we are debating. It is not very long ago that the Villa Marina, whenever it was on the agenda, was all bad news, but, really, this is good news, because we are taking about coming towards the end of a redevelopment phase, after a lot of difficult politics over the whole project, and I have to say, that, I, as leader of the Government, am concerned that, whatever we do in here, we have to make sure that the Villa Marina proceeds on schedule and on budget.

How many times have we gone down the road of changing a capital programme or a capital project midway, because we think it is a good idea? What happens is that contractors go to town on us. That is the law of the jungle, and it is not very nice, but we have done it and it has happened.

So, I think the mover of the original motion is quite right to raise a number of the issues, historically, that have surrounded all of this frustration, and I think, perhaps, we are all a bit sorry that this has progressed the way it has, but we are dealing with the situation as it today. And I would not only be concerned about any delay or cost to the Villa Marina project, because, at the end of the day, the Villa Marina has been out of our social scene for a couple of years. There is a great backlog of community activity desperately waiting to get through the doors to use it and I think that we should not risk that. We should be very careful about that, but it is a positive that I am trying to put across, because the fact that the doors are not too far away from opening . . . I mean, I know it is a wee bit behind the timescale, and I think that is unfortunate, but we ought to be careful on the schedule and I, for one, have missed the Villa Marina being available as a social part of the Island's life.

I think the Minister has made it quite clear that this restoration work on the Wurlitzer *will* happen, because I do believe, in the public eye, there has been some doubt about that. This debate positively clarifies that that will happen. It is on the public record. It has got to happen.

There is another positive and this is from the Minister for Tourism's point of view, and I am not sure that he can actually see any positives in this debate, but I can see one for him, and that is that the refurbishment of the Arcade and all of that area to what has been described, in the letter circulated, which sound pretty good to me, is now going up the priority of Government's spending. And I can tell you, Minister, that I have got eight other Ministers that I am having to hold back, who would all want that money for other projects that are desperately trying to get into the capital programme, and that is an issue, but it is a positive from the Department of Tourism's point of view, because, as we have heard, the Wurlitzer can become a focal point of this development, if, indeed, it is decided that that is the best place.

I think we should be careful to note, Mr President, that the Minister's amendment does show that the door is open for better suggestions, if that is possible. So the Department is still engaged in the public forum, in the debate as to what is best for this instrument, and what is a piece of history, and history is great, but we do not want to look at something that is in a museum and lots of people want to hear it – and I think that that is another positive, that, if we can actually accelerate because of this debate today, the actual solution, then more people will hear it sooner.

Now I am a bit concerned about the amendment in the name of the Member of Council, Mr Kniveton, because I do wonder what the impact of it will be whilst the committee deliberates, because, I would guess, and I am open to advice on this, that the project at the Villa Marina would have to go on hold. Well, are the contractors just going to carry on?

**Mr Karran:** Yes, if they've got things to do, of course they would.

**Mr Singer:** Subject to Tynwald.

**Mr Corkill:** Even although, perhaps the opinion might be, at a later date, well, I am open to advice on that, but, certainly, if I was involved in the Department of Tourism, knowing that a select committee had to come back to

Tynwald and report, it would actually freeze decision-making in Departments.

We know, Hon. Members, what happens when something goes off to a select committee. The Department has to wait, so, as long as we know what we are doing if we go down that road, it will actually, I think, create a dilemma for the Department. So I put that point across to Hon. Members.

I do not want to speak much longer, Mr President, but I do believe that there are many positives. We should not think of this as a negative situation. It is really about achieving things, when, for many, many years, we were never able to do these things, and I am looking forward to the day when the Villa is open, that the Arcade is brought up to speed, as part of the Gaiety complex, and that we, once again, have every person of the public of the Isle of Man through the doors. I think that is going to be a happy day when that happens and that the Wurlitzer will have its place. It is so difficult, at this stage, not to be adding cost and I really would warn Hon. Members.

**The President:** Hon. Member, Mr Waft.

**Mr Waft:** Thank you, Mr President.

Could I first of all say, Mr President, I was written to a long time ago now when we were trying to get some support for the organ to go in the Royal Hall. Well, in my view, that was the only place for it to go. I really could not think of anywhere else it should go but the Royal Hall, and that has been my view all along, and I wrote something on the words 'I wish you best with your endeavours', because I know it is an endeavour when a Department has started to do one thing and somebody wants to do something else.

There has been a lot of publicity – some good, some bad, and some indifferent, and I was very saddened at a lot of it that has happened in consequence to that time – but, however, we are faced with what we are faced with now. I have every faith, if a Minister comes along and says 'look, this is what the cost is going to be, this is the delay that is going to be involved, and do you really want to do this?' And, at the same time, I hear my hon. colleague in Council say 'well, we have been through this process and it is not as cut and dried as what may be seen and they have been down this road,' as he so eloquently explained, the issues with regard to the architect, and the Department, and the fire station, and all the rest of it.

It seems to be a bit of a mish-mash and, quite honestly, there must be a way through this to find out what exactly the truth of it is and I do take the Chief Minister's concerns, as I am concerned, as everyone else here is concerned, about the cost involved for any delay whatsoever, but that is always the case when we make a decision when a project is at this sort of stage and somebody wants to do something which can be quite traumatic to the workforce down there, and, indeed, the budgeting and the time limit and how it is going to affect the public and the opening et cetera, et cetera.

But, to be fair to everyone, I think, perhaps, the only thing I can see is that, if this amendment by Mr Kniveton was to come back very quickly with the answers that we ask and give an opinion, I am not one to say that the Wurlitzer organ should go into the Royal Hall at any cost. I do not think anybody is, really. (**A Member:** Hear, hear.) None of the Members here are, but just to give an objective point of view, I think that is a possible way forward.

Thank you, Mr President.

**The President:** Hon. Member for Michael.

**Mr Cannan:** It has already been said, sir.

**The President:** Hon. Member for Peel.

**Mrs Hannan:** Thank you, Eaghtyrane.

I would just like to follow on from something that the Chief Minister said about expenditure. I really would like somebody to answer, is there this sort of money? Even if it is only £500,000, is there this sort of money?

We are being told that we have got to rein in on a number of issues and we are talking now tonight as if we have got this sort of money to spare. I know, for a fact, that there are projects within Government that cannot be afforded, because there is not money available.

Now, we have to make decisions now and again. Yes, all these issues are political and we would all like to have whatever, but, sometimes, we have to cut our cloth according to the material that we have, and, if we have got money, yes, let us set up Public Accounts to see if it is going to be this sort of sum, or a select committee to report back in December, but I do not think we should say from this, 'oh, yes, we have got money', and if it is only this, if it is only £740,000, it can go into the Villa Marina, and we can accept that.

But I know from projects within Government that cannot be afforded and I know, for a fact, that certain Members that are pushing for this at the moment will be back at Government, asking them to do something else. And it is these sort of issues that sometimes we have got to make a decision and some will say, 'Oh, well, we cannot pick this and we cannot pick that.'

But I am sorry, in certain instances we have to make choices and this, as far as I know – Treasury Minister is not here at the moment – but nobody said to me that we should get excited that there is this sort of money about, because I know, if this sort of money was about, I would be making a very strong play for it, for issues within the area that I have responsibility for within Government, and responsible to my Minister for. That is where I would be saying that this money has got to go to now. I know 'man cannot live by bread alone', but, sometimes, we have to provide for needy people and, in certain circumstances, we are actually short when we are providing for needy people, and that is what we are at the moment.

So I am sorry that the Treasury Minister is not actually here at the moment, because I would have liked to have heard his comments as to whether this sort of money is available, even before we set up a select committee to look at it.

**The President:** Mr Singer to reply.

**Mr Singer:** Thank you, Mr President.

Can I thank everybody, first of all, who has contributed to the debate and I am sure that all the views that are expressed are heartfelt views, but I certainly feel that what I have said and what I have put forward are the heartfelt views of many, many of the general public.

Can I thank Mr Gawne, first of all, for his support and I would like to hear him sing sometime, but not tonight. *(Laughter)*

I received Mr Lowey's letter. I did not know if all Hon. Members received Mr Lowey's letter. Certainly, within that letter, there were statements, including the cost of £740,000, around which much of tonight's discussion is taking place, and I am not sure which plan this £740,000 is referring to, for the installation within the Royal Hall. What I do know is that, of these items that are saying, first of all, that the Wurlitzer would be built on two levels, Mr Thorpe's plan, who is a qualified engineer, was only going to be built on level two, not on two levels.

The letter says that the location of the Wurlitzer would necessitate the loss of four of the seven dressing rooms. According to Mr Thorpe, no dressing rooms would have been affected with his plan. There will be no loss of any of the toilets. Now this has been put forward as the reason and, also, this breaking through of the walls and whatever, and the extreme cost certainly has no relationship to the plan that was presented by Mr Thorpe to the Department, to Ian Brown's architect in 2001 – the plan that was discussed in details, of which very few faults were found and the only fault that was found, after two hours, as I said, was that it was a fire hazard, which was proved untrue, according to the Chief Fire Officer.

So I not quite sure where this £740,000 comes from and to which plan it refers, because the original plan that came from Ian Brown at Ellis Brown was to actually build an extension onto the back of the Villa Marina. The plan that we feel is the plan that would fit, and fit correctly into that hall, does not need any extension of the Royal Hall, so there is that complication there which this letter certainly does not clear up. It certainly makes it more complicated.

I am very sorry that the Hon. Minister should have felt that he had to rubbish the petition. **(A Member:** Hear, hear.) Of course, we all know that people do sign petitions more than once – the man in the street does sign a petition more than once *(Interjections)*. He has managed to find, I think, 20 or 25 out of 3,300 people and I believe that, out of the 700 people that turned up, it was over two nights, because a lot of people could not turn up the first night and a second night was arranged, so that the other people, and that came to a total of 700, other people would go and see it. And I believe that they went to see the Wurlitzer and then went to see 'The Calendar Girls.' *(Laughter)*

As I say, I do not think that the Minister did himself any credit in insulting the public and when the Minister talks about the presentation in public of the plans, and people did not make a big fuss at that time, we have to go back to the original part of my speech, where we talked about the installation of that Wurlitzer in Summerland 15 years ago, and the fact that it was so badly installed that nobody came to play it, and we do know that, until recent times, many people on the Isle of Man did not know we had a Wurlitzer. They had no idea that we had a Wurlitzer and that is a fact, and it is only when it was brought to the attention in recent weeks that people have said, 'Well we didn't know we had this instrument. This is something that we must keep, we must put in the right place.' **(A Member:** Hear, hear.)

Now the Department's architects, as I said, did see Mr Thorpe's plan of the Wurlitzer, and it quite clearly would work, and then the Minister picked up about the wheelchairs on the stage. I said, 'We don't know if anybody ever went on the stage with a wheelchair, but one of the excuses, after the fire excuse did not work, when that was quashed, the excuse was you cannot get a wheelchair onto the stage. Well,

in fact, you can get a wheelchair onto the stage and the byelaw officer has said that there could be slight wavering of the byelaw in order to be able to get a wheelchair on the stage, so that is not a case.

Now Mr Braidwood was talking, but, again, we were not quite sure which plan we were talking about and then we were sent around the Department of Tourism and Leisure's press release from yesterday: 'Wurlitzer expert to start renovation', and this, of course, is Mr Rawle.

What has been tried to be said to us here today is that whilst Mr Wurlitzer's . . . Mr. Rawle's comments -

**A Member:** You were right the first time.

**Mr Singer:** - it is getting late, isn't it - in 2001 said 'yes, to the Villa Marina' and the Arcade was not as good, we are now trying to be told that he is now saying that the Arcade is just as good.

Well, I can tell you, this lunchtime, Hon. Members, I spoke to Mr Rawle because I was concerned about this statement which came out which I had was on the website, and what I said to him was this, 'Were his views different?' And what he said to me was, 'He has not been asked by the Department to choose the best place to entertain the public with the Wurlitzer.' His brief is to install it in the Arcade. He had not been invited to consider the Royal Hall, and he is being paid to put it into the Arcade and he will do a good job, because he is an expert.

I am sure he will do a good job, but, when he knew there were only going to be a 100 or so seats and very little area for dancing, or no dancing, he said - and this is what he said to me - 'If you want dancing, then it needs to go in the Royal Hall as a Blackpool Tower-type multi-function attraction. What he said was that, in the Arcade, the installation would be like a club organ.

Now he is a professional. Mr Rawle can install this organ anywhere if there is enough place to fit it, but that does not mean it is in the place where you are going to get the best out of that organ. And, of course, as I say, he will . . . it was his brief to put it in the Arcade, although now the Minister seems to think that, maybe, we are not going to put it in the Arcade, from his amendment.

Commenting on the functionality, I do not believe that he has commented on the plan of Mr Thorpe. I think it has been planned on one of the other plans about the functionality, because I do not think that Mr Thorpe's plan would affect the functionality.

I know that Mr Rawle has seen no final plan to know that the Wurlitzer will, in fact, fit in the Arcade and there has been no planning permission yet. Hopefully, the necessary roof would be fitted and all the essential partitioning, but what we do not know is at what cost, so I would say Mr Rawle will professionally do a good job for the Department, wherever the organ is put. It may be a good job for the Department, but it is not necessarily a good job for the people of the Isle of Man.

Now, Mr Kniveton says that there has been conflicting evidence. I think it is quite clear tonight that there has been conflicting evidence, and it is very difficult for Members to decide and if it was practical to report back by December

2003, maybe the matter could be resolved to everybody's satisfaction - either yes, it is practical to go there, it is worthwhile going there, the cost will not be much more than going into the Arcade, at least we would know.

Certainly, I would express doubt over which plan, as I say, that the £740,000 we have been quoted, what that means. Now, I certainly expected Mr Quayle to support the Minister's amendment and he talked about the dampness. In an Arcade we know we are going to have shops, we know that we are going to have a cafe, we know we are going to have opening doors - people coming in and out - so there must be a risk of dampness in there. Hopefully, there would not be. But it has been a bit of a good knock about tonight, hasn't it - people going to see the film, and then going to see the Wurlitzer. I do not believe that is true. (**A Member:** Hear, hear.)

Then I think it was Mr Quayle mentioned catchment areas. We are not Blackpool et cetera, et cetera. I talked about Ipswich. Ipswich is not a particularly big catchment area, but they have a Wurlitzer. People have to travel long distances to get into Ipswich. They have it in a church. They have regular concerts, where you cannot get a seat. Thursford Museum, I am not quite sure where that is, they have got one. I do not think that that is in a large area of population.

Mr Anderson said he would support Mr Kniveton's views as they are, and I understand that there are inconsistencies as a Member listening to both sides.

The Chief Minister said the Villa Marina is good news. It is good news, but I believe we can even better news if we find that it is practical to put the Wurlitzer into the Villa Marina, because it will be better news for the public, it will definitely bring income in to counterbalance the cost.

And when the Chief Minister talks about stopping work, we will have to stop work on the Villa Marina, there is a lot more work to be done on the Villa Marina. The Villa Marina is not only the Royal Hall, the Villa Marina is a big complex and there is work to be completed on a lot of that.

So, I would say to Hon. Members, if you are going to go for an amendment, I would ask you to go for that by my hon. colleague, Mr Kniveton, because then all the matters that have been put forward in the other amendments will - the answers to those - will be brought forward, maybe, where there are better areas for it to go, what the £740,000 is, is Mr Thorp's plan a suitable plan, could it fit in the Villa Marina, are we all singing from the same hymn sheet?

So, can I conclude, Mr President, by saying, where there is a will, there is a Wurlitzer. We have the Wurlitzer, let us demonstrate the will. (*Applause.*)

**The President:** Hon. Members, the motion which I put to the Court is that printed at 49. To that we have two amendments. The third amendment, in the name of Mr Karran, did not get a seconder. Hon. Members, what I will do is put to you, first, Mr Cretney's amendment and then Mr Kniveton's amendment. Hon. Members, first, Mr Cretney's amendment, then Mr Kniveton's amendment. Members, please, those in favour of the amendment by the Hon. Member for Douglas South, Mr Cretney, please say aye; against, no.

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

*In the Keys – Ayes 13, Noes 7*

FOR	AGAINST
Mr Cannan	Mr Anderson
Mr Rodan	Mr Gill
Mr Quayle	Mr Gawne
Mr Rimmington	Mr Henderson
Mr Houghton	Mr Duggan
Mr Cretney	Mr Karran
Mr Braidwood	The Speaker
Mr Downie	
Mrs Hannan	
Mr Bell	
Mrs Craine	
Mr Corkill	
Capt. Douglas	

**The Speaker:** Mr President, the amendment carries in the House of Keys, with 13 votes for, 7 votes against.

*In the Council – Ayes 3, Noes 3*

FOR	AGAINST
Mrs Christian	Mr Waft
Mr Gelling	Mr Singer
Mrs Crowe	Mr Kniveton

**The President:** Three each way in the Council, Hon. Members, the vote will go with the Keys. So the amendment, therefore, carries.

I will now, Hon. Members, put to you the amendment moved by the Hon. Member of Council, Mr Kniveton. Those in favour of Mr Kniveton's amendment, please say aye; against no. The noes have it.

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

*In the Keys – Ayes 6, Noes 14*

FOR	AGAINST
Mr Anderson	Mr Cannan
Mr Gill	Mr Rodan
Mr Henderson	Mr Quayle
Mr Duggan	Mr Rimmington
Mr Karran	Mr Gawne
and the Speaker	Mr Houghton
	Mr Cretney
	Mr Braidwood
	Mr Downie
	Mrs Hannan
	Mr Bell
	Mrs Craine
	Mr Corkill
	Capt. Douglas

**The Speaker:** Mr President, the amendment fails to carry, with 6 votes for and 14 against in the House of Keys.

*In the Council – Ayes 3, Noes 3*

FOR	AGAINST
Mr Waft	Mrs Christian
Mr Singer	Mr Gelling
Mr Kniveton	Mrs Crowe

**The President:** The same pattern, Hon. Members, the vote will go as equality of votes in the Council. The vote will go with the Keys, against.

Hon. Members, I therefore put to you the Motion, as amended by the amendment you approved in the name of Mr Cretney. Motion as amended, Hon Members, those in favour please say aye; those against, no. The ayes have it. The ayes have it.

### Respite Care Beds for the Elderly Adjourned to next sitting

50. The Hon. Member for Douglas North (Mr Henderson) to move:

*That Tynwald is of the opinion that as a matter of urgency the Department of Health and Social Security reviews its current policies affecting -*

*(1) Respite care beds for the elderly confused and reinstate a practical number of respite beds for the Douglas area;*

*(2) care of the elderly, confused patients given free health care under the auspices of Mental Health having this service transferred to Social Services where this care will have to be paid for; and that a number of these beds be kept under the Health Services to retain a free health facility with professionally trained staff to provide the specialist care required; and*

*(3) the transfer of confused elderly patients from the purpose-built ESMI Unit on the Ballamona site, known formerly as Grianagh Court, to the New Southlands - that these patients and their relatives be treated with more care and support, especially in travelling arrangements for relatives.*

**The President:** Now, Hon. Members, Mr Henderson has indicated, in fact, that he is happy for Item 50 to be carried over to the next month's sitting. (Interjections.)

In that case, Hon. Members, I thank you for your completion of the Order Paper. Sorry it has taken you so long, but there we are, we have at least completed the Order Paper.

The Council will now withdraw, and leave Mr Speaker to deal with such matters as he wishes to put before the Keys, Hon. Members.

*The Council withdrew.*

## House of Keys

### Broadcasting Report of the Management and Members' Standards Committee Motion lost

**The Speaker:** Please be seated, Hon. Members.

I have received a letter from Manx Radio, from Mr Anthony Pugh, who is the managing director, and the letter reads as follows,

Dear Mr Speaker, I would be grateful if you would ask the House, on Manx Radio's behalf, if the debate on the Report of the Management and Members' Standards Committee, scheduled for the 28th October 2003, could be broadcast live on Manx Radio. As you appreciate, the

Mount Murray Commission of Inquiry is an issue of tremendous public interest and I strongly believe that the broadcast would be welcomed by the Manx people.

Hon. Members, it is a matter for the House, that is, the letter, does the House agree or disagree? (*Interjections.*)

I think, then, that the answer is that we put it to a vote, as there are 'yes's' and 'noes' here. Can I ask the Clerk to take the vote, please. The matter put to you is that a request that the broadcasting take place. If you are in favour, say aye; if you are against say no.

**Mr Karran:** Point of order, Vainstyr Loayreyder. Would it be better for people to be able to think about the consequences of this live broadcast (**A Member:** Hear, hear.) to the beginning of the sitting on Tuesday. I have just put that down as . . . or you want to make the decision now.

**The Speaker:** Right, Hon, Members, the Motion before you, which I put on behalf of Manx Radio, is that they are requesting for it to be broadcast. If any Member wishes to speak, then please do. Mr Bell.

**Mr Bell:** Mr Speaker, I just ask my own position. As this, obviously, materially affects myself, I do not think I should take part in this vote, one way or the other.

**The Speaker:** I think the point is, whilst it does affect you, Hon. Member, it is a matter of the House voting whether or not to allow broadcasting.

I think if the Hon. Member feels uncomfortable, then –

**Mr Bell:** I do.

**The Speaker:** – the House is content. Right, Hon.

Members, those in favour say aye; against, no. The noes have it.

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

Ayes 7 - Noes 12

**FOR**

Mr Quayle  
Mr Gawne  
Mr Houghton  
Mr Henderson  
Mr Cretney  
Mr Karran  
The Speaker

**AGAINST**

Mr Anderson  
Mr Cannan  
Mr Rodan  
Mr Rimmington  
Mr Gill  
Mr Duggan  
Mr Braidwood  
Mr Downie  
Mrs Hannan  
Mrs Craine  
Mr Corkill  
Capt. Douglas

**The Speaker:** Hon. Members, the motion fails to carry, with 7 votes for and 12 votes against. And Manx Radio will be advised of the decision of the House.

Hon. Members, the House will now stand adjourned until 10.00 a.m. on 28th October, in our own Chamber. Thank you, Hon. Members.

*The House adjourned at 10.40 p.m.*

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**Corrigendum**

In T121, No. 2, at the head of each page, for Tuesday, 22nd October 2003 read Wednesday, 22nd October 2003 .