



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHIARE AS FEED**

**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Wednesday, 22nd June 2005

Present:

The Speaker (The Hon. J A Brown) (Castletown); Hon. D M Anderson (Glenfaba);
 Hon A R Bell and Mrs A V Craine (Ramsey); Mr W E Teare (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel);
 Hon. S C Rodan (Garff); Mr P Karran, Mr R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle);
 Mr J R Houghton and Hon. R W Henderson (Douglas North); Hon. D C Cretney and Mr A C Duggan (Douglas South);
 Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Hon. J P Shimmin and Mr D F K Delaney (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, Secretary of the House.

Business transacted

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The House adjourned at 5.05 p.m. to resume in Tynwald Court.

House of Keys

The House met at 3.28 p.m., having retired to its own Chamber from a sitting of Tynwald Court.

[MR SPEAKER *in the Chair*]

Order of the Day

Cheshire Constabulary Calling witnesses to Bar re removal of papers from Chief Minister's Office Broadcasting of proceedings agreed

The Speaker: I call on the Hon. Member for Douglas West, Mr Delaney.

Mr Delaney: Thank you, Mr Speaker.
I wish to move:

(1) That the proceedings of this sitting of the House be broadcast;

(2) That the Chief Minister, the Chief Secretary and the Chief Executive of the Department of Home Affairs be called to the Bar of the House to answer such questions as may be put to them by Members with regard to all aspects of the removal from the Chief Minister's office by officers of Cheshire Constabulary of papers previously delivered to the Chief Minister by Mr J R Houghton MHK.

I so move.

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

Mrs Cannell: Mr Speaker, I am happy to second and reserve my remarks.

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

Mr Cannan: I believe, Mr Speaker, it is in the public interest that this debate, that takes place here, this afternoon, is broadcast.

It is not a precedent. We have had other matters – indeed, the first debate on this matter in the House of Keys – broadcast. But this is a continuation, albeit in our separate own Chamber by the House of Keys, of the matter under debate in Tynwald.

It is in the public interest, which we represent, that broadcasting continues.

And it is also, Hon. Members, in the public interest, that the Chief Minister, the Chief Secretary and the Chief Executive are called to the Bar to answer the questions, because the Statement of the Chief Minister raises very, very serious matters, in my opinion, (**Mr Houghton:** Hear, hear.) on the conduct of the whole saga of papers in the Chief Minister's care, in the Chief Minister's Office, and the confidentiality of papers, whether they are marked

confidential or not, that are circulated within the Council of Ministers.

These are very important issues, Mr Speaker, and I believe that both parts of Mr Delaney's motion should be fully supported.

The Speaker: Hon. Member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr Speaker.

I would oppose, certainly part (2) of the motion, and, if that was necessary, the whole motion – but certainly part (2).

I do not believe it is right and proper for this House to be conducting an inquiry of civil servants and, indeed, the Chief Minister in this public manner.

If there are matters of public interest, which there may or may not be – I am not making any comment on those, or to the degree that they are serious and are matters of public interest – there are proper procedures for investigating these matters.

Mr Delaney: Is the Member indicating that this is not a proper procedure, Mr Speaker?

The Speaker: I do not think the Hon. Member is.

Mr Rimington: I believe there are different procedures for investigating these matters, and it should not be seeking what, in my mind, would be public humiliation of individuals (**A Member:** Hear, hear.) and that it is, in fact, bringing this House into disrepute by conducting our affairs in this way.

If a report and investigation needs to be taken of particular individuals for actions that have been taken, there are either committees of this House or of another body, or a special committee could be established to do such a thing and report accordingly – but not to try and humiliate people in public and make a spectacle of matters which should be dealt with, and can be dealt with, by other means.

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

Mr Cretney: Mine is a fairly straightforward question, Mr Speaker, and that is: in the original resolution – that of Mr Cannan's which which we previously considered in another place – it did refer to Detective Superintendent P J Charlton of the Cheshire Constabulary being called. That is not referred to in the motion which is being put forward by my friend, the Hon. Member for West Douglas, and I just wondered whether, in his response, he could explain why that difference now applies.

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

Mrs Hannan: Yes, I rise to support the comments of the Member for Rushen in relation to this, because I think we have had the Statement from the Chief Minister. I think there are questions there, but I also think that this issue should be properly investigated and not just investigated on the hoof before this Hon. House.

So, I support the comments of the Member for Rushen, because I think there are ways in which the House should do things. Otherwise, we are going to leave questions unasked. People are not going to be able to get the response from the

limited number of people that we are looking at.

I think we should also hear from Mr Houghton, and I think there should be an opportunity for questions to be put, and, maybe, the Member for Malew and Santon who has also been named – and also any Ministers involved in the Council of Ministers' meetings.

There are a huge number of people, I believe, that anybody, including this House, would want to investigate through. It could be that, once you have spoken or questioned one of these people, and you question another person, then you might want to bring that person back again, whereas if it is a committee sitting, you have a reasonable time to consider these things, to bring people back, if you want, on another occasion.

Before the House today... I think, in a way, it is gesture politics. It is not actually trying to get to the bottom of it. It is trying to hype it up, instead of trying to get to the bottom of it.

That is why we set up committees of the House. I know people outside scoff at, 'Oh, it just another committee'. But a committee is set up to consider something in a reasoned way, and I believe what we are doing this afternoon is not looking at it in a reasoned way.

I think we should look at it in a totally considered way and get a report back.

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

Mr Houghton: Mr Speaker, no, I do not wish to speak at this time, sir.

The Speaker: Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I think, certainly following on from what the Hon. Member for Peel has just been saying, and other comments that have been made, I am a bit concerned that we are only going to get a certain slant on the particular story, from what we are doing here. It would be helpful to have the opportunity to have the full picture from the Hon. Member for Malew and Santon and also the Hon. Member for Douglas North.

So, I am suggesting that, in fact, we amend the motion by, effectively, deleting part (2) and putting the matter to a select committee of three Members of the House to properly consider the matter.

The Speaker: Hon. Member, you cannot amend the motion, but you can put forward a new amendment which will do that. If you wish to do so, I will give you time to consult with the Secretary, and I will move on to another Member and come back to you.

Hon. Member for Malew and Santon, Capt. Douglas.

Capt. Douglas: Thank you, Mr Speaker.

I can agree, really, with my hon. friend from Rushen. I can also agree with the Hon. Member for Peel.

I hear my good friend, Mr Rimington, talking about humiliation. This Hon. House has been humiliated. (**Mrs Cannell, Mr Cannan and Mr Henderson:** Hear, hear.) It is our duty to represent our constituents.

My part in it is very minor. I watched, from afar, Mr Houghton battling away. I was contacted by Inspector Kinrade's mother. His father was dying, and subsequently

died, went to his grave, never knowing – never will know – whether his son was innocent or guilty.

In the process of Mrs Kinrade speaking to me, I began to understand that there is a mighty problem here, and Mr Houghton had valiantly, on his own, battled away.

We are not all the same. I am, probably, a lot quieter now than I used to be, a long time ago. I do not know whether my good friend, Mr Houghton, is noisier now than he was a few years ago. But I feel humiliated.

I have never even been done for crossing a halt sign, and I find that I am expected to speak to Superintendent Charlton, who has not come here today, (**Mr Houghton:** Hear, hear.) in front of this Hon. House, or Court, as we were a few moments ago, sir. I feel extremely disappointed at the way in which the Police have gone about this.

If the Police knew the contents of Mr Rob Kinrade's submission, then all they had to do was come along, see the Chief Minister, open the envelope, in front of the Chief Minister – the Chief Minister has been humiliated – and they would have said, 'Ah, I see where we are coming from now.' But I have not seen that document and, obviously, the Chief Minister has not seen it – I believe that he has not seen it.

But I think it is absolutely incredible that grown men – and that is what they are, in the Police Force in Cheshire – cannot get to grips with the crime and the upsets that are going on all round about, and they try and pick on people who are here legally – legally, sir – to represent the people.

I make no apology whatsoever for representing Rob Kinrade, and I would do the same thing tomorrow. (**Mr Houghton and other Members:** Hear, hear.) My hon. colleagues in this Court, I can tell you, I have not let down this House – not one jot of it. I do not believe Mr Houghton has let this House down, sir.

Mrs Hannan: Nobody has suggested that he has.

Capt. Douglas: I think that what we need to do, probably, is calm down – and I need to do that, too! – but I am quite angry, sir – very, very angry because I value my name, and I am not going to have a bunch of monkeys from Cheshire interrupting and spoiling my reputation. I can do that on my own, sir, without any help from the Cheshire Police.

I think, perhaps, in a calmer moment, I would be more for washing our public... in private at first, and then I would be more than happy for the great public in this Island to find out the true story.

I am very, very disappointed in the handling of this case by all involved, in our own Police Force – I will probably get booked now, if I am in Peel or somewhere – but I make no apologies –

Mr Houghton: You'll get let off.

Capt. Douglas: I will probably get let off, I'll say – off the end of the pier!

But, as you can see, I apologise that I am so angry, but I have put up with this for a little while – with the innuendoes – I am the same honest person that my people put in, and I want them to know that, and I will never alter, even if the Police do.

Thank you, sir.

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

Mrs Cannell: Mr Speaker, I supported the move by the Hon. Member for West Douglas, and reserved my remarks. The reason I supported that is that we are talking about parliamentarians here.

The previous speaker is right. He says he feels humiliated. If we allow what the Hon. Member for Peel is suggesting, the matter just to be referred to a select committee, we will continue to be in a humiliated position, until such time as that committee reports.

In the meantime, there is the question of confidentiality and confidence in us, to be able to represent our people, to be able to receive, sometimes, very sensitive and confidential information from our constituents, who seek our help and advice in trying to help them with that confidential and sensitive material. There is the question of confidence.

You get a situation where – the Chief Minister has made it quite clear in his Statement – he never gave permission for them to take the envelope and he never gave them permission to open the envelope, and that has been done, he has confirmed.

How and in what way has that happened? That can simply be answered by supporting the motion.

I think, Mr Speaker, the majority of this House, obviously, saw the sense in that, when they were sat in another place, a short while ago, and have continued to see the sense in that, by the overwhelming majority vote.

This is not about hauling people to the Bar to humiliate them. This is about the parliament, the elected Chamber, calling to the Bar those who we pay to do a service and a job in providing services for our people, that we impose taxation on and all sorts of other things, to ask them how, and in what way, this particular situation was handled.

I dare say, if it was a matter that was pertaining to one civil servant to another, talking about confidential papers, yes, that would probably be done internally. Yes, there are procedures for that.

But this has crossed the line, in my view. This has crossed the line. This is involving elected Members of this House, whose names have been dragged, this morning... and could, if we just dismiss this motion today, be hailed as of ill-repute, because we have not dealt with the situation. We have not shown maturity and exercised our authority, as the elected House, by getting the situation dealt with swiftly and efficiently.

There is a system in place and the system is that we can call to the Bar. Granted, it is not used very often, but when it has been used, it is very effective. You can ask questions of those at the Bar, and then, after you have finished your questioning, those at the Bar can sit in the public gallery, if they so wish, and listen, then, to the debate as it unfolds.

We have done it before. We have had other civil servants representing other Departments here before. There was great keenness a week or two, or more, ago to bring the board of the Manx Electricity Authority to the Bar. That could have been described as a humiliation, baiting exercise by those who would see the MEA – a Statutory Authority – a board supported by the parliament – brought and cross-examined and questioned.

But this is actually bringing it closer to home, because it involves us. It involves us as elected people, representing the people and how we deal with their private and confidential and sensitive information when they come to us, needing our help and advice and support. That is what it involves.

Hon. Members, I hope you stay with the courage of your

conviction of your two previous votes, and support the motion that is before you.

The Speaker: Hon. Member for Garff, Mr Rodan.

Mr Rodan: Thank you, Mr Speaker.

I do not believe the amendment of the Hon. Member for Rushen has been seconded. I will take this opportunity to second.

The Speaker: Hon. Member, I am going to invite, if I may, the Hon. Member for Rushen to actually move the amendment, which he has now before him, and come back to you then, so that you can update that process. I was just concerned, because of the nature of the motion before us and what the Hon. Member had, that we had nothing in writing.

So, if the House will bear with us, I think it would be helpful if Mr Gawne, Member for Rushen, now presented his amendment. Okay?

Hon. Member for Rushen.

Mr Gawne: Gura mie eu, Loayreyder.

Yes, I do feel that... I certainly supported, in Tynwald, the call to the Bar of the various people that were mentioned, but it is quite clear that at least one of them has not turned up, anyway.

I do note that the powers of a select committee would allow... or are slightly greater than the summons to the Bar, so I think it would be helpful in that respect, in that we may have more luck in actually getting all the people to attend.

Also, there are some – certainly, today – very high passions running, on this particular matter. We would need to speak to all the people concerned, not just those mentioned in the motion which is on the Order Paper, at the moment – or effectively our new Order Paper, the motion put by Mr Delaney.

So, I think it would be helpful if we had some time to reflect, if we had the opportunity to have this properly considered by a select committee of three Members.

I think it is an important matter. I, personally, having listened to the Chief Minister's speech, felt that there were still some questions that were unanswered. I, certainly, would not be entirely clear that I had followed everything that was in the speech and I think, as the Hon. Member for Douglas West mentioned earlier on today, it would have been helpful if the Chief Minister had been able to provide us with a written copy of the Statement that he made, so we would have had the opportunity, then, to have checked if we had missed something or been able to go over that particular matter.

I think it is an important matter – a matter which is certainly troubling a number of Members of this House that, effectively, what some would define as confidential – others, perhaps, would define as not confidential documents – were removed.

I do think that a select committee offers a much better way to consider this. I do not know that we would get very far, in terms of finding out what really went on, in the heat of the debate today.

So I would, therefore, beg to move the amendment, which is now being circulated, that we delete item (2) on the Hon. Member for Douglas West's motion and substitute:

'(2) The House appoints a Committee of three Members with powers to take written and oral evidence pursuant

to sections 3 and 4 of the Tynwald Proceedings Act 1876 to investigate all aspects of the removal from the Chief Minister's office by officers of Cheshire Constabulary of papers previously delivered to the Chief Minister by Mr J R Houghton MHK and report back by the start of the next Session.'

I beg to move.

The Speaker: Hon. Member for Garff, Mr Rodan.

Mr Rodan: Yes, thank you, Mr Speaker –

The Speaker: Could I just ask you, Hon. Member, before... I am just getting concerned about procedures here.

Part (1) of the motion is to allow the proceedings to be broadcast and, of course, the debate so far has not been broadcast. If we move on to part (2), whether it is the original motion or the amendment, then we need to determine now whether we wish to broadcast our proceedings.

So, could I ask Members just to bear with us, because it is a little bit messy, because of the difference in procedure between Tynwald and the House, and if, maybe, the Hon. Member for Garff could formally second that motion, and the House agrees, he can come back, and I would like to put part (1) to the House.

Okay? Hon. Member would you wish to formally second the amendment?

Mr Rodan: I will formally second, and I understand I will have a –

The Speaker: And I will allow you to come back.

Now, Hon. Members, can I ask Hon. Members to concentrate on the first part. Unless anybody has anything to say on the first part, I would put the first part of the motion to the House that the proceedings now be broadcast.

Hon. Member for Douglas East.

Mr Braidwood: Mr Speaker, just a point of clarification. If the amendment for the Hon. Member for Rushen, which deletes (2) and substitutes (2), that means that the proceedings of this sitting of the House would be broadcast and it then goes on, 'The House appoints a committee of three members.'

The Speaker: Which, Hon. Member, is exactly the point I am making. What I am trying to do is tidy up what has been put to us, in a way that we will agree, or not agree, to broadcast the debate on whether or not part (2) is accepted. Otherwise, we carry on without it being broadcast, and then have a vote at the end, which says we broadcast and then there is just a select committee.

Now, it is up to the House. I am just giving you guidance.

Hon. Member for Douglas South, Mr Cretney.

Mr Cretney: Yes, Mr Speaker.

It seems to me that it is a little bit of a mess, inasmuch as I understand that, up to now, has been broadcast, from what I understand from the little box where David Collister is sitting. So, I think if we do not vote for this to continue

to be broadcast, we are going to make ourselves look even sillier.

Mrs Cannell: Hear, hear. *(Laughter)*

Mr Corkill: Or Manx Radio.

The Speaker: Then, the answer is, Hon. Members, that, as you know the proceedings of the House of Keys are not normally broadcast without permission of the House. Therefore, formally, can we put that matter and get it out of the way.

I, therefore, put before the House that the House agrees that the proceedings of this sitting be broadcast. Is that agreed? **(Several Members:** Agreed.) Anyone against? Agreed, Hon. Members.

**Cheshire Constabulary
Calling witnesses to Bar re removal of papers from
Chief Minister's Office
Amended motion carried**

The Speaker: Right, Hon. Member for Garff, Mr Rodan.

Mr Rodan: Thank you, Mr Speaker.

In seconding the Hon. Member for Rushen, Mr Gawne, I very much concur with his reasons for moving this particular amendment. One cannot but have sympathy with the principles and the intent of part (2) of the motion by Mr Delaney, in that there is an issue of public concern and public interest here, which has been eloquently demonstrated by the Hon. Member for Malew and Santon.

The issues over the rights and privileges of this House and Members of this House have, at least, been called into question. I put it no more strongly than that. My concern is that simply by accepting part (2) of the motion we will not have concluded the matter this afternoon.

We might have the opportunity to let off some steam, but there will remain unanswered questions, for the reasons given by the Hon. Member for Rushen, Mr Gawne, that one of the main parties is not available to be questioned this afternoon, i.e. Cheshire Constabulary.

What a select committee will do, which I suggest would, even if we had done part (2) this afternoon, still have to be established, to invoke the rights of summons of witnesses to a select committee... we would still have a select committee, in any event.

The concern about simply leaving part (2) unamended and taking it to the next stage is that it leaves the matter concluded for today in an unsatisfactory manner. I say this because we would still not have the full story, there are still unanswered questions, but it is doing so, in not questioning the parties referred to here, at the risk of being open to suggestions that we are not following through the interests of public openness and transparency.

We must run that risk in order, I think, to get to the full story and a report to be made back here, by the beginning of the next session, is a satisfactory way to proceed.

The Speaker: Now, Hon. Members, before I invite any other Member, can I make it absolutely clear, so there is

no misunderstanding, we are now debating part (2) of Mr Delaney's motion and the amendment to part (2). Just so you are clear, you have both matters before you.

Hon. Member for Rushen, Mr Gill.

Mr Gill: Thank you, Mr Speaker, I will be brief.

I just have three points to make. Firstly, the key point to my mind, that we have all heard today, is that, at the back of all this unfortunate situation, we have potentially a police officer who could be at risk and we should not lose sight of that. That is the first priority.

The second thing is, I dare say, that there is a lively debate and probably no conclusion to it, but there is a world of difference in my eyes, between what is in the public interest and what is of interest to the public. There is plenty of scope for taking one view on that side of an argument and making great political import and great political mileage out of the mechanisms, it would seem, today.

I think my concluding point would be: if we are serious about transparency, if we are serious about protecting people who are at risk and we have heard that that real possibility exists, if we are sincere about that, and if we are going to put our own immediate needs second to that overriding need, then we really should act in a temperate, calm and measured manner. I think that that is what the route of a select committee would afford us.

It would afford us a transparent, measured way of reporting back with appropriate information and comprehensive information. If we go down the route that Mr Delaney has previously suggested, we will only have a very partial view of events today. It might make good entertainment on the radio and if that is all we are about, then vote for that.

But if we are serious about looking into matters of public concern, matters of public interest, rather than matters of transient entertainment, and of interest to the public, if we are sincere about doing our job fully, so everybody who is involved has the chance to give evidence, not just a selection of people – almost a snapshot, but perhaps not a very complete snapshot – if we are serious about hearing from all those people who are not listed on Mr Delaney's motion, then the mechanism to afford that is evidently a select committee.

I salute Mr Gawne, my colleague in Rushen, because he even suggests that the select committee could report back by the start of the next session. So, he is putting a time limit on it. Now, that is timely. These matters have dragged on, as we have heard, perhaps, for far too long – certainly too long for the individuals in the middle of it.

But I think that to afford Mr Gawne's amendment the... to support that would give us much opportunity, in the most appropriate manner possible, to explore these matters in the appropriate way and report back. On that basis, I fully support that.

I would have seconded but Mr Rodan beat me to my feet. I am wholeheartedly in support of it and I hope that this Hon. House will be, also.

Thank you, Loayreyder.

The Speaker: Hon. Member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker.

I do believe it was unfortunate that the questioning

of the Chief Minister could not have been completed, (**Several Members:** Hear, hear.) because then I could have put my explanation forward and my contribution and the involvement of my Department.

When I was going to start, I was going to circulate information and enclosures and letters – one particular letter from the Deputy Chief Constable of Cheshire, Graham Gerrard, who, in actual fact, informed Superintendent Charlton not to appear. I can say Detective Superintendent Charlton is conducting ongoing internal police discipline investigations. That is the purpose of his presence on the Isle of Man.

I will not sanction any comment with regard to matters pertaining to his inquiries being discussed in the public domain, until his investigations are completed and any proceedings, which may follow therefrom, finalised.

This is the accepted and long-standing position regarding such issues in the United Kingdom. I consider it to be wholly inappropriate to require police officers to attend to give evidence in the manner suggested.

Mr Speaker, the Chief Minister, in another place, explained that in the envelope there was not a statement, but what he did actually say was that, in the letter that Mr Houghton sent to him, it says quite categorically that Mr Houghton had seen the statement and he actually quoted from that statement.

I sent out a press release on 6th June, in which I quoted the reasons, because if this evidence had been in the hands of certain individuals, it might have got out into the public domain –

Mrs Hannan: Who are we talking about?

Mr Braidwood: – and there were individuals whose lives might be in danger, and those included serving, non-resident, police officers.

I think it is unfortunate that I have not been able to give a full explanation and the enclosures, but what I will do is I will support the amendment by Mr Gawne, because I think it is the most appropriate means possible to get to the end of this investigation.

I do not think it should be out in the public domain, because, knowing some individuals who speak in this Chamber and who have been irrational, in the past, and tempestuous and cannot control their emotions, they may name certain individuals.

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

Mr Karran: Thanks, Vainstyr Loayreyder.

I would like to start by – before moving an amendment, as far as this issue is concerned – just saying that I hope that people, when looking at this issue, with the Hon. Member for Rushen and the Hon. Member for Peel, when they are talking about defending the rights of the individuals, of these senior civil servants and the like, that they do not forget the rights of other people in joining the pack, when other people are trying to have their rights defended.

I just hope, if they expect us to recognise *their* rights, we will see that we do not end up with the situation where, sometimes, the rights of individuals are far from high on the priority of many in this Hon. House. (**A Member:** Hear, hear.)

I think that one of the things I am concerned about this

proposal in front of us today is, firstly, when we look at the motion, one of the important things is that the Chief Constable should really be on that list. (**Mr Houghton:** Hear, hear.)

I am very concerned about the issue of politics mixing with policing, and one of the reasons why I have been light on the Shirveishagh son Cooishyn Sthie over the years is, as a former member of that Department, I know that, before my demise at that Department, the problems that one had. So, it has been very, very difficult to work out who has been totally accurate, and I suppose everybody is not totally accurate, when it comes to these issues.

What I am concerned about with a select committee is – and, obviously, being an Hon. Member of this Hon. House – it might not be a very healthy situation, if you are on a select committee of three. I mean, should there be Ministers on such a select committee, as they are talking about their boss? Should it be members of Statutory Boards, who owe their patronage under our system of government to the Ard-shirveishagh?

As I say, should it be members of the Cooishyn Sthie, a member of the Home Affairs Department, Mr Speaker, that should be on that select committee? There would be very few of us that would be left, without really an interest or any reason why we could not do the ‘Full Monty’ on the issue in front of us, as far as that is concerned.

That is why I am not so keen on a select committee, quite frankly, for two reasons.

One is, basically, the majority of this House is that it is their boss that they are talking about. The other issue is the fact of the great dangers.

I appreciate the work that you have done with the Secretary, over my Private Member’s Bill, about the structure of the Police, which was very helpful, to try and get my Private Member’s Bill drafted. But, at the end of the day, I think it would be wrong.

I can sympathise with the Hon. Member for Rushen. I would prefer that, than have a situation where there would be a public humiliation here. I just hope that we can have that sort of consistency in our inclusive society, instead of our exclusive society.

I just hope, when the Member for Malew and Santon is feeling so aggrieved about the Police Force, that he just remembers that that is why many in this Hon. House have fought for years to get the right Police regulations and the right checks and balances, in order to make out that justice prevails, and to try and protect the weak on that issue.

I listened to Mr Braidwood and I have to say that, as a person who received many letters in the mid and late 1980s from the Police Force about helping them over the drugs issue, I am rather concerned at these statements of great danger, Vainstyr Loayreyder, of individuals concerned.

At the end of the day, what really concerns me as a Member of this House is that, if somebody comes to me, and I go to the Ard-shirveishagh, the Chief Minister of this Island, I would expect that, before anybody releases anything to a third party, that he would have the sensitivity to make sure that one is informed, because of any implications.

So, I am a little concerned that, once again, we have heard this statement from the Minister – I do not question his integrity – that there could be great dangers where I do not think that that would be the case. There is an issue about privilege within this House, and about Members giving information to the Chief Minister, because, at the end of

the day, this is the man that this Hon. House has elected, who has the power and has to have the sensitivities over the interception of communications, about all the issues as far as that is concerned – so you should be able to trust the individual who is at the top of the executive.

My amendment reads:

Delete (2) and substitute:

‘(2) That a Commission of Inquiry be appointed by the Lieutenant Governor pursuant to section 1 of the Inquiries (Evidence) Act 2003 to investigate all aspects of the removal from the Chief Minister’s office by officers of Cheshire Constabulary of papers previously delivered to the Chief Minister by Mr J R Houghton MHK and that the powers conferred by the said Act shall be exercisable by such Commission of Inquiry.’

I move this amendment because I believe it is a bit like the Army in the United Kingdom being loyal to the Crown and not to the Government, and the way things are, I feel it would be quite wrong to have a select committee.

If we are going to do it right, I think we should have an inquiry into this issue, because I think the issue of the Police has been a sore for a long time, for many within society, and I believe that the real answer is that there should be a commission of inquiry appointed by the Lieutenant-Governor, under the Inquiries (Evidence) Act 2003.

I am not questioning the honourableness of Hon. Members but I, personally, feel that it is very, very difficult when your whole promotion chances, your whole wage structures, your whole pension schemes, your whole life within this Hon. House, can be changed from whatever your financial position and your social position – and I think Members need to think clearly, before talking about a select committee.

It is important that the issues that I have been fighting for years, about the separation of power with the executive and parliament, and that separation of the Police not becoming politicised.

As a former member of the Home Affairs Department, I remember, with the former Chief Constable, when he complained, I said, ‘No, I do not want you politicised, I want you accountable.’ And I think that is important.

I think that if we are going to go down the lines of doing – not a whitewash... we want something done without fear or favour, Vainstyr Loayreyder. I think that the only sensible way forward is to have a public inquiry. I know Hon. Members will say, ‘Oh’ about the cost. Well, let us be honest, if somebody had done a bit more enquiring over the item that started us sitting in another place yesterday, maybe we would not be in a mess.

I see inquiries – independent inquiries – as the most sensible way forward because, at the end of the day, what concerns me is – and it concerned me with one or two Members – about their pride might have been affected. I think the point is that it is not about Members’ pride being affected, it is about getting the issues right.

I think that, if we want to have a situation like the Hon. Member for Rushen talks about and the Member for Peel – and I hope they will be that kind, as far as other sections of society are concerned, to protect their dignity – then I feel we should do this independently, outside the political spectrum, because I do believe that Police should never be politicised. They should be accountable, and, as I have said, I have got a

Private Member's Bill down to make them accountable.

I beg to move.

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

Mr Houghton: Thank you, Mr Speaker.

I will stay off the subject proper, other than alluding to certain principles within this, and as to the reason why I am very happy to second the Hon. Member for Onchan, Mr Karran's motion here.

Mr Speaker, we are dealing now, not with just seized papers, we are dealing with missing documents. The Chief Minister told us this afternoon that, once that envelope was opened by another party, the document that was related to in my letter of 28th February was, indeed, missing.

Mr Speaker, I tell you and this House, that document was in that envelope when I handed that envelope to the Chief Minister. I have *no doubt whatsoever* – no doubt *whatsoever* – that it was safe in the Chief Minister's hands and that document, as it was sealed, went in the Chief Minister's safe.

But now, since it has been opened and, of course, unfortunately, the Chief Minister states that he had not looked at this document, he cannot testify as to whether that statement was in that envelope, or otherwise.

I can just assure you and this Hon. House that that document was in that envelope. Where is that document, Mr Speaker? And there is only one person to look at on that –

Mr Corkill: Did you see it?

Mr Houghton: – the Cheshire Constabulary.

That is why I am supporting this line which the Hon. Member is taking – that a Commission of Inquiry be appointed. One of the other reasons I am in support of this, and I ask Hon. Members for their support in it, is that Cheshire Constabulary were, indeed, invited to come here.

Their senior officer, Detective Superintendent Charlton, was invited to the Bar of Tynwald, as we know. He failed to turn up and, in documents I have seen since, it was he that refused to come, not, as Mr Braidwood states, his Deputy Chief Constable.

So, we are getting all sorts of inconsistencies here from an outside Police Force, over which we have no jurisdiction, and, unless they are summoned to this Island, by such as a commission of inquiry set up properly – no doubt brought in by barristers, again, at great expense, in order to do this – we will never find out what happened and where that missing document has gone to.

The next thing I am expecting, Mr Speaker, is – and I have explained this – that document was sanitised of all confidential information, Mr Speaker. It was sanitised. Anything with any chance of confidentiality within it was blanked out with a heavy black pen. It was sanitised. And I have been waiting, along the road as we go, for another document to turn up that was, indeed, unsanitised.

That is the trust that I have in Cheshire Constabulary. That is the suspicion that I ask this Hon. House here to note, now that the document has gone missing, whether another document will turn up unsanitised. Mr Charlton is failing to show at the Bar of Tynwald and the document has gone missing. This is turning out to be a real scandal.

Mr Speaker, we are dealing here with parliamentary

privilege – parliamentary privilege – and the confidence that was bestowed in me and the Chief Minister, before the Chief Minister became within that position, as an MLC, Mr Gelling. We were entrusted, and for a short time before that, the Hon. Member – the constituent MHK for Middle, Mr Quayle – with that police officer's trust, and we continued, all three of us, to operate with the highest of integrity in this matter. And our integrity, whatever way the Chief Minister has explained it – has been betrayed by others. That integrity, that trust and everything else that has been mentioned by Hon. Members before me, and I understand you know that.

But what we must have, or we might as well go home right now, is trust in our integrity by our people or go home. (**A Member:** Hear, hear.)

Mr Speaker, I will end by saying that, at no time, no matter what Mr Braidwood has told you, has any officer *ever* been put at risk in this matter – at no time. In fact, as anyone would understand, the Chief Minister, in his position, is quite unlikely to go running to anyone in the criminal fraternity, telling them stories.

With 18 years in the Special Constabulary and finishing as Commandant, do you think I would? So, even if we did – and we did not – have access to that information, do you think I would go running round town with it, or pasting it on the internet? No, absolutely not.

But he did not need to know those names, in the first place, and, therefore, the aggrieved officer providing me with that information did not put that in my domain, and then the Chief Minister's domain, in the very first place. So, his integrity is intact.

I would finish with this, Mr Speaker: I cannot quote what is in confidential documentation that has transpired, through the good offices of the Clerk of Tynwald, between Mr Charlton and myself, but what I can tell you is *not* in that documentation, is there was no concern – and there have been a number of items of correspondence – there has been absolutely no concern whatsoever by the Cheshire Constabulary in pursuing issues of officers' lives being at risk – none whatsoever.

They had ulterior motives as to why, and the only way that that can be proved, that I am saying, can be, again, viewed by an appropriate commission of inquiry, as the Hon. Member wants, which I am supporting, or, if that falls, then a select committee.

That is all I think I need to say at this time, Mr Speaker, and I thank you and all Hon. Members.

The Speaker: Member for Douglas East, Mrs Cannell.

Mrs Cannell: Mr Speaker, speaking to the amendment moved by the Hon. Member for Rushen, Mr Gawne: he wants to set up a select committee. I have already said in my previous contribution, that I do not believe that is the way to do it.

Under the Tynwald Proceedings Act 1876, yes: under that Act, a committee can call for all sorts of evidence and call witnesses to give evidence. If someone is not living here and they do not reside here, they do not have business here, they are off-Island, all we can do, under that Proceedings Act 1876 is to invite them to come and give us evidence. (**Mr Houghton:** Hear, hear.) If they say 'no', there is not a jot we can do about it.

It does not give us supreme powers, as the Hon. Member

for Garff would have us believe in his contribution. This has been borne out fairly recently on a select committee that I have sat on. We do not have the clout, under the Act, to demand or to summons that person to come to the Isle of Man to hear what that person has to say. We have not got that power.

A commission of inquiry (*Interjections*) has that power –

Mrs Hannan: No. No, it doesn't.

Mrs Cannell: – under the Inquiries (Evidence) Act.

Mr Quayle: No. You have refused to come to the last one.

Mrs Cannell: I am not going to argue with Hon. Members, Mr Speaker, because I have studied the Inquiries (Evidence) Act in great detail of very late, (*Interjections*) and I know the powers that are there within it –

Mrs Hannan: Ask the Secretary.

Mrs Cannell: – but looking at... The Hon. Member, when he moved for this select committee, he said, and his colleague for Rushen agreed, what we want is transparency.

We want the protection of the police officer – this one police officer's vulnerability, at this stage, and throughout, is of concern to me – and I am quite content with what the Hon. Member for North Douglas has said, in terms of any names alluding to the identity of others within any of these documents was very clearly marked out, and even he has not been privy to that –

A Member: Nobody asked you.

Mrs Cannell: – and I have confidence in my colleagues in this place to make judgements for themselves.

We are all supposed to be honourable people in here (*Interjection by Mrs Hannan*) – and I would appreciate it, Mr Speaker, if you would not permit those who are opposite and have an opposite view, to continue to snipe at this Member, when she gets to her feet to make her opinions known, having sat quietly listening to others' opinions in this debate.

Mr Braidwood, the Hon. Member for Douglas East, my colleague, quoted part of a letter that had come from the head of Cheshire, saying, 'I am not going to sanction my officer coming'. But then I was taking notes during the Chief Minister's contribution and he said, right at the beginning of his contribution, in another place earlier, that Cheshire Constabulary have been operating under a warrant as Isle of Man special police officers, (**A Member:** Correct!) and that warrant had been signed by the former Chief Minister, together with Mr Braidwood, who was then, and continues to be, the Minister for Home Affairs.

If that is the case, it begs the question there, if they have a warrant and are regarded as Isle of Man special police officers, then surely there is a duty, is there not, for them to give evidence in an Isle of Man assembly situation, if they are Isle of Man special police officers? I just cannot get my head around what the difference is.

We give you a warrant, it is open-ended, you are Isle of Man special police officers to look at this internal investigation interview, take whatever you like – it would

appear it is an open licence to do what they like – but when we want to question them about what way they have proceeded in respect of this, we cannot. Well, that does not gel with me.

The other point is that... The Hon. Member for Onchan – and I concur with a lot of the sensible things that he has said, so far, when moving his amendment – said that the Police should not be politicised. I totally agree with that, and that is what concerns me about this element of this, that it was a politician, the head of the Department, that got this ball rolling, by passing on a letter from one parliamentarian to another parliamentarian, in confidence. It may not have been marked 'private and confidential' –

Mr Braidwood: Point of order, Mr Speaker.

The Speaker: Hon. Member for Douglas East, Mr Braidwood.

Mr Braidwood: If I had been able, in another place, to have given an explanation... I have a duty of care to people and I carried it out, and I would still do the same thing again, sir.

The Speaker: I think it would also be helpful if Members concentrated a little bit more on the motions, and not get too much into detail. (**A Member:** Hear, hear.) of what *may be* a select committee or *may be* an inquiry, or witnesses may be asked later.

Carry on, Hon. Member.

Mrs Cannell: Thank you, Mr Speaker, and I thank you for your patience in respect of this and your fairness in allowing Members to issue and deliver their opinions.

He said the Police should not be politicised, but, nevertheless, this whole hare would not have started running, if there had not been this breach, in my view, of confidentiality of something discussed within a Council of Ministers situation, within a Chamber, which then found its way and was leaked.

The Chief Minister has already said, when he said earlier, we all know where it came from, we all know who leaked it, and he looked over at my colleague, Mr Braidwood. So, we have had a politician start this hare running –

Mr Braidwood: Again, a point of order.

The Speaker: Hon. Member for Douglas East, Mr Braidwood.

Mr Braidwood: Point of order again, Mr Speaker.

I have already said in a press release, on 6th June, what the situation was. There is no point in the Hon. Member for Douglas East now going off, again, on a tangent.

The Speaker; Hon. Member for Douglas East.

Mrs Cannell: Mr Speaker, the Hon. Member makes protestations about this, he protests and he protests, and he doth protest rather too much, I would suggest. (**Several Members:** Hear, hear.) (*Laughter*)

The fact of the matter is the Hon. Member is an elected Member, like all of us in this place, and he is a politician. He happens to hold a ministry. We all hold different positions

within Government, we all work within Government and, nevertheless, a politician -

Mr Delaney: No. I am sorry, I must declare my interest: I do not.

Mrs Cannell: I stand corrected, Mr Speaker.

A politician passed on a letter written by a parliamentarian to another parliamentarian, in confidence, and, of course, also marked 'without prejudice', which used to mean you cannot bring this to a court of law and provide it as evidence, because you really cannot take it seriously. It is the kind of negotiating tool that used to be used, as I understand it, in legal terms some time ago, but nevertheless, it was in confidence.

That confidence was betrayed by a politician to Cheshire or to the Isle of Man Police Force, we do not know. We do know what the chain of events was -

The Speaker: Hon. Member for Douglas East, Mrs Cannell, I think it would be helpful, really, while I understand part of your contribution, you are getting into very much detail, which really is not that helpful at this stage, while I understand why you are making some of the points. Could I ask you to come nearer to the -

Mrs Cannell: Mr Speaker, I am just going to wind up. I would sit down very quietly and just listen, if I heard the truth coming out, but what we are hearing in a lot of directions is spin - obviously designed spin - with which to suppress the situation and take it away and try and bury it. That is what the public are saying out there, and that is what I am keen that we do not do.

I do not believe a select committee will get down to the bottom of this. How could they? They would have to take proceedings in private, would they not, in order to protect the names of those that they call, if they want a wide remit of those being called in to give their side and to give their side of the story? So, they would sit in secret, wouldn't they?

If it is going to be open, then let us have it open and let us have somebody totally impartial, removed away from Government, away from the Isle of Man Police Force, away from Cheshire Constabulary, to give it a totally impartial and unbiased consideration.

So, I support the Hon. Member for Onchan, Mr Karran.

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

Mrs Hannan: Yes, speaking to the amendment in relation to the inquiry, there has been a suggestion that it gives more power than a select committee would have, to call witnesses. But my recollection of the Mount Murray Inquiry, which was under the same sort of setting, was that there were at least two witnesses that could not be called, because they were off the Island.

If that is the case, maybe the Secretary could, in a moment or two, tell us whether the updating of the Evidence Act does give the inquiry, moved in the amendment - the commission of inquiry to be appointed by the Lieutenant-Governor in pursuance of the Inquiries (Evidence) Act 2003 - would give the commission of inquiry any more power - more or, even, less power - than under the Tynwald Proceedings Act, to call witnesses and ask for papers.

I would have thought that, if we are going to have

a commission of inquiry then, by the very nature of a commission of inquiry, it would be in public, so that all the information would be deemed to be required for a commission of whoever it would be to look at that.

So, we would have to have evidence taken in public. I would have thought a select committee could go into private in certain circumstances, and I believe, in certain circumstances, Mount Murray did, but so could a select committee.

I believe a select committee would, in actual fact, work very diligently, as under the amendment that is put before us today, because the report back is by the start of the next session, so we have a time limit on that, whereas if we give it to an inquiry there is no timescale on that, it could take two years, as we saw with Mount Murray and we all know from being on a select committee and inquiring, that it depends how much work that you are prepared to put into it, to get some of the information out.

Therefore, I would urge Members not to support a commission of inquiry. I do not believe a commission of inquiry gives us as much as a select committee would do, and it is alright, the Member can insult me as much as he likes - he insulted me in relation to me protecting people or not giving people rights. I could not quite understand where he was coming from.

I consider that this House should not be abused, and, also, I consider that Members of this House have rights, the same as other people have rights, and I think the best way of getting to the bottom of something... it is not necessary to expose people at the Bar, to try to get as much publicity as possible for the House, but to get the information. That is what we should be after, to get the information.

The Speaker: Now, before I invite the next Hon. Member, could I invite the Secretary of the House to advise on the issue of the powers and difference between the Inquiries (Evidence) Act and the powers of the House.

The Secretary: Mr Speaker, I am at the disadvantage that I have not got the Inquiries (Evidence) Act 2003 with me, but my understanding and recollection is that the powers in that Act are substantially similar to the powers in the Tynwald Proceedings Act and that, in neither case, could they be used to compel witnesses to come from the United Kingdom to the Isle of Man.

There may be, in practical terms, some advantage in a commission of inquiry, in regard to its standing, and it may well be that the Cheshire Police would be more inclined to co-operate with it. I do not know. That is only speculation.

But as far as the legal powers are concerned, they are, in my recollection, substantially similar and could not be used to compel witnesses to come to the Island.

It could, however, be used to compel witnesses, who were actually on the Island and from the UK, to give evidence while they were here, and that may well be a practical way forward, in either instance.

The Speaker: A question from the Hon. Member from Onchan, Mr Karran.

Mr Karran: Could the Counsel tell this Hon. House -

The Speaker: I think you need to stand up, Hon. Member.

Mr Karran: Is it not the fact that the only people who did not come to that Mount Murray Inquiry were actually deemed to be unfit, healthwise and, in another case, they could not locate the individual, as far as that, and that is actually the fact, as far as the issue?

The Speaker: I think the point, Hon. Member, is that the Secretary of the House has made it clear as to the provisions, as he understands them. I do not know if he wishes to add anything else.

The Secretary: Mr Speaker, I have just been given... someone has kindly brought the Act into the House for me to look at. May I just have a moment to do so?

The Speaker: Okay, we will come back. Before I invite the Hon. Member for Douglas West to conclude and reply to the debate, I am going to invite the Secretary to answer another question that was raised, so we may do it at the same time.

In the meantime, Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

I would, first of all, like to say that I did support the original motion in another place for the witnesses to come to the Bar, and for the Chief Minister to make a Statement.

I note that he was prepared to answer questions and, in my opinion, I think we are at a disadvantage, because I think it would have been more helpful, if we had had the opportunity to ask the questions of the Chief Minister. If we had had the opportunity to consider those answers, then we may have avoided having to consider appointing a committee.

But we are where we are and, in relation to the motion and amendments before us, I would like to say that the original motion, in the name of the Hon. Member for Douglas West, Mr Delaney, only refers, really, to calling certain individuals to the Bar and will only give a partial story, too, which would not really give us the full picture.

So, in looking at the amendments, I think the one that attracts me most, at this stage – unless I am persuaded otherwise – but the one that I am inclined to support is the one in the name of the Hon. Member for Rushen, Mr Gawne.

I think a select committee... over the years, we have been able to appoint select committees and rely on their integrity to deal with the matters fairly, and I think, over the years, we have been well served by select committees that have undertaken their responsibilities with integrity and fairness.

Mrs Cannell: What about the one you threw out earlier?

Mr Quayle: I would like to say that a select committee from the House of Keys would give an opportunity for all witnesses to attend, and we would avoid the situation of just doing a partial job, and then having to have a select committee or some other thing at the end, anyway.

I would also like to conclude by saying that my initial involvement with the officer was, as has been mentioned by the Hon. Member for Douglas North, Mr Houghton, as a constituency MHK. My initial contact and support of that individual continued until such time as, unfortunately, the accident that befell me, and also then my appointment to the

Department of Home Affairs, where it was recognised there was an invidious position for me to be in, as the constituency MHK and a Member of the Department of Home Affairs. For obvious reasons, that is why I had, reluctantly, to step aside from helping my constituent.

But I would like to place on record my thanks to other individuals, such as Mr Houghton, and, of course, we heard, from other another place, that Mr Gelling, prior to him becoming Chief Minister again, was, in fact, supportive of him, as well.

I note the comments, too, from the Member for Malew and Santon, who, I also understand, had been acting on behalf of the individual.

With that, Mr Speaker, I wish to conclude. Thank you.

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

Mr Anderson: Thank you, Mr Speaker, I will be brief.

I believe we are going around the houses a little bit on this one. I rise to support the amendment in the name of the Hon. Member for Rushen, Mr Gawne. I believe that there is no substantial difference – not enough difference – in comparing a commission of inquiry with a select committee. I believe we have not got long thousands to spend in another inquiry – (**A Member:** Hear, hear.) – that will come to the same conclusion.

Therefore, Mr Speaker, I propose that we get on and elect a select committee, and not waste time.

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

Mr Bell: Thank you, Mr Speaker.

Mr Speaker, like a number of other Members, I believe it is regrettable, in some respects, that the Chief Minister was not given the opportunity to reply to questions to Members, once he completed his Statement. I think a number of issues which have been touched on during this debate may well have been clarified, had the Chief Minister had that opportunity, at that point, (**A Member:** Hear, hear.) to answer valid issues which clearly are in Members' minds, at the moment.

But, as the Hon. Member for Middle has said, we are where we are and we are in the middle of this debate now.

There are two or three issues, though, Mr Speaker, that I think have been – or we need to just focus on. First of all, I have to say that, in terms of the individual involved in this, Mr Kinrade, I have the very highest, personal regard. (**Several Members:** Hear, hear.) I worked with this gentleman for five years. This gentleman has, in fact, put his life at risk, to protect the safety of the people of this Isle of Man.

I do believe, though, in having said that, he would be horrified – is horrified – to realise that the gesture that he made, in trying to remove his suspension, has led to the debate that we are experiencing this afternoon. I just do not believe this is where he intended this gesture to go, and I believe he will be sorry that we are in this situation.

The thing that does concern me, Mr Speaker, though, is that there, really seriously, is a need for Hon. Members to calm down, somewhat, over this issue, and take a more measured approach to what it is we are dealing with.

I do not doubt at all that there is legitimate concern about what has happened, but there are a number of issues we need to bear in mind in this, while attacking the Cheshire Police and anyone else who comes in the firing line.

We must remember, Mr Speaker, that it is vitally important to ongoing good policing on this Isle of Man to maintain a good relationship with the United Kingdom police authorities. If we end up in a slanging match against the UK Police, rightly or wrongly, that could sour that relationship which we have benefited from, whether we know it or not, over a number of years.

Mr Houghton: You can't trust people with no integrity.

Mr Bell: It is nothing to do with no integrity. We are talking about a broader relationship which we have with the UK Police, which has been beneficial to us, and we need a good working relationship to help us. (*Interjection by Mr Houghton*)

I would also, Mr Speaker, like to point out again, in our use of language here, not to over-hype this particular issue, because, amongst, obviously, the need to protect the integrity of this House, we also have to remember that we need to protect the confidence of our business community.

If we send the message abroad, as willingly as some Members seem to be doing here, that the UK Police is interfering in the Chief Minister's Office, that then could well set alarm bells ringing, in our business community, that their understanding of confidentiality, in operating in the Isle of Man, could be in jeopardy, if the UK Police could come in and interfere. (*Interjection by Mr Houghton*) We have to be very careful.

It is all very well, Mr Speaker, Hon. Members making these claims and scoring points. There is a very fundamental issue we need to bear in mind here. This is not an issue for point scoring. It is a mature issue we must respect, because confidence is everything, if the economy is going to continue to operate.

Sending – rightly or wrongly – a message to the community that the UK Police can come in here, willy-nilly, and interfere with the confidential business of Government is sending out absolutely the wrong message to our business community.

Alongside that, Mr Speaker, we have, again, to respect our off-Island reputation. We are trying to attract new business here, on the basis of the integrity, and security of doing business on the Island, and we have to be clear that we do not send out the wrong message to these very people we want to attract here.

So, there are wider issues here, Mr Speaker. It is regrettable that the whole thing seems to me to be spiralling out of control, at the moment, and it needs a period of calm and reassessment, I believe, of what, in fact, has gone on.

I do believe we have only a choice between a select committee and a commission of inquiry, now. It has gone too far to avoid... a third way on this.

I believe, personally, that we should have the confidence to carry out an enquiry ourselves, internally, that we should recognise and respect the integrity and intelligence of our own Members within this Chamber and, also, recognising, Mr Speaker, that this issue needs a speedy conclusion – not one which is dragging on for months and months, as we have seen with Mount Murray, which went on for over two years, on what was really a relative minor issue in the first place. It got out of control. (**Mr Karran:** Shameful!) We cannot afford the same thing to happen here.

Mr Karran: Sacked, anywhere else.

Mr Bell: So, on the basis of getting a speedy conclusion to this, Mr Speaker, for the various reasons I have already stated...

And, also, I have to say – with a Treasury eye on it – we need to keep one eye, at least, on the cost of something like this. Again, we have seen how the Inquiry we have just concluded ran out of control, with well over a million pounds being spent on it. (*Interjection*) We need to bear in mind, with the idea of cost and speed, we can get the same – probably a better – result with our own people investigating this – our own Members who know the background – and that will, I believe, satisfy everybody's concern over this incident.

I do not know, Mr Speaker, any more than any other Member in this Hon. Chamber, what happened over this. I have only been told the same as Hon. Members, but I do believe it deserves an answer now. I do believe it needs a very quick answer, and I do believe in the integrity of the Members of this Hon. Chamber to be able to achieve that.

So, I would urge Hon. Members to support the amendment put forward by the Hon. Member for Rushen, Mr Gawne. I think, again, for the reasons he has put forward himself, they are well argued, and that is the way forward.

But I would, simply, again repeat, Mr Speaker, please, we must remember the wider audience we are talking to, on occasions like this, and we must not be sending out alarmist messages, which could, conceivably, damage the Island's reputation.

The Speaker: Hon. Members, before I invite the Members to reply to the different parts of their amendments, can I invite the Secretary of the House to, first, clarify the issue of the difference in the legislation on the Inquiries (Evidence) Act and, also, to cover the issue of the Constable from the Cheshire Constabulary.

Mr Secretary.

The Secretary: Mr Speaker, I have now looked at the Inquiries (Evidence) Act 2003, and I confirm what I said to the House, earlier: that there is no substantial difference, at all, between the powers that could be exercised by that inquiry and those exercisable by a select committee. They are, to all intents and purposes, the same powers.

I also confirm that, as far as I can see, there is no basis on which witnesses from the United Kingdom could be compelled, in either instance, to come to the Isle of Man, to give evidence either to a commission of inquiry or to a select committee but, if they were actually on the Island, then, of course, they could be compelled, while they were here. The fact that they were from the United Kingdom would not prevent that.

Mr Speaker, the other matter you asked me to clarify was the position of Mr Phil Charlton, the Superintendent from the Cheshire Police, who was, in Mr Cannan's motion, requested to attend the Court today.

Sir, in connection with that, the position is that, when I had notice of Mr Cannan's motion, I wrote to the three persons mentioned in it – the Chief Secretary, the Chief Executive of DHA, and Mr Charlton – notifying them that the motion would be likely to be called on at 2.30 pm today, and, if it was carried, it would then be possible for them to be heard at the Bar.

I added, making it clear, in particular to Mr Charlton, that the motion, as drafted, was not a legally enforceable summons. It was not a precept under the Tynwald

Proceedings Act, and that he was at liberty to refuse. I asked him to indicate whether or not he would, nevertheless, cooperate and be present to give evidence.

I have had his reply, sir, to the effect that he has legal advice that he should not be here. As you have seen, he has not been here.

Mr Speaker, if I can clarify any further I will be happy to do so.

The Speaker: Right, Hon. Members, I hope that makes that clear.

Can I, therefore, invite the Hon. Member for Onchan, Mr Karran, to reply to his amendment.

Mr Karran: Vainstyr Loayreyder, I feel that this Hon. House will be adding to the fuel, by having a select committee. At the end of the day, this situation is that the select committee is going to investigate not just the number three within the Council of Ministers – the Minister for Home Affairs – but the number one, who under the present Constitution, is in the position of having the patronage, and that is why I feel that, if you really want to get rid of any smear or anything, I honestly fear that you have to go for an inquiry.

I have to say that I am absolutely saddened, at the input of the senior Member for Ramsey. He loses credibility, when he makes such a disgraceful speech, and in a mature democracy, that is what it would be recognised as, as far as that is concerned.

If nothing else, it highlights the reason why, in my opinion, we should have an independent inquiry, (**Mr Cannan:** Yes.) because at the end of the day... admittedly, in this case, this is after the fact, and I think that it is about the perception of Government.

If there had been more inquiries into the MEA, we would not have lost all the money, but that is a different issue, and, obviously, that is something that will have to be sorted out.

But, Hon. Members, at the end of the day, you are talking about the boss of the executive. Hon. Members, you have a situation where, if you do not have an independent inquiry, I think that you will almost certainly add to the fuel, as far as the concerns are, and I hope that Hon. Members who were keen enough to say that they wanted no public humiliations, by people at the Bar of the Court, today, will have the strength and right to say that the only way forward, with an issue not just dealing with the Chief Minister, the Prime Minister of this country, and the number three in the Council of Ministers, and not only the issue of the separation of power between the executive and the parliament, but also the issue of politicising the Police Force...

I think we have had a number of rather alarming statements, today, from the Minister of Home Affairs, a number of alarming statements today from the Member for North Douglas, and I believe it should not be seen as a political football.

I feel it would be very, very difficult, in this Hon. House, to be able to give the ability... as much as Hon. Members are honourable, we have to show there is confidence there, that this issue has been investigated freely, frankly, without fear of favour.

I am afraid, if you do not vote for an inquiry into this, I think it just shows a reflection on our maturity as a democracy.

I hope Hon. Members will forget who is moving this, but just think about the points. Police and politicians do not mix, no matter where they are. It is like politicians and armies do not mix, in other nations.

I think that the sensible way forward is to do what I propose, an inquiry, and that way no-one can shout, 'Foul!' at the end of that inquiry, because, at the end of the day, it will be done through the Crown. I believe that that is the way, in an issue of this magnitude, dealing with the head of the executive, the Police Force of this country, which must not be seen to be politicised.

I hope, Vainstyr Loayreyder, that Hon. Members will support my proposal, because it is the only sensible way to go.

The Speaker: Hon. Member for Rushen, Mr Gawne, to reply to his amendment.

Mr Gawne: Gura mie eu, Loayreyder.

Mr Cannan, earlier on, said that he sympathised with my position, and I sympathise with his, so we all sympathise with each other. (**A Member:** Hear, hear.) So that is a good start.

I wish I could see it quite as clearly as Mr Karran, on this particular thing. I do not think it is quite as clear-cut as he makes out. I do have a lot of sympathy for what he is suggesting, and, certainly, if my amendment failed, I would support his.

But, personally, I feel that a select committee would be the best way forward. I have listened very carefully to what various Members have said.

I was interested to hear what Mrs Cannell had to say, because it certainly was not my understanding, and, certainly, at a later stage, the Secretary of the House was able to confirm the position.

Certainly, a select committee can sit in private, things can be discussed in private, but, likewise, an inquiry could sit in private. So, I think, really, a select committee or an inquiry: they both would operate under similar rules and similar modes of operation. So, I really do not think that that is a good reason to vote against the select committee.

I was somewhat alarmed to hear the statement read out by Mr Braidwood, which some could even have described as a contempt of Tynwald, and also the interesting point... I think this was from the Deputy Chief Constable, who quoted the fact that this was common practice in the UK, and yet we are talking about, as I understood it, certainly, from the Chief Minister's speech, a force that were special constables of the Isle of Man.

So, I really think that we need to get our definitions right here – certainly Home Affairs needs to. It is a little bit disingenuous, the way things are being expressed here.

It is difficult. I do not think this is as clear-cut as some Members are making out. I do think that there are some merits in both the inquiry and the select committee.

However, it is important that we get this matter resolved. I think, too often, we have matters like this hanging over our heads for months, if not years.

Potentially, if we went for an inquiry, this could be yet another of these examples that we do not get an answer for, possibly for years. As Minister Bell pointed out, there is the issue of confidence of the business sector, there is the issue of confidence of our own people, that we know what we are doing.

I, personally, have got the confidence in Members of this House to consider the matters that we are asked to consider, and to come up with a report, which gets to the truth and explains, fully, what went on, which is what everybody wants to know.

So, I would, certainly, hope that Members would be able to support my amendment.

The Speaker: I call on the Hon. Member for Douglas West, Mr Delaney, to reply to the debate.

Mr Delaney: Thank you, Mr Speaker.

Mr Speaker, I get more heart, the older I get, the longer I sit in here, whether it be up there or down here. I get my heart that I can sit down when I, hopefully, become an old man, and I will have trust and faith that somebody is looking after my interests for a change.

I joined you the other morning, on Tuesday morning, and I took an oath, the same as all the Members here took, and the hardest part of the oath was to do no harm to no man – because I am human, the same as you are, and I have to keep pushing myself and pinching myself, to remind myself that I took that oath.

When I am walking through Strand Street, at the same time, I see people who I know have been done down, whether they be a wino or whether they be the richest man on the Island. I know I have got a responsibility to look after their interests, and you have – and in most cases, (**Mr Houghton:** Hear, hear.) we manage it, somehow we manage it.

But what hurts me, as a new arrival, the new boy, having arrived here, is that, at the first *day*, I get to this position, where I have an amendment to move, as my right, as one of your colleagues. The amendment went as follows – to a debate I thought was going to take place:

‘The Honourable Member for Douglas West (Mr Delaney) to move’ –

and this can be confirmed by the Secretary, if you do not believe me –

‘That the Chief Minister, the Chief Secretary and the Chief Executive of the Department of Home Affairs be called to the Bar of the House to answer such questions as may be put to them by Members with regard to all aspects of the removal from the Chief Minister’s office by officers of Cheshire Constabulary of papers previously delivered to the Chief Minister by Mr J R Houghton MHK.

That situation. If you look at what was going on, I also had an amendment to exactly what my friend – I am delighted he is there, because that gives me hope for the future – has put forward to you, so we can get to the bottom of it.

So, I have no difficulty in supporting his amendment, but that right was denied to me, as a public-elected representative, as you are. The upper Chamber, my ex-colleagues, decided that we were wrong.

So, I used the little of experience I had –

Mr Houghton: Hear, hear. Well done!

Mr Delaney: – to get you, the elected representatives, in a position where you can do the job that you swore to do, and maybe I have done something wrong, but I feel I have done what has been required of me –

Mr Houghton: Hear, hear.

Mr Cannan: You have.

Mr Delaney: – and I do not mind, and I hope Members know this, after knocking around for 28 years, there is not a Member of this House that I would not go to the wall for, if I thought he was being done down. If I thought he was being wrongly accused, I would go to the wall for him, because that is the oath I took, and the oath you took.

So, this House has got nothing to be ashamed of, it has done the job we were elected for and your House has that achievement and will, hopefully, do it again and again and again, in the future, so that we – you – can say to the people, when you go back to them, we have done our jobs.

I find it amazing that some people seem to think that you do wrong by asking the questions that the people, if they were sitting here, would ask themselves, because that is all we do, is reflect the public opinion, in a smaller group.

There were some points made, through this debate, which I think deserve some response. Mr Cretney’s question was an excellent one, but we had an answer from the learned Secretary, whose officers have clarified... he has clarified and they have clarified for me, on numerous occasions, things that were of relevance to this debate – and other debates, by the way, which will come.

Mrs Hannan, fine, if I have a different opinion from you. You are entitled to your opinion. You may want to do it differently than I do it, but at least you do it, and I congratulate you on that.

But on this occasion I believe that my way of doing things is right, and I will try to get them done, with the support of the House.

I mentioned Mr Gawne’s particular input on his amendment. I am 100 per cent supporting that, for two reasons.

One is: it has been confirmed, a select committee can do exactly the same as the amendment by the Hon. Member. I understand his fear about the establishment – I would not say I am a member of that establishment, by any long shot, but at the end of the day, I trust my colleagues to do the job that they were elected for.

Mr Rodan: the Minister Rodan’s points I hope Members have taken note of. There are questions that need to be answered here. There are points that need to be answered, and I am still not clear, even though I have spent a lot of time on this, quietly trying to find out what has gone on, and I have been very closely involved – so I am not the perfect Member to sit on a committee, if you get round to it, if you decide on that, because I have had to speak to people, which makes me very close to it.

But I am concerned when the fact is the Chief Minister, who I have a lot of respect for and we put in that job, regardless of what he may think about it, if he has documents – written on them or not written on them ‘Confidential’ – they are Manx. They are Isle of Man documents and he is the Chief Minister of this place. (*Interjection*) The idea that anybody can go in there, with or without his authority, and remove them, horrifies me, (**Mr Houghton, Mr Cannan and another Member:** Hear, hear.) because when will the time come when a police state *is* in being?

There is a point, which was made here in the debate, which I hope all Members take note of. We have a situation where police officers... they are our colleagues and our friends, they work for us, we pay them to do very difficult job, a dangerous job, and we have a responsibility to them,

the same as we have for everybody else.

What horrified me about this, when it was brought to my attention, was the length of time it was taking, because every person is entitled to justice. Everyone is innocent, until they are proven guilty, and what happens here is we get to a position which is on-going and on-going and on-going. The man's whole life – it could be your family, it could be anyone's family – is getting destroyed, (**Mr Houghton:** Hear, hear.) because of non-action by outside bodies, (**Mr Houghton:** Hear, hear.) for reasons I do not know. You may know it. I do not know, but I am not prepared to sit back and watch that.

Mr Houghton: Sitting in a big seat up the road.

Mr Delaney: I agree with the Member for Ramsey, Mr Bell. On a personal note, I have so much respect it is unbelievable for him, and for some of his colleagues, but, at the same time, natural justice must be used, and speed in justice is important, particularly for the innocent.

We, in this case, seem not to have got to that point – and we still have not got to that point, by the way. (**Mr Houghton:** Hear, hear.) Just in case anyone is questioning, 'Oh, well, everything will be alright', it will not be alright, because it is ongoing and it is ongoing. And all the time hurt is being caused to one of our own people, (**Mr Houghton:** Hear, hear.) and I will not have that.

I hope, Mr Speaker, that the point I tried to make today will be used in the future. My sell-by date is on my forehead, I am aware of that. My sell-by date is there, but yours is not, I hope, and I hope in the future that you use the Standing Orders and the rights you have been given, whenever.

When whatever pressure is put on you, use them in this House to make sure that you are the elected representatives. My ex-colleagues and I, when I was there, reflect what your decisions are. That is the only way it could have worked. They could question it, but not to give you the right to carry on with the debate is not on, Hon. Members.

You are the people who are representing the public. You are the people who are voted in and you should be the people who make the decision as to what is right in the final outcome, (**Mr Houghton:** Hear, hear.) and I hope you always remember that.

Mr Speaker, I know that some people will say, 'Ah, well, he was grandstanding'. I do not need a grandstand. I have been around for so long people say, 'I thought he was buried years ago'! (*Laughter*) But the situation is somebody has got to say it and somebody has got to do it. As it happens, it falls on me.

It is only fair and just that the House of Keys does make the decisions, in the long term. Not only are you the majority, you are the elected representatives, (**Mrs Cannell:** Hear, hear.) and I hope that will always continue.

Mr Speaker, I think the House has served itself well today, whatever your decision – and I hope the decision will be to go for a committee, and have this matter put to rest.

The Member for Ramsey, Mr Bell, the Minister, is right. Sometimes, we have self-inflicted wounds on ourselves. Sometimes, they are *necessary*. I am aware that we can hurt ourselves, but we have, sometimes, to clear up our own mess. This mess is in front of us: let us get the shovels out and the brushes and clean it up, politically.

Mr Speaker, I so move.

Mr Houghton: Brush a few others up!

The Speaker: Hon. Members, we have a motion before us, part (2) of it, which we are dealing with, in the name of the Hon. Member for Douglas West, Mr Delaney. To that we have two amendments.

I put to you first the amendment in the name of the Hon. Member for Onchan, Mr Karran. All those in favour, say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

FOR

Mr Cannan
Mr Gawne
Mr Houghton
Mr Duggan
Mrs Cannell
Mr Karran

AGAINST

Mr Anderson
Mr Teare
Mr Rodan
Mr Quayle
Mr Rimington
Mr Gill
Mr Henderson
Mr Cretney
Mr Braidwood
Mr Shimmin
Mr Delaney
Mrs Hannan
Mr Bell
Mrs Craine
Mr Corkill
Mr Earnshaw
Capt. Douglas
The Speaker

The Speaker: Hon. Members, the amendment in the name of the Hon. Member for Onchan, Mr Karran, fails to carry, with 6 votes for and 18 votes against.

I now put the amendment in the name of the Hon. Member for Rushen, Mr Gawne. All those in favour, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Anderson
Mr Cannan
Mr Teare
Mr Rodan
Mr Quayle
Mr Rimington
Mr Gill
Mr Gawne
Mr Houghton
Mr Henderson
Mr Cretney
Mr Duggan
Mr Braidwood
Mrs Cannell
Mr Shimmin
Mr Delaney
Mrs Hannan
Mr Bell
Mrs Craine
Mr Corkill
Mr Earnshaw
Capt. Douglas
The Speaker

AGAINST

Mr Karran

The Speaker: Hon. Members, the amendment in the name of Mr Gawne carries, with 23 votes for and 1 vote against.

Now, Hon. Members, I put the motion in the name of the Hon. Member for Douglas West, Mr Delaney, as amended by

the amendment of Mr Gawne. All those in favour, say, aye; against, no. The ayes have it. The ayes have it.

Now, Hon. Members, I call for nominations for membership. We are looking for a committee of three Members.

Hon. Member for Rushen, Mr Gill.

Mr Gill: Thank you, can I nominate yourself, Mr Speaker?

Mr Bell: I beg to second.

The Speaker: Hon. Member for Garff, Mr Rodan.

Mr Rodan: I propose Mr Gawne, Mr Speaker.

Mr Karran: I will second Mr Gawne.

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

Mr Anderson: Mr Speaker, I propose Mrs Craine, Hon.

Member for Ramsey.

Mrs Hannan: I will second that.

Mr Quayle: I will second that, Mr Speaker.

The Speaker: We have a seconder for that.

Any further nominations, Hon. Members? Hon. Members, only three nominations being put forward and three required, therefore, the House agrees to the three nominations. All those in favour, say, aye; against, no.

That is agreed, Hon. Members. The members of the Committee shall be: Mrs Craine; Mr Gawne; and myself – that is, Mr Speaker. Thank you, Hon. Members.

Now, Hon. Members, that concludes the business before the House. The House will now stand adjourned until 5.30 p.m. by the Court clock. Thank you, Hon. Members.

*The House adjourned at 5.05 p.m.
to resume in Tynwald Court.*